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# PENNSYLVANIA BULLETIN

Volume 44

Number 26

Saturday, June 28, 2014 • Harrisburg, PA

Part I

Pages 3915—4156

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for the Commission on  
Sentencing's Adoption of  
Amendment 2 to the 7th Edition  
Sentencing Guidelines

**Agencies in this issue**

The Governor  
The General Assembly  
The Courts  
Board of Coal Mine Safety  
Department of Aging  
Department of Banking and Securities  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Environmental Hearing Board  
Environmental Quality Board  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Emergency Management Agency  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Conservation Commission  
State Tax Equalization Board

Detailed list of contents appears inside.



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

**No. 475, June 2014**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from 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. A fiscal note provides 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 5 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 5 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 2014.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2014-03 ]

### Leasing of State Forest and State Park Land for Oil and Gas Development

May 23, 2014

*Whereas*, the Department of Conservation and Natural Resources (DCNR) is the state agency charged with ensuring the stewardship and protection of state forest and state park lands for the benefit of all citizens; and

*Whereas*, Pennsylvania is home to a world-class state forest and state park system, comprising over 2.2 million acres of state forest land and 200,000 acres of state park land contained within 120 state park and conservation areas; and

*Whereas*, Pennsylvania's award-winning state parks provide opportunities to enjoy healthful outdoor recreation and serve as classrooms for environmental education in a setting where natural, scenic, aesthetic and historical values are preserved for current and future generations while hosting 38 million visitors annually, contributing \$1.2 billion annually to the commonwealth's economy and providing more than 13,000 jobs; and

*Whereas*, Pennsylvania's state forest system is managed for a variety of uses and values, including ecological integrity; wild character; drinking water supply protection; recreation; plant and animal habitat; high-quality timber; and the environmentally sound utilization of mineral resources; and

*Whereas*, the international Forest Stewardship Council (FSC) has developed a set of principles and criteria that apply to FSC-certified forests around the world, and FSC forest-management certification confirms that a specific area of forest is being managed in accordance with the FSC principles and criteria; and

*Whereas*, Pennsylvania's state forest system has been independently certified to be in adherence with the gold standard for environmentally and socially responsible forestry established by the FSC, and Pennsylvania's state forest system has been FSC-certified longer than any other state forest system in the United States; and

*Whereas*, in December 2012, after five years of natural gas development in the Marcellus shale formation, the Rainforest Alliance's annual audit of Pennsylvania's conformance with the FSC certification found that certification requirements are being met and recommended maintenance of certification; and

*Whereas*, an independent review of Pennsylvania's state forest system in 2013 by Scientific Certification Systems, a certification body accredited by the FSC, recommended that Pennsylvania's state forest system be awarded FSC certification as a "Well Managed Forest"; and

*Whereas*, the Conservation and Natural Resources Act (Act of June 28, 1995, P.L. 89, No. 18) authorizes DCNR to enter into leases for the disposition of oil and natural gas when doing so would be in the best interests of the commonwealth; and

*Whereas*, DCNR has the responsibility and expertise to approach shale gas development in a way that efficiently utilizes commonwealth energy resources while balancing the many uses, values and overall sustainability of the state parks and state forest system; and

*Whereas*, the Governor's Marcellus Shale Advisory Commission, in accordance with Executive Order 2011-01, unanimously adopted a report and accompanying recommendations on the safe and responsible development of unconventional shale gas resources, and the Commission recommended that any future leasing of state forest land should be limited to agreements which result in no or minimal surface impact to commonwealth-owned land; and

*Whereas*, the Pennsylvania General Assembly enacted the 2012 Oil and Gas Act (Act of Feb. 14, 2012, P. L. 87, No. 13) (Act 13), which significantly enhanced the environmental protection standards for shale gas resource development in the commonwealth, including new protections for rivers, streams, water wells and public water supplies, well site inspection and enforcement, public notice and information sharing, remediation standards, and other enhancements; and

*Whereas*, Article 1, Section 27 of the Constitution of Pennsylvania, recognizes the right of citizens to clean water and pure air and establishes the commonwealth's duty to conserve and maintain Pennsylvania's public natural resources for the benefit of all the people; and

*Whereas*, Executive Order 2010-05, Leasing of State Forest and State Park Land for Oil and Gas Development issued by Governor Edward G. Rendell on October 26, 2010 ordered that no lands owned and managed by DCNR shall be leased for oil and gas development; and

*Whereas*, oil and natural gas development which results in no additional surface disturbance to state park and forest lands managed by DCNR is consistent with ensuring the stewardship and protection of such lands for the benefit of all the citizens, and with the requirements of Article 1, Section 27 of the Pennsylvania Constitution;

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws do hereby direct the following.



*Governor*

**Fiscal Note:** 2014-03. (1) Oil and Gas Lease Fund; (2) Implementing Year 2014-15 is \$210,174; (3) 1st Succeeding Year 2015-16 is \$214,377; 2nd Succeeding Year 2016-17 is \$218,665; 3rd Succeeding Year 2017-18 is \$223,038; 4th Succeeding Year 2018-19 is \$227,499; 5th Succeeding Year 2019-20 is \$232,049; (4) 2013-14 Program—\$917,176; 2012-13 Program—\$883,131; 2011-12 Program—\$667,695; (7) State Forests Operations; (8) recommends adoption. Funds have been included in the budget to cover this increase.

#### **Annex A**

### **TITLE 4. ADMINISTRATION**

### **PART I. GOVERNOR'S OFFICE**

### **CHAPTER 1. AGENCY OPERATION AND ORGANIZATION**

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#### **Subchapter ZZ. LEASING OF STATE FOREST AND STATE PARK LAND FOR OIL AND GAS DEVELOPMENT**

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**§ 1.701. Department of Conservation and Natural Resources oil and gas leasing.**

As of May 23, 2014, State forest or State park land may not be leased for oil and natural gas development which would result in additional surface disturbance on State forest or State park lands.

**§ 1.702. Use of oil and gas royalty revenue to buy oil and gas and other mineral rights and to provide improvements in State parks and State forests.**

The Department of Conservation and Natural Resources (Department) shall seek, in accordance with applicable laws, to utilize the royalty revenue generated from oil and natural gas leasing and development to:

(1) Repair and improve upon the infrastructure and amenities of the State forest and State park systems.

(2) Prioritize and acquire high-value inholding lands, indentures and areas of high conservation value or ecological importance.

(3) Prioritize and acquire privately-owned oil, natural gas and other mineral rights underlying high-value surface lands owned by the Department.

**§ 1.703. Effective date.**

This subchapter takes effect immediately.

**§ 1.704. Termination date.**

This subchapter remains in effect until amended or rescinded by the Governor.

**§ 1.705. Rescission.**

Executive Order 2010-05 is rescinded.

[Pa.B. Doc. No. 14-1338. Filed for public inspection June 27, 2014, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 91 ]

#### Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 75

By Order dated March 4, 2014, the Supreme Court of Pennsylvania amended Pa.R.D.E. 214(a) to clarify that the self-reporting requirements of that Rule includes both direct and indirect criminal contempt. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of this amendment.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

##### CHAPTER 91. MISCELLANEOUS MATTERS

##### Subchapter B. ATTORNEYS CONVICTED OF CRIMES

#### § 91.37. Definition of “crime.”

As Enforcement Rule 214(h) provides and as used in this Subchapter 91B, the term “crime” means an offense

that is punishable by imprisonment in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed; **and, notwithstanding any other provision of subdivision (h) of Enforcement Rule 214 or this rule, the term “crime” shall include criminal contempt, whether direct or indirect, and without regard to the sentence that may be imposed or that is actually imposed.** It does not include parking violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is actually imposed.

[Pa.B. Doc. No. 14-1339. Filed for public inspection June 27, 2014, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

#### Order

And Now, this 29th day of May 2014, Dauphin County Local Rule of Civil Procedure 1915.15(c) is amended as follows:

#### Rule 1915.15(c). Cover Sheet to Custody Complaint, Petition for Modification or Petition for Contempt.

In addition to the information required by Pa.R.C.P. 1915.15(a) or 1915.15(b), each Complaint, Petition for Modification or Petition for Contempt relating to child custody [ **or visitation** ] shall contain a cover sheet in the following format:

	:	IN THE COURT OF COMMON PLEAS
	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	CIVIL ACTION
	:	CUSTODY
	:	
Defendant	:	NO.
	:	ORDER OF COURT

[ You, \_\_\_\_\_, have been sued in court to obtain  shared legal custody,  sole legal custody,  partial physical custody,  primary physical custody,  shared physical custody,  sole physical custody,  supervised physical custody of the following child/ren: \_\_\_\_\_ . ]

AND NOW, upon consideration of the attached Complaint, Petition for Modification or Petition for Contempt of a Custody Order, it is hereby directed that the parties and their respective counsel appear before the Custody Conference Officer, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, Dauphin County Courthouse, 3rd Floor, 101 Market Street, Harrisburg, Pennsylvania for a Custody Conference. At such Conference, an effort will be made to resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the Court, and to enter into a Temporary Order. Children should not attend the conference unless requested by the Custody Conference Officer.



You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the conference scheduled above. [ **initial in-person contact with the court (including, but not limited to, a conference with the conference officer or judge or conciliation) but not later than 30 days after service of the complaint or petition.** ] This verification must be filed in the Prothonotary's Office at the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

The Court strongly recommends that all parties immediately attend the Seminar for Families in Conflict presented by InterWorks which provides helpful information on communication concerning the child(ren) despite disagreements of the parties on those and other topics. Call InterWorks to schedule attendance at (717) 236-6630. If resolution is not reached at the custody conference, the Court will order the parties to attend the Seminar.

**IF ANY PARTY TO THIS CUSTODY ACTION IS INCARCERATED AT ANY STAGE OF THE PROCEEDINGS, THE CUSTODY CONFERENCE OFFICER OR ASSIGNED JUDGE WILL MAKE REASONABLE EFFORTS TO ARRANGE FOR THE INCARCERATED PARTY TO PARTICIPATE BY TELEPHONE. IF YOU, AS AN INCARCERATED PARTY, DO NOT THINK SUCH ARRANGEMENTS HAVE BEEN MADE, PLEASE CONTACT THE COURT ADMINISTRATOR'S OFFICE AT (717) 780-6630 OR BY MAIL AT 3RD FLOOR, DAUPHIN COUNTY COURTHOUSE, 101 MARKET STREET, HARRISBURG, PA. 17101.**

FOR THE COURT:

Date \_\_\_\_\_ By \_\_\_\_\_  
Custody Conference Officer

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at (717) 780-6624. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

TODD A. HOOVER,  
*President Judge*

[Pa.B. Doc. No. 14-1340. Filed for public inspection June 27, 2014, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121, 129 AND 130 ]

#### Flexible Packaging Printing Presses, Offset Lithographic Printing Presses and Letterpress Printing Presses; Adhesives, Sealants, Primers and Solvents

The Environmental Quality Board (Board) amends Chapters 121, 129 and 130 (relating to general provisions; standards for sources; and standards for products) to read as set forth in Annex A.

This final-form rulemaking amends Chapter 121 to add terms and definitions in § 121.1 (relating to definitions) and amends Chapter 129 to limit emissions of volatile organic compounds (VOC) from inks, varnishes, coatings, adhesives, fountain solutions and cleaning solutions used or applied on or with flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. The final-form rulemaking amends §§ 129.51 and 129.67 (relating to general; and graphic arts systems) and adds §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic printing presses and letterpress printing presses).

The final-form rulemaking also amends the adhesives, sealants, primers and solvents regulations in Chapters 129 and 130 to clarify the applicability of the adhesive, sealant, adhesive primer and sealant primer requirements of §§ 129.77 and 130.703 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and exemptions and exceptions) to the adhesives used or applied on or with the printing presses regulated under this final-form rulemaking. This order was adopted by the Board at its meeting of February 18, 2014.

#### A. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Pennsylvania State Implementation Plan (SIP) upon publication.

#### B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen Furlan, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Search/Keyword: EQB).

#### C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) and (8) of the Air Pollution Control Act (35 P. S. § 4005(a)(1) and (8)), which in subsection (a)(1) grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and which in subsection (a)(8) grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

#### D. Background and Summary

The purpose of this final-form rulemaking is to implement control measures to reduce VOC emissions from inks, varnishes, coatings, adhesives, fountain solutions and cleaning solutions used or applied on or with flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. VOCs are precursors for ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly by inks, coatings and other materials to the atmosphere, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NO<sub>x</sub>) in the presence of sunlight. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2)(A) and 7511c(b)(1)(B)), the final-form rulemaking establishes the VOC emission limits and other requirements of the EPA 2006 Control Techniques Guidelines (CTG) for flexible packaging printing and for offset lithographic printing and letterpress printing for these sources in this Commonwealth. See Consumer and Commercial Products, Group II: Control Techniques Guidelines in Lieu of Regulations for Flexible Packaging Printing Materials, Lithographic Printing Materials, Letterpress Printing Materials, Industrial Cleaning Solvents, and Flat Wood Paneling Coatings, 71 FR 58745, 58747 (October 5, 2006).

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone; particulate matter; NO<sub>x</sub>; carbon monoxide; sulfur dioxide; and lead. The CAA established two types of NAAQS: primary standards, limits set to protect public health; and secondary standards, limits set to protect public welfare, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ozone NAAQS to protect public health and welfare.

When ground-level ozone is present in concentrations in excess of the Federal health-based 8-hour NAAQS for ozone, public health and welfare are adversely affected. Ozone exposure correlates to increased respiratory disease and higher mortality rates. Ozone can inflame and damage the lining of the lungs. Within a few days, the damaged cells are shed and replaced. Over a long time period, lung tissue may become permanently scarred, resulting in permanent loss of lung function and a lower quality of life. When ambient ozone levels are high, more people with asthma have attacks that require a doctor's attention or use of medication. Ozone also makes people more sensitive to allergens including pet dander, pollen and dust mites, all of which can trigger asthma attacks.

The EPA concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments, including asthma.

While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ozone while engaged in activities that involve physical exertion. High levels of ozone also affect animals in ways similar to humans. In addition to causing adverse human and animal health effects, the EPA concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, including lettuce, spinach and tobacco, as well as visible injury to ornamental plants, including grass, flowers and shrubs. Other types of welfare loss may not be quantifiable, such as the reduced aesthetic value of trees growing in heavily visited parks.

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare, and the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards at a level of 0.08 part per million (ppm) averaged over 8 hours. See 62 FR 38856 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. Based on ambient air monitoring data for the 2013 ozone season, all monitored areas of this Commonwealth are attaining the 1997 8-hour ozone NAAQS. The Department must ensure that the 1997 ozone standard is attained and maintained by implementing permanent and enforceable control measures to ensure violations of the standard do not occur for the next decade.

In March 2008, the EPA lowered the standard to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Berks, Beaver, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties. The Commonwealth must ensure that these areas attain the 2008 ozone standard by 2015 and that they continue to maintain the standard thereafter. Furthermore, five monitors in areas of this Commonwealth that the EPA considered “unclassifiable/attainment” when it designated nonattainment areas in April 2012 violated the 2008 standard in 2012. The Commonwealth must also ensure

that these “unclassifiable/attainment” areas attain and maintain the standard to avoid having them designated as nonattainment areas. Implementing control measures for reducing the emissions of VOCs, such as the recommendations included in the CTGs, is a strategy that the Commonwealth can use to attain and maintain the 2008 standard in all of these areas.

There are no Federal statutory or regulatory limits for VOC emissions from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. State regulations to control VOC emissions from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses are required under Federal law, however, and will be reviewed by the EPA to determine if the provisions meet the “reasonably available control technology” (RACT) requirements of the CAA and its implementing regulations. See Consumer and Commercial Products, Group II: Control Techniques Guidelines in Lieu of Regulations for Flexible Packaging Printing Materials, Lithographic Printing Materials, Letterpress Printing Materials, Industrial Cleaning Solvents, and Flat Wood Paneling Coatings, 71 FR 58745, 58747. The EPA defines RACT as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” See State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas—Supplement (on Control Techniques Guidelines), 44 FR 53761, 53762 (September 17, 1979).

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include “reasonably available control measures,” including RACT, for sources of emissions. Section 182(b)(2) of the CAA provides that, for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area’s date of attainment. More importantly, section 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region (OTR), including the Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG.

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG in place of a National regulation for a product category when the EPA determines that the CTG will be “substantially as effective as regulations” in reducing emissions of VOC in ozone nonattainment areas. In 1995, the EPA listed flexible packaging printing materials, lithographic printing materials and letterpress printing materials on its section 183(e) list and, in 2006, issued CTGs for flexible packaging printing materials and for offset lithographic printing and letterpress printing materials. See 60 FR 15264 (March 23, 1995) and 71 FR 58745; *Control Techniques Guidelines for Flexible Package Printing*, EPA 453/R-06-003, Office of Air Quality Planning and Standards, EPA, September 2006 (FPP CTG); and *Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing*, EPA 453/R-06-002, Office of Air Quality Planning and Standards, EPA, September 2006 (LLP CTG). The CTGs are available on the EPA web site at [www.epa.gov/airquality/ozonepollution/SIPToolkit/ctgs.html](http://www.epa.gov/airquality/ozonepollution/SIPToolkit/ctgs.html).



In the notice published at 71 FR 58745, the EPA determined that the CTGs would be substantially as effective as a National regulation in reducing VOC emissions from these printing material product categories in ozone nonattainment areas. The CTGs provide states with the EPA's recommendation of what constitutes RACT for the covered category. States can use the recommendations provided in the CTGs to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies are free to implement other technically sound approaches that are consistent with the CAA requirements and the EPA's implementing regulations or guidelines.

When developing the RACT measures included in its Flexible Package Printing CTG, the EPA took into account the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the printing and publishing industry promulgated at 61 FR 27132 (May 30, 1996) and codified at 40 CFR Part 63, Subpart KK (relating to National emission standards for the printing and publishing industry). Many hazardous air pollutants (HAP) are VOCs, but not all VOCs are HAPs. The requirements of the 1996 NESHAP apply to "major sources" of HAP from printing and publishing operations, including flexible package printing operations. For the purpose of regulating HAP, a "major source" is considered to be a stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) of any single listed HAP or 25 tpy of any combination of HAPs. See section 112(a)(1) of the CAA (42 U.S.C.A. § 7412(a)(1)).

The Department reviewed the recommendations included in the 2006 CTGs for flexible packaging printing presses and for offset lithographic printing presses and letterpress printing presses for their applicability to the ozone reduction measures necessary for this Commonwealth. The Bureau of Air Quality determined that the measures provided in the final-form rulemaking are appropriate to be implemented in this Commonwealth as RACT for these source categories.

Implementation of the control measures included in the final-form rulemaking will achieve VOC emission reductions locally and will also reduce the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses is part of the Commonwealth's strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS. The final-form rulemaking is required under the CAA and is reasonably required to attain and maintain the health-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. Upon publication in the *Pennsylvania Bulletin*, the final-form rulemaking will be submitted to the EPA as a revision to the SIP.

The final-form rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on August 1, 2013. During the AQTAC's consideration of the final-form rulemaking, the following issues were discussed: the change from the proposed 15 pounds per day applicability threshold to the 450 pounds per month applicability threshold and the associated change from daily recordkeeping to monthly recordkeeping; the change from 30% to 70% VOC content for cleaning solutions; the

change from the 55-gallon limit to the 110-gallon limit for noncomplying cleaning solutions used at the facility each year; and the use of the VOC content of the highest VOC-containing ink as a surrogate for the VOC content of all inks used on the press to ease the recordkeeping burden. Following its discussion on August 1, 2013, the AQTAC voted 11-1-1 to concur with the Department's recommendation to present the final-form rulemaking to the Board for approval for publication as a final-form rulemaking with consideration of the changes discussed at the meeting.

The Department consulted with the Small Business Compliance Advisory Committee (SBCAC) on July 24, 2013. The SBCAC concurred with the Department's recommendation to forward the final-form rulemaking to the Board for consideration for publication as final-form rulemaking. The Department also consulted with the Citizens Advisory Council (CAC), Policy and Regulatory Oversight Committee on August 28, 2013. The Policy and Regulatory Oversight Committee reported on the final-form rulemaking to the CAC at its meeting of September 17, 2013. The CAC, on the recommendation of the Policy and Regulatory Oversight Committee, concurred with presenting the final-form rulemaking to the Board. The Department anticipates assisting the Graphic Arts Association (GAA), the National Federation of Independent Businesses (NFIB) and the SBCAC in reaching out to their membership concerning this final-form rulemaking.

#### *E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking*

##### *§ 121.1. Definitions*

The final-form rulemaking adds 18 new terms and definitions to § 121.1 and revises the definitions of five existing terms to support §§ 129.67a and 129.67b. The final-form rulemaking deletes two proposed new terms that are not needed to support the final-form rulemaking.

The following new terms and definitions are identical to the amendments in the proposed rulemaking: "alcohol substitute," "flexible packaging," "flexible packaging printing press," "fountain solution," "heatset ink," "letterpress printing," "printing press," "sheet-fed printing" and "web printing."

A member of the AQTAC commented at the AQTAC's August 1, 2013, meeting on the definition of "alcohol substitute," suggesting that the second sentence of the definition should be deleted as extraneous information. The Board considered this suggestion and retained the definition as proposed because the second sentence provides helpful information.

A member of the AQTAC commented at the AQTAC's August 1, 2013, meeting on the definition of "fountain solution," suggesting that the phrase "specifically isopropyl alcohol" was restrictive and should be revised to include all alcohols. The Board considered this suggestion and retained the definition as proposed because "isopropyl alcohol" is specified in the LLP CTG as one of the most common VOC components, in addition to alcohol substitutes, to be added to fountain solutions.

The following new definitions contain changes made to the proposed language in response to public comments. The Board revised the proposed definition of "batch" to reflect that it applies to both fountain solutions and cleaning solutions. The Board revised the proposed definitions of "lithographic plate," "lithographic printing" and "offset lithographic printing" to delete "thin metal." The Board clarified the proposed definition of "varnish."

The following new definition contains changes to the proposed language in response to concerns expressed by members of the AQTAC at its August 1, 2013, meeting. The Board revised the proposed definition of “alcohol” to correct the subscript for the hydrogen atom in the general formula that represents alcohols.

The following definitions are new in the final-form rulemaking and are intended to add clarity to other definitions and to § 129.67b: “cleaning solution,” “heatset” and “non-heatset.”

The final-form rulemaking does not make changes to the proposed amendments of two existing terms. The definition of “paper, film or foil coating or paper, film or foil surface coating” is identical to the amendments in the proposed rulemaking, which clarify that a coating applied to a flexible packaging substrate is considered surface coating and not printing, if the coating is not applied on or in-line with a flexible packaging printing press. These coating processes are regulated under § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes). The final-form definition of the existing term “rotogravure printing” is identical to the amendment in the proposed rulemaking to add a missing word for clarity.

The final-form rulemaking amends definitions of the existing terms “as applied,” “as supplied” and “CPDS—Certified Product Data Sheet” for clarity. Additionally, a member of the AQTAC asked at the August 1, 2013, meeting if there was an approving authority for the option of using an equivalent or alternative method included in the revised definition of “CPDS—Certified Product Data Sheet.” The Board considered this question and clarified the definition to specify that the equivalent or alternative method must be approved by the Department. The Board thanks the AQTAC for providing this comment.

The final-form rulemaking does not adopt the proposed term “first installation date” and its definition and moves the definition into Table 1 in § 129.67a and § 129.67b(d)(1), where the term is used in § 129.67b(d)(1)(i) and the definition fits comfortably in § 129.67b(d)(1)(ii). The final-form rulemaking does not adopt the proposed definition of “heatset dryer” because it is no longer needed.

#### § 129.51. General

The final-form rulemaking amends § 129.51(a) to extend its coverage to the owner and operator of a flexible packaging printing press, offset lithographic printing press or letterpress printing press, or a combination of these press types, covered by this final-form rulemaking. Section 129.51(a) provides an alternative method for the owner and operator of an affected facility to achieve compliance with air emission limits. Section 129.51(a)(3) is amended to clarify the materials included in the requirement.

The final-form rulemaking amends § 129.51(c) to clarify that the test methods in Chapter 139 (relating to sampling and testing) should be followed to monitor compliance with the emission requirements of § 129.51, unless otherwise set forth in Chapter 129.

The final-form rulemaking amends § 129.51(d) to clarify the records that are generally applicable under Chapter 129 to demonstrate emission limitations or control requirements and the amount of time the records shall be kept.

The final-form rulemaking redesignates § 129.51(d)(3) as § 129.51(e) to clarify that the owner or operator of a

facility or source claiming that the facility or source is exempt from the VOC control provisions of Chapter 129 shall maintain records that clearly demonstrate to the Department that the facility or source is not subject to the VOC emission limitations or control requirements of Chapter 129.

#### § 129.67. Graphic arts systems

The final-form rulemaking amends § 129.67 to account for the new requirements that will apply to the owner and operator of a flexible packaging printing press under § 129.67a. There are no changes to this section from the proposed rulemaking.

Section 129.67 applies more broadly than § 129.67a in two ways. First, § 129.67 applies to rotogravure and flexographic printing presses beyond those used for flexible packaging printing. Second, § 129.67 requires VOC emissions from surface coating operations to count toward the total VOC emissions that trigger applicability of the section to the owner and operator of a facility that has emissions from a rotogravure or flexographic printing press. The VOC emission applicability threshold is higher, however, than under final-form § 129.67a.

The amendments to § 129.67 clarify that an owner or operator of a flexible packaging printing press, who was required to install a control device under § 129.67 prior to the effective date of this final-form rulemaking and who is also subject to the recordkeeping, reporting and work practice requirements of § 129.67a by virtue of meeting the 450 pounds per month or 2.7 tons per 12-month rolling period, or both, VOC emission threshold in § 129.67a(a)(1)(ii), is subject both to the existing control device requirement of § 129.67 and the new recordkeeping, reporting and work practice requirements of § 129.67a.

The amendments to § 129.67 also clarify, however, that an owner or operator of a flexible packaging printing press who is subject to the control requirements of § 129.67a by virtue of meeting the threshold of 25 tpy of potential emissions of VOC, before consideration of add-on controls, for an individual flexible packaging printing press dryer under § 129.67a(a)(1)(i) is not subject to § 129.67 because they are subject to more stringent control requirements under § 129.67a. This owner and operator will also be subject to the recordkeeping, reporting, work practice and other requirements of § 129.67a.

#### § 129.67a. Control of VOC emissions from flexible packaging printing presses

The final-form rulemaking adds § 129.67a to regulate VOC emissions from flexible packaging printing presses. As explained in subsection (b), § 129.67a supersedes the requirements of a RACT permit already issued under §§ 129.91—129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) to the owner or operator for VOC emissions from a flexible packaging printing press subject to § 129.67a, except to the extent the RACT permit contains more stringent requirements.

The applicability of § 129.67a is described in subsection (a), which establishes a threshold with broad applicability in subsection (a)(1)(ii) and a threshold for control requirements on higher VOC-emitting presses, based on their

potential emissions from the dryer, before consideration of add-on controls, in subsection (a)(1)(i).

The broadly applicable threshold in subsection (a)(1)(ii) is as follows: 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period of actual VOC emissions, before consideration of add-on controls, from all flexible packaging printing operations, and all VOC emissions from related cleaning activities, at the facility. An owner and operator of a facility that meets or exceeds either of these thresholds shall comply with the recordkeeping and reporting requirements of subsection (e), the work practice requirements for cleaning activities of subsection (g) and the sampling and testing requirements in subsection (f), as applicable.

Subsection (a)(1)(iii) was not in the proposed rulemaking. This amendment to the final-form rulemaking provides that the owner and operator of a flexible packaging printing press that emits actual VOC emissions below the 450 pounds per month or 2.7 tons per 12-month rolling period threshold are subject to the final-form rulemaking. The owner and operator are subject only to the recordkeeping requirements in subsection (e)(3) and (4) to demonstrate that they are exempt from the VOC control provisions of this section, and they are subject to the reporting requirements, when requested by the Department, in subsection (e)(5).

In the final-form rulemaking, the Department replaced the proposed “per day” applicability threshold in § 129.67a(a)(1)(ii) with the 450 pounds per month applicability threshold, in consideration of comments received from commentators. The “per day” applicability threshold would have necessitated keeping daily records. The “per month” threshold allows monthly records, which is more appropriate for the flexible packaging printing industry than the daily records in the proposed rulemaking, due to the industry practice of tracking material usage on a monthly basis. Furthermore, the “per month” applicability threshold considers the recordkeeping and reporting burden of the population of small business-sized printers that are subject to subsection (a)(1)(iii) that need to keep minimum records to demonstrate that they are not subject to any other compliance requirements.

The threshold for control requirements on higher VOC-emitting presses in subsection (a)(1)(i) is 25 tpy potential emissions from the dryer of an individual flexible packaging printing press of VOC from inks, coatings and adhesives combined, before consideration of add-on controls. An owner and operator of a press that meets or exceeds this threshold shall comply with the emission limits in subsection (c) and the compliance and monitoring requirements in subsection (d) if an add-on air pollution control device is used, as well as the sampling and testing requirements in subsection (f) and the recordkeeping, reporting and work practice requirements for cleaning activities of subsections (e) and (g).

The applicability of § 129.67a is further described in subsection (a)(2), which establishes that an owner or operator of a flexographic or rotogravure printing press subject to subsection (a)(1)(ii) and § 129.67 that prints flexible packaging materials, who was required to install a control device under § 129.67 prior to the effective date of this section, shall continue the operation of that control device and also meet the requirements of § 129.67a.

Subsection (a)(3) clarifies that VOCs from adhesives used at the facility that are not used or applied on or with the flexible packaging printing press are not subject to § 129.67a and may be regulated under § 129.52b,

§ 129.77 or Chapter 130, Subchapter D (relating to adhesives, sealants, primers and solvents). Subsection (a)(4) directs the owner or operator of a surface coating process for flexible packaging substrates that is not done with a flexible packaging printing press to § 129.52(b).

Subsection (b) explains that the requirements of § 129.67a supersede the requirements of a RACT permit issued under §§ 129.91—129.95 prior to January 1, 2015, to the owner or operator of a source subject to § 129.67a, except to the extent the RACT permit contains more stringent requirements. January 1, 2015, is the compliance date for this final-form rulemaking, and appears throughout the final-form rulemaking. It is 2 years later than the January 1, 2013, compliance date in the proposed rulemaking to account for the anticipated publication date of this final-form rulemaking.

Subsection (c) establishes VOC emission limitation options beginning January 1, 2015, for a person subject to § 129.67a by virtue of meeting or exceeding the 25 tpy threshold in subsection (a)(1)(i). Beginning January 1, 2015, a person subject to subsection (a)(1)(i) may not cause or permit the emission into the outdoor atmosphere of VOCs from a flexible packaging printing press, unless one or more of the VOC content limits for inks, coatings and adhesives in subsection (c) is met; one or more of the VOC vapor recovery, oxidation or other control system requirements in subsection (c) is met; or the Department has issued a plan approval, operating permit or Title V permit to the owner or operator prior to January 1, 2015, establishing a Federally-enforceable limitation to limit potential emissions of VOC from the flexible packaging printing press below 25 tpy before consideration of add-on controls. The dates in Table 1 reflect the date of the proposed 1996 NESHAP for the printing and publishing industry, namely March 14, 1995, and the compliance date of this final-form rulemaking, namely January 1, 2015. The EPA used these events for suggested cut-off dates in the Flexible Package Printing CTG.

To improve clarity and provide greater specificity in subsection (c), the final-form rulemaking contains revisions not included in the proposed rulemaking. These revisions include: an equation for calculating VOC content that was proposed in subsection (d)(1) of the proposed rulemaking and fits more comfortably under subsection (c); an equation for calculating daily weighted average VOC content; amendments to reflect the January 1, 2015, compliance date and to include the definition of “first installation date”; and deletion of proposed subsection (c)(4) because the paragraph was redundant.

Subsection (d) identifies the compliance and monitoring procedures to demonstrate compliance with § 129.67a for the owner or operator of a flexible packaging printing press subject to subsection (a)(1)(i) that uses an add-on air pollution control device in accordance with subsection (c)(3). This subsection has been revised in the final-form rulemaking to provide specificity of the requirements for use of an add-on air pollution control device and to make subsection (d) consistent with the add-on air pollution control device provisions of § 129.67b(e). Subsection (d)(1) describes requirements for monitoring equipment and describes operational records supporting the compliance monitoring system, though most of the recordkeeping requirements are moved to subsection (e). Subsection (d)(1) has been revised to clarify that the temperature must be continuously monitored and the temperature reading shall be recorded at least once every 15 minutes, rather than daily as proposed. Subsection (d)(2) specifies the minimum temperature at which the add-on air pollu-



tion control device can operate and provides for temperature fluctuations. Subsection (d)(3) specifies that the add-on air pollution control device must be in operation at all times that the source is operating. Subsection (d)(4) requires that the air pollution control device be approved, in writing, by the Department in a plan approval, operating permit or Title V permit prior to use.

Subsection (e) establishes recordkeeping and reporting requirements beginning January 1, 2015. This subsection has been revised in the final-form rulemaking in response to comments received during the public comment period. Subsection (e) requires the owner and operator to maintain records sufficient to demonstrate compliance with § 129.67a. The records may include purchase, use, production and other records. The recordkeeping requirements in the final-form rulemaking correspond to applicability thresholds and substantive requirements of this section. Specifically, subsection (e)(1) requires a person subject to § 129.67a(a)(1)(i) using an add-on air pollution control device to maintain records sufficient to demonstrate compliance with subsection (d), which contains the compliance and monitoring requirements for add-on air pollution control devices. These records include the temperature reading of the add-on air pollution control device, the maintenance performed on the add-on air pollution control device and monitoring equipment, including the date and type of maintenance, and the catalyst activity test performed, if applicable. Subsection (e)(2) requires a person subject to § 129.67a(a)(1)(i) not using an add-on air pollution control device to maintain records of the as applied VOC content of inks, coatings and adhesives sufficient to demonstrate compliance with the limitations in subsection (c)(1) or (2); subsection (c)(1) and (2) sets forth the individual and weighted average VOC content limit requirements of inks, coatings and adhesives.

Subsection (e)(3) requires owners and operators claiming an exemption from a VOC control provision of this section based on potential or actual VOC emissions to keep records that demonstrate to the Department that the press or facility is exempt. This includes owners and operators with actual VOC emissions below the threshold established in § 129.67a(a)(1)(iii). Subsection (e)(4) allows the owner or operator to group materials into classes using the highest VOC content in any material in a class to represent that class of material. The Board deleted the express reference to the specific parameters of each ink, coating, thinner and component from these requirements to allow owners and operators greater flexibility in developing the records. Subsection (e)(5) specifies that records required under this subsection be maintained for 2 years unless a longer period is required by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records shall be submitted to the Department in an acceptable format upon receipt of a written request. Subsection (e)(6) requires that a person subject to subsection (a)(1)(i) using an add-on air pollution control device that is required to demonstrate overall control efficiency in accordance with subsections (c)(3) and (d) shall submit reports to the Department in accordance with Chapter 139.

Subsection (f) specifies sampling and testing methods. This subsection has been expanded in the final-form rulemaking. Subsection (f)(1) requires that sampling of an ink or coating and testing for the VOC content of the sampled ink or coating be performed in accordance with the procedures and test methods specified in Chapter 139. Subsection (f)(1) also requires that sampling and testing

of an add-on air pollution control device be performed in accordance with the procedures and test methods specified in Chapter 139 and be performed no later than 180 days after the compliance date of the press or have been performed and previously approved by the Department within 5 years prior to January 1, 2015. The Department may waive retesting of the capture efficiency for capture systems that are not permanent total enclosures if the operating parameters indicate that a fundamental change has not taken place in the operation or design of the equipment, unless retesting is required under Subpart C, Article III (relating to air resources) or a plan approval, operating permit or an order issued by the Department. Fundamental changes include adding print stations to a press, increasing or decreasing the volumetric flow rate from the dryer (for example, by changing the size of press fans or motors, or removal or derating of dryers), or by changing the static duct pressure.

Subsection (f)(2) addresses the test methods and procedures to determine the overall control efficiency of the add-on air pollution control devices subject to prior written approval by the Department. Subsection (f)(2) requires that capture efficiency testing be performed in accordance with either the procedures and test methods specified in 40 CFR Part 51, Appendix M, Methods 204—204F or 40 CFR Part 63, Subpart KK, Appendix A (relating to data quality objective and lower confidence limit approaches for alternative capture efficiency protocols and test methods). Subsection (f)(2) further requires that the control efficiency must be determined using one or more of three EPA Reference methods: Method 25, Method 25A or Method 18. EPA Reference Method 25A may not be used if the total gaseous nonmethane organic compound concentration at the outlet of the add-on air pollution control device is equal to or greater than 50 parts per million by volume, measured as carbon. EPA Reference Methods 18 and 25 may be used if the total gaseous nonmethane organic compound concentration at the outlet of the add-on air pollution control device is equal to or greater than 50 parts per million by volume, measured as carbon. EPA Reference Method 18 may be used in conjunction with EPA Reference Method 25A to subtract emissions of exempt VOCs. The method used to measure the inlet concentration of VOC may be the same method used to determine the outlet concentration of VOC unless use of the same method is determined to be technically infeasible. Subsection (f)(3) authorizes the use of other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with § 129.67a if prior approval is obtained in writing from the Department and the EPA.

Subsection (g) establishes work practice requirements for cleaning activities beginning January 1, 2015. This subsection applies only to the owner and operator of a flexible packaging printing press subject to subsection (a)(1)(i), (1)(ii) or (2). It does not apply to the owner and operator of a press with emissions below the applicability threshold in subsection (a)(1)(iii). Subsection (g)(1) establishes work practices. Subsection (g)(2) and (3) specifies the cleaning activities to which the work practices apply and do not apply. Consistent with a one-page internal EPA memorandum clarifying this aspect of the CTG, the final-form rulemaking does not specify work practices for cleaning activities addressed by the EPA 2006 Industrial Cleaning Solvents CTG. See *Reasonably Available Control Technology (RACT) for Cleaning in Flexible Package Printing*, Peter Tsigotis, Director, Sector Policies and Programs Division (D205-01), EPA, February 9, 2009. Subsection (g)(3)(v) is more stringent than what is recom-

mended in the CTG for flexible packaging printing presses. The CTG recommends that the work practices for cleaning materials apply to parts washers or cold cleaners used for cleaning press parts. In this Commonwealth, however, the use of parts washers and cold cleaners is regulated under § 129.63 (relating to degreasing operations). The requirements of § 129.63 are more stringent than the recommendation in the CTG, but must be maintained to satisfy the anti-backsliding provisions of sections 110 and 193 of the CAA (42 U.S.C.A. §§ 7410 and 7515).

*§ 129.67b. Control of VOC emissions from offset lithographic printing presses and letterpress printing presses*

The final-form rulemaking adds § 129.67b to regulate VOC emissions from offset lithographic printing presses and letterpress printing presses. As explained in subsection (b), § 129.67b supersedes the requirements of a RACT permit already issued under §§ 129.91—129.95 to the owner or operator for VOC emissions from an offset lithographic printing press or a letterpress printing press, or both, subject to § 129.67b, except to the extent the RACT permit contains more stringent requirements.

The applicability of § 129.67b is described in subsection (a), which establishes a threshold with broad applicability in subsection (a)(1)(ii)—(iv), and a threshold for control requirements on higher VOC-emitting presses, based on their potential emissions from the dryer, before consideration of add-on controls, in subsection (a)(1)(i).

The broadly applicable threshold in subsection (a)(1)(ii)—(iv) is as follows: 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period of actual VOC emissions, before consideration of add-on controls, from all letterpress printing press operations, offset lithographic printing press operations, or a combination of letterpress and offset lithographic printing press operations, and all emissions from related cleaning activities, at the facility. An owner and operator of a facility that meets or exceeds this threshold shall comply with the compliance and monitoring, recordkeeping and reporting requirements of subsections (e)—(g), the sampling and testing requirements in subsection (h) and the work practice requirements for cleaning activities in subsection (i). Subsection (a)(1)(iv), regarding the combination of presses, is new in the final-form rulemaking.

Subsection (a)(1)(v) was not in the proposed rulemaking. This new provision establishes that the owner and operator of an offset lithographic printing press or letterpress printing press that emits below the 450 pounds per month or 2.7 tons per 12-month rolling period threshold are subject to the final-form rulemaking. These owners and operators are subject only to the recordkeeping requirements in subsection (f)(3) and (4) to demonstrate that they are exempt from the VOC control provisions of this section and to the reporting requirements of subsection (g), when requested by the Department.

In the final-form rulemaking, the Department replaced the proposed “per day” applicability threshold in § 129.67b(a)(1)(ii) and (iii) with the 450 pounds per month applicability threshold, in consideration of comments received from commentators. The “per day” applicability threshold would have necessitated keeping daily records. The “per month” threshold allows monthly records, which is more appropriate for the letterpress and offset lithographic printing press industry than the daily records in the proposed rulemaking, due to the industry

practice of tracking material usage on a monthly basis. Furthermore, the “per month” applicability threshold considers the recordkeeping and reporting burden for the population of small business-sized printers that are subject to subsection (a)(1)(v) that need to keep minimum records to demonstrate that they are not subject to any other compliance requirements.

Each of the applicability provisions in subsection (a)(1) has been revised to clarify that “inks” include varnishes. The definition of “varnish” in § 121.1 explains, consistent with the LLP CTG, that varnish is an unpigmented ink.

The threshold for control requirements on higher VOC-emitting presses in subsection (a)(1)(i) is 25 tpy of potential VOC emissions from the dryer of a single heatset web offset lithographic printing press or heatset web letterpress printing press from all heatset inks, coatings and adhesives combined, before consideration of add-on controls. An owner and operator of a press that meets or exceeds this threshold must comply with the emission limits in subsections (c) and (d), the compliance and monitoring requirements in subsection (e), as well as the sampling and testing requirements in subsection (h) and the recordkeeping and reporting requirements and the work practice requirements for cleaning activities of subsections (f), (g) and (i).

In response to comments received on the proposed rulemaking, the Department added subsection (a)(2), which specifies that the owner or operator of an offset lithographic printing press subject to paragraph (1) may use the VOC emission retention factors and capture efficiency factors specified in new subsection (l) to determine the amount of potential or actual VOC emissions that is available for capture and control from the inks (including varnishes), fountain solutions and cleaning solutions used on the offset lithographic printing press.

Subsection (a)(3) clarifies that VOCs from adhesives used at the facility that are not used or applied on or with an offset lithographic printing press or a letterpress printing press are not subject to § 129.67b and may be regulated under § 129.77 or Chapter 130, Subchapter D.

Subsection (b) explains that the requirements of § 129.67b supersede the requirements of a RACT permit issued under §§ 129.91—129.95 prior to January 1, 2015, to the owner or operator of a source subject to § 129.67b, except to the extent the RACT permit contains more stringent requirements. January 1, 2015, is the compliance date for this final-form rulemaking, and appears throughout the final-form rulemaking. It is 2 years later than the January 1, 2013, compliance date in the proposed rulemaking to account for the anticipated publication date of this final-form rulemaking.

Subsection (c) establishes VOC emission limitations for cleaning solutions and fountain solutions used in or on printing presses subject to this section. Beginning January 1, 2015, subsection (c)(1) prohibits a person subject to subsection (a)(1)(i)—(iv) from causing or permitting the emission of VOCs into the outdoor atmosphere from cleaning solution used in or on an offset lithographic printing press or a letterpress printing press, unless specified conditions are met. This paragraph requires a VOC composite partial vapor pressure less than 10 millimeters of mercury at 68°F (20°C) or a VOC content less than 70% by weight. This paragraph allows a total gallon exemption for up to 110 gallons of noncomplying cleaning solutions. The 70% and 110-gallon restrictions are revised from the 30% and 55-gallon restrictions included in the proposed rulemaking in response to public

comment specifically sought by the Department in the preamble to the proposed rulemaking and are consistent with the LLP CTG. Subsection (c)(2) prohibits a person subject to subsection (a)(1)(i), (iii) or (iv) from causing or permitting the emissions of VOC into the outdoor atmosphere from a fountain solution used in an offset lithographic printing press unless the fountain solution meets a specified VOC limit. This paragraph has been revised in the final-form rulemaking in response to public comments received to specify VOC content limits rather than alcohol content or alcohol substitute limits. Subsection (c)(3) provides two exemptions from subsection (c)(2).

Subsection (d) establishes VOC emission limitations for heatset web offset lithographic printing presses and heatset web letterpress printing presses. This subsection has been reorganized in the final-form rulemaking and now contains the definition of "first installation date," which is used in this subsection and was defined in § 121.1 in the proposed rulemaking. Subsection (d)(1) applies to a person subject to § 129.67b by virtue of meeting or exceeding the threshold established in subsection (a)(1)(i) of 25 tpy of potential VOC emissions from the dryer of a single heatset press before consideration of add-on controls. Beginning January 1, 2015, subsection (d)(1) prohibits the emission into the outdoor atmosphere of VOCs from a single heatset web offset lithographic printing press or a single heatset web letterpress printing press, or both, unless the overall weight of VOCs emitted to the atmosphere from the heatset press dryer is reduced through the use of vapor recovery or oxidation or another method that is authorized under § 129.51(a). Subsection (d)(1) addresses heatset dryer pressure and overall control efficiency of an add-on air pollution control device for a heatset dryer and provides for an alternative limitation. The heatset dryer pressure must be maintained lower than the press room area pressure so that air flows into the heatset dryer at all times when the press is operating. The final-form rulemaking provides greater specificity on the conditions for Department approval of an alternative limitation for the overall control efficiency of an add-on air pollution control device for a heatset dryer. Subsection (d)(2) lists exceptions to the requirement for an add-on air pollution control device. Subsection (d)(3) specifies that subsection (d) does not apply if the Department has issued a plan approval, operating permit or Title V permit prior to January 1, 2015, to the owner or operator establishing a Federally-enforceable limitation to limit potential emissions below 25 tpy before consideration of add-on controls.

Subsection (e) specifies compliance and monitoring requirements to demonstrate compliance with the requirements of § 129.67b. Subsection (e)(1) sets forth compliance and monitoring requirements applicable to the owner or operator of a heatset printing press using an add-on air pollution control device in accordance with subsection (d) as a result of meeting or exceeding the 25 tpy potential VOC emissions threshold for a single heatset press in subsection (a)(1)(i). Subsection (e)(1) has been revised in the final-form rulemaking to be consistent with the compliance and monitoring requirements in § 129.67a(d) previously described, in response to comments received during the public comment period. Subsection (e)(2) indicates how an owner or operator of an offset lithographic printing press who is subject to the fountain solution VOC limits of subsection (c)(2) may demonstrate compliance. Subsection (e)(2) is revised in the final-form rulemaking in response to public comments received to clarify that the VOC content of a fountain solution shall be determined one time for each recipe of

fountain solution. Subsection (e)(3) indicates the acceptable methods by which the owner or operator of an offset lithographic printing press or letterpress printing press may demonstrate compliance with the VOC content limit or VOC composite partial vapor pressure limit specified in subsection (c)(1) for a cleaning solution used in or on the press. Subsection (e)(3) is also revised in the final-form rulemaking in response to public comments received to clarify that the VOC content of a cleaning solution shall be determined one time for each recipe of cleaning solution.

Subsection (f) identifies records required to demonstrate compliance for persons subject to § 129.67b beginning January 1, 2015. This subsection has been revised in the final-form rulemaking in response to comments received during the public comment period. Subsection (f) requires the owner and operator to maintain records sufficient to demonstrate compliance with § 129.67b. The records may include purchase, use, production and other records. The recordkeeping requirements in the final-form rulemaking correspond to applicability thresholds and substantive requirements of this section. Specifically, subsection (f)(1) requires a person using an add-on air pollution control device to maintain records sufficient to demonstrate compliance with subsection (e), which contains the compliance and monitoring requirements for add-on air pollution control devices. These records include the temperature reading of the add-on air pollution control device, the maintenance performed on the add-on air pollution control device and monitoring equipment, including the date and type of maintenance, and the catalyst activity test performed, if applicable. Subsection (f)(2) requires persons subject to the applicability requirements of subsection (a)(1)(i)—(iv) to maintain records of cleaning solutions and fountain solutions used at the facility.

Subsection (f)(3) requires owners and operators claiming an exemption from a VOC control provision of this section based on potential or actual VOC emissions to keep records that demonstrate to the Department that the press or facility is exempt. This includes owners and operators with actual VOC emissions below the threshold established in § 129.67b(a)(1)(v). Subsection (f)(4) allows the owner or operator to group materials into classes using the highest VOC content in any material in a class to represent that class of material. The Board deleted the express reference to the specific parameters of each ink, coating, thinner and component from these requirements to allow greater flexibility in developing the records.

Subsection (g) establishes reporting requirements beginning January 1, 2015. This subsection applies to persons subject to § 129.67b. Subsection (g)(1) requires that records be maintained for 2 years unless a longer period is required under by a plan approval or operating permit issued under Chapter 127. The records shall be submitted to the Department in an acceptable format upon receipt of a written request. Subsection (g)(2) specifies that the owner or operator of an offset lithographic printing press or letterpress printing press required to demonstrate overall control efficiency in accordance with subsection (d) shall submit reports to the Department in accordance with Chapter 139.

Subsection (h) specifies sampling and testing methods. This subsection has been expanded in the final-form rulemaking and is consistent, except for one difference, with § 129.67a(f). The difference is that there is not a requirement for capture efficiency testing for the litho-



graphic and letterpress printing presses due to the option to use the retention factors in subsection (l)(2)(i), which assume 100% capture by the press dryer if constant negative pressure into the dryer is demonstrated.

Subsection (i) establishes work practice requirements for cleaning activities. This subsection requires the owner and operator of an offset lithographic printing press or letterpress printing press subject to subsection (a)(1)(i), (ii), (iii) or (iv) to comply with specified work practice standards for cleaning activities at the facility. Subsection (i) does not apply to the owner and operator of a press with emissions below the applicability threshold in subsection (a)(1)(v). Subsection (i)(1) specifies the work practices. Subsection (i)(2) and (3) specifies the cleaning activities to which the work practices apply and do not apply. Subsection (i) is more stringent than what is recommended in the CTG. The CTG recommends that the work practices for cleaning materials apply to parts washers or cold cleaners used for cleaning press parts. In this Commonwealth, however, the use of parts washers and cold cleaners is regulated under § 129.63. The requirements of § 129.63 are more stringent than the recommendation in the CTG, but must be maintained to satisfy the anti-backsliding provisions of sections 110 and 193 of the CAA.

Subsection (j) sets forth the procedure for determining the composite partial vapor pressure of organic compounds in cleaning solutions. Subsection (j)(1) addresses quantifying the amount of each compound in the blend using gas chromatographic analysis, and is amended in the final-form rulemaking to allow flexibility in choice of ASTM method. Subsection (j)(2) provides the equation for calculating composite partial vapor pressure.

Subsection (k) lists acceptable methods for determining vapor pressure of each single component compound in cleaning solutions. This subsection is amended in the final-form rulemaking to allow flexibility in choice of ASTM method.

Subsection (l) is new in the final-form rulemaking. It establishes retention factors and capture efficiency factors for calculating the amount of VOCs retained in the printed web substrate or the shop towels or captured by the press dryer for control by the add-on air pollution control device for specified offset lithographic printing and letterpress printing processes.

#### § 129.77. *Control of emissions from the use or application of adhesives, sealants, primers and solvents*

The final-form rulemaking amends § 129.77(k)(2) to clarify that § 129.77 does not apply to the use or application of adhesives, sealants, adhesive primers and sealant primers that are subject to other regulations in Chapter 129 or Chapter 130 (relating to standards for products). There are no changes to this section from the proposed rulemaking.

#### § 130.703. *Exemptions and exceptions*

The final-form rulemaking amends § 130.703(a)(2) to clarify that § 130.703 does not apply to the use or application of adhesives, sealants, adhesive primers and sealant primers that are subject to other regulations in Chapter 129 or Chapter 130. There are no changes to this section from the proposed rulemaking.

#### F. *Summary of Major Comments and Responses*

The Board approved publication of the proposed rulemaking at its meeting of September 20, 2011. The proposed rulemaking was published at 42 Pa.B. 779 (February 11, 2012). The public comment period opened

February 11, 2012. Three public hearings were held on March 14, 15 and 16, 2012, in Pittsburgh, Norristown and Harrisburg, respectively. The public comment period closed on April 16, 2012, for a 66-day public comment period. Public comments were received from four commentators. The comments received on the proposed rulemaking are summarized in this section and are addressed in a Comment and Response Document which is available from the Department. The Independent Regulatory Review Commission (IRRC) also provided comments.

#### *General support of proposed rulemaking*

Several commentators supported the Department overall in its use of the CTGs.

#### *Effect of printing industry emissions on the environment*

One commentator asserted that an overall negative effect of small printers to the environment did not seem to be clearly shown. The Board disagrees. Each CTG provides emission estimates and impacts of the emissions from the covered printing industry. Each CTG also reflects the EPA's listing of flexible packaging printing materials, lithographic printing materials and letterpress printing materials on its CAA section 183(e) list of categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. The EPA states on page 3 of the Flexible Package Printing CTG: "In section 183(e), Congress directed EPA to assist States in achieving VOC emission reductions from consumer and commercial products. These products individually may result in relatively small amounts of VOC emissions, but, in the aggregate, they contribute significantly to ozone formation in nonattainment areas."

#### *Definitions*

A commentator wrote that several definitions need to be revised or added to provide clarity and consistency with the CTG. "Batch" should be revised to reflect that it applies to both fountain solutions and "cleaning solution" and definitions should be added for "cleaning solution," "heatset" and "non-heatset." IRRC suggested the clarity of the rulemaking would be improved by defining "heatset." In response, the Board revised the definition of "batch," which already applies to "fountain solution," to also apply to "cleaning solution." The Board added a definition of "cleaning solution" using wording similar to that provided by the commentator. The Board added definitions for "heatset" and "non-heatset" using some of the commentator's suggested language and also using information available in the CTG. The definition of "non-heatset" includes the polymerization curing processes of infrared drying, ultraviolet curing and electron beam curing.

One commentator and IRRC recommended that "thin metal" be deleted from the definitions of "lithographic plate" and "lithographic printing" because plates can also be made from paper or plastic. IRRC further noted that this language also appears in the definition of "offset lithographic printing." The Board agrees and deleted "thin metal" from the definitions of "lithographic plate," "lithographic printing" and "offset lithographic printing."

One commentator and IRRC requested that the acronyms MSDS and CPDS be explained or defined for clarity in the subsection in which they first appear, namely § 129.67b(e)(2)(ii). The commentator suggested wording. The Board agrees that the acronyms MSDS and CPDS should be defined. Both terms are already defined in § 121.1, as they are used in other portions of Chapters 121—145. Since both terms are already defined in

§ 121.1, the Board did not move the definitions into § 129.67b(e)(2)(ii). Instead, the Board revised the definition of “CPDS—Certified Product Data Sheet” in § 121.1 to make it applicable to § 129.67b and left the generally-applicable definition of “MSDS—Material Safety Data Sheet” as is.

IRRC commented that under § 121.1, the proposed definition of “batch” begins with the phrase “For purposes of § 129.67b...”, the proposed definition of “first installation date” begins with the phrase “For purposes of § 129.67a... and 129.67b...” and the proposed definition of “varnish” begins with the phrase “For purposes of § 129.67b...” Since these definitions are specific to the sections referenced in each definition, IRRC suggested that the definitions be moved to those particular sections. The Board agrees with the suggestion to move the definition of “first installation date.” The Board moved the definition into Table 1 in § 129.67a and § 129.67b(d)(1), where the term is used in § 129.67b(d)(1)(i) and the definition fits comfortably in § 129.67b(d)(1)(ii). The Board considered the recommendation to move the definition of “batch” to § 129.67b, but has left it in § 121.1, along with the rest of the definitions for this final-form rulemaking. The term’s definition is lengthy and does not fit well into § 129.67b, where the term appears in subsection (e)(2) and (3). The wording “For purposes of § 129.67b” is necessary in § 121.1 because “batch” appears in unrelated definitions in § 121.1 and also in unrelated § 129.63 and §§ 123.22 and 129.17 (relating to combustion units; and Kraft pulp mills). Similarly, the Board did not delete “varnish” in § 121.1, as its definition also does not fit well into § 129.67b, where the term appears in subsections (a), (d), (f), (h) and (l). Further, “varnish” is used in the definition of “non-heatset” in § 121.1. The wording “For purposes of § 129.67b” is necessary in § 121.1 because “varnish” also appears in unrelated § 129.102 (relating to emission standards) and in three unrelated sections in Chapter 130, Subchapter C (relating to architectural and industrial maintenance coatings).

IRRC commented that the last sentence of the definition of “first installation date” in § 121.1 is substantive and should be moved to the appropriate section or sections of the final-form rulemaking. The Board agrees and moved the definition of “first installation date” into Table 1 of § 129.67a and § 129.67b(d)(1)(ii).

#### *Applicability*

Two commentators wrote that conservative material use estimates should be followed that would allow facilities to determine applicability by tracking material use volumes rather than completing complex and time-consuming calculations. The Board disagrees. The Department consulted with the EPA on this matter and has decided not to create a separate applicability criterion based on material use limits since the lower applicability limits are based on actual emissions of 450 pounds per month and 2.7 tons per 12-month rolling total. The Department plans to include material use information in a Frequently Asked Questions document or Fact Sheet to assist owners and operators in making a preliminary determination of whether they might be subject to the regulation. In addition, the Department has added flexibility by removing the “per day” applicability threshold and by allowing actual emissions to be estimated by using the highest VOC content in any material in a class to represent that class of materials. Furthermore, the Department and staff of the Environmental Management Assistance Program (EMAP) are willing to work with the GAA on its toolkit

for GAA members to provide assistance with the emission calculations when necessary. EMAP fulfills the technical assistance part of the small business compliance assistance program required under the CAA by providing free and confidential environmental regulation compliance assistance to small businesses in this Commonwealth on a nondiscriminatory basis. EMAP, associated with the Pennsylvania Small Business Development Centers, is a partnership funded, in part, through the Department and the Department of Community and Economic Development, the United States Small Business Administration and participating colleges and universities.

One commentator noted that the material use approach makes it much easier for facilities to determine their applicability and was approved by the EPA in its *Potential to Emit (PTE) Guidance for Specific Source Categories* released on April 14, 1998. The commentator suggested specific numeric edits and language to revise the section in accordance with the comment. The Board does not agree that it is technically advisable to use PTE guidance to determine actual emissions. The Board believes that, since the EPA did not reference the PTE guidance document in the LLP CTG when it referenced other documents, the EPA did not intend the PTE guidance to be used to determine applicability for the offset lithographic printing and letterpress printing source categories. Furthermore, the levels suggested by the commentator seem not to take into account the “50% of the major source threshold margin of safety factor” suggested by the PTE guidance document. Therefore, the Board is not including material use thresholds as an applicability criterion in the final-form rulemaking.

A commentator stated that proposed § 129.67b(a)(1)(i) is not consistent with the LLP CTG because in the CTG the exemption threshold of a potential to emit, prior to controls, of at least 25 tpy of VOC emissions applies only to the emissions of VOC from petroleum ink oil and not to total VOC emissions from the press dryer as was proposed. IRRC acknowledged comments regarding certain sections of the rulemaking being inconsistent with the CTG. IRRC referenced proposed § 129.67b(a)(1)(i)—(iii) and asked the Board to explain the need to deviate from the CTG.

The Board disagrees that the final-form rulemaking should be revised to account for only some, but not all, of the potential VOC emissions from the dryers, prior to controls, of heatset web offset lithographic printing and letterpress printing operations in determining applicability. Even though the LLP CTG recommends basing the “potential to emit” applicability threshold on potential emissions from the dryer, prior to controls, of VOCs from ink oils, basing the threshold on potential emissions, prior to controls, of all VOC emissions from the dryer is also reasonable. The Department had detailed discussions with EPA Region 3 concerning this issue. The Department understands that small to no amounts of coatings and adhesives go through lithographic printing presses and letterpress printing presses; therefore, the majority of potential VOC emissions will be from ink oils and the applicability will effectively be only to potential VOC emissions from heatset inks. Implementation of the add-on air pollution control measure requirements will continue to be cost-effective even if the small amounts of potential VOC emissions from coatings and adhesives are included. Several nearby states similarly base this potential emissions applicability threshold on the VOC emissions from more than just inks. For instance, New York’s regulation is based on the VOC emissions from inks, coatings and adhesives used on the press (see 6 NYCRR § 234.3(b)(1)); Maryland’s regulation is based on all VOC

emissions from the press (see COMAR 26.11.19.11(e)); and Connecticut’s regulation is based on all VOC emissions from the dryers prior to control (see Conn. Agencies Regs. § 22a-174-20(gg)(4)). The EPA provides in the CTGs that the recommendations are guidance and that states may promulgate applicability criteria that differ from those recommended in the CTG. After considering this comment and the other information described in this response, the Board determined that changes to this provision are not being made in the final-form rulemaking.

A commentator suggested that the applicability threshold expressed in proposed § 129.67b(a)(1)(ii) and (iii) as 15 pounds per day or 2.7 tpy should be revised to reflect a single annual limit of 3 tpy over a 12-month rolling period, which the EPA has defined as one of several options for an acceptable applicability threshold. IRRC acknowledged comments regarding certain sections of the rulemaking being inconsistent with the CTG, referencing proposed §§ 129.67a(a)(1)(ii) and 129.67b(a)(1)(i)—(iii), and asked the Board to explain the need to deviate from the CTG.

The Board considered the comments but disagrees with using only an annual limit for the applicability threshold for actual VOC emissions, and with that limit being 3 tpy over a 12-month rolling period. The Board established the applicability threshold for actual VOC emissions in the final-form rulemaking as a per-month or as a per-12-month rolling period threshold. The Board deleted the proposed 15 pounds per day threshold. The monthly threshold provides the basis for evaluating the 12-month rolling period threshold. With regard to whether the 12-month rolling period threshold should be 3 tpy, the Board has historically used 2.7 tpy or 2.7 tons per 12-month rolling period as the equivalent to 15 pounds per day for surface coating and other VOC emission-control regulations. See, for instance, §§ 129.52 and 129.52a (relating to surface coating processes; and control of VOC emissions from large appliance and metal furniture surface coating processes) and § 129.52b. The Board derives 2.7 tpy as follows:

15 pounds per day x 365 days per year = 5,475 pounds per year

5,475 pounds per year/2,000 pounds per ton = 2.7375 tpy

The Board keeps one decimal place for more accuracy; the EPA rounds 2.7 to 3.

Using 3 tpy in the printing rulemakings would be inconsistent with other air quality regulations in Subpart C, Article III. The EPA provides in the CTGs that the recommendations are guidance and states may promulgate applicability criteria that differ from those recommended in the CTG.

One commentator stated that the “per day” applicability threshold imposes daily recordkeeping, which is not acceptable or technically feasible, given the nature of the printing industry and how it uses inks, fountain solutions, coatings and other input materials. The Board, in consideration of this comment and the recordkeeping comments received from other commentators, replaced the proposed “per day” applicability threshold with a 450 pounds per month applicability threshold in the final-form rulemaking. The monthly applicability threshold allows the owners or operators of all flexible packaging, lithographic printing and letterpress printing facilities to keep monthly records using purchase, use or production records.

A monthly applicability threshold for actual VOC emissions is consistent with the CTGs. The LLP CTG states on page 4: “In developing their RACT rules, State and local agencies should consider carefully the facts and circumstances of the affected sources in their States. As noted above, States can adopt the above recommended 15 lb/day actual emissions of VOC applicability criterion before consideration of controls, or an equivalent applicability level expressed on a monthly basis (e.g., 450 lb/month) or 12-month rolling basis (e.g., 3 tons per 12-month rolling period), or they can develop other applicability criteria that they determine are appropriate considering the facts and circumstances of the sources in their particular nonattainment areas.” Page 3 of the FPP CTG has a similar sentence. Therefore, considering the number of small businesses that would be required to keep daily records to demonstrate applicability only, the Board decided instead to use the alternative monthly basis applicability level. In addition, the EPA provides in the CTGs that the recommendations are guidance and states may promulgate applicability criteria that differ from those recommended in the CTG. Note that for certain other VOC regulations applying to other industry sectors, the Board has found daily recordkeeping to be acceptable and technically feasible. The Board agrees that a “per day” applicability threshold imposes daily recordkeeping.

One commentator believes that the exclusion in proposed § 129.67b(a)(2) of only the VOCs from adhesives that are applied by means of the printing presses needs to be expanded to cover all adhesive application in a graphic arts operation, primarily because of the types of adhesives used. The commentator stated that adhesives are not commonly applied by the press, but for those that are, they are the same adhesives that are applied by means of other pieces of equipment in the facility. The commentator further requested that adhesives used in graphic arts operations also be excluded from the requirements of § 129.77. The commentator suggested revisions to §§ 129.67b(a)(2) and 129.77(1), saying the revisions are necessary to avoid the confusion that would be caused by requiring owners and operators of graphic arts facilities to comply with two separate regulations governing VOC emissions—the lithographic and letterpress regulation or the flexographic printing regulation and the miscellaneous industrial adhesives regulation.

The Board disagrees that all VOC emissions from adhesive application facility-wide should be excluded from regulation under both §§ 129.67b and 129.77. Further, the commentator is mistaken in asserting that the proposed rulemaking would have excluded VOC emissions from adhesives used or applied on or with an offset lithographic printing press or letterpress printing press from being regulated under § 129.67b. Section 129.67b(a)(2) excludes emissions of VOCs from adhesives that are not used or applied on or with the printing press from regulation under § 129.67b. Emissions of VOC from adhesives that are used or applied on or with an offset lithographic printing press or letterpress printing press are subject to regulation under § 129.67b. The Department consulted with EPA Region 3 about applicability to VOC emissions from adhesives when drafting § 129.67b(a)(2) and revising § 129.77.

The Board explains further that the meaning of “printing press” is integral to understanding these provisions, as only adhesives used or applied on or with the printing press are subject to § 129.67b. The Department crafted the definition of “printing press” in consultation with the EPA to address the situations described in the commenta-



tor's comments about how the adhesives used on the press versus the adhesives used elsewhere in the facility were to be regulated. The proposed rulemaking specifically included the following language in § 129.67b(a)(2) to direct the regulated community to other potentially applicable requirements:

(2) VOCs from adhesives used at a facility that are not used or applied on or with an offset lithographic printing press or a letterpress printing press are not subject to this section and may be regulated under § 129.77 or Chapter 130, Subchapter D (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents).

The Board retained this wording in the final-form rulemaking, as the Board believes it is reasonable and that the regulated parties have the technical capability to implement the different regulations. The Board notes further that proposed § 129.67b(a)(2) is redesignated as final-form § 129.67b(a)(3). See the response to the next comment. Additionally, as previously explained, free and confidential assistance is available to the owners and operators of small businesses to explain how to comply with the requirements.

IRRC noted that a commentator suggested that the exemption under § 129.67b(a)(2) for VOCs from adhesives used at facilities that are not used or applied with an offset lithographic printing press or a letterpress printing press needs to be expanded to cover all adhesives applied in graphic art operations. IRRC further noted that § 129.67a(a)(3) contains a similar provision relating to flexible packaging printing presses. IRRC asked whether the Board considered expanding the exemption as suggested by the commentator. The Board responds that it considered the comments and decided not to modify the final-form rulemaking in this area, as explained in the preceding response.

One commentator indicated that the printing industry submitted comments on September 26, 2011, to EPA Region 3 requesting that a modification of the applicability requirements for § 129.77 be made that would specifically exclude adhesives used in graphic arts from the requirements of § 129.77. The Board explains that the September 26, 2011, comments to the EPA were submitted with reference to the EPA's proposed approval of the Pennsylvania SIP revision submittal to incorporate the adhesive and sealant rulemaking into the SIP. The EPA addressed the printing industry comments in its final action approving the SIP revision, stating that:

Pennsylvania's regulation for adhesives and sealants clearly addresses the adhesives and adhesive application activities regulated. . . . Thus, we believe the Pennsylvania regulations are clear that the adhesives used in printing operations were considered and that the state intended to cover those adhesives.

The EPA approved the SIP revision at 77 FR 59090, 59091 (September 26, 2012).

#### *Recordkeeping*

Several commentators commented that they believe the daily recordkeeping requirements in the proposed rulemaking would be burdensome to printers without any benefit. The Board, in consideration of the recordkeeping comments received from these commentators, replaced the "per day" applicability threshold—which necessitated keeping daily material use records—with a 450 pounds per month applicability threshold. In addition, the Board has made several changes to streamline the recordkeep-

ing requirements. For instance, the Board added language to the recordkeeping subsections that states: Records maintained for compliance demonstrations may include purchase, use, production and other records. Further, the Board deleted the requirement commented on, which specified records of particular parameters of each ink used. The Board added flexibility by including a paragraph that states: An owner or operator claiming exemption from a VOC control provision of this section based on potential or actual VOC emissions, as applicable, shall maintain records that demonstrate to the Department that the press or facility is exempt. The final-form rulemaking does not prescribe the records to be kept, but allows the owner or operator of the facility to calculate VOC emissions by whatever means are appropriate to demonstrate that the amount of emissions is below the level of actual or potential VOC emissions necessary to be exempted from the control provisions of the regulation, before consideration of add-on controls. In addition, the Board added flexibility by allowing VOC content records to be based upon the highest VOC content in any material in a class rather than on each individual material in the class.

One commentator suggested that the minimum recordkeeping requirements as set out under § 129.67a(e)(1) should be narrowed to only apply to companies using a "compliant ink" approach to comply with the rulemaking (under § 129.67a(c)(1), (2) or possibly (4)). The Board agrees. The Board revised the recordkeeping requirements to correspond to the per month-based applicability threshold and narrowed some of the parameters which were required in the proposed recordkeeping section. The recordkeeping requirements under final-form § 129.67a(e)(1) for an owner or operator subject to § 129.67a(a)(1)(i) using an add-on air pollution control device are specific to the add-on air pollution control device and not to the inks used. Final-form § 129.67a(e)(2) requires the owner or operator subject to § 129.67a(a)(1)(i) that is not using an add-on air pollution control device (in other words, using the "compliant ink" approach) to maintain records of the as applied VOC content of inks, coatings and adhesives sufficient to demonstrate compliance with the limitations under § 129.67a(c)(1) or (2). Proposed § 129.67a(c)(4), referenced in the comment, has been deleted in this final-form rulemaking because it was redundant. See provisions added to § 129.67a(e) and see the preceding response and other recordkeeping-related responses.

A commentator noted that the compliance demonstration for sites choosing to meet the requirements of the final-form rulemaking through the use of an add-on control device is to meet a minimum overall control efficiency. The commentator stated that the compliance demonstration under this option is completely independent of the composition or quantity of the ink being used. Since the material specific records are not needed to demonstrate compliance with the rulemaking, the commentator asserted that there is not an environmental or compliance benefit to maintain them. The commentator suggested the rulemaking set separate recordkeeping requirements specifically addressing appropriate records for the control device for sites meeting the rulemaking through § 129.67a(c)(3). The Board agrees and the records required of an owner or operator subject to § 129.67a(a)(1)(i) using an add-on air pollution control device in accordance with § 129.67a(c)(3) are in final-form § 129.67a(e)(1) and are specific to the add-on air pollution control device. Similar revisions were made to § 129.67b(f). See §§ 129.67a(e) and 129.67b(f) and the

two preceding responses in this preamble. In addition, the Board revised the final-form rulemaking to move the recordkeeping requirements relating to control devices from the compliance and monitoring portions of the final-form rulemaking (§§ 129.67a(d) and 129.67b(e)) to the recordkeeping sections (§§ 129.67a(e) and 129.67b(f)).

A commentator wrote that proposed § 129.67b(f) requires daily recordkeeping for a variety of parameters and that this entire subsection should be deleted and replaced with the recordkeeping requirements that are necessary to demonstrate compliance with the actual limits in the rulemaking (documentation of the composition of fountain solutions and cleaning solvents). The commentator wrote that recordkeeping of the composition of materials such as ink, varnish or coating, or the quantities of materials consumed are not relevant to demonstrating compliance. The commentator wrote that this type of recordkeeping is associated with determining VOC emissions and is contained in all plan approvals and operating permits issued to printing operations.

The Board disagrees that § 129.67b(f) should be deleted. The Board agrees that the recordkeeping of fountain solution and cleaning solvent composition requirements is necessary to demonstrate compliance with the requirements under § 129.67b(c)(1) and (2) and for determining applicability under § 129.67b(a). The Board made several changes to streamline the recordkeeping requirements. For instance, the Board added language to the recordkeeping subsections that states: Records maintained for compliance demonstrations may include purchase, use, production and other records. The Board revised § 129.67b(f) to set forth recordkeeping requirements under final-form § 129.67b(f)(1) specific to the add-on air pollution control device for those owners or operators subject to § 129.67b(a)(1)(i) and further revised § 129.67b(f) to specify under final-form § 129.67b(f)(2) the cleaning solution and fountain solution records required. The Board also revised § 129.67b(f) to specify under final-form § 129.67b(f)(3) that "An owner or operator claiming exemption from a VOC control provision of this section based on potential or actual VOC emissions, as applicable, shall maintain records that demonstrate to the Department that the press or facility is exempt." In addition, the Board added flexibility to final-form § 129.67b(f) by allowing an owner or operator to group materials into classes using the highest VOC content in any material in a class to represent that class of material, rather than requiring the actual VOC content of each individual material in the class be used for records. See the preceding responses regarding daily records and the following response.

A commentator wrote that, in many instances, daily recordkeeping is in direct conflict with the recordkeeping requirements that are included in plan approvals and operating permits issued to printing operations, and that the most common recordkeeping requirements are monthly. In response, the Board recognizes the commentator's concern. The Board revised the recordkeeping requirements in the final-form rulemaking and provided additional flexibility, as described in several previous responses.

A commentator wrote that, since the applicability threshold for permitting presses is 2.7 tpy, which is equivalent to the proposed threshold for this regulation, there is no reason to deviate from the current approach which is to allow monthly recordkeeping of input materials and to allow for the grouping of these materials into classes using the highest VOC content in any material in

that class to represent that class of material. The commentator suggested language to revise the section. The Board responds that the proposed rulemaking had an applicability threshold of 15 pounds per day or 2.7 tons per 12-month rolling basis of VOC emissions. As discussed in previous responses, the "per day" applicability threshold would have required daily recordkeeping. However, in consideration of the recordkeeping comments received from commentators, the Board replaced the "per day" applicability threshold with a 450 pounds per month applicability threshold. The Board revised the recordkeeping requirements so as not to prescribe the records to be kept, but rather to enable the owner or operator of the facility to calculate VOC emissions by whatever means are appropriate to demonstrate that the amount of emissions is below the level of actual or potential VOC emissions necessary to be exempted from the control provisions of the regulation. Further, the Board agrees that facilities can group like materials into classes to determine applicability, as previously explained.

#### *Emission limit options*

A commentator noted that the compliance option of § 129.67a(c)(4) would appear to provide an equivalency approach where a site could meet the RACT rule by means of an averaging approach which would allow for use of noncomplying materials using control efficiencies below those specified under § 129.67a(c)(3). The commentator questioned whether it would meet the intent of RACT as suggested in the CTG. IRRC acknowledged comments regarding certain sections of the proposed rulemaking being inconsistent with the CTG. IRRC referenced proposed § 129.67a(c)(3) and (4) and asked the Board to explain the need to deviate from the CTG. In response, the Board explains that in considering this comment, the Board determined that proposed § 129.67a(c)(4) was redundant; therefore, the Board deleted this paragraph in the final-form rulemaking.

A commentator stated that proposed § 129.67b(c)(1)(i)(B) sets a VOC content limit of 30% VOC by weight. The commentator wrote that, while this limit was included in the 1993 draft CTG for offset lithography, it is superseded by the 70% VOC by weight content limit issued in the 2006 LLP CTG. The commentator submitted an excerpt from the CTG as support for its request that the proposed limit of 30% be revised to 70%. IRRC acknowledged this comment and asked the Board to explain the need to deviate from the CTG. IRRC also stated that this section is more stringent than the EPA requirements, and asked the Board to explain the need for the proposed language.

In response, the Board refers the commentators to the preamble to the proposed rulemaking, which explained that the Board proposed the 30% VOC by weight content limit for cleaning materials in part because a 30% VOC by weight content limit has been implemented in the Bureau of Air Quality-General Plan Approval/General Permit (BAQ-GPA/GP) -7 and BAQ-GPA/GP-10, which have been approved for use by permitted facilities since July 2, 1998, and July 3, 1999, respectively. These are the Department's general permits for sheet-fed offset lithographic printing presses and for non-heatset web offset lithographic printing presses, respectively. The limit of 30% VOC by weight content limit for cleaning materials is considered Best Available Technology (BAT) in the general permits; this limit has also been used in plan approvals and State-only operating permits. The Board specifically sought comment on this proposed provision in the preamble. In considering comments received on the proposed 30% VOC by weight content limit for cleaning



materials, the Board evaluated different options, including options to retain the 30% VOC by weight content limit while allowing flexibility, but the Board concluded that the most reasonable solution, on balance, is that suggested by the commentators. Consequently, the Board selected the CTG limit of 70% VOC by weight content limit for cleaning materials for the final-form rulemaking. Adopting the 70% VOC by weight content limit will not result in more VOC emissions from cleaning materials used at facilities subject to the final-form rulemaking than anticipated, since the emission reductions discussed in the proposed rulemaking were based on EPA calculations that used the CTG-recommended limit of 70%. Permits that already have the more stringent BAT limit of 30% VOC by weight content from cleaning materials will keep that limit to prevent backsliding. The Board notes further that the term “cleaning materials” in the proposed rulemaking has been revised to “cleaning solutions” in the final-form rulemaking.

A commentator noted that proposed § 129.67b(c)(1)(ii) allows a 55-gallon cleaning material allowance for those materials that do not meet the VOC limits in § 129.67b(c)(1)(i). The commentator believes that due to the nature of the equipment being cleaned, 55 gallons per year is not adequate to allow a facility to achieve the amount of cleaning required to be done with cleaning materials that do not meet the limit, and suggests an exclusion of 110 gallons per year as suggested in the LLP CTG. IRRC acknowledged this comment and asked the Board to explain the need to deviate from the CTG. IRRC also stated that this section is more stringent than EPA requirements, and asked the Board to explain the need for the proposed language.

In response, the Board refers the commentators to the preamble to the proposed rulemaking in which the Board explained that it proposed the 55-gallon limit because this limit has been implemented in BAQ-GPA/GP-7 and BAQ-GPA/GP-10, which have been approved for use by facilities since July 2, 1998, and July 3, 1999, respectively. These are the Department’s general permits for sheet-fed offset lithographic printing presses and for non-heatset web offset lithographic printing presses. The limit of 55 gallons for noncompliant VOC solvent is considered BAT in the general permits; this limit has also been used in plan approvals and State-only operating permits. The Board specifically sought comment on this proposed provision in the preamble. In considering the comments received on the 55-gallon limit, the Board evaluated different options, including options to retain the 55-gallon limit while allowing flexibility, but the Board concluded that the most reasonable solution, on balance, is that suggested by the commentators. Consequently, the Board selected the CTG limit of 110 gallons of noncompliant VOC solvent for the final-form rulemaking. Adopting the 110-gallon limit will not result in more VOC emissions than anticipated from cleaning activities performed by facilities subject to the final-form rulemaking, since the emission reductions discussed in the proposed rulemaking were based on EPA calculations that used the CTG limit of noncompliant VOC solvent usage of 110 gallons. Permits that already have the more stringent BAT limit of 55 gallons will keep that limit to prevent backsliding.

A commentator wrote that proposed § 129.67b(c)(2)(i) was very confusing as written because it seemed to be setting a single limit for alcohol content in all fountain solutions and the limit was the same one that is specified in § 129.67b(c)(2)(i)(A). The same comment applies to § 129.67b(c)(2)(ii) and (2)(ii)(A). The Board agrees that § 129.67b(c)(2)(i) and (2)(i)(A) are duplicative, as are

§ 129.67b(c)(2)(ii) and (2)(ii)(A). The Board revised the language in the final-form rulemaking to delete the repetitive language.

A commentator wrote that proposed § 129.67b(c)(2)(i)(A) is not consistent with § 129.67b(c)(2)(i)(B) or (C). The commentator suggested that “reducing the” in § 129.67b(c)(2)(i)(A) be deleted and replaced with “using” and added that the same comment applies for § 129.67b(c)(2)(ii)(A). The Board agrees with this approach. The Board revised the provision in the final-form rulemaking to delete “reducing” and to base the provision on use.

A commentator wrote that proposed § 129.67b(c)(2)(i)—(iii) should express the fountain solution content limit as “VOC content” and not as a specific material such as “alcohol” or “alcohol substitute,” as some printing operations are still using a combination of alcohol and alcohol substitutes in their fountain solution. Using “VOC content” will allow for this situation. The commentator suggested language to revise the section in accordance with the comment. The Board agrees that using “VOC content” in place of “alcohol” or “alcohol substitute” is an acceptable change and replaced the “alcohol” or “alcohol substitute” limits with VOC content limits.

A commentator wrote that proposed §§ 129.67b(d)(1), (2) and (2)(iii) are confusing because of the exclusions contained in each, and that the applicability language of § 129.67b(d)(1) duplicates that of § 129.67b(a)(1)(i). The commentator suggested language to revise the section in accordance with the comment, and suggested that proposed § 129.67b(d)(3) and (4) be renumbered to reflect these changes. In response, the Board revised § 129.67b(d)(1)—(4) to delete the duplicative language in subsection (d)(1), changed the order of the remaining paragraphs to clarify what is excluded and renumbered paragraphs as necessary.

#### *Control options*

A commentator suggested that proposed § 129.67b(d)(4)(i) be revised by deleting “overall” and replacing it with “destruction” so that it is consistent with the LLP CTG and does not introduce an unnecessary compliance demonstration for capture testing. The term “overall” is used to describe a requirement that is the product of both the capture of VOC emissions and their subsequent destruction by the use of a capture/control system. IRRC acknowledged comments regarding certain sections of the rulemaking being inconsistent with the CTG. IRRC referenced proposed § 129.67b(d)(4)(i) and asked the Board to explain the need to deviate from the CTG.

The Board agrees that the description of “overall” efficiency refers to the “capture” efficiency multiplied by the “destruction” efficiency. The final-form rulemaking means to limit the control (destruction) efficiency of any type of add-on air pollution control device including a thermal oxidizer or other approved device. The Board revised final-form § 129.67b(d)(1)(i) to replace “overall” with “control.” The Board believes this change is warranted due to the following other changes in the final-form rulemaking. Section 129.67b(d)(1) requires that the heatset dryer pressure shall be maintained lower than the press room area pressure so that air flows into the heatset dryer at all times when the press is operating. This is operating at negative pressure. Since the unit is required to operate at negative pressure, the owner or operator of the facility may use the capture efficiency factor of 100% added under final-form § 129.67b(1)(2)(i) in the calculation of overall efficiency for control (destruction) of volatilized ink oils from oil-based heatset paste

inks and varnishes. The use of 100% is equivalent to 1 (that is, 100/100), which would mean that control (destruction) efficiency and overall efficiency would be equal.

The commentator noted that the EPA stated in both the LLP CTG and the Technical Support Document for Title V Permitting of Printing Operations that capture testing is not required and that only a one-time demonstration is necessary to demonstrate that the air flow is into the dryer. In response, the Board explains that it deleted the capture efficiency testing requirement in § 129.67b(h) and added § 129.67b(e)(1)(iv), which states: The negative dryer pressure shall be established during the initial test using an air flow direction indicator, such as a smoke stick or aluminum ribbons, or a differential pressure gauge. Capture efficiency retesting and continuous dryer air flow monitoring are not required.

The commentator suggested that proposed § 129.67b(d)(4)(ii) be revised to reflect that in addition to presses with a low inlet concentration, a press with a combination dryer/oxidizer unit does not have an inlet that meets the requirement for testing. The commentator suggested language to revise the section. IRRC acknowledged this comment and requested that if the concern can be addressed while meeting the required EPA standards, the Board should do so. The Board agrees and revised the final-form rulemaking to allow the owner or operator of a press with a combination dryer and oxidizer, or other control equipment configuration without an identifiable, measurable inlet, to apply for an alternative limit. The Board further notes that proposed § 129.67b(d)(4)(ii) is redesignated as § 129.67b(d)(1)(iii) in the final-form rulemaking.

The commentator suggested that proposed § 129.67b(d)(4)(ii) be revised to eliminate the requirement to seek an alternative limit in writing since that issue would be addressed at the time of permitting a press, thus making the requirement redundant as it imposes an unnecessary administrative burden. The commentator suggested language to revise the section. IRRC acknowledged this comment and requested that if the concern can be addressed while meeting the required EPA standards, the Board should do so.

The Board disagrees that the alternative limit issue will always be resolved at the time of permitting a press and that the proposed regulatory requirement is therefore redundant and imposes an unnecessary administrative burden. The January 1, 2015, compliance date for existing permitted presses subject to the final-form rulemaking will be after the issuance of the original plan approval or permit and does not supersede existing plan approval or permit requirements unless the plan approval or permit requirements are less stringent than the requirements in the final-form rulemaking. For a new press subject to the final-form rulemaking and installed after final-form publication of the requirements in the *Pennsylvania Bulletin* that uses a combination dryer and oxidizer, the alternative limit may be requested at the time of plan approval, but BAT may require a more stringent limit than the default limit in the final-form rulemaking. Whether an alternative limit is obtained through a plan approval, permit or other written approval from the Department, as appropriate, it is important from an environmental standpoint that the Department consider and approve (or disapprove) the request in writing, as an alternative limit could be less stringent than the 90% or 95% required efficiency. The final-form rulemaking continues to require a written request and specifies the information required for the Department to make the appropriate determination. The Board

further notes that proposed § 129.67b(d)(4)(ii) is revised as set forth in § 129.67b(d)(1)(iii) and (iv) in the final-form rulemaking.

#### *Compliance and monitoring*

A commentator wrote that proposed § 129.67b(e) contains both monitoring and recordkeeping requirements, but that the recordkeeping requirements should be removed and placed into § 129.67b(f), which is dedicated to recordkeeping. The Board agrees and moved the recordkeeping requirements to subsection (f) in the final-form rulemaking.

A commentator requests that “incinerator” in § 129.67b(e)(1)(i)(A) and (B) be deleted and replaced with “oxidizer” as “oxidizer” is a more accurate term to use when describing add-on control devices used to control emissions from printing presses. The Board agrees and replaced “incinerator” with “oxidizer” in the final-form rulemaking. Corresponding changes were made to final-form § 129.67a.

A commentator wrote that proposed § 129.67b(e)(1)(i)(A) and (B) should qualify “continuously” to indicate that the temperature is to be recorded at least every 15 minutes to be consistent with the guidance in the EPA *TSD for Title V Permitting of Printing Operations* document. IRRC acknowledged this comment and asked if the Board considered requiring gauges be checked every 15 minutes. In response, the Board revised final-form § 129.67b(e)(1) to require that the temperature be continuously monitored; the temperature reading shall be recorded at least once every 15 minutes while the oxidizer is operating. The Board made similar revisions to final-form § 129.67a(d)(1).

IRRC commented that proposed § 129.67a(d)(3)(i)(A) and (B) requires certain temperatures to be “continuously monitored and recorded daily.” IRRC asked how a printing facility would “continuously” monitor a temperature gauge. IRRC noted that another commentator commented on a similar provision in § 129.67b(e), and IRRC asked if the Board considered requiring gauges to be checked every 15 minutes. In response, the Board asks the reader to see the preceding response. Note that proposed § 129.67a(d)(3)(i)(A) and (B) is redesignated as final-form § 129.67a(d)(1)(i) and (ii).

A commentator noted that proposed § 129.67b(e)(1)(i)(B) requires daily monitoring of the inlet and exhaust gas temperatures of a catalytic unit. The commentator wrote that monitoring the outlet temperature of a catalytic unit is not necessary as it provides meaningless data due to the variations in coverage on a per job or per day basis. The commentator included language from the EPA *TSD for Title V Permitting of Printing Operations* document to provide several examples of catalytic oxidizer temperature monitoring that clearly state only the inlet temperature is to be monitored. In response, the Board agrees that monitoring of only the inlet temperature should occur. The requirement to monitor outlet temperature on the catalytic unit has been deleted from final-form § 129.67a(d)(1)(i)(A) for flexible package printing and § 129.67b(e)(1)(i)(B)(I) for lithographic printing and letterpress printing.

A commentator wrote that the Department needs to provide guidance to address temperature monitoring for regenerative thermal oxidizers. Since the temperature that is measured during the compliance test becomes the minimum temperature at which the unit can operate, a provision needs to be added specifying that the temperature to be monitored must equal the lower of the



minimum operating temperature or “set point” at which the unit is required to run or the temperature that was measured during the compliance test. The Board agrees that the temperature that is measured during the compliance stack test becomes the minimum temperature at which the unit can operate; however, once compliance is demonstrated at that particular temperature, the “set point” may no longer guarantee compliance with the required VOC control efficiency. The Board revised final-form §§ 129.67a(d)(1)(i) and 129.67b(e)(1)(i)(A) to read that the “minimum combustion or operating temperature must be continuously monitored” to address this concern.

A commentator wrote that a new condition needs to be added that recognizes that temperature fluctuations can and do occur with properly operating oxidizers. The EPA recognized this situation in the *TSD for Title V Permitting of Printing Operations* document and allows for a 50°F temperature fluctuation over a 3-hour average. The Board agrees and revised the final-form rulemaking to address this concern. See final-form §§ 129.67a(d)(2) and 129.67b(e)(1)(ii).

A commentator wrote that proposed § 129.67b(e)(1)(ii)(A) should be revised to clarify that records of the oxidizer temperature must be retained rather than the hours of operation. The temperature monitoring and recording requirements of § 129.67b(e)(1)(i) provide the necessary documentation that the unit was operating. The commentator suggested language to revise the section. The Board agrees. The final-form rulemaking requires records of only the oxidizer temperature because the clarification to recording the temperature from daily as proposed to once every 15 minutes in the final-form rulemaking provides enough data about when the oxidizer is operating. See final-form § 129.67b(f)(1) for the records required.

A commentator suggested that proposed § 129.67b(e)(2)(iii)(B) be revised to indicate that the calculation only needs to be performed once for each batch of fountain solution being used, not for each use of a batch of fountain solution. The commentator wrote that since more than one fountain solution can be used on different presses in one operation, the calculation needs to be performed for each fountain solution. The commentator added that this is important as once the printing operation determines the proper mix ratio for its fountain solution, the mix ratio is not altered. The commentator suggested language to revise the section. The Board agrees with the comment and revised the final-form rulemaking to require that the calculation be performed once for each recipe of fountain solution.

A commentator and IRRC questioned the necessity of permanently installing a temperature monitoring device for the fountain solution recirculating reservoir when a hand held thermometer is sufficient to accomplish the temperature monitoring requirement. The commentator suggested language to revise the section. IRRC further noted that § 129.67a(d)(3)(i) has a similar temperature monitoring requirement. The Board agrees that it is not necessary to permanently install a temperature monitoring device for the fountain solution recirculating reservoir; therefore, the Board deleted proposed § 129.67b(e)(2)(iv)(A). The Board believes a hand-held thermometer could be used for monitoring the temperature of the fountain solution recirculating reservoir with the recording of the temperature reading being at least once per operating day. The Board further notes that proposed § 129.67b(e)(2)(iv)(B) has been revised in the final-form rulemaking to be part of § 129.67b(e)(2)(iv). The Board disagrees, however, that § 129.67a(d)(3)(i)

could be modified in the same way as § 129.67b(e)(2)(iv) because § 129.67a(d)(3)(i) discusses the temperature of the control device, for which use of a hand held thermometer is not sufficient. Therefore, changes were not made to that section. The Board notes that proposed § 129.67a(d)(3)(i) has been redesignated as final-form § 129.67a(d)(1).

A commentator stated that it is not necessary to require permission to use a conductivity meter to monitor the alcohol concentration in fountain solution. This is an unnecessary and burdensome requirement that is not warranted. The commentator suggested language to revise proposed § 129.67b(e)(2)(v)(C) accordingly. The Board agrees with the comment and revised § 129.67b(e)(2)(v)(C) to delete the written request to the Department. Further, the Board notes that proposed § 129.67b(e)(2)(v)(C) is redesignated as final-form § 129.67b(e)(2)(v)(B).

A commentator stated that proposed § 129.67b(e)(3)(v)(B) should be revised to indicate that the calculation only needs to be performed once for each batch of cleaning solution being used, not for each use of a batch of cleaning solution. This is important as once the printing operation determines the proper mix ratio for its cleaning solution, the mix ratio is not altered. The commentator suggested language to revise the section in accordance with the comment. The Board agrees with the comment and revised the final-form rulemaking to require that the calculation be performed once for each recipe of cleaning solution.

#### *Sampling and testing*

A commentator wrote that proposed § 129.67b(h) needs to be revised to reflect the testing requirements necessary for a successful destruction efficiency determination for an oxidizer used to control emissions from a heatset web offset lithographic press. The nature of the emissions from a heatset web offset lithographic press is such that simply following EPA protocols will result in failure forcing either re-testing or enforcement action. The commentator wrote that the EPA has recommended in the *TSD for Title V Printing Operations* document that compliance testing of the emissions from an add-on air pollution control device should be conducted at operating conditions representative of a typical production schedule. The commentator suggested language to revise the section. The Board agrees that the proposed language for emissions testing could be clearer and revised final-form § 129.67b(h) using a portion of the suggested language. The Board did not incorporate all of the suggested language regarding stack testing of an add-on air pollution control device. Stack testing of source emissions from an add-on air pollution control device must undergo a stack test protocol review by the Department prior to conducting the stack test. Certain operating conditions, such as temperatures, duration, frequency and loading, are based on the actual source and control device to be tested and should be specified in the stack test protocol submitted to the Department for review and approval in accordance with the procedures and test methods of Chapter 139.

A commentator suggested language for proposed § 129.67b(h) which specified an acceptable time frame for stack testing relative to the compliance date. The Board agrees that the final-form rulemaking should specify the acceptable time frame for performance of the stack test and added final-form § 129.67b(h)(1)(ii).

A commentator suggested that continuous dryer air flow or pressure monitoring is not required to demon-

strate constant negative pressure into the dryer, only an initial stack test. The Board agrees. Final-form § 129.67b(d)(1) requires that negative pressure be maintained at all times the press is operating; otherwise, the owner and operator of the press cannot assume 100% capture of emissions from volatilized ink oils from oil-based heatset paste inks and varnishes into the dryer. The proposed § 129.67b(h)(2) testing requirement for dryer constant negative pressure was deleted at final and replaced with requirements in § 129.67b(e)(1)(iv) for compliance and monitoring. See the response to the second comment under “control options.”

A commentator suggested revising proposed § 129.67b(j) by adding “one of” between “by” and “the” so that it is clear that any of the identified methods are acceptable. The Board agrees with the comment and revised the final-form rulemaking accordingly.

#### *Fiscal impact*

IRRC agreed with other commentators that daily recordkeeping requirements could be costly to printing facilities, many of which are small businesses. IRRC asked the Board to quantify the costs of the daily recordkeeping requirements of the proposed rulemaking and explain the need for those requirements. In response, the Board reconsidered the need for daily records and revised the proposed applicability criterion of 15 pounds per day of actual VOC emissions to the equivalent threshold of 450 pounds per month in this final-form rulemaking. The Board also added language that allows the use of “purchase, use, production and other records” to demonstrate compliance, thereby providing additional flexibility. These revisions minimize the recordkeeping costs to printing facilities. The Board, therefore, did not quantify the costs required to comply with the proposed daily recordkeeping requirements.

IRRC wrote that the Board has acknowledged the large discrepancy between the number of potentially affected printing facilities identified by a trade association compared to the number of facilities identified by the Department’s Air Information Management System (AIMS). IRRC wrote that it appreciates the Board’s efforts to work with the regulated community and the SBCAC to gain a better understanding of the number of printing facilities that might be affected by this final-form rulemaking. IRRC asked the Board to incorporate its finding into any new fiscal impact calculations it prepares as it develops the final-form rulemaking. IRRC noted that this should include costs associated with the VOC emissions reduction equipment and recordkeeping requirements.

In response, the Board explains that in developing this final-form rulemaking, the Department made some inquiries of small business-sized printers, including certain print shops operated by the Commonwealth, to determine the applicability of this final-form rulemaking to them. The Board did not gain a significantly different understanding of the number of printing facilities that might be affected by this final-form rulemaking. Based on the findings, the Board still believes that the majority of small business-sized printing operations, those 73% of printers in this Commonwealth who employ fewer than 20 employees that were a concern for the trade association, will not emit enough VOC emissions to meet the applicability threshold for control requirements in this final-form rulemaking. Therefore, the owners and operators of these printing operations will not have increased cost other than the minimal cost of maintaining records to demonstrate that the amount of VOC emissions from their operation is below the applicability threshold of

actual or potential VOC emissions that trigger the control provisions of the regulations. The Board has, however, revised the data presented for the final-form rulemaking cost analysis from the data presented for the proposed rulemaking cost analysis. The data were revised on final based on the slight changes in amounts of annual emissions and number of potentially subject operating facilities in 2011 versus the 2009 data that were used for the proposed rulemaking. See the responses to the preceding comment and the first two responses under “miscellaneous.”

#### *Miscellaneous*

A commentator noted that there are approximately 1,812 companies in this Commonwealth employing about 60,000 workers engaged in the printing industry. As reported in the 2010 Print Market Atlas, reporting 2009 data, the value of goods shipped for the industry in this Commonwealth is approximately \$9.4 billion. Over 73% of printers in this Commonwealth employ fewer than 20 employees. The Board thanks the commentator for the information.

Two commentators noted that, since the majority of the printers in this Commonwealth employ 20 persons or less, the proposed rules are too complicated and burdensome with which to comply. In response, the Board explains that it revised the rulemaking from proposed to final in ways that reduce the complexity and burden. For example, the Board revised the applicability provisions in the final-form rulemaking from daily to monthly emission thresholds and made revisions to recordkeeping requirements applicable to the owners and operators of smaller printing facilities. Furthermore, the addition of the ability to use the highest VOC content in any material in a class to represent that class of material offers an option which reduces the calculation and paperwork burden for the facilities in the flexographic, lithographic or letterpress printing industry. Under the final-form rulemaking, the owners and operators of a large portion of small business-sized printing operations will only need to keep minimal records to establish that they are not subject to the remaining control or compliance portions of the final-form rulemaking and report these records to the Department if requested.

In further response to this comment, and as referred to in the last response under “fiscal impact,” the Board made some inquiries of owners or operators of small business-sized printing operations with less than 20 employees—the size that the printing industry trade association references for considering a printer to be a small business—about amounts of VOC emissions. The Department evaluated the Department of Transportation’s (DOT) graphic arts operation, which is staffed with 18 employees and consists of 2 sheet-fed offset lithographic presses and 4 (offset) duplicating presses, and the associated annual material throughput of inks, fountain solutions, cleaning materials and adhesives, as an example. The evaluation determined that the print shop would not meet the minimum VOC emission threshold to be subject to the material VOC content limits or control requirements included in this final-form rulemaking. The Board believes that the DOT print shop is similar in size and throughput to the majority of printers in this Commonwealth that employ 20 persons or less and that are of concern to the printing industry trade association. The Board therefore further believes that few of the smaller printing operations will be subject to the control portions of the final-form rulemaking. See responses to previous



comments in which the Board explains its revisions to proposed provisions commentators identified as burdensome.

A commentator suggested that printers should be given credit for efficiencies captured on heatset presses. The Board agrees and included the VOC emission retention factors and capture efficiency factors in final-form § 129.67b(1).

A commentator noted that the draft rulemaking did not address key emission and retention factors that are specific to the lithographic printing industry and are necessary to perform accurate emission determinations. To ensure that the proper emission and retention factors are applied for purposes of determining applicability and compliance, the appropriate factors need to be included in the revisions to the final-form rulemaking. The recommended section clarifies the methodology for estimating actual emissions in the lithographic printing industry, saving administrative time and costs for both the Department and the printing industry. The inclusion of the emission and retention factors are supported by the EPA in the CTG on pages 18—20. The commentator suggested language to revise the section. The Board agrees with the comment and included the VOC emission retention factors and capture efficiency factors in final-form § 129.67b(1).

#### G. *Benefits, Costs and Compliance*

##### *Benefits*

Implementation of the VOC emission control measures in the final-form rulemaking for flexible package printing press, offset lithographic printing press and letterpress printing press sources will benefit the health and welfare of the approximately 12 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Exposure to ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure.

This final-form rulemaking is designed to adopt the standards and recommendations in the 2006 CTGs for flexible package printing and for offset lithographic printing and letterpress printing to meet the requirements of sections 172(c)(1), 182(b)(2) and 184(b)(1)(B) of the CAA. The final-form rulemaking will apply the CTGs' standards and recommendations across this Commonwealth, as required under section 184(b)(1)(B) of the CAA. The measures in the final-form rulemaking are reasonably necessary to attain and maintain the health-and-welfare-based 8-hour ozone NAAQS in this Commonwealth.

The Statewide implementation of the final-form rulemaking control measures will assist the Department in reducing VOC emissions from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses locally and reducing the resultant local formation of ground-level ozone and transport of VOC emissions and ground-level ozone to downwind states, and will facilitate implementation and enforcement of the final-form rulemaking within this Commonwealth.

The GAA has identified approximately 1,800 printing facilities in this Commonwealth as potentially subject to this final-form rulemaking, including 114 flexographic and gravure printing and 1,758 lithographic and letter-

press printing facilities. However, the Department believes that these numbers are an overestimation because they appear to double-count facilities that offer multiple types of printing services. Furthermore, due to the applicability thresholds in the final-form rulemaking, not all of these printing facilities will be subject to the VOC content limits, control provisions or work practice standards for cleaning activities of the final-form rulemaking. The Department used these GAA-provided numbers and certain assumptions provided by the EPA in the CTGs for these source categories to estimate the worst-case scenario of numbers of facilities subject to the final-form rulemaking and the associated emission reductions and costs.

The Department estimates that of the 114 flexographic and gravure printing facilities, there may be as many as 52 flexible packaging printing facilities subject to the final-form rulemaking at the equal to or greater than 450 pounds per month or 2.7 tons per 12-month rolling period threshold of actual VOC emissions and required to implement recordkeeping and reporting requirements and work practice standards for cleaning activities. Thirteen of these 52 facilities could also be subject at the threshold of potential VOC emissions equal to or greater than 25 tpy, before consideration of add-on controls, from the dryer of an individual press, thereby requiring VOC emission limitations or add-on air pollution control devices and implementation of recordkeeping and reporting requirements and work practice standards for cleaning activities. The remaining 62 facilities, namely those with actual VOC emissions below the 450 pounds per month or 2.7 tons per 12-month rolling period threshold, would be subject only to the recordkeeping requirements and, if requested by the Department, reporting requirements of the final-form rulemaking.

The Department estimates that as many as 387 of the 1,758 offset lithographic printing and letterpress printing facilities may be subject to the final-form rulemaking at the equal to or greater than 450 pounds per month or 2.7 tons per 12-month rolling period threshold of actual VOC emissions, thereby requiring implementation of VOC content emission limits for the fountain solutions for each offset lithographic printing press and control of the VOC content of cleaning solutions and work practice standards for cleaning activities and recordkeeping and reporting requirements for each affected offset lithographic printing press or letterpress printing press at the facility. The Department further estimates that 39 of these 387 facilities could be subject at the threshold of potential VOC emissions equal to or greater than 25 tpy, before consideration of add-on controls, from the dryer of a single heatset web offset lithographic printing press or heatset web letterpress printing press, thereby requiring VOC content emission limits or add-on control for the fountain solutions, and implementation of recordkeeping and reporting requirements and work practice standards for cleaning activities. The remaining 1,371 facilities, namely those with actual VOC emissions below the 450 pounds per month or 2.7 tons per 12-month rolling period threshold, would be subject only to the recordkeeping requirements and, if requested by the Department, reporting requirements of the final-form rulemaking.

The estimated maximum anticipated additional VOC emission reductions from implementation of the flexible packaging printing press portion of the final-form rulemaking range from 93 tpy to 114 tpy. The estimated maximum anticipated additional VOC emission reductions from implementation of the offset lithographic printing press and letterpress printing press portion of the

final-form rulemaking range from 553 tpy to 583 tpy. The actual amount of additional VOC emission reductions will be lower if the owners and operators of the affected facilities already comply with all or portions of the final-form rulemaking.

Although the final-form rulemaking is designed primarily to reduce ozone precursor emissions, the reformulation of noncomplying inks, coatings, adhesives and other printing materials or substitution of complying inks, coatings, adhesives and other printing materials to meet the VOC content limits applicable to users may also result in reduction of indoor and outdoor HAP emissions, which are also a serious health threat.

#### *Compliance Costs*

##### *Flexible packaging printing press operations*

The final-form rulemaking will affect the owner and operator of a flexible packaging printing press if an individual flexible packaging printing press has potential emissions from the dryer of at least 25 tpy of VOC from inks, coatings or adhesives, or a combination of these materials, before consideration of add-on controls. The final-form rulemaking requires an overall VOC control efficiency of 65% to 80% for each affected flexible packaging printing press, depending on date of first installation of the press and of the control device. This level of control may be met through the use of add-on controls, the use and application of low VOC-content or VOC-free inks, coatings and adhesives, or a combination of these methods. Users of inks, coatings and adhesives that meet the VOC emission limits in the final-form rulemaking will benefit by not needing to use add-on controls to reduce VOC emissions.

The final-form rulemaking includes requirements for work practice standards for cleaning activities that will apply to the owner and operator of an individual flexible packaging printing press with potential emissions of VOC equal to or greater than 25 tpy, before consideration of add-on controls, as well as the owner and operator of a facility where the total actual VOC emissions from all flexible packaging printing operations, and all emissions from related cleaning activities, are equal to or exceed 450 pounds per month or 2.7 tons per 12-month rolling period, before consideration of add-on controls.

The final-form rulemaking requires recordkeeping by owners and operators of flexible packaging printing presses with potential VOC emissions equal to or above the 25 tpy threshold, before consideration of add-on controls, and those with actual VOC emissions equal to and above, as well as those with actual VOC emissions below, the 450 pounds per month threshold.

##### *Offset lithographic printing press and letterpress printing press operations*

The final-form rulemaking affects the owner and operator of an individual heatset web offset lithographic printing press or an individual heatset web letterpress printing press if the potential emissions from the dryer, before consideration of add-on controls, are at least 25 tpy of VOC emissions from heatset inks, coatings and adhesives. The final-form rulemaking requires add-on VOC emission control, with a minimum level of VOC control efficiency of 90% to 95%, for the heatset dryer. The required minimum applicability level of VOC control efficiency for the control of VOC emissions from a heatset dryer is tied to the first installation date of the air pollution control device. The dryer pressure shall be maintained lower than the press room area pressure so that air flows into the dryer at all times when the press is operating.

The final-form rulemaking includes requirements for cleaning solutions and fountain solutions, and work practice requirements for cleaning solutions for owners and operators of offset lithographic printing press and letterpress printing press operations with VOC emissions equal to or above the 450 pounds per month or 2.7 tons per 12-month rolling period threshold.

The final-form rulemaking requires recordkeeping by owners and operators of offset lithographic printing press and letterpress printing press operations with potential VOC emissions equal to or above the 25 tpy threshold, before consideration of add-on controls, and those with actual VOC emissions equal to and above, as well as those with actual VOC emissions below, the 450 pounds per month or 2.7 tons per 12-month rolling period threshold.

##### *Numbers applicable to all operations covered by the final-form rulemaking*

The Department worked with information provided by the GAA and information in a Department database to estimate the number of facilities that will be covered by the final-form rulemaking. According to a representative of the GAA, there are about 1,800 printing facilities in this Commonwealth that offer a printing service potentially covered by this final-form rulemaking, including 114 flexographic and gravure facilities and 1,758 lithographic and letterpress facilities. However, these numbers are overestimations because they double count facilities that offer multiple printing services. Furthermore, due to the applicability thresholds in the final-form rulemaking, not all of these printing facilities will be subject to the VOC content limits, control provisions or work practice standards for cleaning activities of the final-form rulemaking. The GAA information does not list emission estimates; therefore, determining the number of facilities actually subject to the emission thresholds of the final-form rulemaking from this source of information alone is impossible.

A search of the Department's Environmental Facility Application Compliance Tracking System (eFACTS) database and AIMS database generated a list of over 100 printing facilities that could potentially be subject to the final-form rulemaking based on North America Industry Classification System codes regarding printing. These are two Department databases that share data and interface with each other. Facility contact information is inputted into eFACTS; the database contains records of permitted and some previously inspected facilities for which permits are not required. Site-specific sources and emissions are inputted into AIMS to maintain the emission inventory. However, eFACTS and AIMS do not provide an exhaustive list of all printing facilities in this Commonwealth, but only those that the Department has had contact with and a reason to input their data; these are usually the largest emitters. The Department recognizes the large discrepancy between total number of printing facilities in this Commonwealth compiled by the GAA and the number of printing facilities currently in the Department's eFACTS and AIMS databases. Therefore, the Department is continuing to work with the GAA, the NFIB and the SBCAC to reach out to printing facilities that might be affected by this final-form rulemaking.

The cost of complying with the requirements in the final-form rulemaking includes the cost of using low VOC-content or VOC-free inks, fountain solutions, coatings, adhesives and cleaning materials; add-on control systems; or a combination of these two approaches.

Based on information provided by the EPA in the flexible packaging printing CTG, the cost effectiveness of reducing VOC emissions from flexible packaging printing press operations is dependent on the flow rate, hourly solvent usage and operating hours. Using \$5,700 per ton of VOC reduced from a catalytic oxidizer (in 2005 dollars), because the emission reductions of that scenario fit the scale of current emission estimates, the estimated maximum anticipated annual costs to the flexible packaging printing industry could range from \$530,100 to \$649,800 (93 tons VOC emissions reduced x \$5,700/ton reduced; 114 tons VOC emissions reduced x \$5,700/ton reduced).

Based on information provided by the EPA in the offset lithographic printing and letterpress printing CTG, the cost effectiveness of reducing VOC emissions from heatset offset lithographic and heatset letterpress printing operations is estimated to range from \$855 to \$2,010 per ton of VOC reduced for control of VOC emissions from cleaning materials and heatset inks, respectively. Using the \$2,010 per ton of VOC removed for heatset inks, the estimated maximum anticipated annual costs to the offset lithographic printing and letterpress printing industry could range from \$1,111,530 to \$1,171,830 (553 tons VOC emissions reduced x \$2,010/ton reduced; 583 tons VOC emissions reduced x \$2,010/ton reduced). The estimated total maximum anticipated annual costs to the regulated printing industry as a whole could range from \$1,641,630 to \$1,821,630.

The owner and operator of a facility that already complies with the requirements of the 1996 NESHAP for the printing and publishing industry or other BAT permitting requirements through the use of add-on controls, including thermal oxidizers, may already satisfy the requirements of this final-form rulemaking and, if so, might have no additional annual costs.

The implementation of the work practices for the use and application of cleaning solutions is expected to result in a net cost savings. The recommended work practices should reduce the amounts of cleaning solutions used by reducing the amounts that are lost to evaporation, spillage and waste.

The recordkeeping and reporting requirements for owners and operators equal to, above and below the thresholds for control measures should be minimal because the records required under the final-form rulemaking are in line with what the industry currently tracks for inventory purposes or in current permits. The owner or operator of a printing press subject to the final-form rulemaking shall maintain records sufficient to demonstrate compliance with the applicable requirements. Records maintained for compliance demonstrations may include purchase, use, production and other records. Additionally, the Board added flexibility by deleting the "per day" applicability level and by allowing actual emissions to be estimated by using the highest VOC content in any material in a class to represent that class of materials.

#### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program. The Department anticipates assisting the GAA and the NFIB with outreach information these organizations intend to send to their membership in relation to this final-form rulemaking.

#### *Paperwork Requirements*

The Board made several changes to streamline the recordkeeping requirements. For instance, the Board added language to the recordkeeping subsections that states: Records maintained for compliance demonstrations may include purchase, use, production and other records. In addition, the Board added flexibility by allowing VOC content records to be based upon the highest VOC content in any material in a class rather than on each individual material in the class. The owner and operator of an affected flexible packaging printing press or offset lithographic printing press or letterpress printing press will be required to keep records of information for inks, coatings, adhesives, fountain solutions and cleaning solvents, as applicable, sufficient to demonstrate compliance. The final-form rulemaking does not require daily records, as the proposed rulemaking would have. The final-form rulemaking requires owners and operators claiming an exemption from a VOC control provision based on potential or actual VOC emissions before consideration of controls to keep records sufficient to demonstrate that the press or facility is exempt. The records required in the final-form rulemaking shall be maintained for 2 years unless a longer period is specified by a plan approval or operating permit issued under Chapter 127 and submitted to the Department in an acceptable format upon receipt of a written request. Persons seeking to comply through the use of add-on controls are required to keep certain operational records and to meet the applicable reporting requirements in Chapter 139.

#### *H. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This final-form rulemaking will help ensure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. Although the final-form rulemaking is designed primarily to address ozone air quality, the reformulation or substitution of inks, coatings, adhesives, fountain solutions and cleaning materials to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The final-form rulemaking provides as one compliance option that inks, coatings, adhesives, fountain solutions and cleaning materials applied on or with flexible packaging printing presses, offset lithographic printing presses or letterpress printing presses in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content and HAP-content solvents will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content and HAP-content solvents leaching into the ground.



I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 779, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 30, 2014, 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 May 1, 2014, and approved the final-form rulemaking.

K. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 779.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) These regulations are reasonably necessary to attain and maintain the ozone NAAQS and to satisfy related CAA requirements.

L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121, 129 and 130, are amended by adding §§ 129.67a and 129.67b and by amending §§ 121.1, 129.51, 129.67, 129.77 and 130.703 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required under the Regulatory Review Act.

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

E. CHRISTOPHER ABRUZZO,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 2965 (May 17, 2014).)*

**Fiscal Note:** Fiscal Note 7-469 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Airtight cleaning system*—A solvent cleaning machine that is automatically operated and seals at a differential pressure no greater than 0.50 psig, prior to the introduction of solvent or solvent vapor into the cleaning chamber and during all cleaning and drying cycles.

*Alcohol*—A chemical compound consisting of the hydroxyl (OH) group attached to an alkyl radical and having the general formula C<sub>n</sub>H<sub>2n+1</sub>OH, such as ethanol, n-propanol and isopropyl alcohol.

*Alcohol substitute*—Nonalcohol additives that contain VOCs and are used in the fountain solution including ethylene glycol and glycol ethers. Some additives are used to reduce the surface tension of water and others are added to prevent piling (ink build up).

*Allegheny County air basin*—Allegheny County.

\* \* \* \* \*

*As applied*—

(i) The VOC and solids content of a coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent that is actually used to coat the substrate.

(ii) The term includes the contribution of materials used for in-house dilution of the coating.

(iii) For purposes of §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic printing presses and letterpress printing presses), the VOC concentration of an ink, coating, adhesive, fountain solution or cleaning solution at the time it is actually used on a printing press.

*As supplied—*

(i) The VOC and solids content of a coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent as sold and delivered to the end user.

(ii) For purposes of §§ 129.67a and 129.67b, the VOC concentration of an ink, coating, adhesive, fountain solution or cleaning solution that is purchased for use on a printing press.

\* \* \* \* \*

*Baseline actual emissions—*The rate of emissions, in tpy, of a regulated NSR pollutant, as determined in accordance with § 127.203a(a)(4) (relating to applicability determination).

*Batch—*

(i) For purposes of § 129.67b, a supply of fountain solution or cleaning solution that is prepared and used without alteration until completely used or removed from the printing process.

(ii) The term includes:

(A) A supply of fountain solution or cleaning solution prepared in a discrete amount.

(B) A supply of fountain solution that is continuously blended with an auto mix unit.

(C) A supply of cleaning solution that is blended and delivered to a press by use of an automatic blanket or roller wash system.

*Batch vapor cleaning machine—*

(i) A vapor cleaning machine in which individual parts or a set of parts move through the entire cleaning cycle before new parts are introduced into the cleaning machine.

(ii) The term includes solvent cleaning machines, such as ferris wheel cleaners or cross rod machines, that clean multiple loads simultaneously and are manually loaded.

(iii) The term does not include machines which do not have a solvent/air interface, such as airless and airtight cleaning systems.

\* \* \* \* \*

*CPDS—Certified Product Data Sheet—*

(i) For purposes of wood furniture manufacturing operations under §§ 129.101—129.107 (relating to wood furniture manufacturing operations), documentation furnished by a coating supplier or an outside laboratory for a coating, strippable spray booth coating or solvent that provides the VOC content as pounds of VOC per pound of coating solids calculated from data measured using the EPA Reference Method 24 or an equivalent or alternative method. Batch formulation data may be used if it is demonstrated to the satisfaction of the Administrator of the EPA that the coating does not release additional VOC as reaction byproducts during the cure. The VOC content stated should represent the maximum VOC emission potential of the coating, strippable spray booth coating or solvent.

(ii) For purposes of printing operations under § 129.67b, documentation furnished by an ink supplier or an outside laboratory for an ink, fountain solution, cleaning solution or solvent that provides the VOC content calculated from data measured using the EPA Reference Method 24 or an equivalent or alternative method approved by the Department. The VOC content stated

should represent the maximum VOC emission potential of the ink, fountain solution, cleaning solution or solvent.

\* \* \* \* \*

*Cleaning operation—*Spray-gun, hand-wipe and flush cleaning operations.

*Cleaning solution—*A liquid solvent or solution used to remove ink, including dried ink, and debris from the operating surfaces of a printing press and its parts. The term includes a blanket wash, impression cylinder wash, roller wash, metering roller cleaner, plate cleaner, rubber rejuvenator and other cleaners used for cleaning a press or press parts or to remove dried ink or coating from areas around the press.

*Cleaning solvent—*A liquid material used for hand-wipe spray gun or flush cleaning. The term includes solutions that contain VOCs.

\* \* \* \* \*

*Fleet average—*For the purposes of motor vehicles subject to Pennsylvania's Clean Vehicles Program requirements, a motor vehicle manufacturer's average vehicle emissions of all NMOG emissions from vehicles which are produced and delivered for sale in this Commonwealth in any model year.

*Flexible packaging—*

(i) A package or part of a package, such as a bag, pouch, liner or wrap, the shape of which can be readily changed. Flexible packaging may be made of paper, plastic, film, aluminum foil, metalized or coated paper, metalized or coated film, or other material.

(ii) The term includes a shrink-wrap label or wrapper printed on or in-line with a flexible packaging printing press.

(iii) The term does not include folding cartons or other rigid packaging or self-adhesive labels.

*Flexible packaging printing press—*A printing press used for the production of printed flexible packaging materials using flexographic printing or rotogravure printing, or both.

*Flexible primer—*A primer applied to aerospace vehicles or components that meets flexibility requirements such as those needed for adhesive bond primed fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between the fasteners, skin and skin-to-skin joints on outer aircraft skins. This flexible bridge allows more topcoat flexibility around fasteners and decreases the chance of the topcoat cracking around the fasteners. The result is better corrosion resistance.

\* \* \* \* \*

*Fossil fuel fired—*The combustion of fossil fuel or, if in combination with any other fuel, fossil fuel comprises 51% or greater of the annual heat input on a Btu basis.

*Fountain solution—*A mixture of water, volatile and nonvolatile chemicals and one or more additives that reduce the surface tension of the water so that the mixture spreads easily across the printing surface of a lithographic plate. The mixture wets the nonimage area so that the printing ink is maintained within the image area.

(i) Alcohols, specifically isopropyl alcohol, and alcohol substitutes, including ethylene glycol and glycol ethers, are the most common VOC additives used.

(ii) Nonvolatile additives include mineral salts and hydrophilic gums.

*Freeboard ratio*—

(i) For a cold cleaning machine or batch vapor cleaning machine, the distance from the liquid solvent in the idling mode to the top edge of the cleaning machine divided by the smaller dimension of the cleaning machine.

(ii) For an operating in-line vapor cleaning machine, the distance from the solvent/air interface to the bottom of the entrance or exit opening, whichever is lower, as measured during the idling mode.

\* \* \* \* \*

*Heat input*—Heat derived from the combustion of fuel in a NO<sub>x</sub> affected source. The term does not include the heat derived from preheated combustion air, recirculated flue gas or exhaust from another source or combination of sources.

*Heatset*—An operation in which heat is required to evaporate ink oils from the printing inks that are applied to the substrate.

*Heatset ink*—Printing ink that is set and dried with the use of heat.

*Heavy-duty diesel engine*—A diesel engine that is used to propel a motor vehicle with a GVWR of greater than 14,000 pounds.

\* \* \* \* \*

*Lease custody transfer*—The transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or other forms of transportation.

*Letterpress printing*—A printing process in which the image area of the plate is raised relative to the nonimage area and the paste ink is transferred to the substrate directly from the image surface. The substrate can be fed to the press as either an individual sheet or a rolled web.

*Limited access space*—Internal surfaces or passages of an aerospace vehicle or component to which coatings cannot be applied without the aid of an airbrush or a spray gun extension for the application of coatings.

*Liquid service*—Equipment which processes, transfers or contains a VOC or mixture of VOCs in the liquid phase.

*Lithographic plate*—The plate used in lithographic or offset lithographic printing which has chemically differentiated image and nonimage areas so that the printing ink adheres to the image areas.

*Lithographic printing*—A printing process in which the image and nonimage areas are in the same plane on the surface of a lithographic plate. The image and nonimage areas are chemically differentiated; the image area is oil receptive and the nonimage area is water receptive. The substrate can be fed to the press as either an individual sheet or a rolled web.

*Low RVP gasoline*—Gasoline that has an RVP of 7.8 pounds per square inch or less as determined in accordance with the appropriate sampling and testing methodologies in 40 CFR Part 80, Appendix E (relating to test

for determining Reid vapor pressure (RVP) of gasoline and gasoline-oxygenate blends).

\* \* \* \* \*

*Noncommercial fuel*—A gaseous or liquid fuel generated as a byproduct or waste product which is not specifically produced and manufactured for sale. A mixture of noncommercial and a commercial fuel oil where at least 50% of the heat content is derived from the noncommercial fuel portion is considered a noncommercial fuel.

*Non-heatset*—A lithographic or letterpress printing process in which the printing inks, including varnishes, are set and dried by absorption or oxidation of the ink oils rather than by evaporation with heat. These non-polymerization processes are also known as “coldset” processes. Polymerization processes including the use of an infrared dryer, ultraviolet curing or electron beam curing are also considered non-heatset operations.

*Nonmembrane roof installation/repair adhesive*—

(i) An adhesive intended by the manufacturer for use in the installation or repair of nonmembrane roofs and that is not intended for the installation of prefabricated single-ply flexible roofing membrane.

(ii) The term includes:

- (A) Plastic or asphalt roof cement.
- (B) Asphalt roof coating.
- (C) Cold application cement.

\* \* \* \* \*

*OTC MOU—Ozone Transport Commission Memorandum of Understanding*—The memorandum of understanding signed by representatives of ten states and the District of Columbia as members of the Ozone Transport Commission on September 27, 1994.

*Offset lithographic printing*—A printing process in which the image and nonimage areas are in the same plane on the surface of a lithographic plate and the image and nonimage areas are chemically differentiated. The ink film is transferred from the lithographic plate to an intermediary surface, typically a rubber-covered cylinder called a blanket, which in turn transfers the ink film to the substrate. The substrate can be fed to the press as either an individual sheet or a rolled web.

*Offset vehicle*—A light-duty vehicle which has been certified by California as set forth in 13 CCR, Division 3, Chapter 1.

\* \* \* \* \*

*Paper, film or foil coating or paper, film or foil surface coating*—Coatings applied in a continuous, uniform layer to paper, film or foil surfaces, and pressure-sensitive tapes, regardless of substrate. The coatings are applied to provide a covering, finish or functional or protective layer to the substrate, saturate a substrate for lamination or provide adhesion between two substrates for lamination.

(i) The term includes coatings used in web coating processes on the following substrates:

- (A) Pressure sensitive tapes and labels, including fabric coated for use in pressure sensitive tapes and labels.
- (B) Plastic and photographic films.
- (C) Industrial and decorative laminates.
- (D) Abrasive products, including fabric coated for use in abrasive products.



(E) Flexible packaging, including coating of nonwoven polymer substrates for use in flexible packaging, if the coating is not applied on or in-line with a flexible packaging printing press.

(F) Those used in miscellaneous coating operations, including the following:

\* \* \* \* \*

*Printed interior panel*—A panel on which the grain or natural surface is obscured by filler and basecoat upon which a simulated grain or decorative pattern is printed.

*Printing press*—The equipment used to apply words, pictures or designs to a sheet or continuous substrate of paper, plastic or other material. The equipment must include at least one printing work station. The following equipment, if present, is also considered part of the term:

- (i) One or multiple unwind or feed sections.
- (ii) A series of individual work stations, which may include inboard and outboard work stations. A work station that employs another technology, including surface coating, is considered part of the printing press if the station is capable of printing or coating on the same substrate and if the work station is physically connected as part of the printing press.
- (iii) A dryer associated with a work station.
- (iv) A rewind, stack or collection section.

*Process*—A method, reaction or operation in which materials are handled or whereby materials undergo physical change—that is, the size, shape, appearance, temperature, state or other physical property of the material is altered—or chemical change—that is, a substance with different chemical composition or properties is formed or created. The term includes all of the equipment, operations and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or parallel necessary to the manufacture of a product.

\* \* \* \* \*

*Rotogravure printing*—The application of words, designs and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image area in the form of cells.

\* \* \* \* \*

*Sheet rubber installation*—

- (i) The process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion.
- (ii) The term includes laminating sheet rubber to fabric by hand.

*Sheet-fed printing*—A printing process in which individual sheets of substrate are fed sequentially to the printing press.

*Shutdown*—For purposes of §§ 129.301—129.310, the period of time during which a glass melting furnace is taken from an operational to a non-operational status by allowing it to cool down from its operating temperature to a cold or ambient temperature as the fuel supply is turned off.

\* \* \* \* \*

*Vapor up control switch*—A thermostatically controlled switch which shuts off or prevents condensate from being sprayed when there is no vapor. On in-line vapor cleaning machines, the switch also prevents the conveyor from operating when there is no vapor.

*Varnish*—For purposes of § 129.67b, an unpigmented offset lithographic ink which is used or applied on an offset lithographic printing press in the same manner as a pigmented offset lithographic ink. The term includes a heatset varnish, sheet-fed varnish and non-heatset varnish.

*Vehicle*—A highway vehicle powered by an internal combustion engine with fewer than nine seating positions for adults.

\* \* \* \* \*

*Waxy, heavy-pour crude oil*—A crude oil with a pour point of 50°F or higher as determined by the *American Society of Testing and Materials Standard D 97-66*, “Test for Pour Point of Petroleum Oils.”

*Web printing*—A printing process in which continuous rolls of substrate material are fed to the printing press and rewound or cut to size after printing.

*Wet fastener installation coating*—A primer or sealant applied to aerospace vehicles or components by dipping, brushing or daubing on fasteners which are installed before the coating is cured.

\* \* \* \* \*

**CHAPTER 129. STANDARDS FOR SOURCES  
SOURCES OF VOCs**

**§ 129.51. General.**

(a) *Equivalency.* Compliance with §§ 129.52, 129.52a, 129.52b, 129.52c, 129.54—129.69, 129.71—129.73 and 129.77 may be achieved by alternative methods if the following exist:

- (1) The alternative method is approved by the Department in an applicable plan approval or operating permit, or both.
- (2) The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation.
- (3) Compliance by a method other than the use of a low VOC coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent, cleanup solvent, cleaning solution, fountain solution or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.52c, 129.67, 129.67a, 129.67b, 129.73 and 129.77 shall be determined on the basis of equal volumes of solids.
- (4) Capture efficiency testing and emissions testing are conducted in accordance with methods approved by the EPA.
- (5) Adequate records are maintained to ensure enforceability.
- (6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.52a, § 129.52b, § 129.52c, § 129.67, § 129.67a, § 129.67b, § 129.68(b)(2) and (c)(2), § 129.73 or § 129.77.

(b) *New source performance standards.* Sources covered by new source performance standards which are more stringent than those contained in this chapter shall comply with those standards in lieu of the standards in this chapter.

(c) *Demonstration of compliance.* Unless otherwise set forth in this chapter, test methods and procedures used to monitor compliance with the emission requirements of this section are those specified in Chapter 139 (relating to sampling and testing).

(d) *Records.* The owner or operator of a facility or source subject to one or more of the VOC emission limitations and control requirements in this chapter shall keep records to demonstrate compliance with the applicable limitation or control requirement.

(1) The records shall provide sufficient data and calculations to clearly demonstrate that the applicable emission limitation or control requirement is met. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.

(2) The records shall be maintained onsite for 2 years, unless a longer period is required by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records shall be made available to the Department on request.

(e) *Demonstration of exempt status.* The owner or operator of a facility or source claiming that the facility or source is exempt from the VOC control provisions of this chapter shall maintain records that clearly demonstrate to the Department that the facility or source is not subject to the VOC emission limitations or control requirements of this chapter.

**§ 129.67. Graphic arts systems.**

(a) This section applies as follows:

(1) This section applies to the owner and operator of a facility whose rotogravure and flexographic printing presses by themselves or in combination with a surface coating operation subject to § 129.52, § 129.52a, § 129.52b or § 129.52c or in combination with a flexible packaging printing press subject to § 129.67a (relating to control of VOC emissions from flexible packaging printing presses) have the potential to emit or have emitted VOCs into the outdoor atmosphere in quantities greater than 1,000 pounds (460 kilograms) per day or 100 tons (90,900 kilograms) per year during any calendar year since January 1, 1987.

(2) This section applies to the owner and operator of a flexographic or rotogravure printing press that prints flexible packaging materials subject to § 129.67a(a)(1)(ii) if the owner or operator was required to install a control device under this section prior to June 28, 2014.

(3) This section does not apply to the owner or operator of a flexible packaging printing press subject to § 129.67a(a)(1)(i).

(b) A person may not permit the emission into the outdoor atmosphere of VOCs from a rotogravure or flexographic printing press subject to this section unless one of the following limitations is met:

(1) The volatile fraction of the ink, as applied to the substrate, contains 25% or less by volume of VOC and 75% or more by volume of water.

(2) The ink, as applied to the substrate, less water, contains 60% by volume or more of solid material.

(3) The owner or operator installs and operates a carbon adsorption system, an incineration system or an alternative VOC emission reduction system which recovers or destroys at least 90% of the VOCs entering the system. The overall level of emission recovery or destruction may not be less than that necessary to comply with subsection (c).

(c) A capture system shall be used in conjunction with the emission control systems in subsection (b)(3). The design and operation of the capture and control system

shall be consistent with good engineering practice and shall be designed to provide for a contemporaneous, overall reduction in VOC emission from each ink/press of at least the following:

(1) Seventy-five percent where a publication rotogravure process is employed.

(2) Sixty-five percent where another rotogravure process is employed.

(3) Sixty percent where a flexographic printing process is employed.

(d) Presses used only to check the quality of the image formation of newly etched or engraved printing cylinders are exempted from this section if the aggregate emissions from the presses do not exceed 400 pounds in a 30-day running period.

(e) To determine applicability under this section, emissions of VOCs used in clean-up operations shall be summed with emissions from surface coating and printing.

**§ 129.67a. Control of VOC emissions from flexible packaging printing presses.**

(a) *Applicability.*

(1) Except as specified in paragraph (3) or (4), this section applies to the owner and operator of a flexible packaging printing press if one or more of the following apply:

(i) *Potential VOC emissions.* An individual flexible packaging printing press has potential emissions from the dryer, before consideration of add-on controls, of at least 25 tpy of VOCs from inks, coatings and adhesives combined. This section supersedes § 129.67 (relating to graphic arts systems).

(ii) *Actual VOC emissions at or above threshold.* The total actual VOC emissions from all inks, coatings and adhesives combined from all flexible packaging printing presses and all VOC emissions from related cleaning activities at the facility are equal to or greater than 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(iii) *Actual VOC emissions below threshold.* The total actual VOC emissions from all inks, coatings and adhesives combined from all flexible packaging printing presses and all VOC emissions from related cleaning activities at the facility are less than 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(2) The owner or operator of a flexographic or rotogravure printing press subject to paragraph (1)(ii) and § 129.67, who was required to install a control device under § 129.67 prior to June 28, 2014, shall continue the operation of that control device and also meet the requirements of this section.

(3) VOCs from adhesives used at a facility that are not used or applied on or with a flexible packaging printing press are not subject to this section and may be regulated under § 129.52b, § 129.77 or Chapter 130, Subchapter D (relating to control of VOC emissions from paper, film and foil surface coating processes; control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents).

(4) Surface coating of flexible packaging substrates that is not done with a flexible packaging printing press is regulated under § 129.52b.

(b) *Existing RACT permit.* This section supersedes the requirements of a RACT permit issued to the owner or operator of a source subject to this section prior to January 1, 2015, under §§ 129.91–129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) to control, reduce or minimize VOCs from a flexible packaging printing press, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits.* Beginning January 1, 2015, a person subject to subsection (a)(1)(i) may not cause or permit the emission into the outdoor atmosphere of VOCs from a flexible packaging printing press unless one or more of the following limitations is met:

(1) *Individual ink, coating or adhesive.* The VOC content of each as applied ink, coating or adhesive used on a single flexible packaging printing press meets the following requirements:

(i) The VOC content is equal to or less than one or both of the following limits:

- (A) 0.16 lb VOC per lb material as applied.
- (B) 0.8 lb VOC per lb material solids as applied.

(ii) The VOC content is calculated as follows for VOC content expressed in units of weight of VOC per weight of material solids:

$$VOC_B = (W_o)/(W_n)$$

Where:

VOC<sub>B</sub> = VOC content in lb VOC/lb of solids as applied or kg VOC/kg of solids as applied

W<sub>o</sub> = Weight percent of VOC (W<sub>v</sub>-W<sub>w</sub>-W<sub>ex</sub>)

W<sub>v</sub> = Weight percent of total volatiles (100%-weight percent solids)

W<sub>w</sub> = Weight percent of water

W<sub>ex</sub> = Weight percent of exempt solvents

W<sub>n</sub> = Weight percent of solids of the as applied ink, coating or adhesive

(iii) Sampling of the ink, coating or adhesive and testing for the VOC content of the ink, coating or adhesive is performed in accordance with subsection (f).

(2) *Weighted average.* The daily weighted-average VOC content of all inks, coatings and adhesives combined used on a single flexible packaging printing press meets one or both of the VOC content limits in paragraph (1)(i). The

use of averaging to meet the VOC content limits may not be used across multiple printing presses. Averaging is available on a single flexible packaging printing press if the following requirements are met:

(i) The daily weighted average is calculated using the following equation:

$$VOC_w = \frac{\sum_{i=1}^n C_i V_i}{V_t}$$

Where:

VOC<sub>w</sub>=The daily weighted average VOC content, as applied, of all inks, coatings and adhesives combined used on a single flexible packaging printing press, in lb VOC/gal of coating solids

n=The number of different inks, coatings and adhesives used each day on the single flexible packaging printing press

V<sub>i</sub>=The volume of solids for each ink, coating and adhesive, as applied, used each day on the single flexible packaging printing press, in gallons

C<sub>i</sub>=The VOC content of each ink, coating and adhesive, as applied, used each day on the single flexible packaging printing press, in lb VOC/gal coating solids

V<sub>t</sub>=The total volume of solids for all inks, coatings and adhesives combined, as applied, used each day on the single flexible packaging printing press, in gallons

(ii) Sampling of the inks, coatings and adhesives and testing for the VOC content of the inks, coatings and adhesives is performed in accordance with subsection (f).

(3) *Add-on air pollution control device.* The overall weight of VOCs emitted to the atmosphere from all inks, coatings and adhesives combined used on a single flexible packaging printing press is reduced through the use of vapor recovery or oxidation or another method that is acceptable under § 129.51(a) (relating to general). The overall control efficiency of a control system, as determined by the test methods and procedures specified in subsection (f), may not be less than that listed in Table 1.

**Table 1**

*Overall Control Efficiency Requirement of a Control System on a Single Flexible Packaging Printing Press with Potential Emissions ≥ 25 tpy of VOC Before Control*

Control System Overall Control Efficiency Requirement	Printing Press First Installation Date <sup>1</sup>		Air Pollution Control Device First Installation Date <sup>1</sup>	
	Prior to	On or after	Prior to	On or after
	March 14, 1995*	March 14, 1995*	January 1, 2015**	January 1, 2015**
≥ 65%	X		X	
≥ 70%	X			X
≥ 75%		X	X	
≥ 80%		X		X

<sup>1</sup> First installation date is the first date of operation for a source or a control device. This date does not change if the source or control device is moved to a new location or if the control device is later used to control a new source.

\* March 14, 1995, is the date of the proposed 1996 NESHAP for the printing and publishing industry.

\*\* January 1, 2015, is the compliance date of the flexible packaging printing press regulation.



(4) *Restriction on potential VOC emissions.* The Department has issued a plan approval, operating permit or Title V permit to the owner or operator prior to January 1, 2015, establishing a Federally-enforceable limitation to limit the potential emissions of VOC from the flexible packaging printing press below 25 tpy before consideration of add-on controls.

(d) *Compliance and monitoring requirements for an add-on air pollution control device.* The owner or operator of a flexible packaging printing press subject to subsection (a)(1)(i) using an add-on air pollution control device in accordance with subsection (c)(3) shall comply with the following requirements:

(1) The add-on air pollution control device shall be equipped with the applicable monitoring equipment and the monitoring equipment shall be installed, calibrated, operated and maintained according to manufacturer's specifications at all times the add-on air pollution control device is in use. If the add-on air pollution control device is a:

(i) Noncatalytic thermal oxidizer, the minimum combustion or operating temperature must be continuously monitored. The temperature reading shall be recorded in accordance with subsection (e)(1) at least once every 15 minutes while the noncatalytic thermal oxidizer is operating.

(ii) Catalytic thermal oxidizer:

(A) The inlet gas temperature must be continuously monitored. The temperature reading shall be recorded in accordance with subsection (e)(1) at least once every 15 minutes while the catalytic thermal oxidizer is operating.

(B) A catalyst activity test shall be performed a minimum of one time per rolling 2-year period.

(iii) Control device other than that specified in subparagraph (i) or (ii), parameters specific to the control device must be continuously monitored. The parameters shall be recorded in accordance with subsection (e)(1) at least once every 15 minutes while the control device is operating.

(2) The add-on air pollution control device specified in paragraph (1) shall be operated at a 3-hour average temperature not lower than 50°F below the average temperature demonstrated during the most recent compliant source test approved by the Department.

(3) The add-on air pollution control device specified in paragraph (1) shall be in operation at all times that the source is operating.

(4) The add-on air pollution control device shall be approved, in writing, by the Department in a plan approval, operating permit or Title V permit prior to use.

(e) *Recordkeeping and reporting requirements.* Beginning January 1, 2015, the owner or operator of a flexible packaging printing press subject to this section shall maintain records sufficient to demonstrate compliance with the requirements of this section. Records maintained for compliance demonstrations may include purchase, use, production and other records.

(1) An owner or operator subject to subsection (a)(1)(i) using an add-on air pollution control device shall maintain records sufficient to demonstrate compliance with subsection (d), including records of the following information:

(i) Temperature reading of the add-on air pollution control device.

(ii) Maintenance performed on the add-on air pollution control device and monitoring equipment, including the date and type of maintenance.

(iii) Catalyst activity test performed, if applicable.

(2) An owner or operator subject to subsection (a)(1)(i) not using an add-on air pollution control device shall maintain records of the as applied VOC content of inks, coatings and adhesives sufficient to demonstrate compliance with the limitations under subsection (c)(1) or (2).

(3) An owner or operator claiming exemption from a VOC control provision of this section based on potential or actual VOC emissions, as applicable, shall maintain records that demonstrate to the Department that the press or facility is exempt.

(4) The owner or operator may group materials into classes using the highest VOC content in any material in a class to represent that class of material.

(5) The records required under paragraphs (1)—(4) shall be maintained for 2 years, unless a longer period is required by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records shall be submitted to the Department in an acceptable format upon receipt of a written request.

(6) The owner or operator of a flexible packaging printing press subject to subsection (a)(1)(i) that is required to demonstrate overall control efficiency in accordance with subsections (c)(3) and (d) shall submit reports to the Department in accordance with Chapter 139 (relating to sampling and testing).

(f) *Sampling and testing.*

(1) Sampling and testing shall be performed as follows:

(i) Sampling of an ink or coating and testing for the VOC content of the ink or coating shall be performed in accordance with the procedures and test methods specified in Chapter 139.

(ii) Sampling and testing of an add-on air pollution control device shall be performed in accordance with the procedures and test methods specified in Chapter 139 and meet one of the following:

(A) Sampling and testing shall be performed no later than 180 days after the compliance date of the press.

(B) Sampling and testing shall have been performed within 5 years prior to January 1, 2015, and previously approved by the Department. Capture efficiency retesting may be waived for capture systems that are not permanent total enclosures if the operating parameters indicate that a fundamental change has not taken place in the operation or design of the equipment, unless retesting is required under Subpart C, Article III (relating to air resources) or a plan approval, operating permit or an order issued by the Department. For purposes of this clause, fundamental changes include adding printing stations to a press, increasing or decreasing the volumetric flow rate from the dryer or changing the static duct pressure.

(2) The overall control efficiency of the add-on air pollution control device shall be determined by the following test methods and procedures subject to prior written approval by the Department.

(i) The capture efficiency shall be determined in accordance with either of the following methods:

(A) 40 CFR Part 51, Appendix M, Methods 204—204F, including updates and revisions.



(B) 40 CFR Part 63, Subpart KK, Appendix A (relating to data quality objective and lower confidence limit approaches for alternative capture efficiency protocols and test methods).

(ii) The control efficiency shall be determined using one or more of the following methods, as applicable. The method used to measure the inlet concentration of VOC may be the same method used to determine the outlet concentration of VOC unless use of the same method is determined to be technically infeasible.

(A) EPA Reference Method 25, *Determination of Total Gaseous Nonmethane Organic Emissions as Carbon*, codified in 40 CFR Part 60, Appendix A, including updates and revisions. EPA Reference Method 25 may be used if the total gaseous nonmethane organic compound concentration is equal to or greater than 50 parts per million by volume, measured as carbon.

(B) EPA Reference Method 25A, *Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer*, codified in 40 CFR Part 60, Appendix A, including updates and revisions. EPA Reference Method 25A may not be used if the total gaseous nonmethane organic compound concentration at the outlet of the add-on air pollution control device is equal to or greater than 50 parts per million by volume, measured as carbon.

(C) EPA Reference Method 18, *Measurement of Gaseous Organic Compound Emissions by Gas Chromatography*, codified in 40 CFR Part 60, Appendix A, including updates and revisions. EPA Reference Method 18 may be used if the total gaseous nonmethane organic compound concentration is equal to or greater than 50 parts per million by volume, measured as carbon. EPA Reference Method 18 may be used in conjunction with EPA Reference Method 25A to subtract emissions of exempt VOCs.

(3) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with this section may be used if prior approval is obtained in writing from the Department and the EPA.

(g) *Work practice requirements for cleaning activities.*

(1) Except as specified in paragraph (3), beginning January 1, 2015, the owner or operator of a flexible packaging printing press subject to subsection (a)(1)(i), (1)(ii) or (2) shall comply with the following work practices for cleaning activities at the facility:

(i) Store all VOC-containing cleaning solutions, waste cleaning solutions and used shop towels in closed containers.

(ii) Ensure that mixing vessels and storage containers used for VOC-containing cleaning solutions, waste cleaning solutions and used shop towels are kept closed at all times, except when depositing or removing these solutions or shop towels.

(iii) Minimize spills of VOC-containing cleaning solutions and waste cleaning solutions and clean up spills immediately.

(iv) Convey VOC-containing cleaning solutions, waste cleaning solutions and used shop towels from one location to another in closed containers or pipes.

(2) The requirements in paragraph (1) apply to the following activities:

(i) Cleaning of ink, coating or adhesive from a press.

(ii) Cleaning of ink, coating or adhesive from press parts, including press parts that have been removed from the press for cleaning.

(iii) Cleaning of ink, coating or adhesive from areas around a press.

(3) The requirements in paragraph (1) do not apply to the following activities:

(i) Cleaning electronic components of a press.

(ii) Cleaning in pre-press (for example, platemaking) operations.

(iii) Cleaning in post-press (for example, binding) operations.

(iv) Using janitorial supplies (for example, detergents or floor cleaners) for general cleaning around a press.

(v) The use of parts washers or cold cleaners at a flexible packaging printing facility. The use of parts washers and cold cleaners is regulated under § 129.63 (relating to degreasing operations).

**§ 129.67b. Control of VOC emissions from offset lithographic printing presses and letterpress printing presses.**

(a) *Applicability.*

(1) Except as specified in paragraph (3), this section applies to the owner and operator of an offset lithographic printing press or a letterpress printing press, or both, if the press meets one or a combination of the following:

(i) *Add-on air pollution control device.* A single heatset web offset lithographic printing press or heatset web letterpress printing press that has potential emissions from the dryer, before consideration of add-on controls, of at least 25 tpy of VOCs from all heatset inks (including varnishes), coatings and adhesives combined.

(ii) *Letterpress printing.* One or more letterpress printing presses if the total actual VOC emissions from all inks (including varnishes), coatings and adhesives combined from all letterpress printing presses and all VOC emissions from related cleaning activities at the facility are equal to or greater than 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(iii) *Offset lithographic printing.* One or more offset lithographic printing presses if the total actual VOC emissions from all inks (including varnishes), coatings, adhesives and fountain solutions combined from all offset lithographic printing presses and all VOC emissions from related cleaning activities at the facility are equal to or greater than 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(iv) *Offset lithographic printing and letterpress printing.* One or more offset lithographic printing presses and one or more letterpress printing presses if the total actual VOC emissions from all inks (including varnishes), coatings, adhesives and fountain solutions combined and all VOC emissions from related cleaning activities at the facility are equal to or greater than 450 pounds (204.1 kilograms) per month or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(v) *Emissions below 450 pounds per month and 2.7 tons per 12-month rolling period.* The total actual VOC emissions from all inks (including varnishes), coatings, adhesives and fountain solutions combined from all offset lithographic printing presses, all letterpress printing presses and all VOC emissions from related cleaning activities at the facility are less than 450 pounds (204.1

kilograms) per month and 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(2) The owner or operator of an offset lithographic printing press subject to paragraph (1) may use the VOC emission retention factors and capture efficiency factors specified in subsection (1) to determine the amount of potential or actual VOC emissions that is available for capture and control from the inks (including varnishes), fountain solutions and cleaning solutions used on the offset lithographic printing press.

(3) VOCs from adhesives used at a facility that are not used or applied on or with an offset lithographic printing press or a letterpress printing press are not subject to this section and may be regulated under § 129.77 or Chapter 130, Subchapter D (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents).

(b) *Existing RACT permit.* This section supersedes the requirements of a RACT permit issued to the owner or operator of a source subject to subsection (a) prior to January 1, 2015, under §§ 129.91—129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) to control, reduce or minimize VOCs from an offset lithographic printing press or a letterpress printing press, or both, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits for cleaning solutions and fountain solutions used in or on printing presses subject to this section.*

(1) *Cleaning solutions.* Beginning January 1, 2015, a person subject to subsection (a)(1)(i), (ii), (iii) or (iv) may not cause or permit the emission into the outdoor atmosphere of VOCs from cleaning solutions used in or on an offset lithographic printing press or a letterpress printing press unless the following conditions are met:

(i) The cleaning solutions used must meet one or both of the following VOC limits:

(A) A VOC composite partial vapor pressure less than 10 millimeters of mercury at 68°F (20°C).

(B) A VOC content less than 70% by weight.

(ii) The use of one or more cleaning solutions with a higher VOC composite partial vapor pressure or higher VOC content, or both, than is listed in subparagraph (i) is limited to 110 gallons per year, combined, of all cleaning solutions that exceed the limits in subparagraph (i).

(2) *Fountain solutions.* Except as specified in paragraph (3), beginning January 1, 2015, a person subject to subsection (a)(1)(i), (iii) or (iv) may not cause or permit the emission into the outdoor atmosphere of VOCs from a fountain solution used in an offset lithographic printing press unless the fountain solution meets one or more of the following VOC limits.

(i) For each heatset web offset lithographic printing press, the press-ready (as applied) fountain solution must meet one of the following limits:

(A) A VOC content of 1.6% or less by weight.

(B) A VOC content of 3% or less by weight if the fountain solution is refrigerated below 60°F (15.5°C).

(C) A VOC content of 5% or less by weight and no alcohol in the fountain solution.

(D) Another method that achieves a level of control of VOC emissions from the press-ready (as applied) fountain solution equal to or better than the methods listed in clauses (A)—(C).

(ii) For each sheet-fed offset lithographic printing press, the press-ready (as applied) fountain solution must meet one of the following limits:

(A) A VOC content of 5% or less by weight.

(B) A VOC content of 8.5% or less by weight if the fountain solution is refrigerated below 60°F (15.5°C).

(C) A VOC content of 5% or less by weight and no alcohol in the fountain solution.

(D) Another method that achieves a level of control of VOC emissions from the press-ready (as applied) fountain solution equal to or better than the methods listed in clauses (A)—(C).

(iii) For each non-heatset web offset lithographic printing press, the press-ready (as applied) fountain solution shall contain a VOC content of 5% or less by weight and no alcohol in the fountain solution.

(3) *Fountain solution exceptions.* The control requirements under paragraph (2) for a fountain solution do not apply to the owner or operator of either of the following:

(i) A sheet-fed offset lithographic printing press with maximum sheet size 11 x 17 inches or smaller.

(ii) An offset lithographic printing press with total fountain solution reservoir of less than 1 gallon.

(d) *Emission limits for heatset web offset lithographic printing presses and heatset web letterpress printing presses.*

(1) Except as specified in paragraph (2) or (3), beginning January 1, 2015, a person subject to subsection (a)(1)(i) may not cause or permit the emission into the outdoor atmosphere of VOCs from a heatset web offset lithographic printing press or a heatset web letterpress printing press, or both, unless the overall weight of VOCs emitted to the atmosphere from the heatset dryer is reduced through the use of vapor recovery or oxidation or another method that is authorized under § 129.51(a) (relating to general). The heatset dryer pressure must be maintained lower than the press room area pressure so that air flows into the heatset dryer at all times when the press is operating.

(i) The VOC control efficiency of an add-on air pollution control device for a heatset dryer, determined in accordance with subsection (h), must meet either of the following:

(A) At least 90% for an add-on air pollution control device whose first installation date was prior to January 1, 2015.

(B) At least 95% for an add-on air pollution control device whose first installation date is on or after January 1, 2015.

(ii) The first installation date is the first date of operation for a source or a control device. This date will not change if the source or control device is moved to a new location or if the control device is later used to control a new source.

(iii) The owner or operator of the printing press may request the Department's approval for an alternative limitation if the following requirements are met:

(A) The request is submitted to the Department in writing.

(B) The request demonstrates one of the following:

(I) The inlet VOC concentration to the control device is so low that compliance with the 90% or 95% overall efficiency in subparagraph (i) is not achievable.

(II) The press is using a combination dryer and oxidizer or other control equipment configuration that does not have an inlet that meets the requirement for testing specified in subsection (h).

(C) The request demonstrates the minimum outlet VOC concentration that the unit can achieve, not to exceed 20 ppm as hexane (40 ppm as propane) on a dry basis.

(iv) The alternative limitation requested under subparagraph (iii) must be approved by the Department in a plan approval, operating permit or Title V permit.

(2) This subsection does not apply for one or a combination of the following circumstances:

(i) The press is used for book printing.

(ii) The press has a maximum web width of 22 inches or less.

(iii) The press is operated with one or a combination of the following inks, coatings or varnishes:

(A) Waterborne coatings.

(B) Ultra-violet light or electron beam radiation cured materials.

(C) Sheet-fed or non-heatset web inks.

(D) Sheet-fed or non-heatset web varnishes.

(3) This subsection does not apply to the owner or operator of the press if the Department has issued a plan approval, operating permit or Title V permit to the owner or operator prior to January 1, 2015, establishing a Federally-enforceable limitation to limit the potential emissions of VOC from the offset lithographic printing press or the letterpress printing press below 25 tpy, before consideration of add-on controls.

(e) *Compliance and monitoring requirements.*

(1) *Add-on air pollution control device.* The owner or operator of a heatset web offset lithographic printing press or heatset web letterpress printing press subject to this section using an add-on air pollution control device in accordance with subsection (d) shall comply with the following requirements:

(i) The add-on air pollution control device shall be equipped with the applicable monitoring equipment and the monitoring equipment shall be installed, calibrated, operated and maintained according to manufacturer's specifications at all times the add-on air pollution control device is in use. If the add-on air pollution control device is a:

(A) Noncatalytic thermal oxidizer, the minimum combustion or operating temperature must be continuously monitored. The temperature reading shall be recorded in accordance with subsection (f)(1) at least once every 15 minutes while the noncatalytic thermal oxidizer is operating.

(B) Catalytic thermal oxidizer:

(I) The inlet gas temperature must be continuously monitored. The temperature reading shall be recorded in accordance with subsection (f)(1) at least once every 15 minutes while the thermal catalytic oxidizer is operating.

(II) A catalyst activity test shall be performed a minimum of one time per rolling 2-year period.

(C) Control device other than that specified in clause (A) or (B), parameters specific to the control device must be continuously monitored. The parameters shall be recorded in accordance with subsection (f)(1) at least once every 15 minutes while the control device is operating.

(ii) The add-on air pollution control device specified in subparagraph (i) must be operated at a 3-hour average temperature not lower than 50°F below the average temperature demonstrated during the most recent compliant source test approved by the Department.

(iii) The add-on air pollution control device specified in subparagraph (i) must be in operation at all times that the source is operating.

(iv) The negative dryer pressure shall be established during the initial test using an air flow direction indicator, such as a smoke stick or aluminum ribbons, or a differential pressure gauge. Capture efficiency testing and continuous dryer air flow monitoring are not required.

(v) The add-on air pollution control device shall be approved, in writing, by the Department in a plan approval, operating permit or Title V permit prior to use.

(2) *Fountain solution.* The owner or operator of an offset lithographic printing press subject to this section that is required to meet one of the fountain solution VOC limits of subsection (c)(2) shall demonstrate compliance by using one or more of the following methods:

(i) Analysis of a sample of the press-ready (as applied) fountain solution for VOC content using EPA Reference Method 24, *Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings*, codified in 40 CFR Part 60, Appendix A, including updates and revisions.

(ii) Maintenance onsite of MSDS, CPDS or other data provided by the manufacturer of the fountain solution that indicates the VOC content of the press-ready (as applied) fountain solution.

(iii) Calculation of the VOC content of the press-ready (as applied) fountain solution that combines the EPA Reference Method 24 analytical VOC content data for each of the concentrated components or additives used to prepare the press-ready fountain solution.

(A) The VOC content data for each of the concentrated components or additives shall be combined in the proportions in which the concentrated components or additives are mixed to make the batch of press-ready (as applied) fountain solution.

(B) The VOC content shall be calculated one time for each recipe of press-ready (as applied) fountain solution. The recipe name, VOC content for each concentrated component or additive and fountain solution mix ratio shall be recorded in a logbook.

(C) The EPA Reference Method 24 analysis of the concentrated components or additives used to prepare the press-ready (as applied) fountain solution may be performed by the supplier of the components or additives and these results provided to the owner or operator of the affected press.

(iv) Measurement of the recirculating reservoir temperature of a refrigerated press-ready (as applied) fountain solution specified in subsection (c)(2)(i)(B) or (ii)(B) with a thermometer or other temperature detection device capable of reading to 0.5°F (0.28°C) to ensure that the temperature of the refrigerated fountain solution containing alcohol is maintained below 60°F (15.5°C) at all times. The temperature on the thermometer or other tempera-



ture detection device shall be continuously monitored. The temperature reading shall be recorded at least once per operating day to verify that the refrigeration system is operating properly.

(v) Monitoring of the press-ready (as applied) fountain solution for alcohol concentration or VOC content with one or more of the following instruments:

(A) A refractometer or a hydrometer to monitor the fountain solution alcohol concentration. The instrument must:

(I) Be corrected for temperature one time per 8-hour shift.

(II) Have a visual, analog or digital readout with an accuracy of 0.5%.

(III) Be calibrated with a standard solution for the type of alcohol used in the fountain solution.

(B) A conductivity meter to determine the fountain solution VOC content. Reading for the fountain solution must be referenced to the conductivity of the incoming water.

(vi) Another method to determine compliance with the VOC content limits for fountain solutions in subsection (c)(2) if the following requirements are met:

(A) The facility owner or operator submits a request, in writing, to the appropriate regional office of the Department for approval of the alternative method.

(B) The request demonstrates that the alternative method provides results that accurately determine the fountain solution VOC content.

(C) The Department provides prior written approval of the alternative method.

(3) *Cleaning solution.* The owner or operator of an offset lithographic printing press or a letterpress printing press subject to this section shall demonstrate compliance with the VOC content limit or VOC composite partial vapor pressure limit for cleaning solutions in subsection (c)(1) by one or more of the following methods:

(i) Analysis of a sample of press-ready (as applied) cleaning solution for VOC content using EPA Reference Method 24.

(ii) Use of the equation in subsection (j) to calculate the composite partial vapor pressure of the press-ready (as applied) cleaning solution.

(iii) Use of the methods in subsection (k) to determine the VOC composite partial vapor pressure of a single concentrated component or additive used to prepare the press-ready (as applied) cleaning solution.

(iv) Maintenance onsite of MSDS, CPDS or other data provided by the manufacturer of the press-ready (as applied) cleaning solution that indicates the VOC content or the VOC composite partial vapor pressure, or both, of the press-ready (as applied) cleaning solution.

(v) Calculation of the VOC content or the VOC composite partial vapor pressure, or both, of the press-ready (as applied) cleaning solution that combines the EPA Reference Method 24 analytical VOC content data or analytical VOC composite partial vapor pressure data for each of the concentrated components or additives used to prepare the press-ready (as applied) cleaning solution.

(A) The VOC content data or VOC composite partial vapor pressure data for each of the concentrated components or additives shall be combined in the proportions in

which the concentrated components or additives are mixed to make the batch of press-ready (as applied) cleaning solution.

(B) The VOC content or VOC composite partial vapor pressure shall be calculated one time for each recipe of press-ready (as applied) cleaning solution. The recipe name, VOC content or VOC composite partial vapor pressure for each concentrated component or additive and cleaning solution mix ratio shall be recorded in a log book.

(C) The EPA Reference Method 24 analysis of the concentrated components or additives used to prepare the press-ready (as applied) cleaning solution may be performed or the VOC composite partial vapor pressure data may be determined by the supplier of the components or additives and these results provided to the owner or operator of the affected press.

(vi) Another method to determine compliance with the VOC content limits for cleaning solutions in subsection (c)(1) if the following requirements are met:

(A) The facility owner or operator submits a request, in writing, to the appropriate regional office of the Department for approval of the alternative method.

(B) The request demonstrates that the alternative method provides results that accurately determine the cleaning solution VOC content or VOC composite partial vapor pressure.

(C) The Department provides prior written approval of the alternative method.

(f) *Recordkeeping requirements.* Beginning January 1, 2015, the owner or operator of a printing press subject to this section shall maintain records sufficient to demonstrate compliance with this section. Records maintained for compliance demonstrations may include purchase, use, production and other records.

(1) An owner or operator using an add-on air pollution control device shall maintain records sufficient to demonstrate compliance with subsection (e), including the following:

(i) Temperature reading of the add-on air pollution control device.

(ii) Maintenance performed on the add-on air pollution control device and monitoring equipment, including the date and type of maintenance.

(iii) Catalyst activity test performed, if applicable.

(2) An owner or operator subject to subsection (a)(1)(i), (ii), (iii) or (iv) shall maintain records of cleaning solutions and fountain solutions used at the facility, including:

(i) The following parameters for each press ready blanket, roller or other cleaning solution:

(A) The name and identification number for the blanket, roller or other cleaning solution.

(B) The VOC content (weight %) or VOC composite partial vapor pressure of each cleaning solution as applied.

(C) The volume used of each cleaning solution as applied, if the owner or operator is using cleaning solutions which exceed the limits in subsection (c)(1)(i).

(D) Records of cleaning solution monitoring as required under subsection (e)(3).



(ii) The following parameters for each press-ready (as applied) fountain solution:

(A) The VOC content (weight %).

(B) Records of fountain solution monitoring as required under subsection (e)(2).

(3) An owner or operator claiming exemption from a VOC control provision of this section based on potential or actual VOC emissions, as applicable, shall maintain records that demonstrate to the Department that the press or facility is exempt.

(4) The owner or operator may group materials into classes using the highest VOC content in any material in a class to represent that class of material.

(g) *Reporting requirements.* Beginning January 1, 2015, the owner or operator of an offset lithographic printing press or a letterpress printing press subject to this section shall meet the following reporting requirements:

(1) The records required under subsection (f) shall be maintained onsite for 2 years unless a longer period is required by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records shall be submitted to the Department in an acceptable format upon receipt of a written request.

(2) The owner or operator of an offset lithographic printing press or letterpress printing press required to demonstrate VOC control efficiency in accordance with subsection (d) shall submit reports to the Department in accordance with Chapter 139 (relating to sampling and testing).

(h) *Sampling and testing.*

(1) Sampling and testing shall be performed as follows:

(i) Sampling of an ink, varnish, coating, fountain solution or cleaning solution and testing for the VOC content of the ink, varnish, coating, fountain solution or cleaning solution shall be performed in accordance with the procedures and test methods specified in Chapter 139.

(ii) Sampling and testing of an add-on air pollution control device shall be performed in accordance with the procedures and test methods specified in Chapter 139 and meet one of the following:

(A) Sampling and testing shall be performed no later than 180 days after the compliance date of the press.

(B) Sampling and testing shall have been performed within 5 years prior to January 1, 2015, and previously approved by the Department.

(2) The control efficiency shall be determined using one or more of the following methods, as applicable, subject to prior written approval by the Department. The method used to measure the inlet concentration of VOC may be the same method used to determine the outlet concentration of VOC unless use of the same method is determined to be technically infeasible.

(i) EPA Reference Method 25, *Determination of Total Gaseous Nonmethane Organic Emissions as Carbon*, codified in 40 CFR Part 60, Appendix A, including updates and revisions. EPA Reference Method 25 may be used if the total gaseous nonmethane organic compound concentration is equal to or greater than 50 parts per million by volume, measured as carbon.

(ii) EPA Reference Method 25A, *Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer*, codified in 40 CFR Part 60, Appendix A,

including updates and revisions. EPA Reference Method 25A may not be used if the total gaseous nonmethane organic compound concentration at the outlet of the add-on air pollution control device is equal to or greater than 50 parts per million by volume, measured as carbon.

(iii) EPA Reference Method 18, *Measurement of Gaseous Organic Compound Emissions by Gas Chromatography*, codified in 40 CFR Part 60, Appendix A, including updates and revisions. EPA Reference Method 18 may be used if the total gaseous nonmethane organic compound concentration is equal to or greater than 50 parts per million by volume, measured as carbon. EPA Reference Method 18 may be used in conjunction with EPA Reference Method 25A to subtract emissions of exempt VOCs.

(3) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with this section may be used if prior approval is obtained in writing from the Department and the EPA.

(i) *Work practice requirements for cleaning activities.*

(1) Except as specified in paragraph (3), beginning January 1, 2015, the owner or operator of an offset lithographic printing press or a letterpress printing press subject to subsection (a)(1)(i), (ii), (iii) or (iv) shall comply with the following work practices for cleaning activities at the facility:

(i) Store all VOC-containing cleaning solutions, waste cleaning solutions and used shop towels in closed containers.

(ii) Ensure that mixing vessels and storage containers used for VOC-containing cleaning solutions, waste cleaning solutions and used shop towels are kept closed at all times, except when depositing or removing these solutions or shop towels.

(iii) Minimize spills of VOC-containing cleaning solutions and waste cleaning solutions and clean up spills immediately.

(iv) Convey VOC-containing cleaning solutions, waste cleaning solutions and used shop towels from one location to another in closed containers or pipes.

(2) The requirements in paragraph (1) apply to the following activities:

(i) Cleaning of a press, including blanket washing, roller washing, plate cleaners, metering roller cleaners, impression cylinder cleaners and rubber rejuvenators.

(ii) Cleaning of press parts, including press parts that have been removed from the press for cleaning.

(iii) Cleaning of ink, coating or adhesive from areas around a press.

(3) The requirements in paragraph (1) do not apply to the following activities:

(i) Cleaning electronic components of a press.

(ii) Cleaning in pre-press (for example, platemaking) operations.

(iii) Cleaning in post-press (for example, binding) operations.

(iv) Using janitorial supplies (for example, detergents or floor cleaners) for general cleaning around a press.

(v) The use of parts washers or cold cleaners at an offset lithographic printing or a letterpress printing facility. The use of parts washers and cold cleaners is regulated under § 129.63 (relating to degreasing operations).

(j) *Composite partial vapor pressure.* The composite partial vapor pressure of organic compounds in cleaning solutions shall be determined by one of the following procedures:

(1) Quantifying the amount of each compound in the blend using gas chromatographic analysis, using an appropriate and current ASTM test method with prior written approval by the Department.

(2) Calculating the composite partial vapor pressure using the following equation:

$$PP_c = \frac{\sum_{i=1}^n (W_i) (VP_i) / MW_i}{\frac{k}{W_w / MW_w} + \sum_{e=1}^k W_e / MW_e + \sum_{i=1}^n W_i / MW_i}$$

Where:

PP<sub>c</sub> = VOC composite partial vapor pressure at 20°C, in mm mercury

W<sub>i</sub> = Weight of the “i”th VOC compound, in grams

W<sub>w</sub> = Weight of water, in grams

W<sub>e</sub> = Weight of the “e”th exempt compound, in grams

MW<sub>i</sub> = Molecular weight of the “i”th VOC compound, in grams per g-mole, as given in chemical reference literature

MW<sub>w</sub> = Molecular weight of water, in grams per g-mole (18 grams per g-mole)

MW<sub>e</sub> = Molecular weight of the “e”th exempt compound, in grams per g-mole, as given in chemical reference literature

VP<sub>i</sub> = Vapor pressure of the “i”th VOC compound at 20°C, in mm mercury, as determined by subsection (k)

(k) *Determination of vapor pressure of single organic compounds in cleaning solutions.* The vapor pressure of each single component compound shall be determined from one or more of the following:

(1) An appropriate and current ASTM test method with prior written approval by the Department.

(2) The most recent edition of one or more of the following sources:

(i) *Vapour Pressures of Pure Substances*, Boublik, Elsevier Scientific Publishing Company, New York.

(ii) *Perry’s Chemical Engineers’ Handbook*, Green and Perry, McGraw-Hill Book Company.

(iii) *CRC Handbook of Chemistry and Physics*, CRC Press.

(iv) *Lange’s Handbook of Chemistry*, McGraw-Hill Book Company.

(v) Additional sources approved by the Department.

(l) *VOC retention factors and capture efficiency factors.* As specified in subsection (a)(2), if:

(1) A portion of the VOCs contained in the ink or cleaning solution, or both, is retained in the printed web

substrate or in the shop towels used for cleaning, the following VOC emission retention factors shall be used, as applicable:

(i) A 20% VOC emission retention factor for a petroleum ink oil-based heatset ink printed on an absorptive substrate, meaning 80% of the petroleum ink oil content is emitted as VOC during the printing process and is available for capture and control by an add-on air pollution control device. The petroleum ink oil content of a heatset ink may be determined from formulation data included on a CPDS or MSDS.

(ii) A 95% VOC emission retention factor for a petroleum ink oil-based non-heatset web or non-heatset sheet-fed ink, meaning 5% of the petroleum ink oil content is emitted as VOC during the printing process and is available for capture and control by an add-on air pollution control device. The petroleum ink oil content of a non-heatset web or non-heatset sheet-fed ink may be determined from formulation data included on a CPDS or MSDS.

(iii) A 100% VOC emission retention factor for vegetable ink oil-based heatset and non-heatset inks.

(iv) A 50% VOC emission retention factor for low VOC composite vapor pressure cleaning solutions in shop towels if both of the following conditions are met:

(A) The VOC composite vapor pressure of the cleaning solution is less than 10mm Hg at 20°C (68°F).

(B) The cleaning solutions and used shop towels are kept in closed containers.

(2) A portion of the VOCs contained in one or more of the ink, fountain solution or automatic blanket wash materials is captured in the press dryer for control by the add-on air pollution control device, the following capture efficiency factors shall be used, as applicable:

(i) A 100% VOC emission capture efficiency for volatilized ink oils for oil-based heatset paste inks and varnishes as specified in paragraph (1) if both of the following conditions are met:

(A) The press dryer is operating at negative pressure relative to the surrounding pressroom.

(B) The air flow is into the press dryer.

(ii) A 70% VOC emission capture efficiency for a fountain solution that contains an alcohol substitute.

(iii) A 40% VOC emission capture efficiency for an automatic blanket wash if the VOC composite vapor pressure of the cleaning solution is less than 10mm Hg at 20°C (68°F).

**§ 129.77. Control of emissions from the use or application of adhesives, sealants, primers and solvents.**

\* \* \* \* \*

(k) This section does not apply to the use or application of the following compounds or products:

(1) Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in a research and development, quality assurance or analytical laboratory, if records are maintained as required in subsections (p) and (q).

(2) Adhesives, sealants, adhesive primers or sealant primers that are subject to other sections in this chapter or Chapter 130 (relating to standards for products).

\* \* \* \* \*

**CHAPTER 130. STANDARDS FOR PRODUCTS**  
**Subchapter D. ADHESIVES, SEALANTS, PRIMERS**  
**AND SOLVENTS**

**GENERAL PROVISIONS**

**§ 130.703. Exemptions and exceptions.**

(a) This subchapter does not apply to the use, application, sale, supply, offer for sale or manufacture for sale for use in this Commonwealth of the following compounds or products:

(1) Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in a research and development, quality assurance or analytical laboratory, if records are maintained as required under § 130.704 (relating to recordkeeping requirements).

(2) Adhesives, sealants, adhesive primers or sealant primers that are subject to other sections in this chapter or Chapter 129 (relating to standards for sources).

\* \* \* \* \*

[Pa.B. Doc. No. 14-1341. Filed for public inspection June 27, 2014, 9:00 a.m.]

**BOARD OF COAL MINE SAFETY**

**[ 25 PA. CODE CH. 208 ]**

**Requirements for High-Voltage Continuous Mining Machines**

The Board of Coal Mine Safety (Board) adds §§ 208.81—208.93 (relating to high-voltage continuous mining machine standards for underground coal mines). The final-form rulemaking, with one exception, conforms Commonwealth regulations to Federal regulations, thereby establishing standards for the use of high-voltage continuous mining machines of up to 2,400 volts in underground bituminous coal mines.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

This final-form rulemaking was given under Board order at its meeting of March 11, 2014.

**A. Effective Date**

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

**B. Contact Persons**

For further information, contact Joe Sbaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown PA 15401, (724) 439-7469, jsbaffoni@pa.gov; or Andrew Jenkins, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-9376, andjenkins@pa.gov.

**C. Statutory Authority**

The final-form rulemaking is authorized under sections 106 and 106.1 of the BCMSA, which grant the Board the authority to adopt regulations implementing the BCMSA, including additional safety standards. The Board is au-

thorized to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

**D. Background and Purpose**

This final-form rulemaking establishes electrical safety standards for the installation, use and maintenance of high-voltage continuous mining machines in underground bituminous coal mines.

On April 6, 2010, the Federal Mine Safety and Health Administration (MSHA) issued a final rulemaking addressing electrical safety standards for the installation, use and maintenance of high-voltage continuous mining machines in underground coal mines. See 75 FR 17529 (April 6, 2010). Previously, the MSHA's standards did not specifically address high-voltage continuous mining machines because those machines were not available when the Federal standards were developed. To use high-voltage equipment in underground mines, the MSHA required mine operators to submit a Petition for Modification (PFM), as provided for under section 101(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C.A. § 811(c)). Since 1997, the MSHA has granted 52 PFMs to allow mine operators to use high-voltage continuous mining machines. The final rulemaking issued by the MSHA includes most of the requirements that were granted in the PFMs and new requirements to enhance safety associated with the operation of continuous mining machines, including provisions to protect against fires, explosions and shock hazards. The final rulemaking became effective on June 7, 2010, and superseded all PFMs issued prior to the effective date of the final rulemaking.

In developing the final rulemaking, the MSHA considered the experience of mine operators who had been using high-voltage continuous mining machines in underground coal mines. The MSHA also considered the comments, hearing testimony and its previous experience in reviewing and issuing PFMs in its development of the final rulemaking. The final Federal rulemaking is codified in 30 CFR 75.823—75.834 and 75.1002 and establishes mandatory electrical safety standards for the installation of high-voltage continuous mining machines, electrical and mechanical protection of the equipment, handling of trailing cables and procedures for performing electrical work. In promulgating the final rulemaking, the MSHA attested that the regulatory requirements are technologically and economically feasible and will reduce the potential for electrical-related accidents, thereby offering greater protection for underground coal miners against electrical shock, cable overheating, fire hazards, unsafe work and repair practices, and back injuries and other sprains caused by handling trailing cables.

On July 7, 2008, the General Assembly enacted the BCMSA. The BCMSA is the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). One of the significant changes made by the BCMSA is the authority to promulgate regulations for mine safety. The General Assembly established the Board to promulgate regulations. Under section 106 of the BCMSA, this seven-member board consists of the Secretary of the Department of Environmental Protection (Department) as Chairperson, three members representing the viewpoint of mine workers and three members representing the viewpoint of underground bituminous coal mine operators. Section 106.1(a) of the BCMSA contains broad rulemaking authority to adopt



regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. Moreover, the Board may promulgate regulations consistent with Federal standards under section 106.1(c) of the BCMSA.

After learning of the revised MSHA standards concerning high-voltage continuous mining machines in underground coal mines, the Board determined it should promulgate an identical requirement with the exception of provisions concerning the mandatory distance between a spliced high voltage trailing cable and a continuous mining machine. Under section 316(d)(6) of the BCMSA (52 P. S. § 690-316(d)(6)), spliced trailing cables are prohibited within 50 feet of a continuous mining machine. In contrast, 30 CFR 75.830(b)(1) (relating to splicing and repair of trailing cables) prohibits the splicing of high-voltage trailing cables within 35 feet of a continuous mining machine. Because Commonwealth law provides a more protective standard that enhances miner safety, the more stringent State requirement is included in the final-form rulemaking. The Board developed the final-form rulemaking to, among other things, obtain independent authority necessary to implement the Federal regulations.

Revising electrical safety standards for the use, installation and maintenance of high-voltage continuous mining machines plays an important role in enhancing safety protection against fires, explosions and shock hazards in underground bituminous coal mines. In addition, it facilitates the use of advanced equipment designs. By adopting the Federal MSHA regulations, with certain exceptions, the Board believes it will enhance the Department's ability to ensure the safety of miners by reducing the potential or severity of fires, explosions and shock hazards in bituminous coal mines, and allow the Department to have independent authority to enforce the Federal requirements.

#### *E. Summary of Comments and Responses to the Proposed Rulemaking*

The Board did not receive comments from the public or from the Independent Regulatory Review Commission (IRRC) on this final-form rulemaking.

#### *F. Summary of Final Regulatory Requirements*

The final-form rulemaking adds §§ 208.81—208.93 to establish requirements for the use, installation and maintenance of high-voltage continuous mining machines in underground bituminous coal mines.

Section 208.81 (relating to scope) incorporates by reference 30 CFR 75.823 (relating to scope), which provides that the standard addresses requirements for the use of high-voltage continuous mining machines of up to 2,400 volts in underground coal mines.

Section 208.82 (relating to electrical protection) incorporates by reference 30 CFR 75.824 (relating to electrical protection), which establishes the electrical protection requirements for high-voltage continuous mining machines including requirements associated with the use of an adequate circuit-interrupting device capable of providing short-circuit, overload, ground-fault and under-voltage protection.

Section 208.83 (relating to power centers) incorporates by reference 30 CFR 75.825 (relating to power centers). The Federal provisions set forth the requirements for power centers that supply high-voltage continuous mining machines, including provisions for the disconnecting

switches and devices, barriers and covers, interlocks, emergency stop switches, grounding sticks and caution labels.

Section 208.84 (relating to high-voltage trailing cables) incorporates by reference 30 CFR 75.826 (relating to high-voltage trailing cables). The Federal regulation defines the requirements that high-voltage trailing cables must meet, including compliance with existing design requirements in 30 CFR 18.35 (relating to portable (trailing) cables and cords) and the approval requirements of high-voltage continuous mining machines.

Section 208.85 (relating to guarding of trailing cables) incorporates by reference 30 CFR 75.827 (relating to guarding of trailing cables). Section 75.827 of 30 CFR establishes the requirements for guarding trailing cables, including the location where the cables must be guarded, the materials (nonconductive flame-resistant material or grounded metal) to be used in constructing the guarding and the requirements applicable to situations when equipment must cross any portion of the cables.

Section 208.86 (relating to trailing cable pulling) incorporates by reference 30 CFR 75.828 (relating to trailing cable pulling). Section 75.828 of 30 CFR establishes the requirements to be followed when the trailing cables are to be pulled by any equipment other than the continuous mining machine.

Section 208.87 (relating to tramming continuous mining machines in and out of the mine and from section to section) incorporates by reference 30 CFR 75.829 (relating to tramming continuous mining machines in and out of the mine and from section to section). Section 75.829 of 30 CFR includes requirements associated with tramming continuous mining machines in and out of the mine or from one section to another and testing required prior to tramming.

Section 208.88 (relating to splicing and repair of trailing cables) incorporates by reference 30 CFR 75.830 with the exception of requirements in 30 CFR 75.830(b)(1). Section 75.830 of 30 CFR establishes the requirements for performing splices and repairs of trailing cables and the manner in which the trailing cable shall be spliced or repaired to ensure that miners are not exposed to shock and burn hazards. Concerning 30 CFR 75.830(b)(1), which requires a mandatory distance of 35 feet between a spliced high voltage trailing cable and a continuous mining machine, the Board determined that the Federal requirement was not as protective as requirements established under the BCMSA. Therefore, § 208.88(b)(1) is consistent with the BCMSA and establishes that splicing of high-voltage trailing cables within 50 feet of a continuous mining machine is prohibited.

Section 208.89 (relating to electrical work; troubleshooting and testing) incorporates by reference 30 CFR 75.831 (relating to electrical work; troubleshooting and testing).

Section 208.90 (relating to frequency of examinations; recordkeeping) incorporates by reference 30 CFR 75.832 (relating to frequency of examinations; recordkeeping). Section 75.832 of 30 CFR specifies the frequency of testing certain equipment and circuits and the requirements for creating and maintaining adequate records.

Section 208.91 (relating to handling high-voltage trailing cables) incorporates by reference 30 CFR 75.833 (relating to handling high-voltage trailing cables). Section 75.833 of 30 CFR sets forth the requirements for handling energized trailing cables including provisions that prohibit handling energized trailing cables unless high-voltage insulating gloves or insulating cable handling tools are used.



Section 208.92 (relating to training) incorporates by reference 30 CFR 75.834 (relating to training). Section 75.834 of 30 CFR requires that miners who perform maintenance on high-voltage continuous mining machines be trained in high-voltage safety, testing and repair, and maintenance procedures. Training provisions are also included for miners who work in the vicinity of high-voltage continuous mining machines or who move the high-voltage equipment or cables.

Section 208.93 (relating to installation of electric equipment and conductors; permissibility) incorporates by reference 30 CFR 75.1002 (relating to installation of electric equipment and conductors; permissibility). Section 75.1002 of 30 CFR addresses requirements for conductors and cables used in or in by the last open crosscut, as well as electrical equipment, conductors and cables used within 150 feet of pillar workings and allows the use of shielded, high-voltage cables that supply power to permissible continuous mining machines in underground coal mines.

#### G. *Benefits and Costs*

##### *Benefits*

The final-form rulemaking will reduce the potential for electrical-related fatalities and injuries or loss of property when using high-voltage continuous mining machines in underground bituminous coal mine operations in this Commonwealth. The design and work practice requirements included in this final-form rulemaking will result in greater protections for underground bituminous coal mine operators, including measures to reduce electrical shock, cable overheating, fire hazards, unsafe work and repair practices, and back injuries and other sprains caused by handling trailing cables. In addition, the final-form rulemaking facilitates the use of more advanced equipment designs. The final-form rulemaking incorporates, with certain exceptions, the Federal regulations into the Commonwealth's regulations, thus enhancing the Commonwealth's mine safety program and its reputation for excellence.

##### *Compliance Costs*

The final-form rulemaking will not add any compliance costs to those already existing, as Federal regulations are already in place in this regard. This final-form rulemaking imposes standards that the MSHA has already imposed and with which underground bituminous coal mines in this Commonwealth shall comply.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the final-form rulemaking and how to comply with it. This will be accomplished through the Department's ongoing compliance assistance program.

##### *Paperwork Requirements*

The final-form rulemaking will not increase the paperwork that is already generated because of the existing Federal regulations that are already in place.

##### *H. Sunset Review*

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

##### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 25, 2013, the Department

submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 5819 (October 5, 2013), to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 21, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective May 21, 2014.

#### J. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were submitted.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 5819.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble.

#### K. *Order*

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

(1) The regulations of the Department, 25 Pa. Code Chapter 208, are amended by adding §§ 208.81—208.93 to read as set forth at 43 Pa.B. 5819.

(2) The Chairperson of the Board shall submit this order and 43 Pa.B. 5819 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(3) The Chairperson of the Board shall submit this order and 43 Pa.B. 5819 to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(4) The Chairperson of the Board shall certify this order and 43 Pa.B. 5819 and deposit them with the Legislative Reference Bureau, as required by law.

(5) This order shall take effect immediately.

E. CHRISTOPHER ABRUZZO,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 3470 (June 7, 2014).)

**Fiscal Note:** Fiscal Note 7-482 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 14-1342. Filed for public inspection June 27, 2014, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective June 11, 2014.

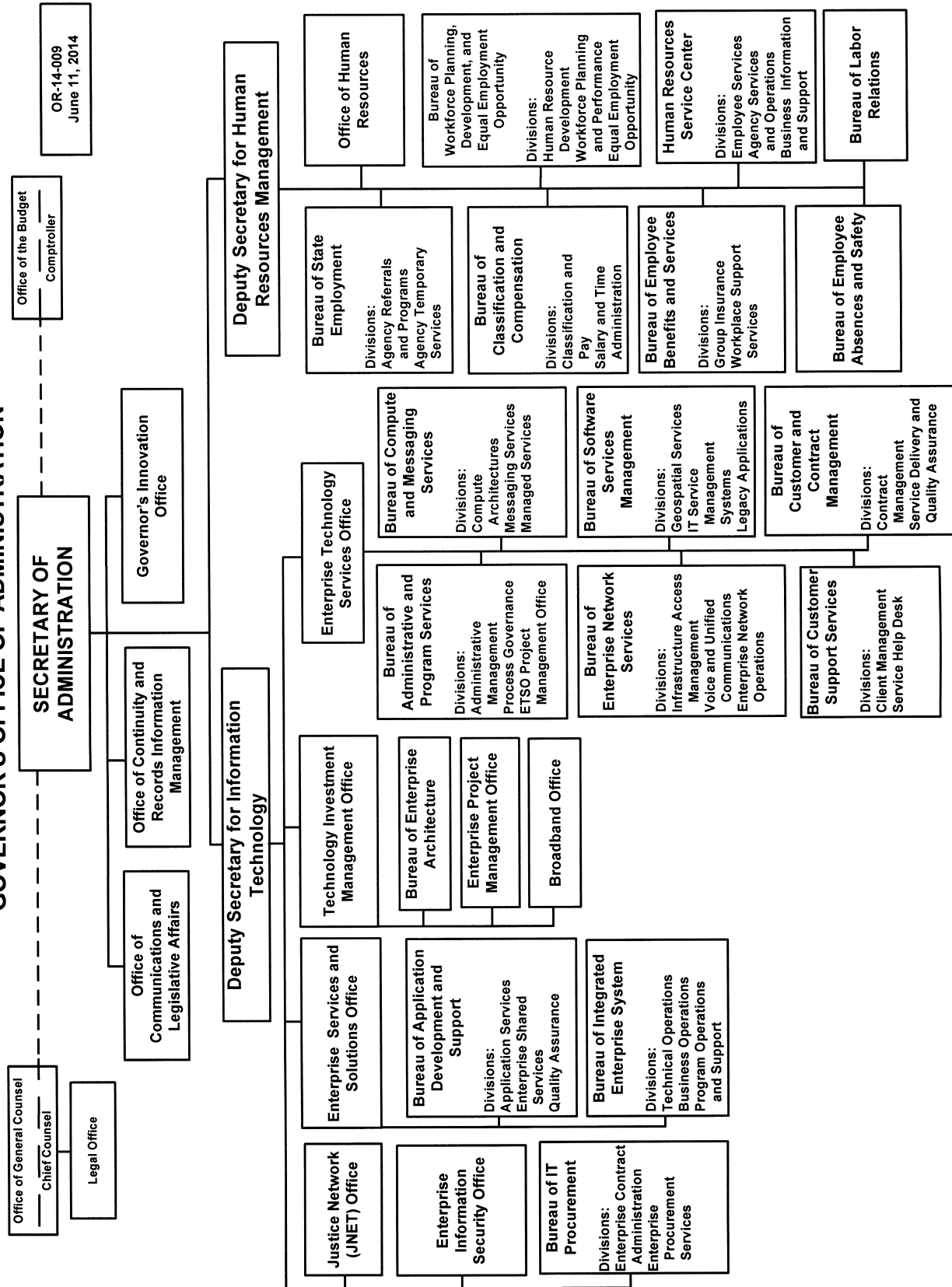
The organization chart at 44 Pa.B. 3966 (June 28, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(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. 14-1343. Filed for public inspection June 27, 2014, 9:00 a.m.]

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GOVERNOR'S OFFICE OF ADMINISTRATION





# NOTICES

## BOARD OF COAL MINE SAFETY

### Meeting Rescheduled

The Board of Coal Mine Safety (Board) has rescheduled its September 9, 2014, meeting. The next meeting of the Board will be held on Thursday, September 25, 2014, at 10 a.m. in the DEP Cambria District Office, 286 Industrial Park Road, Ebensburg, PA.

The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Public Participation" then "Participate").

Questions concerning the meetings can be directed to Allison D. Gaida at (724) 439-7289 or [agaida@pa.gov](mailto:agaida@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at the previously listed number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

E. CHRISTOPHER ABBRUZZO,  
*Chairperson*

[Pa.B. Doc. No. 14-1344. Filed for public inspection June 27, 2014, 9:00 a.m.]

## DEPARTMENT OF AGING DEPARTMENT OF PUBLIC WELFARE

### Pennsylvania Long-Term Care Commission; Notice of Public Input Meeting

On January 31, 2014, Governor Tom Corbett issued an Executive Order creating the Pennsylvania Long-Term Care Commission (Commission). Part of the Governor's Healthy Pennsylvania plan is to ensure access to quality, affordable health care in this Commonwealth. The Commission consists of 25 members, including consumers and their families and representatives from Area Agencies on Aging, the physical disabilities community, medical community, providers of long-term care, managed care organizations and members of the General Assembly. Secretary of Public Welfare Beverly Mackereth and Secretary of Aging Brian Duke serve as the Commission's cochairs.

Governor Corbett has charged the Commission with evaluating and developing recommendations to improve this Commonwealth's long-term care system, including identifying effective ways to provide a better coordinated approach to delivering services and support and ensuring quality health care for older residents of this Commonwealth and individuals with physical disabilities. The Commission must report its findings and recommendations to the Governor by December 31, 2014.

The Commission believes that public input is critical to fulfilling its mission. Over the past several months, the

Commission held a series of public input meetings throughout this Commonwealth. Meetings were held on April 11, 2014, in Harrisburg, May 8, 2014, in Mercer, May 9, 2014, in Allison Park, May 30, 2014, in Williamsport, June 6, 2014, in Blue Bell and June 20, 2014, in Lords Valley. An additional meeting will be held at the time and location noted as follows. The Commission invites interested persons to attend the meeting and offer their input to assist the Commission in understanding the current long-term care system and recommending ways in which it can be improved.

While the Commission will accept all comments, the Commission is particularly interested in receiving feedback on the following topics:

- *Prevention and caregiver support:* What services, supports and other activities are currently available or should be provided to consumers and their caregivers to improve health and well-being, prevent or delay nursing facility admissions and enable consumers to remain in their own homes as long as possible?

- *Accessibility:* How do consumers currently obtain privately and publically funded long-term services and supports and how could the process, including intake and assessment, be improved to provide better access to individuals and families who need those services and supports? What is the capacity of the health care system to meet the growing number and needs within long-term care?

- *Provision of service:* What should be done to improve coordination of social, medical and long-term care services within the long-term care continuum? What are best practices in care coordination? What changes should be made to promote a person-centered system for the delivery of long-term care services?

- *Quality outcomes and measurement:* What measures are currently being taken or should be adopted, to monitor the quality and cost-effectiveness of long-term care services and supports? What information and data is, or should be, collected and used to measure quality of care and to promote and improve health outcomes for consumers?

#### *Location, Date and Time of Public Meeting*

Philadelphia—Monday, July 14, 2014  
City Hall  
1401 John F Kennedy Boulevard  
Room 400  
Philadelphia, PA 19107  
10 a.m. to 1 p.m.

#### *Registering for the Public Meeting*

Persons who wish to provide verbal comments at the public meeting must register prior to the date. Registration is not required for persons attending to listen, but the Commission is requesting those interested in attending register to help ensure there is adequate seating. If there are capacity limitations, priority will be given to those who have registered to attend.

To register to present verbal comments or to attend the public meeting go to [www.dpw.state.pa.us](http://www.dpw.state.pa.us) and follow the registration instructions. Individuals may also register by calling (717) 425-5719 or (800) 654-5984 (TDD users) with a name and telephone number.

Verbal comments at the public meeting will be limited to 5 minutes to allow others time to share their com-

ments. To assist the Commission in accurately capturing verbal comments, individuals are asked to submit a written copy of their comments by submitting a copy at the hearing, e-mailing them or mailing them to address noted as follows.

*Submitting Written Comments and Feedback*

If individuals cannot attend the public meeting but would still like to provide input to the Commission, the Commission will be accepting written comments and feedback through August 14, 2014.

Submit written comments to the Department of Public Welfare, P. O. Box 8025, Attn: Office of Long-Term Living,

Bureau of Policy and Regulatory Management, Harrisburg, PA 17105-8025, ra-LTCCommission@pa.gov.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BRIAN M. DUKE,  
*Secretary of Aging*

BEVERLY D. MACKERETH,  
*Secretary of Public Welfare*

[Pa.B. Doc. No. 14-1345. Filed for public inspection June 27, 2014, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 17, 2014.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-12-2014	From: Eagle National Bank Upper Darby Delaware County  To: Eagle Bank Upper Darby Delaware County	Filed

Application for approval to convert from a National banking association to a Pennsylvania State-chartered nonmember bank.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-30-2014	Penn Liberty Bank Wayne Chester County	1630 Egypt Road Oaks Montgomery County	Opened
6-12-2014	Union Community Bank Mount Joy Lancaster County	1759 West Main Street Ephrata Lancaster County	Approved

### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 14-1346. Filed for public inspection June 27, 2014, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Execution of Oil and Gas Lease for Publicly- Owned Streambeds

Effective March 12, 2014, an Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102009-04, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (Department) (lessor), and Chevron Appalachia, LLC (lessee), with its principal place of business located at 1550 Coraopolis Heights Road, 2nd Floor, P. O. Box 611, Moon Township, PA 15108.

The lease is for Streambed Tract 2009 and includes two separate parcels encompassing a total of approximately

57 acres of submerged lands located in Dunkard, Gilmore and Perry Townships, Greene County. The lease was recorded at the Greene County courthouse on April 23, 2014, instrument no. 201400002268, Book 467, pages 3450—3479. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of Dunkard Creek solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102009-04 may be viewed online at <http://contracts.patresury.gov/View.aspx?ContractID=265416>.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division at (717) 787-2703.

ELLEN M. FERRETTI,  
*Secretary*

[Pa.B. Doc. No. 14-1347. Filed for public inspection June 27, 2014, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

## THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final



determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061697 (IW)	John B Rich Memorial Power Station 81 Eleanor Avenue Frankville, PA 17931	Schuylkill County West Mahanoy Township	Mahanoy Creek (6-B)	N

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0246964— CAFO	Kenneth Martin Farm 1397 Robert Fulton Highway Quarryville, PA 17566	Lancaster County / Drumore Township	UNT W Branch Octoraro Creek / 7-K	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209678 (Sewage)	Grassflat Wastewater Treatment Plant 99 Pearle Road Grassflat, PA 16839	Cooper Township Clearfield Borough	Unnamed Tributary of Moshannon Creek (8-D)	Y
PA0044245 (Sewage)	Parker Dam State Park 28 Fairview Road Penfield, PA 15489	Clearfield County Huston Township	Laurel Run (8-A)	Y

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217751 (Industrial Waste)	Sewickley Borough Water System Route 65 North Sewickley, PA 15143	Allegheny County Sewickley Borough	Unnamed Stream and Unnamed Tributary to Ohio River (20-G)	Y
PA0098132 (Industrial Waste)	Garrett Borough Water System Water Works Road Garrett, PA 15542	Somerset County Garrett Borough	Casselman River (19-F)	Y
PA0093211 (Sewage)	Buffington STP Tex Lane PO Box 576 New Salem, PA 15468	Fayette County Menallen Township	Dunlap Creek (19-C)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0239453 (Industrial Waste)	Intech Metals 7028 Ridgway Street / Marys Road Ridgway, PA 15853	Elk County Ridgway Borough	Elk Creek (17-A)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0033936 (Sewage)	Denny Ridge MHP 14807 Nickelson Drive Meadville, PA 16335	Crawford County Hayfield Township	Unnamed Tributary to Cussewago Creek (16-D)	Y
PA0239194 (Sewage)	Cherrytree Land Development 4342 State Route 8 Route 8 & Black Road Titusville, PA 16354	Venango County Cherrytree Township	Unnamed Tributary to Oil Creek (16-E)	Y

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**PA0026131 A-1**, Sewage, SIC Code 4952, **Upper Merion Municipal Utility Authority**, 175 W Valley Forge Road, King Of Prussia, PA 19406. Facility Name: Trout Run WPCC. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Schuylkill River and Trout Creek, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

This permit amendment includes: (1) reducing the influent BOD<sub>5</sub> monitoring frequency from 1/day to 1/week, and (2) updating the permit condition found at Part B.I.C.4.c.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

**PA0026085 A-1**, Sewage, SIC Code 4952, **Upper Merion Municipal Utility Authority**, 175 W Valley Forge Road, King Of Prussia, PA 19406. Facility Name: Matsunk WPCC. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

This permit amendment includes: (1) reducing the influent BOD<sub>5</sub> monitoring frequency from 1/day to 1/week, and (2) updating the permit condition found at Part B.I.C.4.c.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

**PA0030112**, Sewage, SIC Code 8211, **Methacton School District**, 4001-C Eagleview Road, Eagleville, PA 19403. Facility Name: Methacton School District STP. This existing facility is located in Worcester Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Skippack Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.027 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Geo Mean	
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12.0
Nov 1 - Apr 30	XXX	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	XXX	XXX	1.2	XXX	2.4

In addition, the permit contains the following major special conditions:

- No Stormwater to Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Public sewers When Available
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Operator
- Operations and Maintenance Plan
- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**PA0026000**, Sewage, SIC Code 4952, **City of Allentown City and Lehigh County Authority**, 641 South 10th Street, Allentown, PA 18103. Facility Name: Allentown City WWTP. This existing facility is located in Allentown City, **Lehigh County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Jordan Creek and Lehigh River, is located in State Water Plan watershed 2-C and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 40 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.44	XXX	1.02
CBOD <sub>5</sub>	6,672	10,008	XXX	20.0	30.0	40.0
					Wkly Avg	
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	10,008	15,012	XXX	30.0	45.0	60.0
					Wkly Avg	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	1,668	XXX	XXX	5.0	XXX	10.0
Nov 1 - Apr 30	5,004	XXX	XXX	15.0	XXX	30.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX



<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Cadmium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.002	0.004	XXX
Total Cobalt (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	.127	.254	XXX
Total Copper (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.042	0.084	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 40 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.44	XXX	1.02
CBOD <sub>5</sub>	6,672	10,008	XXX	20.0	30.0	40.0
					Wkly Avg	
BOD <sub>5</sub> Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	10,008	1,512	XXX	30.0	45.0	60.0
					Wkly Avg	
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31	1,668	XXX	XXX	5.0	XXX	10.0
Nov 1 - Apr 30	5,004	XXX	XXX	15.0	XXX	30.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Cadmium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.002	0.004	XXX
Total Cobalt (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	.127	.254	XXX
Total Copper (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.042	0.084	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Stormwater
- Pretreatment
- Toxics Reduction Evaluation
- Whole Effluent Toxicity Testing

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

**PAS326102**, Storm Water, SIC Code 1442, **Glacial Sand & Gravel Co.**, P.O. Box 1022, Kittanning, PA 16201. Facility Name: Glacial Sand & Gravel, Cowansville Shop. This proposed facility is located in East Franklin Township, **Armstrong County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Storm Water.

The receiving stream, Long Run is located in State Water Plan watershed 17-E and is classified for High Quality Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**PA0272698**, Industrial Waste, SIC Code 1311, **Raymond J. Stiglitz**, 896 Victory Church Road, Franklin, PA 16323. Facility Name: Raymond J. Stiglitz WWTP. This proposed facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Stripper Well Wastewater.

The receiving stream, an Unnamed Tributary of the Allegheny River, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00084 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	5,000	10,000	XXX	Report	Report	XXX
	Annual Avg					
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	1,050	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Acidity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )						
Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Total Iron	XXX	XXX	XXX	3.5	XXX	7.0
Total Barium	0.35	0.54	XXX	50	78	125
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Requirement to use eDMR System
- Receipt of Stripper Well Wastewater Only

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit 0914402**, Sewage, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944.

This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Action/Activity: Upgrades of pumps a UV disinfection system to bring plant to maximum capacity SBR units.

**WQM Permit No. WQG02091411**, Sewage, **Aqua Infrastructure Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Proposal for pumping station, force main, gravity sanitary sewer, water main and associated appurtenances.

**WQM Permit No. 4695428**, Sewage, Amendment, **Lower Salford Township Authority**, P.O. Box 243, Harleysville, PA 19438-2515.

This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Modifications with a new bar screen, influent pumps, force main, splitter box bypass, VFD's on Orbal aerations.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2813201, Amendment #1**, CAFO, **Burk-Lea Farms**, Clinton Burkholder, 3125 Grand Point Road, Chambersburg, PA 17201.

This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit amendment to include remaining 2 previously proposed concrete storage structures to replace existing earthen storages.



*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. WQG026145**, Sewage, **Chatham University**, Pittsburgh, PA 15232.

This proposed facility is located in Richland Township, **Allegheny County**.

Description of Proposed Action/Activity: Sewer Extension.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 1094411**, Sewage, Amendment, **Allegheny-Clarion Valley Development Corporation**, P.O. Box 311, Foxburg, PA 16036.

This existing facility is located in Allegheny Township, **Butler County**.

Description of Proposed Action/Activity: Amendment to existing WQM permit to change from UV disinfection to tablet chlorination/dechlorination system.

**WQM Permit No. 1611401**, Sewage, Amendment, **Washington Township Municipal Authority of Clarion County**, PO Box 124, Fryburg, PA 16326.

This existing facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Amendment to existing WQM permit to provide as built information for the clarifier change, alkalinity addition, to aid in the NH<sub>3</sub>-N removal, and note the addition of a bubbler in the utility water storage tank to add dissolved oxygen to the effluent.

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#### **IV. NPDES Applications for Stormwater Discharges from MS4**

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*Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PAI132202**, MS4, **Moore Township**, 2491 Community Drive, Bath, PA 18014-8841. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Moore Township, **Northampton County**. The receiving streams, East Branch Monocacy Creek, Hokendauqua Creek, Monocacy Creek, Unnamed Tributary to Bushkill Creek, Unnamed Tributary to East Branch Monocacy Creek, Unnamed Tributary to Hokendauqua Creek and Unnamed Tributary to Monocacy Creek, is located in State Water Plan watershed 1-F and 2-C and are classified for High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**PAI132203**, MS4, **Scranton City**, 340 N Washington Avenue, Scranton, PA 18503. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Scranton City, **Lackawanna County**. The receiving streams, Keyser Creek, Lackawanna River, Leggetts Creek, Roaring Brook and Leach Creek, are located in State Water Plan watershed 5-A and is classified for Trout Stocking, Migratory Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**PAI132212**, MS4, **East Allen Township**, 5344 North Bath Boulevard, Northampton, PA 18067. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in East Allen Township, **Northampton County**. The receiving streams, Unnamed Tributary to Catasauqua Creek and Unnamed Tributary to Monocacy Creek, are located in State Water Plan watershed 2-C and are classified for High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**PAI132223**, MS4, **Hellertown Borough**, 685 Main Street, Hellertown, PA 18055-1745. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Hellertown Borough, **Northampton County**. The receiving streams, Saucon Creek and Silver Creek, are located in State Water Plan watershed 2-C and are classified for High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

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#### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 5114009	199 Hunting Park Corporation 4261 North 5th Street Philadelphia, PA 19140	Philadelphia	City of Philadelphia	Frankford Creek WWF—MF
PAI01 5114010	The Church of Jesus Christ of Latter-Day Saints 50 East North Temple Street Salt Lake City, UT 84150	Philadelphia	City of Philadelphia	Schuylkill River WWF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023914006	Lori Schoeneman 3060 Fairfield Drive Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514005	Pocono Pines DG, LLC 361 Summit Boulevard Suite 110 Birmingham, AL 35243	Monroe	Tobyhanna Township	Upper Tunkhannock Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth PA 18064-9211*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814008	Arcadia East Associates No. 1, Inc. Richard E. Thulin 100 Gateway Dr., Ste. 310 Bethlehem, PA 18017	Northampton	East Allen Township	Monocacy Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030607004(2)	Curtis Morton 6 Gap Road Macungie, PA 18062	Berks	Longswamp Township	Little Lehigh Creek/MF, HQ-CWF
PAI0367120021	Stewart Associates 950 Smile Way York, PA 17404	York	Hopewell Township	Deer Creek/CWF, MF, EV Wetlands

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050209003R	Brooks & Blair Waterfront Properties, LP 310 Seven Fields Blvd Seven Fields, PA 16046	Allegheny	Oakmont and Penn Hills Borough	Allegheny River (WWF-N)

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050314001	Wayne Township PennDOT Dist. 10-0 2550 Oakland Avenue Indiana, PA 15701-3388	Armstrong	Wayne Township	South Fork of Pine Creek (HQ-CWF) and South Branch of South Fork of Pine Creek (HQ-CWF)
PAI050414001	South Side School District 4949 SR 151 Hookstown, PA 15050	Beaver	Greene Township	Service Creek (HQ-CWF)
PAI055609002-1	Penn DOT District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Somerset	Summit Township	UNT to Casselman River (CWF) and Swamp Creek (CWF)
PAI056310004-2	PennDOT District 12-0 PO Box 459 Uniontown, PA 15401	Washington	South Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI056314005	Jeff & Clement Ferri 614 Robinhood Lane McMurray, PA 15317	Washington	Somerset Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI056314006	Ashwood Lane Partners, LP 3625 Washington Pike Bridgeville, PA 15017	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI056514005	Rolling Rock Farms PO Box 717 Ligonier, PA 15658	Westmoreland	Ligonier Township	Rolling Rock Creek (HQ-CWF)

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**VII. List of NOIs for NPDES and/or Other General Permit Types**


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PAG-12            CAFOs

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**CAFO Notices of Intent Received**


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*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**PAG123684, CAFO, Lazy Hog Finishing Farm**, Chris Hoffman, 4390 Mountain Road, McAlisterville, PA 17049.

This proposed facility is located in Derry Township, **Mifflin County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking renewal of their existing permit for 532.33 AUEs swine farm permit.

The receiving stream, UNT Hungry Run and UNT Meadow Creek, is in watershed 12-A, and classified for: TSF & CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123686, CAFO, Glenn Martin & Joel Martin**, Glenn Martin Duck Farm, 2077 Mountain Road, Manheim, PA 17545.

This proposed facility is located in Penn Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking renewal of their existing 64.08 AEU Duck farm permit.

The receiving stream, Behm Run, is in watershed 7-G, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123550, CAFO, Eugene Weiler**, Weiler Farms Partnership, 350 East Mill Avenue, Myerstown, PA 17067.

This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking renewal of existing 586.03 AEU Swine operating permit.

The receiving stream, Tulpehocken Creek, is in watershed 3-C, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123688**, CAFO, **Eugene Weiler**, Weiler Farms Partnership, 350 East Mill Avenue, Myerstown, PA 17067.

This proposed facility is located in Union Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking renewal of existing 966.95 AEU Swine operating permit.

The receiving stream, Trout Run, is in watershed 7-D, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**STATE CONSERVATION COMMISSION**

**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Mike Cassel 259 Auction Road Manheim, PA 17545	Lancaster	256.5	496.42	Poultry / Swine / Dairy	NA	New

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a

concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available



for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Central Office: Bureau Director, Safe Drinking Water, PO Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [ 9996576 ]**, Public Water Supply.

Applicant	<b>[Ice River Springs Water Company, Inc.]</b>
[Township or Borough]	[Pittsfield, Massachusetts]
Responsible Official	[Alexandra Gott, Executive Vice President]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[June 16, 2014]
Description of Action	[Applicant requesting Department approval to sell a new bottled water product in Pennsylvania under the brand name: Ice River Green Natural Spring Water.]

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 1514512** Public Water Supply

Applicant	<b>Aqua Pennsylvania, Inc.</b>
City	Chester
Township	Uwchlan
Responsible Official	Joseph Thurwanger 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Application Received Date	May 23, 2014
Description of Action	Permit Application for painting the interior and exterior of the 850,000 gallon Lionville Tank.

**Permit No. 1514513** Public Water Supply

Applicant	<b>Aqua Pennsylvania, Inc.</b>
City	Chester
Township	Uwchlan
Responsible Official	Joseph Thurwanger 762 West Lancaster Avenue Bryn Mawr, PA 19010

Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P.O. Box 80794 Valley Forge, PA 19484-0794
Application Received Date	May 28, 2014
Description of Action	Permit application for painting the interior and exterior of the 160,000 gallon Whitford Hill Tank.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Application No. 4814505**, Public Water Supply.

Applicant	<b>Bethlehem Authority</b> 10 E. Church St. Bethlehem, Pa 18018-6005
[Township or Borough]	City of Bethlehem, <b>Northampton County</b>
Responsible Official	Stephen Repasch, Executive Director Bethlehem Authority 10 E. Church St. Bethlehem, Pa 18018-6005
Type of Facility	PWS
Consulting Engineer	Ronald B. Madison, PE RETTEW Associates, Inc. 941 Marcon Blvd. Suite 801 Allentown, Pa 18109-9335
Application Received Date	June 6, 2014
Description of Action	The applicant has proposed modifications to the booster pumps utilized at the existing 5th & William Street Pump Station.

**Application No. 6414503**, Public Water Supply.

Applicant	<b>Honesdale Consolidated Water Company</b> 1775 N. Main St. Honesdale, Pa 18431
[Township or Borough]	Honesdale Borough, <b>Wayne County</b>
Responsible Official	Roswell McMullen Honesdale Consolidated Water Company 1775 N. Main St. Honesdale, Pa 18431
Type of Facility	PWS
Consulting Engineer	Douglas Berg, PE Entech Engineering, Inc. 4 South 4th St. P.O. Box 32 Reading, Pa 19603
Application Received Date	June 5, 2014

Description of Action The applicant has proposed replacement of the existing subsurface booster pump station and the installation of a hydropneumatic tank to eliminate the need for daily access to the vault.

**Application No. 4014504, Public Water Supply.**

Applicant **United Water Pennsylvania Inc.**  
4211 East Park Circle  
Harrisburg, Pa 17111

[Township or Borough] Kingston Township,  
**Luzerne County**

Responsible Official John D. Hollenbach  
United Water Pennsylvania Inc.  
4211 East Park Circle  
Harrisburg, Pa 17111

Type of Facility PWS

Consulting Engineer Arthur Saunders, PE  
United Water Pennsylvania Inc.  
4211 East Park Circle  
Harrisburg, Pa 17111

Application Received Date June 10, 2014

Description of Action The applicant has proposed replacement of the existing Totten Booster Station.

**Application No. 4514502MA, Minor Amendment.**

Applicant **CBK Lodge, LP**  
529 Camelback Rd.  
Tannersville, Pa 18372

[Township or Borough] Pocono Township  
**Monroe County**

Responsible Official Mr. Arthur B. Berry III  
CBK Lodge, LP  
529 Camelback Rd.  
Tannersville, Pa 18372

Type of Facility Public Water Supply

Consulting Engineer Nathan Oiler, PE  
RKR Hess, a Division of UTRS,  
Inc.  
112 N. Courtland St.  
P.O. Box 268  
East Stroudsburg, Pa 18301

Application Received Date June 10, 2014

Description of Action This project provides for the demonstration of 4-log treatment of viruses for Wells 2, 3 and 4 as well as relocating a particulate filter for Well 4, installing a 1-inch raw water sample line and continuous chlorine analyzer, installing a 1-inch pipe to the water treatment room for the purpose of wiring a water tank level transducer to the control panel located in the water treatment room, installing a recirculation pump, revising the proposed chlorine and polyphosphate feed equipment, installing a 2-inch non-potable water line with a reduced pressure zone backflow preventer, and revising the proposed water softeners.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Application No. 5214505MA, Minor Amendment.**

Applicant **Milford Valley Convalescent Home, Inc.**  
264 U.S. Route 6  
Milford, Pa 18337

[Township or Borough] Westfall Township  
**Pike County**

Responsible Official Mr. Dennis Town

Type of Facility Public Water Supply

Consulting Engineer Dennis E. Town, PE  
VSI, Inc.  
1228 Main St.  
Brockway, Pa 15824

Application Received Date June 2, 2014

Description of Action This project provides for the replacement of an existing finished water storage tank with an underground pipe manifold for chlorine contact time and relocation of the potable water treatment equipment.

**Application No. 2640010, Minor Amendment.**

Applicant **Cherry Hill Mobile Home Court, Inc.**  
6 Cherry Hill Rd.  
Honesdale, Pa 18431

[Township or Borough] Honesdale Borough,  
**Wayne County**

Responsible Official Shelia Coole Warring, President  
Cherry Hill Mobile Home Court,  
Inc.  
6 Cherry Hill Rd.  
Honesdale, Pa 18431

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date June 10, 2014

Description of Action This project provides for the transfer of PWS Permit 2640010 formerly known as the Holiday Park MHP.

**Application No. 4590507T2, Minor Amendment.**

Applicant **Pocono Boulevard LLC**  
P.O. Box 298  
New York, NY 10101

[Township or Borough] Coolbaugh Township  
**Monroe County**

Responsible Official Robert Maynard, Principal  
Pocono Boulevard LLC  
P.O. Box 298  
New York, NY 10101

Type of Facility Public Water Supply

Consulting Engineer Brick Linder, PE  
Linder Engineering, Inc.  
2603 Rt. 390  
Canadensis, Pa 18325

Application Received Date April 15, 2014

Description of Action This application proposes the transfer of the White Rock Trailer Park to Pocono Boulevard LLC and 4-log demonstration treatment for viruses for Well 1.

**Application No. 2450087, Minor Amendment.**

Applicant **LKS Enterprises, LLC**  
400A Frost Hollow Rd.  
Easton, Pa 18040

[Township or Borough] Middle Smithfield Township,  
**Monroe County**

Responsible Official John King, Managing Member  
LKS Enterprises, LLC  
400 Frost Hollow Rd.  
Easton, Pa 18040

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date June 13, 2014

Description of Action This project provides for the transfer of PWS Permit 2450087 (formerly known as MBN, LLC (Green Mountain Estates).

**Application No. 4514503MA, Minor Amendment.**

Applicant **LKS Enterprises, LLC**  
400 Frost Hollow Rd.  
Easton, Pa 18042

[Township or Borough] Middle Smithfield Township  
**Monroe County**

Responsible Official Mr. John King  
LKS Enterprises, LLC  
400 Frost Hollow Rd.  
Easton, Pa 18042

Type of Facility Public Water Supply

Consulting Engineer Charles H. Niclaus, PE  
Niclaus Engineering Corporation  
804 Sarah St.  
Stroudsburg, Pa 18360

Application Received Date June 13, 2014

Description of Action This project provides for the replacement of an existing chlorine contact chamber tank.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**  
**PREAMBLE 1**

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**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:



*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Shirley Hall Residence**, 182 Ann Street Saxton, PA 16678, Liberty Township, **Bedford County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of Shirley Hall, 182 Ann Street, Saxton, PA 16678, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 Fuel Oil from an aboveground storage tank. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in *The Broad Top Bulletin* on April 1, 2014.

**Diana Herbst Property**, 20 Barto Road, Barto, PA, Washington Township, **Berks County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Diana Herbst, 20 Barto Road, Barto, PA 17504, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in *The Mercury* on May 4, 2014.

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Logistics World Express LLC**, US Route 15, southbound, Trout Run, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Logistics World Express LLC, submitted a Notice of Intent to Remediate. The incident site was impacted with approximately 75-gallons of diesel fuel and an undetermined amount of motor oil to the soils area adjacent to the roadway. The site was and will remain a right-of-way area along the state roadway. The Notice of Intent to Remediate was published in *The Daily Item* on May 15, 2014.

**Pennsylvania Department of Transportation**, Interstate of Blockhouse Road (State Route Business 15) and Sebring Lane (T-320), Liberty Township, **Tioga County**. Cardno MM&A, 2 Gunpowder Road, Mechanicsburg, PA 17050, on behalf of D&D Freight Systems, 10 Corinne Lane, North Chili, New York 14514, submitted a Notice of Intent to Remediate. On January 30, 2014 a driver with D&D Freight Systems, went through a stop sign and drove his rig through a guard rail and down an embankment releasing +/- 100 gallons of diesel fuel along with motor fluids. It is anticipated that the affected property will continue to be used by Penn DOT as a right-of-way buffer zone. The Notice of Intent to Remediate was published in the *Williamsport Sun-Gazette* on May 1, 2014.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass*

**Thomas Car Central**, 1010 West Chester Pike, West Chester Township, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Tom Ercolani, 1010 Property Partnership LP, P. O. Box 358, Pocopson, PA 19366 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of benzoapyrene, acetone, 2-butanone. The intended future use of the site is non-residential. The Notice of Intent to Remediate was published in the *Daily Local News* on April 23, 2014. PF 776062

**Schumaker Residence**, 1128 McKean Road, Horsham Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Marisol Marquez, State Farm Insurance, P.O. Box 106110, Atlanta, GA 30348-6110 on behalf of Amy Schumaker, 1128 McKean Road, Ambler, PA 19002 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The present and intended future use of the property is residential. The Notice of Intent to Remediate was published in the *Amber Gazette* on April 30, 2014. PF773976

**Fiore Motor**, 69 West Germantown Pike, East Norriton Township, **Montgomery County**. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Robert Moses, Fiore Motors, 69 West Germantown Pike, Norristown, PA 19401 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the property will remain commercial. The Notice of Intent to Remediate was published in *The Times Herald* on April 10, 2014. PF774809

**Emlen Street & West Mount Pleasant Avenue**, 7035-7041 Emlen Street, 338-344 West Mount Pleasant Avenue, City of Philadelphia, **Philadelphia County**. Paul White P. G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Richard Brown, 314 Joseph Way, Media PA 19036 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of lead, unleaded and diesel fuel. The site is served by off-site public water and public sewer system. The Notice of Intent to Remediate was published in the *Chestnut Hill Local* on May 19, 2014. PF775526

**Neuman Residence**, 335 Camp Hill Road, Upper Dublin Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Erin Bydale, Harleysville Insurance, 355 Maple Avenue, Harleysville, PA 19438-2297 on behalf of Richard Neuman, 335 Camp Hill Road, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The present and intended future use of the property is residential. The Notice of Intent to Remediate was published in *The Ambler Gazette* on April 6, 2014. PF775758

**Emico Property**, 812 West Chester Street, Perkasio Borough, **Bucks County**. Michael A. Christie, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Frank Stopper, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Stu Duckman, Target Partners, LLC, 812 Chestnut Street, Perkasio, PA 18944 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of voc's. The future use of the property will be non-residential for commercial/light industrial purpose. The Notice of Intent to Remediate was published in *The Intelligence* on April 18, 2014. PF738217

**2.42 Acre Property**, 400 block of Newbold Road, Falls Township, **Bucks County**. Henry deH. Alexander, Conestoga-Rover & Associates, 401 Eagleview Blvd. Suite 110, Exton, PA 19341 on behalf of Kyle D. Cloman, Waste Gas Fabricating Company, 450 Newbold Road, Fairless Hill, PA 19030 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the



release of non-media solids. The intended future use of the property is industrial/non-residential. The Notice of Intent to Remediate was published in *The Buck County Courier Times* on May 19, 2014. PF775526

**Markloff Residence**, 1 Candlewood Court, Newtown Township, **Bucks County**. Michael Kern, P.G., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Margaret Markloff, 1 Candlewood Court, Newtown, PA 18940 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the property will continue to be as a residential dwelling. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on March 18, 2014. PF776323

**Parkhouse Nursing Home**, 1620 Black Road, Upper Providence, **Montgomery County**. Charlie McGuth, P.G., Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, Darryl D. Borrelli, Manko, Gold, Katcher & Fox LLP., 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of Raymond McGarry, Esq. Montgomery County, One Montgomery Plaza, Suite 800, Norristown, PA 19404 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no 2 fuel oil. The future use of the property will continue to be for a residence. The Notice of Intent to Remediate was published in the *Mercury* on May 14, 2014. PF773809

**Reserve at Hidden Ponds lot 14 & 15**, Quaker Way, Richland Township, **Bucks County**. James P. Cinelli, P.E. Liberty Environmental Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601 on behalf of Pamela A. Northrop, Hidden Ponds Associates, L.P. 1574 Easton Road, Warrington, PA 18976 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The Notice of Intent to Remediate was published in *The Intelligence* on April 30, 2014. PF767760

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA17701*

**Permit Application No. 101702. PA Waste Transfer, LLC**, 154 Quarry Road, Coal Township, PA 17866, Coal Township, **Northumberland County**. The permit application is for a proposed increase in daily volume and expansion of the waste codes to be accepted at the facility. The application was received by NCRO on May 7, 2014. An LMIP meeting was held on June 10, 2014. The application is deemed administratively complete.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Permit Application No. 301626. White Pines Corporation**, 2650 Audubon Road, Audubon, PA 19403 for a facility at 515 SR 442, Millville, PA 17846, Pine Township, **Columbia County**. The permit application is for renewal of a permit for the existing residual waste landfill. The application was received by NCRO on June 6, 2014.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**52-00001A: Columbia Gas Transmission, Corp.** (1700 MacCorkle Avenue, SE, Charleston, WV 25314) for their facility in Milford Township, **Pike County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Columbia Gas Transmission, Corp.

(1700 MacCorkle Avenue, SE, Charleston, WV 25314) for their facility located in Milford Township, Pike County. This Plan Approval No. 52-00001A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 52-00001A is for the installation and operation of two new Solar Centaur natural gas fired compressor turbines and an emergency generator at the Milford Compressor Station. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the turbines will meet BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.:

52-00001A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**06-05115B: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906-1044) for modification to existing Plan Approval No. 06-05115B, issued on July 11, 2013, for the installation of two (2) landfill gas-fired engines, two (2) additional compressors and one (1) 2,000 acfm enclosed flare in Caernarvon Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the above mentioned project.

The Plan Approval modification will remove the requirements for the pre-test sampling of HAPs at the inlet of the two (2) approved landfill gas-fired engine generator sets and the removal of stack testing requirements for HAPs other than formaldehyde. Air emissions are not expected to change as a result of these modifications.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00001A: Transcontinental Gas Pipe Line Company, LLC.** (PO Box 1396, Houston, TX 77251-1396) for a plan approval to construct one Solar Titan 130S turbine rated at 20,500 ISO horsepower controlled by an oxidation catalyst, one emergency generator powered by a 1175 horsepower engine, and the ancillary piping components needed to install the proposed sources in Clinton Township, **Lycoming County**. All proposed sources are natural gas-fired. This application is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21 and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility's greenhouse gas emissions are subject to the PSD requirements. The Department has determined that the proposed levels of the air contaminants emissions satisfy best available control technology (BACT) as well as the Department's BAT requirements.

The proposed sources are also subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart KKKK—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The Department has determined that this facility satisfies all applicable requirements of these subparts.

Based on these findings presented above, the Department intends to approve the application and issue a plan approval for the proposed construction and operation of the sources and air cleaning devices as indicated in the application. If the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the operation of the Titan 130S combustion turbine and associated compressor shall not exceed any of the following:

- (i) 38.6 tons/year and 15 ppmdv @ 15% O<sub>2</sub> of nitrogen oxides (NO<sub>x</sub>), expressed as NO<sub>2</sub>;
- (ii) 33.5 tons/year and 2 ppmdv @ 15% O<sub>2</sub> of carbon monoxide (CO);
- (iii) 1.3 tons/year and 0.0019 lb/MMBtu of particulate matter (filterable only);
- (iv) 4.6 tons/year and 0.0066 lb/MMBtu of PM<sub>10</sub> and PM<sub>2.5</sub> (filterable and condensable);
- (v) 2.7 tons/year and 3 ppmdv 15% O<sub>2</sub> of volatile organic compounds (VOCs);

(vi) 0.3 ton/year and 0.000288 lb/MMBtu of formaldehyde;

(vii) 0.8 ton/year of sulfur oxides (SO<sub>x</sub>), expressed as SO<sub>2</sub>; and

(viii) Greenhouse gases (GHGs) at a rate of 0.87 lb CO<sub>2</sub>e/bhp-hr (12-month rolling average).

2. Pursuant to the Best Available Control Technology requirements of 40 CFR § 52.21, the Titan 130S combustion turbine shall not combust natural gas in excess of 1,373.71 MMscf/year.

3. Pursuant to the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12:

(a) The permittee shall only fire pipeline-quality natural gas as fuel to operate the combustion turbines.

(b) The total sulfur content of the natural gas shall be equal to or less than 0.6 grains per 100 scf.

4. (a) Within 180 days of initial start-up of the natural gas-fired combustion turbine, the permittee shall conduct EPA reference method testing programs to determine the emission rates of NO<sub>x</sub>, CO, VOCs, formaldehyde, particulate matter, total PM<sub>10</sub> and total PM<sub>2.5</sub> while the turbine is operating at plus or minus 10 percent of peak process load.

(b) The operating parameters associated with the turbine and oxidation catalyst being monitored shall also be monitored during the initial and subsequent EPA reference method testing programs.

5. The permittee shall determine the sulfur content of the natural gas transported throughout their transmission pipeline system and combusted in the facility's turbines by complying with the terms and conditions of an EPA-approved sulfur monitoring program that has been specifically designed for the permittee's pipeline network.

6. In addition to the required source testing, every 2,500 hours of operation and no sooner than forty-five (45) days from the previous test, the permittee shall perform periodic monitoring for NO<sub>x</sub> and CO emissions.

7. The permittee shall follow the manufacturers' recommended procedures during periods of startup and shutdown. The number and duration of startup and shutdown events shall be minimized to the extent feasible in accordance with good operating practices.

8. The centrifugal compressor associated with the combustion turbine shall incorporate dry seals to control fugitive leaks from the source.

9. Within 180 days after the start-up of an air contamination source, and annually thereafter, the owner/operator shall develop and perform a leak detection and repair (LDAR) program that includes either the use of an optical gas imaging camera such as a FLIR camera or a gas leak detector capable of reading methane concentrations in air of 0% to 5% with an accuracy of +/- 0.2%.

10. Pursuant to the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate the emergency stand-by power generating process in a manner such that the rate of emissions from the stationary reciprocating internal combustion engine does not exceed the following limitations:

- (i) Nitrogen Oxide—2.0 grams per horsepower-hour
- (ii) Carbon Monoxide—1.3 grams per horsepower-hour
- (iii) Volatile Organic Compounds—0.3 gram per horsepower-hour



11. The emergency generator shall only be fired on pipeline-quality natural gas and shall be operated for no more than 500 hours in any 12 consecutive month period.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 41-00001A) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

**41-00084B: Panda Patriot, LLC** (4100 Spring Valley Road, Suite 1001, Dallas, TX 75244) to incorporate 242 tons per year of nitrogen oxide (NO<sub>x</sub>) emission reduction credits (ERCs) and 6.82 tons per year of volatile organic compounds (VOC) ERCs prior to the commencement of operation of Source IDs P103 and P104 in **Clinton County**. The proposed facility's Plan Approval 41-00084A was issued on January 31, 2013, to Moxie Energy LLC for construction of a natural-gas-fired combined-cycle power plant to produce approximately 900 MW at the Moxie Patriot Generation Plant in Clinton Township, Lycoming County. On January 30, 2014, the Department received notice from Panda Patriot, LLC, informing the Department that Moxie Patriot, LLC had been purchased by Panda Patriot, LLC with no change in the federal Tax ID number and the facility should be identified as the Panda Patriot Generation Plant. The Department issued a revision of Plan Approval 41-00084A on March 25, 2014, to incorporate the name change for the facility.

Panda Patriot has purchased 242 tons of NO<sub>x</sub> ERCs and only 6.82 tons of the required 69.2 tons of VOC ERCs. The balance of the VOC ERCs (62.4 tons) will be purchased prior to the operation of the facility. The proposed NO<sub>x</sub> ERCs were purchased from Techneglas, Inc. located in Luzerne County, Pennsylvania. The proposed VOC ERCs were purchased from Bennington Paperboard Co. located in Rensselaer County, New York. The Department intends to issue Plan Approval 41-00084B for the Panda Patriot Generation Plant located in Clinton Township, Lycoming County, to incorporate 242 tons of NO<sub>x</sub> ERCs and 6.82 tons of VOC ERCs. The plan approval will offset the total net increase in potential to

emit (PTE) for NO<sub>x</sub> and a portion of the net increase in PTE for VOC and make the ERCs federally enforceable prior to the ERCs expiring.

The Department's review of the information submitted by Panda Patriot, LLC indicates that the proposed ERCs will comply with the requirements of 25 Pa. Code § 127.208, relating to ERC use and transfer requirements. Based on these findings, the Department intends to approve the application and issue a plan approval for the transfer and use of the ERCs. The Department has included the following conditions in the proposed plan approval.

1. This plan approval is granted solely for the transfer and use of ERCs according to 25 Pa. Code § 127.208(2), and does not authorize a person to construct, modify, or reactivate an air contaminant source or allow for the installation of an air cleaning device on an air contaminant source.

2. This plan approval authorizes the transfer and use of 242 tpy of NO<sub>x</sub> ERCs from Techneglas Inc. to Panda Patriot, LLC to meet the offset emissions requirements of 25 Pa. Code Chapter 127.

3. This plan approval authorizes the transfer and use of 6.82 tpy of VOC ERCs from Bennington Paperboard Co. to Panda Patriot, LLC to meet the offset emissions requirements of 25 Pa. Code Chapter 127.

4. Techneglas Inc. created NO<sub>x</sub> ERCs from shutdown of sources at their plant in Luzerne County. The 242 tpy of NO<sub>x</sub> ERCs were generated from shutdown of sources per the following schedule: 141.52 tpy on August 11, 2004 and 100.48 tpy on August 15, 2004.

5. Bennington Paperboard Co. created VOC ERCs from shutdown of sources at their plant in Rensselaer County, New York. The 6.82 tpy of VOC ERCs were generated from shutdown of sources on August 20, 2008.

6. These ERCs are to be used to satisfy offset emissions requirements of Plan Approval 41-00084A in accordance with 25 Pa. Code §§ 127.206—127.210, for the NO<sub>x</sub> and VOC emissions increases from the proposed facility.

7. Upon the issuance of this plan approval, the ERCs are no longer subject to expiration under 25 Pa. Code § 127.206(f), except as specified in 25 Pa. Code § 127.206(g). If the NO<sub>x</sub> and VOC ERCs identified in this plan approval are not used and subsequently re-entered into the ERC registry, the applicable 10-year expiration date may not be extended.

8. This approval satisfies the requirements of 25 Pa. Code Chapter 127, Subpart E (relating to new source review) including 25 Pa. Code §§ 127.205(4), 127.208(2), 127.209(c) and 127.210.

Any person(s) wishing to protest issuance of the plan approval that they believe should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or comments in writing to the Department at the address listed below. Protests or comments must be received by the Department within 30 days from the last date of this publication in order to be considered. Each written protest or comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (specify Plan Approval 41-00084B) and a concise statement explaining the relevancy of the protest or comments to issuance of the plan approval.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted



based on the information received. All persons protesting the issuance of the plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the area, or by letter or telephone, if the Department determines such notification is sufficient.

A copy of the plan approval application and all pertinent document used in the evaluation of the application are available for public review between 8 a.m. and 4 p.m. at the Department's North Central Regional Office. Appointments for scheduling a review may be made by calling the Department at 570.327.0550. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**42-004I: American Refining Group, Inc.** (77 North Kendall Ave., Bradford, PA 16701) for installation of a diesel-fired emergency generator at their facility in the City of Bradford, **Bradford County**. This is a Title V facility.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 42-004I to American Refining Group, Inc. for the installation of a 2,923 bhp diesel-fired emergency generator at the company's facility located at 77 North Kendall Ave., City of Bradford, McKean County. Emissions of CO and VOC from the proposed source will be controlled by an associated oxidation catalyst.

The facility currently has a Title V permit No. 42-00004. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and DEP's own analysis, the proposed source will result in potential emissions of 6.44 tons of nitrogen oxides (NO<sub>x</sub>), 0.32 ton of carbon monoxide, 0.20 ton of volatile organic compounds (VOC), 0.20 ton of particulate matter, and 0.01 ton of sulfur oxides (SO<sub>x</sub>) per year. The proposed source will be required to comply with the applicable provisions of 40 CFR 60 Subpart IIII [Standards of Performance for Stationary Compression Ignition Internal Combustion Engines], which include emission limits, fuel content requirements, recordkeeping, and work practice requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 42-004I and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, Acting Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6131.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 14184: Philadelphia International Airport—PHL Division of Aviation** (8800 Essington Avenue, Terminal E, Philadelphia PA 19153) for installation non-selective catalytic reduction (NSCR) on an existing 350 kW non-emergency generator, twenty-four (24) small heaters each less than 1.5 MMBTU/hr burning natural gas, and three (3) large boilers each 28.6 MMBTU/hr burning natural gas or #2 fuel oil replacing three (3) existing 29.3 MMBTU/hr boilers. The generator will be used for emergency and non-emergency use. The generator will also be subject emission limits from 40 CFR 60 Subpart ZZZZ and limited to 500 hrs/yr. The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements for the generator, heaters, and boilers respectively.

## PLAN APPROVAL

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## PUBLIC HEARINGS

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*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Roger Fey, Chief—Telephone: 215-823-7584*

Proposed Revision to the State Implementation Plan to Meet the Requirements of Reasonably Available Control Technology set forth by the Clean Air Act Under the 8-Hour Ozone NAAQS; Public Hearing

The Clean Air Act Amendments of 1990 (CAA) requires Philadelphia County (Philadelphia) to submit to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision demonstrating that Philadelphia has implemented all necessary Reasonably Available Control Technology (RACT) controls on all major stationary sources of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>).

The Philadelphia Department of Public Health, Air Management Services (AMS) is now seeking public comment on a proposed SIP revision that updates Philadel-

phia's RACT demonstration for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS).

On December 13, 2013 (78 FR 75902), EPA conditionally approved Philadelphia's 1997 8-hour ozone RACT demonstration provided in the 2006 and 2010 SIP revisions, based upon a commitment from AMS to submit additional SIP revisions to provide source-specific RACT determinations for certain major sources of VOC and NO<sub>x</sub> in Philadelphia and a certification that previously adopted source-specific RACT controls approved by EPA in the Pennsylvania's SIP under the 1-hour ozone NAAQS for the remaining sources in Philadelphia County (as listed in 40 CFR 52.2020(d)(1)) continue to adequately represent RACT for the 1997 8-hour ozone NAAQS.

This SIP revision is intended to partially satisfy AMS' commitment by addressing source-specific RACT determinations for the following major sources of NO<sub>x</sub>:

- **Exelon—Delaware Station** (1325 N. Beach Street, Philadelphia, PA 19125), with three 15.5 MW combustion turbines and one 17.5 MW combustion turbine

- **Exelon Generating Company—Richmond Station** (3901 N. Delaware Avenue, Philadelphia, PA 19137), with two 66 MW combustion turbines

- **Exelon Generating Company—Schuylkill Station** (2800 Christian Street, Philadelphia, PA 19146), with one 233 MMBTU/hr combustion turbine, one 284 MMBTU/hr combustion turbine, and one 2.75 MW emergency generator

- **Veolia Energy Philadelphia—Edison Station** (908 Sansom Street, Philadelphia, PA 19107), with two 283 MMBTU/hr boilers and two 335 MMBTU/hr boilers

- **Veolia Energy—Schuylkill Station** (2600 Christian Street, Philadelphia, PA 19146), with two 795 MMBTU/hr boilers, one 761 MMBTU/hr boiler, one 1119 MMBTU/hr boiler, and one 1515 MMBTU/hr combustion turbine.

In addition, AMS is revising the RACT plan approvals for the following facilities:

- **Veolia Energy Philadelphia—Edison Station** (908 Sansom Street, Philadelphia, PA 19107): AMS is adding emission limits of 185.93 tons of NO<sub>x</sub> per rolling 12 month period for the Boilers #1 and #2 and 220.1 tons of NO<sub>x</sub> per rolling 12 month period for Boilers #3 and #4.

- **Veolia Energy—Schuylkill Station** (2600 Christian Street, Philadelphia, PA 19146): AMS is adding an emission limit of 365.6 tons of NO<sub>x</sub> per rolling 12 month period for Boiler #23.

Anyone affected by the proposed updates to the SIP revision may submit written comments or a request for a public hearing by mail to Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, Attn: Karen Smith within thirty (30) days from today. If requested, AMS will hold a public hearing to discuss these issues on July 31, 2014, at 6 PM at the Spellman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact Alison Riley at (215) 685-9422 to discuss how AMS may accommodate their needs.

If no request for public hearing is received by 4 PM on July 28, 2014, the hearing will be cancelled and notice of the cancellation will be published on Wednesday, July 30, 2014, on AMS' web site <http://www.phila.gov/health/>

[AirManagement/PublicMeetings.html](http://www.phila.gov/health/AirManagement/PublicMeetings.html). Interested parties may also call (215) 685-7572 to find out if the hearing has been cancelled.

The update and other supporting information are available for inspection at the offices of AMS during normal business hours or on AMS' website at <http://www.phila.gov/health/AirManagement/PublicMeetings.html>. For further information, please call Karen Smith at (215) 685-7572.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**67-05009: York Plant Holding, LLC** (P. O. Box 3492, York, PA 17402) to operate their electrical power generating facility in Springettsbury Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual 2012 emissions of approximately 36.49 tons of NO<sub>x</sub>, 30.76 tons of CO, 3.74 tons of PM<sub>10</sub>, 3.37 tons of VOC, 0.16 ton of SO<sub>x</sub>, 0.41 ton of combined HAPs and 39,215.83 tons of CO<sub>2</sub>e. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests, or for requests for a public hearing.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. The Department will give notice of any scheduled public hearing at least thirty days in advance of the hearing as per 25 Pa. Code § 127.521. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Gary Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00035: Allentown City WWTP** (112 West Union Street, Allentown, PA 18102-4912) to issue a renewal State Only operating permit for a wastewater treatment plant in the City of Allentown, **Lehigh County**. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, record keeping and reporting conditions regarding compliance with all applicable requirements are also included.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**06-05092: Reading Materials, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) for the South Reading Asphalt Plant in Cumru Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 2.4 tons of NO<sub>x</sub>, 2.0 tons of PM, 11.5 tons of CO, 2.8 tons of VOC and 3,022 tons of GHG. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart I.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**22-05054: Highspire Terminals Corp.** (PO Box 2621, Harrisburg, PA 17105) for a petroleum product loading terminal located in Lower Swatara Township, **Dauphin County**. This is a renewal of their State-Only Operating Permit issued in March 2009.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

The primary emissions from the facility are the volatile organic compounds. The actual VOC emission in 2013 AIMS was 24.1 tons. 40CFR Part 60 NSPS is applicable to the gasoline storage tanks as follows: Two tanks are subject to Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978. The Tank 6 is subject to Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and prior to July 23, 1984. Six tanks are subject to Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

Also, two loading racks are subject to NSPS Subpart XX—Standards of Performance for Bulk Gasoline Terminals Standard for Volatile Organic Compound (VOC). The gasoline loading rack and storage tanks are subject to 40 CFR 63, Subpart BBBB, National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. An Emergency Generator is subject to 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**06-05087: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) for the Bechtelsville Asphalt Plant in Colebrookdale Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has



received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 2 tpy of NO<sub>x</sub>, 1 tpy of CO and 1896 tpy of GHG. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart I.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**28-03026: Gish Logging, Inc.** (4980 Path Valley Rd., Fort Loudon, PA 17224) for operation of a wood-fired boiler and mechanical collector in Metal Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The estimated potential emissions of the facility are approximately 20 tons of particulate matter per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**06-03069: Highway Materials, Inc.** (P. O. Box 0667, Blue Bell, PA 19422) for their crushed stone production in the Temple Quarry in Alsace Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has potential emissions of 24 tpy of NO<sub>x</sub>, 5 tpy of CO and 2 tpy each of SO<sub>x</sub>, PM and VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ, 40 CFR 60 Subpart OOO, and 25 Pa. Code § 129.63.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-03024: Astro Machine Works** (470 Wenger Drive, Ephrata, PA 17522) for the custom machine manufacturing facility in Cumru Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility had actual emissions in 2013 of 1.55 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are



available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00019: Bimbo Bakeries USA, Inc.** (901 North Elmer Avenue, P.O. Box 158, Sayre, PA 18840-0158) to issue a renewal State Only Operating Permit for their Sayre Plant facility located in Sayre Borough, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00019. The facility's main sources include two 3.4 MMBtu/hr natural-gas-fired boilers and one bread oven, which is equipped with a catalytic oxidizer.

The facility has potential annual emissions of 8.34 tons of carbon monoxide, 9.93 tons of nitrogen oxides, 0.06 ton of sulfur oxides, 7.36 tons of particulate matter (including particulate matter less than 10 microns and less than 2.5 microns), less than 50 tons of volatile organic compounds, less than 10 tons of any individual hazardous air pollutant, less than 25 tons of any combination of multiple hazardous air pollutants, and 10,701 tons of greenhouse gases (carbon dioxide equivalent).

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone num-

ber of the person submitting the comments; Identification of the proposed permit (Permit No. 08-00019); Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**25-01025: Erie Cemetery Association** (2116 Chestnut Street, Erie, PA 16502) for initial Natural Minor Permit to operate cemetery services with crematories facility located in City of Erie, **Erie County**. The emitting source of the facility included: 1) Crematory #1, Jones Crematory Company, Model # JO-1-GM, 150 lbs/hr. and, 2) Crematory #2, Jones Crematory Company, Model # JO-1-GM, 150 lbs/hr. This is a Natural Minor facility due to its potential to emit of pollutants are less than the Title V threshold limits. The potential emission of Particulate Matter from the facility reported in the initial natural minor permit application, 0.1 gr / dry std. ft<sup>3</sup>. The potential emissions for the other criteria pollutants are less than 1 TPY each.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on

a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** and related NPDES permit to expand Slope No. 3 and add NPDES outfall #038. Surface Acres Proposed 84.05. Application also includes a request for a Section 401 Water Quality Certification. Receiving stream: Unnamed Tributary to Patterson Creek, classified for the following use: TSF. The application was considered administratively complete on June 12, 2014. Application received April 15, 2014.

**03031301 and NPDES No. PA0235563. Bedrock Mines, LP**, (111 Freeport Road, Pittsburgh, PA 15215). To renew the permit for the Keystone East Mine in

Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 12, 2014. Application received December 12, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26090105 and NPDES Permit No. PA0251739. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclamation only to an existing bituminous surface mine, located in Menallen Township, **Fayette County**, affecting 202.4 acres. Receiving streams: unnamed tributary to Dunlap Creek and Dunlap Creek, 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: June 5, 2014.

**65890104 and NPDES Permit No. PA0591734. Coal Loaders, Inc.** (210 E. Main Street, Latrobe, PA 15658). Renewal application for reclamation only to an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 92.5 acres. Receiving stream: unnamed tributary to Barren 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: June 10, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 22-305-001GP12. RR Coal, Inc.**, (PO Box 6, Lykens, PA 17048), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 22851602 in Wiconisco Township, **Dauphin County**. Application received: May 28, 2014.

**Permit No. 54940201R4. White Pine Coal Co., Inc.**, (PO Box 119, Ashland, PA 17921), renewal for reclamation activities only of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 56.3 acres, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: June 2, 2014.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 58060865. Alexander Jubinski, Jr.**, (1936 Carpenter Road, Dalton, PA 18414), Stage I & II bond release of a quarry operation in Dimock Township, **Susquehanna County** affecting 1.0 acre, on property owned by Linda Centofante. Application received: May 9, 2014.

**Permit No. 58000859. John R. Belmont**, (1036 Fuller Lake Road, Susquehanna, PA 18847), Stage I & II bond release of a quarry operation in Jackson Township, **Susquehanna County** affecting 2.0 acres on property owned by John R. Belmont. Application received: June 2, 2014.

**Permit No. 58080829. John R. Belmont**, (1036 Fuller Lake Road, Susquehanna, PA 18847), Stage I & II bond release of a quarry operation in Jackson Township, **Susquehanna County** affecting 5.0 acres on property owned by John R. Belmont. Application received: June 2, 2014.

**Permit No. 64060804. Jack Downton**, (6 Downton Drive, Starrucca, PA 18462), Stage I & II bond release of a quarry operation in Starrucca Borough, **Wayne County** affecting 1.0 acre on property owned by Jack and Kathy Downton. Application received: June 2, 2014.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).



The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0258679 (Permit No. 33080108). P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing NPDES permit for a bituminous surface and auger mine in Porter Township, **Jefferson County**, affecting 457.8 acres. Receiving streams: Sugarcamp Run, Hamilton Run and unnamed tributary “C” to Hamilton Run, classified for the following uses: CWF. TMDL: None. Application received: May 27, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Sugarcamp Run, Hamilton Run and unnamed tributary “C” to Hamilton Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	N
TB-2	N
TB-3	N
TB-4	N
TB-5	N
TB-6	N
TB-7	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to Sugarcamp Run, Hamilton Run and unnamed tributary “C” to Hamilton Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
D	N
E	N
F	N
G	N

The proposed effluent limits for the above listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly)*

**NPDES Permit No. PA0593893 on Surface Mining Permit No. 48870301. Haines & Kibblehouse, Inc.,** (PO Box 196, Skippack, PA 19474), revision and renewal of an NPDES Permit for a limestone quarry operation in Lower Mt. Bethel Township, **Northampton County**, affecting 292.56 acres. Receiving streams: Mud Run and Delaware River, classified for the following uses: cold water fishes (Mud Run) and warm water fishes (Delaware River). Application received: June 1, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfalls listed below discharge to Mud Run and Delaware River.

Outfall No.	New Outfall Y/N	Type
ABE-SB-1	No	Stormwater
ABE-SB-2	No	Stormwater
ABE-SB003	Yes	pit sump/Groundwater (0.5 MGD Average)

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900*

**E46-1107. Pennsylvania Department of Transport, District 6;** 7000 Geerdes Blvd, King of Prussia, PA 19406, Warrington Township in Bucks County and Horsham and Montgomery Townships, **Montgomery County;** ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities across three perennial tributaries to Little Neshaminy Creek (WWF-MF, Watercourses 5, 6, & 7) and one perennial tributary to Mill Creek (TSF/MF, Watercourse 2) to facilitate the proposed S.R. 2038 Section WD2/County Line Road widening Project to five lanes commencing from east of Stump Road and ending to just east of Lower State Road:

1. To replace the existing 27" x 42" diameter elliptical corrugated metal pipe, 43 feet long, which carries a UNT to Little Neshaminy Creek under SR 2038/County Line Road, with a proposed construction and maintenance of a 27" by 42" diameter reinforced concrete elliptical pipe, 46 feet long, and depressed 6 inches.

2. To construct and maintain an outfall structure at the discharge point of the proposed 27" by 42" diameter elliptical pipe and the placement of approximately 17.74 linear feet of riprap along the pipe and at the discharge outfall covering approximately 0.005-acre.

3. To replace and relocate the alignment an existing 24" diameter concrete pipe, 36 feet long, which is perpendicular to the roadway and carries stormwater discharge to a UNT of Little Neshaminy Creek, with a proposed construction and maintenance of 30" diameter reinforced

concrete pipe, 84 feet long. The proposed pipe configuration will be depressed 6 inches, remedy the scour hole associated with the existing pipe, and align the crossing with the downstream section of the stream. This new pipe configuration will also place approximately 14 linear feet of riprap protection at the outfall of the new pipe, impact approximately 102.88 linear feet of stream, and eliminate approximately 35 linear feet of open channel that currently leads to the existing pipe.

4. To accommodate the road widening goal of the project, a UNT to Little Neshaminy Creek which runs on the north side of Limekiln Pike and also flows on the east side of SR 2038/County Line Road and passes under SR 2038 at one point via two 40" by 30" diameter corrugated elliptical metal pipes with lengths of 250 feet and 242 feet respectively is proposed to be filled, realigned and rechanneled. Approximately 150 linear feet of the existing channel will form a new channel 35 feet north of its present location. Approximately 306 linear feet of new open channel will be created, amounting to approximately 0.068 acre of stream impacts and 604.65 linear feet of permanent impacts of which approximately 315 linear feet of open channel will be lost. Approximately 145 feet long 38" by 60" reinforced concrete elliptical pipe, depressed 6", is proposed for the realignment to be carried under County Line Road.

5. To fill and maintain approximately 1362.79 linear feet of swale (0.031 acre) that runs parallel to County Line Road.

6. To fill approximately 0.020 acre of wetland (Wetland 1) and fill approximately 11 linear feet the existing stream that abuts the wetland. At the point where this stream discharges through a 24 inch diameter concrete pipe, a proposed 25 feet long, 36" reinforced concrete pipe, depressed 6 inches, will be connected to the existing 24" pipe. A proposed 20 linear feet (0.008 acre) placement of riprap protection at the outfall of the new pipe brings the total permanent impact of 29.47 linear feet to the stream.

Section WD2 of the project runs along County Line Road commencing approximately 1,400 feet east of Stump Road and extends in an easterly direction ending near the intersection Kulp and County Line Roads. The part of the project that runs in the north-south direction intersects County Line Road approximately at Road Station 330+60, commences approximately 200 south of the intersection of Guinness Lane and Limekiln Pike and runs north crossing County Line Road ending approximately 1,100 feet from the intersection of County Line Road and Limekiln Pike. The projects passes through portions of Warrington Township in Bucks County and Montgomery and Horsham Townships in Montgomery County (Meridian at the center of the rehabilitation segment of the Roadway—Latitude 40° 14' 40.1"; Longitude 75° 11' 32.5").

**E09-986. North Penn Water Authority**, 300 Forty Foot Road, P.O. Box 1659, Lansdale, PA 19446, New Britain Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a water transfer and energy recovery station of size 40-foot long and 30-foot wide. The facility is located within the 100 year flood plain of the West Branch of Neshaminy Creek (WWF, MF).

The site is located about 200 feet northwest of Railroad Avenue and Schoolhouse Road (Doylestown, PA USGS Quadrangle Latitude: 40.281389; Longitude: -75.240278).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E35-452. Mericle Construction**, East Mountain Corporate Center, 100 Baltimore Dr., Wilkes-Barre, PA 18702, in Olyphant Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain fill in 0.64 acre of PFO/SS wetlands associated with the expansion of an existing warehouse in the Olyphant Industrial Park. The project is located at 1200 East Lackawanna Avenue in Olyphant Borough, Lackawanna County (Olyphant, PA Quadrangle, Latitude: 41°27'50"; Longitude: -75°35'7").

**E52-241. Vladimir and Mariana Gorbach**, 628 Van Dam Street, Valley Stream, NY 11581, in Delaware Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following encroachments as an after-the-fact permit:

1. A 76 foot long rock retaining wall along the shore of Wild Acres Lake with 608 sq. ft. of fill in wetlands along the edge of the lake.

2. A 26 ft. long by 6.5 ft wide boat dock with the first 12 feet (78 sq. ft.) supported by solid fill and the remaining 14 feet supported by pilings.

3. A 20 ft. long by 22 ft. wide (440 sq. ft.) concrete boat launch/storage pad in Wild Acres Lake located along the shore line.

The project is located at 233 Mountain Lake Drive in the Wild Acres Lakes community in Delaware Township, Pike County (Lake Maskenozha, PA Quadrangle, Latitude: 41°12'48"; Longitude: -75°56'39").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E67-898 Amendment: York Township**, 190 Oak Road, Dallastown, PA 17313, in York Township, **York County**, U.S. Army Corps Of Engineers, Baltimore District

To (1) construct and maintain a 6.0-foot wide, single span pedestrian bridge having a normal span of 50.0-feet across Mill Creek (WWF, MF); (2) construct and maintain a 6.0-foot wide, double span bridge having a normal span of 74.0-feet across Mill Creek (WWF, MF); all for the purpose public recreation. The project site runs parallel to Camp Betty Washington Road and is located at the southeast corner of the intersection of Camp Betty Washington Road and Chestnut Hill Road (York, PA Quadrangle, Latitude: 39°56'40", Longitude: 76°39'39") in York Township, York County.

**E06-696: Adin Z. Horning and Andrea Kay Horning**, 1399 Schubert Road, Bethel, PA 19507 in Tulpehocken Township, **Berks County**, U.S. Army Corps of Engineers Baltimore District.

To fill in a 3,750 square foot offline pond due to safety concerns. (Latitude: 40° 29' 23.2", Longitude: -76° 15' 50.0")

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E60-220, Buffalo Valley Recreational Authority**, 220 Brookpark Circle, Suite #9, Lewisburg, PA 17837. Buffalo Valley Rail Trail in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle; Latitude 40°57'49"N; Longitude -76°53'23"W).

The applicant proposes to construct, operate and maintain: 1) a glued laminated timber deck with a length of



35.25 feet on new timber railing on the existing steel I-beam bridge, 2) concrete repairs to the existing abutments, 3) Removing existing earthen approaches to the bridge and replacing the material with pedestrian trail materials, 4) 360 cubic yards of fill placed within the FEMA 100 year flood fringe due to slight widening of the trail in order to create a pedestrian trail in the location of the abandoned West Shore Railroad bed. There are no wetlands within the vicinity of the project. The project should have an indirect overhead impact of 12.5 linear feet and a temporary impact of 50 linear feet to Bull Run (Limestone Run), which is classified as a Warm Water Fishery with Migratory Fish.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**E04-347. PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017; Independence Township, **Beaver County**; ACOE Pittsburgh District.

The applicant is proposing to remove the existing SR 3020, single lane, with an 18.5 ft. width, single span concrete arch bridge having a total span length of 42 ft., and having a minimum underclearance of 12.2 ft.; and to construct and maintain a single span, two lane, 84 ft. width replacement concrete arch culvert having a total span length of 42 ft., and having a minimum underclearance of 10.1 ft. over Service Creek (WWF) with a drainage area of 16.38 square miles. In addition, the project includes temporary encroachments for construction and demolition; and encroachments associated with modification or replacement of stormwater facilities and approach road alignment adjustment. This PennDOT roadway improvement and relocation project is located in Independence Township (Aliquippa Quadrangle; N: 13.8

inches; W: 12.0 inches; Latitude 40° 34' 39.5"; Longitude -80° 20' 14.75"), in Beaver County.

**E63-653. Brayman Construction Corporation**, 1000 John Roebing Way, Saxonburg, PA 16059; Speers Borough, **Washington County**; ACOE Pittsburgh District.

The applicant proposes to prepare and use an existing dock and laydown area on the Monongahela River at river mile 41.5 as a temporary bed for the purposes of pouring precast concrete structures in support of the US Army Corps of Engineers' construction of the Charleroi Lock and Dam 4. Concrete structures are proposed to be stored within the FEMA defined floodway, and are approximately 50 feet wide, 115 feet long, and vary in height from 5 to 21 feet. The project is located at river mile 41.5 (USGS Quadrangle: Monongahela, PA; Latitude: 39° 07' 39.98"; Long: -79° 53' 03.12"), in Speers Borough, Washington County.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335, 814-332-6860*

**E10-08-004. MarkWest Liberty Bluestone, LLC**, 4600 J. Barry Court, Suite 500, Canonsburg, PA 15317, Geyer to Kennedy Pipeline Project in Middlesex Township, **Butler County**, ACOE Pittsburgh District. (Valencia Quadrangle N: 40° 41' 54.56"; W: -79° 57' 10.24").

The applicant proposes to install approximately 21,000 linear feet of two 12" diameter welded steel natural gas pipelines with associated temporary access roads, in Middlesex Township, Butler County. The project will result in 750 linear feet of temporary stream impacts and .203 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the temporary water pipeline and associated access roads are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 1 to UNT 72501 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°41'16.96"N -79°57'54.51"W
2	Two (2) 12" diameter natural gas pipelines to be bored under UNT 2 to UNT 76185 to Glade Run (WWF) and its associated floodway.	40°41'28.47"N -79°57'55.56"W
3	Two (2) 12" diameter natural gas pipelines to be bored under a palustrine forested/palustrine shrub-scrub/palustrine emergent (PFO/PSS/PEM) wetland.	40°41'28.66"N -79°57'55.56"W
4	Two (2) 12" diameter natural gas pipelines to be bored under UNT 76185 to Glade Run (WWF) and its associated floodway.	40°41'28.83"N -79°57'55.59"W
5	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 45051 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°41'31.71"N -79°57'53.35"W
6	Two (2) 12" diameter natural gas pipelines to be bored under a palustrine shrub-scrub/palustrine emergent (PSS/PEM) wetland.	40°41'40.51"N -79°57'48.65"W
7	Two (2) 12" diameter natural gas pipelines to be bored under UNT 3 to UNT 72501 to Glade Run (WWF) and its associated floodway.	40°41'40.55"N -79°57'48.49"W
8	Two (2) 12" diameter natural gas pipelines to be bored under a palustrine forested/palustrine shrub-scrub/palustrine emergent (PFO/PSS/PEM) wetland.	40°41'41.85"N -79°57'31.51"W
9	Two (2) 12" diameter natural gas pipelines to be bored under UNT 3 to UNT 72501 to Glade Run (WWF) and its associated floodway.	40°41'41.77"N -79°57'30.58"W
10	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 18 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°41'49.47"N -79°57'12.58"W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
11	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°41'50.76"N -79°57'9.84"W
12	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 24 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'30.63"N -79°57'11.49"W
13	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'31.93"N -79°57'11.44"W
14	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 38720 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'32.73"N -79°57'11.69"W
15	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross palustrine emergent (PEM) wetland, having .092 acre of temporary wetland impacts.	40°42'42.76"N -79°57'12.54"W
16	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 10 to UNT 38720 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'52.78"N -79°57'12.67"W
17	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 11 to UNT 38720 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'52.95"N -79°57'12.65"W
18	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 12 to UNT 80675 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'59.19"N -79°57'12.41"W
19	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 13 to UNT 80675 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°42'59.27"N -79°57'11.26"W
20	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 14 to UNT 80675 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°43'9.33"N -79°57'1.93"W
21	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross palustrine emergent (PEM) wetland, having .0996 acre of temporary wetland impacts.	40°43'15.35"N -79°57'3.12"W
22	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 12 to UNT 80675 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°43'16.68"N -79°57'3.39"W
23	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT 80675 to Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°43'30.65"N -79°56'57.37"W
24	Two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross Glade Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	40°43'37.57"N -79°56'47.93"W

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335, 814-332-6860*

**E42-08-012, Northern Pipeline Company, LLC**, 10299 West Main Road, North East, PA 16428. Gas line crossing SR 0770 and Minard Run in Bradford Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Derrick City, PA Quadrangle N: 41.891226°; W: -78.603893°).

The applicant proposes to install and maintain a 6 inch SDR 11 PVC casing with a 4 inch diameter SDR 11 PVC natural gas pipeline. The proposed pipeline project falls entirely in Bradford Township, McKean County, PA; and is located at 41.891226° N, -78.603893° W. This project is considered as relocation of an existing pipeline, and is the result of a PennDOT bridge replacement. The line will be bored under Minard Run (EV) and its associated floodway for a distance of 94 linear feet.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Patrick M. Webb, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA1009-017. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,000 linear feet of dangerous highwalls. The project will also include the backfilling of 0.4 acre of open water and 0.09 acre of PEM wetlands that have developed within the open surface mine pits of which 0.09 acre will require mitigation. (West Sunbury Quadrangle 41° 03' 11.98" N, 79° 55' 48.17" W).

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**ACTIONS**


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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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**I. NPDES Renewal Permit Actions**


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*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035726 (Sewage)	Camp Ramah 2618 Upper Woods Road Lakewood, PA 18439	Wayne County Buckingham Township	Unnamed Tributary to Equinunk Creek (1-A)	Y



*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0260550— CAFO	Galen Nolt Farm 222 Little Britain Church Road Peach Bottom, PA 17563	Lancaster County / Fulton Township	UNT Conowingo Creek / HQ-CWF / 7-K	Y
PA0262196— CAFO	Willis Nolt Farm 433 Black Barren Road Peach Bottom, PA 17563	Lancaster County / Fulton Township	UNT Conowingo Creek / HQ-CWF / 7-K	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0005321 (Sewage)	Praxis Companies 372 Rundle Road New Castle, PA 16102	Lawrence County Taylor Township	Shenango River (20-A)	Y
PA0034789 (IW)	St Marys Area WTP 967 State Street Route 120 West St Marys, PA 15857	Elk County Saint Marys City	Laurel Run (17-A)	Y
PA0222887 (Sewage)	Gateway Lodge Restaurant 14870 Route 36 Cooksburg, PA 16217	Jefferson County Barnett Township	Unnamed Tributary to the Clarion River (17-B)	Y
PA0103551 (Sewage)	Drake Well Museum 202 Museum Lane Titusville, PA 16354-8902	Venango County Cherrytree Township	Oil Creek (16-E)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**NPDES Permit No. PA0056847**, Sewage, **East Rockhill Township**, 1622 Ridge Road, Perkasie, PA 18944.

This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as East Rockhill Township WWTP to East Branch Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0042978**, Sewage, **Pennsylvania Historical & Museum Commission**, 400 North Street, Room N-118, Harrisburg, PA 17120.

This proposed facility is located in Solebury Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Washington Crossing Historic Park Upper WWTP to Delaware River in Watershed 2-E.

**NPDES Permit No. PA0051519**, Industrial, **Perkasie Industries Corporation**, PO Box 179, Perkasie, PA 18944-0179.

This proposed facility is located in Perkasie Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge non-contact cooling water and stormwater from a facility known as Perkasie Industries Corporation to Pleasant Spring 150 feet upstream of the confluence with the East Branch Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0244651**, Stormwater, **Jay Gress Inc.**, 1225 West Ridge Pike, Conshohocken, PA 19428.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated stormwater from a facility known as Jay Gress Conshohocken PA Bulk Petroleum Facility to Schuylkill River in Watershed 3-F.

**NPDES Permit No. PA0052906**, Stormwater, **Covanta Plymouth Renewable Energy Limited Partnership**, 1155 Conshohocken Road, Conshohocken, PA 19428-1028.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated stormwater from a facility known as Covanta Plymouth Renewable Energy LP to Schuylkill River in Watershed 3-F.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**NPDES Permit No. PA0267716**, CAFO, **Hillcrest Saylor Dairy LLC**, 3684 Kingwood Road, Rockwood, PA 15557-7802.

This proposed facility is located in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: Authorization to operate a 1345.97 Animal Equivalent Unit (AEU) dairy operation situated near Laurel Hill Creek in Middle Creek Watershed.

### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 2314401**, Sewage, **US Army Corp of Engineers**, 600 Dr. Martin Luther King Jr., Place, Louisville, KY 40202.

This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a proposed on-lot sewage disposal system and industrial waste holding tank.

**WQM Permit No. 1501401, T-1**, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Permit transferred ownership from Little Washington Wastewater Co. to Aqua Pa WW Inc.

**WQM Permit No. 1597413, T-1**, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Permit transferred ownership from Little Washington Wastewater Co. to Aqua Pa WW Inc.

**WQM Permit No. 1596410, T-1**, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Permit transferred ownership from Little Washington Wastewater Co. to Aqua Pa WW Inc.

**WQM Permit No. WQG02461408**, Sewage, **Borough of Lansdale**, 1 Vine Street, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Action/Activity: Upgrade the existing sanitary sewers that experience hydraulic overloading during wet weather and to accommodate future additional connections.

**WQM Permit No. WQG02461406**, Sewage, **Springfield Township**, 1510 Paper Mill Road Wyndmoor, PA 19038-7032.

This proposed facility is located in Springfield Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary sewer.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 4414201**, CAFO, **Keith Spicher**, Kish View Farm Partnership, 4733 East Main Street, Belleville, PA 17004.

This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit approval for construction / operation of a 170-foot diameter, 16-foot deep circular steel reinforced concrete manure storage structure. A push off ramp will be included for the manure coming from the free stall barn's cattle walkway by way of a new 12' x 52' concrete scrap alley. A new 18-inch transfer line will direct digested and separated liquid manure by gravity to the new concrete storage tank. A separate 8-inch schedule 40 PVC force main will also be constructed to intercept the existing manure force main to the digester to allow raw manure to be pumped directly to the concrete storage when the digester is taken off line. A 6-inch perimeter drain system will be placed around the structure and will also serve as the leak detection system. The drainage system will flow to an observation manhole and daylight just north of the storage structure. The observation manhole will have shutoff valves on the inlet for control of any leakage. The concrete structure will include a gauge to determine the depth of liquid, a fence around the top of the wall for security and warning signs.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Whiteland Township Chester County	PAI130508	East Whiteland Township Chester County 209 Conestoga Road Frazer, PA 19355	Little Valley Creek, Unnamed Tributary of Ridley Creek, Unnamed Tributary to Valley Creek and Valley Creek—3-F, 3-G and 3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Upper Oxford Township Chester County	PAI130004	Upper Oxford Township Chester County 1185 Limestone Road Oxford, PA 19363	East Branch Big Elk Creek—7-K	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 0907001R-1	269 Canal Road, L.P. 301 Oxford Valley Road, Suite 701 Yardley, PA 19067	Bucks	Falls Township	Delaware Division of PA Canal WWF—MF
PAI01 1514006	Allan A. Myers, L.P. P. O. Box 98 Worcester, PA 19490	Chester	East Whiteland Township	Valley Creek EV—MF
PAI01 1514015	Lion Associates, L. P. 100 Plaza Drive, Unit 8 Downingtown, PA 19335	Chester	Uwchlan Township	Pine Creek HQ—TSF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023914002	Woodmont at Upper Mac, LP 100 Passaic Ave. Suite 240 Fairfield, NJ 07004	Lehigh	Upper Macungie Township	Cedar Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI032814001	Chambersburg Area Middle School—South 1151 East McKinley Street Chambersburg, PA 17201	Franklin	Chambersburg Borough	Falling Spring Branch (HQ-CWF, MF)



<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036713001	PPL Electric Utilities Two North 9th Street Allentown, PA 18101-1179	York	Chanceford, East Hopewell and Hopewell Townships	South Fork Otter Creek (WWF, MF); UNT South Fork Otter Creek (WWF, MF); UNT Muddy Creek (UNT West Branch Toms Run) (TSF, MF); UNT Muddy Creek (West Branch Toms Run) (TSF, MF); UNT Muddy Creek (UNT West Branch Toms Run) (TSF, MF); UNT Muddy Creek (UNT West Branch Toms Run) (TSF, MF); UNT Muddy Creek (UNT West Branch Toms Run) (TSF, MF); UNT North Branch Muddy Creek (CWF, MF); North Branch Muddy Creek (CWF, MF); UNT North Branch Muddy Creek (CWF, MF); UNT South Branch Muddy Creek (HQ-CWF, MF); UNT South Branch Muddy Creek (HQ-CWF, MF); UNT South Branch Muddy Creek (HQ-CWF, MF); UNT South Branch Muddy Creek (HQ-CWF, MF); UNT South Branch Muddy Creek (HQ-CWF, MF); UNT South Branch Muddy Creek (Leibs Creek) (HQ-CWF, MF); UNT South Branch Muddy Creek (UNT Leibs Creek) (HQ-CWF, MF); UNT South Branch Muddy Creek (UNT Leibs Creek) (HQ-CWF, MF); UNT South Branch Muddy Creek (UNT Leibs Creek) (HQ-CWF, MF) and UNT Deer Creek (CWF, MF).
PAI030514002	Centerville Municipal Authority 1030 Dark Hollow Road Bedford, PA 15522	Bedford	Cumberland Valley Township	UNT Evitts Creek (HQ-CWF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045314004	PA 3 Sector 2 Limited Partnership d/b/a Verizon Wireless 175 Calkins Rd Rochester NY 14623	Potter	Pike & Ulysses Twps.	Pine Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045314005	PA 3 Sector 2 Limited Partnership d/b/a Verizon Wireless 175 Calkins Rd Rochester NY 14623	Potter	Sweden Township	Lyman Creek HQ-CWF
<i>Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3</i>				
PAI045914001	Jeff Rush Three Springs Ministries LLC 874 Linck Hill Rd Morris PA 16938	Tioga	Morris Township	Trib to Zimmerman Creek EV
<i>Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
PAI056514003	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Westmoreland & Allegheny	North Huntingdon Township and White Oak Borough	Long Run (HQ-TSF)
<i>Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>Butler County Conservation District, 122 McCune Drive, Butler PA 16001-6501</i>				
PAI061013002	Freeport Area School District 621 South Pike Road Sarver PA 16055	Butler	Buffalo Township	Little Buffalo Creek HQ;TSF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Quakertown Borough Bucks County	PAG0200 0913068	Quakertown Community School District 600 Park Avenue Quakertown, PA 18951	Beaver Run TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0903117R(1)	Uwchland Acquisition L.P. 70 Pottstown Pike, Suite 100 Chester Springs, PA 19425	Little Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511411	PMC Property Group 1608 Walnut Street, Suite 1400 Philadelphia, PA 19103	Lower Schuylkill River CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511412	Drexel University 225 North 32nd Street Philadelphia, PA 19104	Lower Schuylkill River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5107049-2	Brandywine Cira South, L.P. 2929 Arch Street, Suite 325 Philadelphia, PA 19104	Schuylkill River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dickson City Borough Lackawanna County	PAG02003513013(1)	Quattro Development LLC 1100 Jorie Blvd., Suite 238 Oak Brook, IL 60523	UNT to Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
City of Allentown Lehigh County	PAG02003913019	Andrew Twigg Waterfront Redevelopment Partners, LP 1665 Valley Center Parkway Ste. 110 Bethlehem, PA 18017	Lehigh River (TSF, MF)	Lehigh County Conservation District 610-391-9583
Plains Township Luzerne County	PAG02004014007	Luzerne County Housing Authority David J. Fagula 250 First Avenue Kingston, PA 18704	Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Moore Township Northampton County	PAG02004804038R	Richard George S & S Homes 5196 Cherry Valley Road Saylorsburg, PA 18353	Hokendauqua Creek (CWF, MF)	Northampton County Conservation District 610-746-1971
Auburn Township Susquehanna County	PAG02005814002	Roundtop Energy, LLC 301 Oxford Valley Rd. Suite 1603A Yardley, PA 19067	UNT to Little Meshoppen Creek (CWF, MF)	Susquehanna County Conservation District 570-278-4600



NOTICES

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*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Londonderry Township Lebanon County	PAG02003808012R	Don Lechleitner 1840 Fishburn Road Hershey, PA 17033	UNT to Spring Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717.272.3908, ext. 4
Swatara Township Lebanon County	PAG02003814013	Calvin Miller 337 Sunset Drive Fredericksburg, PA 17026	UNT to Oil Creek & Tributary 9970 to Oil Creek/ WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042
North Cornwall Township Lebanon County	PAG02003814017	Fred Laurenzo 1505 Quentin Road Lebanon, PA 17042	Snitz Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042
North Lebanon Township Lebanon County	PAG02003809029R	Lee Bothell 1737 W. Main Street Ephrata, PA 17522	UNT to Brandywine Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042
Lower Paxton Township Dauphin County	PAG02002214015	Eastern Development & Planning, Inc. 7300 Derry Street Harrisburg, PA 17111	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Lower Paxton Township Dauphin County	PAG02002213018(1)	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Berrysburg Borough Dauphin County	PAG02002214024	Homer Campbell 416 North Pine Street Elizabethville, PA 17023	Little Wiconisco/ WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Hamilton Township Adams County	PAG02000114009	New Oxford (South) DPP VIII LLC 9010 Overlook Boulevard Brentwood, TN 37027	UNT to South Branch of Conewago Creek (west) / WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Manheim Township Lancaster County	PAG02003604048R	Gerald Horst 120 North Pointe Boulevard Lancaster, PA 17601	UNT Little Conestoga/TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Rapho Township Lancaster County	PAG02003607055R	G & L Developers 1003 Cornerstone Drive Mount Joy, PA 17552	UNT Little Chickies Creek/TSF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
West Lampeter Township Lancaster County	PAG02003609023R	Grouse Pointe Farms 1085 Manheim Pike Lancaster, PA 17601	UNT Mill Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
Brecknock Township Lancaster County	PAG02003610036R	Martin Bros Builders 119 Furlow Road Reinholds, PA 17569	UNT Muddy Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
East Hempfield Township Lancaster County	PAG02003612034R	Ben E. Kauffman 623 Breneman Road Manheim, PA 17545	UNT Swarr Run/CWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
Salisbury Township Lancaster County	PAG02003614042	PENNDOT Dist 8-0 2140 Herr St Harrisburg PA 17103	UNT Pequea Creek/CWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
Leacock Township Lancaster County	PAG02003614044	Ruth F. King 27 South New Holland Road Gordonville, PA 17529	UNT Pequea Creek/CWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
Lititz Borough Lancaster County	PAG02003614045	Lititz Rec Center 301 West Maple Street Lititz, PA 17543	Lititz Run/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 Ext. 121
Muhlenberg Township Berks County	PAG02000608080R	Spring Valley Church of God 2727 Old Pricetown Road Temple, PA 19560	UNT to Bernhart Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657

NOTICES

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*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Sandy Township Clearfield County	PAG02001714003	Christ the King Manor C/o Samuel Zaffuto 1100 W Long Ave Dubois PA 15801  Co-Applicant: Torrell & Bernadlo Remodeling & Custom Homes 130 McCracken Run Rd Dubois PA 15801	Sandy Lick Creek TSF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Wayne Township Clinton County	PAG02001814001	First Quality Products 121 North Rd McElhattan PA 17748	UNT West Branch of Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Clinton Township Lycoming County	PAG02004114007	Kurt Hausammann Lycoming County Planning 48 W 3rd St Williamsport PA 17701	UNT to Black Hole Creek TSF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
East Buffalo Township Union County	PAG02006012003R	Vito Mazzamuto 2593 Old Turnpike Rd Lewisburg PA 17837	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Limestone Township Union County	PAG02006014006	Alvin Z Zimmerman 1905 Boroughline Rd Mifflinburg PA 17844	Cedar Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Indiana Township Allegheny County	PAG2000209031R	Bryan Gentile 134 South Drive Pittsburgh, PA 15238	UNT to Chartiers Creek (WWF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645
Collier Township Allegheny County	PAG2000209061R	Collier Township Municipal Authority 2418 Hilltop Road Suite 200 Presto, PA 15142	Scotts Run (WWF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645
Kennedy Township Allegheny County	PAG02000211058R	Phillips Landfill & Slag, Inc. 88 Beaver Grade Road McKees Rocks, PA 15136	UNT to Ohio River (WWF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645
Crafton Borough Allegheny County	PAG02000212048R	Jamie Beechey 100 Stotz Avenue Pittsburgh, PA 15205	Chartiers Creek (WWF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Edgeworth Borough Allegheny County	PAG02000214016	Sewickley Academy 315 Academy Avenue Sewickley, PA 15143	Ohio River (WWF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645
Municipality of Monroeville Allegheny County	PAG02000214031	Sheetz, Inc. 817 Brookfield Drive Seven Fields, PA 16046	UNT to Thompson Run (TSF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645
Pine Township Allegheny County	PAG02000214044	Old Orchard Development Company, LLC 310 Grant Street Suite 1412 Pittsburgh, PA 15219	North Fork Pine Creek (CWF) and Breakneck Creek (WWF)	Allegheny County CD 33 Terminal Way Suite 625B Pittsburgh, PA 15219 (412) 241-7645
Marion Township Beaver County	PAG02000414007	Veka, Inc. 100 Veka Drive Fombell, PA 16123	Connoquenessing Creek (WWF)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Ebensburg Borough Cambria County	PAG02001114009	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	UNT to Howells Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Cecil Township Washington County	PAG02006313028	Bill Crothers 110 Centrifugal Court McDonald, PA 15057	Millers Run Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006314013	Ironwood Estates, LP 2516 Washington Road Upper St. Clair, PA 15241	Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
South Huntingdon Township Westmoreland County	PAG02006513037	The Wendell H. Stone Company, Inc. 606 McCormick Avenue Connellsville, PA 15425	Youghiogheny River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon and South Huntingdon Townships Westmoreland County & Upper Tyrone, Lower Tyrone, and Bullskin Townships Fayette County	PAG02006513041	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Barren Run (WWF), Jacobs Run (WWF), Meadow Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Hempfield Township and New Stanton Borough Westmoreland County	PAG02006513051	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Belson Run (WWF) and UNT to Wilson Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006513053	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006513054	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township and South Greensburg Borough Westmoreland County	PAG02006513055	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Jacks Run (WWF) and Slate Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Adamsburg Borough, Hempfield Township, and the City of Jeannette Westmoreland County	PAG02006513056	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Allegheny Township Westmoreland County & Gilpin Township Armstrong County	PAG02006513057	Municipal Authority of Allegheny Township 136 Community Building Road Leechburg, PA 15656	Kiskiminetas River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Youngwood Borough Westmoreland County	PAG02006514001	TEDA J Family LTD Partnership 150 Walnut Hill Road Uniontown, PA 15401	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006514002	Hempfield Township Board of Supervisors 1132 Woodward Drive Suite A Greensburg, PA 15601	Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006514005	Ridilla Family Partnership, Inc. PO Box 472 Latrobe, PA 15650	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Municipality of Murrysville Westmoreland County	PAG02006514006	Franklin Township Municipal Sanitary Authority 3001 Meadowbrook Road Murrysville, PA 15668	Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Derry Borough Westmoreland County	PAG02006514008	PennDOT District 12-0 825 N. Gallatin Ave Ext Uniontown, PA 15401	Garlane Mills Run (CWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Rostraver Township Westmoreland County	PAG02006514009	Mon Valley Development Company, LP 835 East Pittsburgh Street Greensburg, PA 15601	Little Redstone Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township Butler County	PAG02001014016	Hardwood Café Attn: Mr. David Trainor 646 Pittsburgh Road Butler PA 16002	Unt Glade Run WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001009001R	Victory Family Church of North Pittsburgh 21150 Route 19 Cranberry Township PA 16066	Unt Brush Creek WWF and Unt Likens Run WWF	Butler County Conservation District 724-284-5270

*General Permit Type—PAG-03**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Chester Township Delaware County	PAR800130	Rolling Frito Lay Sales LP 7075 Samuel Morris Drive Suite 240 Columbia, MD 21046	Chester Creek 3-G	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR800148	Covanta 4recovery Philadelphia LLC 2209 South 58th Street Philadelphia, PA 19143	Schuylkill River 3-F	Southeast Region Clean Water Program 484.250.5970
Bensalem Township Bucks County	PAR 600048	Franklin Metals 818 Highland Avenue Bensalem, PA 19020	Poquessing Creek-3J	Southeast Region Clean Water Program 484.250.5970
Upper Dublin Township Montgomery County	PAG030009	Bayview Asset Management LLS 4425 Ponce Deleon Blvd, 5th Floor Coral Gables, FL 33146	Unnamed Tributary to Pine Run—3F	Southeast Region Clean Water Program 484.250.5970
Avondale Borough Chester County	PAR230012	Edlon, Inc. 150 Pomeroy Avenue P. O. Box 667 Avondale, PA 19311	East Branch White Clay Creek & Unnamed Tributary to East Branch White Clay Creek-3I	Southeast Region Clean Water Program 484.250.5970
Chester Township Delaware County	PAR900023	John Savory DBA Savoy Recycling 1279 Middletown Road Clen Mills, PA 19342-9661	Chester Creek—3G	Southeast Region Clean Water Program 484.250.5970
Warminster Township Bucks County	PAR700016	PPC Lubricants Inc. 305 Micro Drive Jonestown, PA 17038	Unnamed Tributary to Little Neshaminy Creek—2-F	Southeast Region Clean Water Program 484.250.5970
Montage Mountain Moosic Borough Lackawanna County	PAR802247	Rolling Frito Lay Sales LP 7075 Samuel Morris Drive Suite 240 Columbia, MD 21046	Spring Brook—5-A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County / Ephrata Township	PAG033508	Lester R. Summers Trucking, Inc. 40 Garden Spot Road Ephrata, PA 17522	Cocalico Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County / Southampton Township	PAG033507	The Proctor & Gamble Distributing, LLC One Procter & Gamble Plaza CN6 Cincinnati, OH 45202	Furnace Run / CWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Wiconisco Township	PAR303501	Kimmel's Coal & Packaging, Inc. 401 Machamer Avenue Wiconisco, PA 17097	Wiconisco Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Lancaster City	PAR603527	Stephen Rubin Rubin Steel Company 1430 Fruitville Pike Lancaster, PA 17601	UNT Little Conestoga Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / Red Lion Borough	PAR123524	Ardent Mills LLC—Red Lion 4888 South Delaware Drive Martins Creek, PA 18063	Pine Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / Manchester Township	PAR123525	Ardent Mills LLC—York 4888 South Delaware Drive Martins Creek, PA 18063	Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Swatara Township	PAR803671	Paxton Street Terminals Corporation—Harrisburg Bulk Petro Storage Terminal 900 Eisenhower Boulevard Harrisburg, PA 17105	UNT Spring Creek / CWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County / Richland Borough	PAR803672	Leffler Energy—Richland Petro Storage Facility 15 Mount Joy Street Mount Joy, PA 17552	UNT Mill Creek / TSF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / New Holland Borough	PAR803669	Leffler Energy—New Holland Bulk Storage Facility 15 Mount Joy Street Mount Joy, PA 17552	UNT Conestoga River / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Mount Joy Township	PAR803666	Leffler Energy—Mount Joy Petro Storage Facility 15 Mount Joy Street Mount Joy, PA 17552	UNT Little Chiques Creek / TSF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / Jackson Township	PAR233551	Church & Dwight Company, Inc.—York Plant 5197 Commerce Drive York, PA 17408	Little Conewago Creek / TSF, MF & TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / West Manchester Township	PAR803717	York Adams Transportation Authority—dba Rabbit Transit 1230 Roosevelt Avenue York, PA 17404	UNT Willis Run / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
York County / Windsor Township	PAR203556	Tate Access Floors, Inc.—York County Facility 52 Springvale Road Red Lion, PA 17356	Pine Run / CWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Lower Swatara Township	PAR803569	Mack Trucks, Inc.—Remanufacturing Company 2800 Commerce Drive Middletown, PA 17057	UNT Burd Run / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Manheim Township	PAR803670	Lancaster Terminals Corporation—Lancaster Petro Storage Terminal 900 Eisenhower Blvd. Harrisburg, PA 17105	UNT Little Conestoga Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Springville Township Susquehanna County	PAG102311	Williams Field Services Company, LLC Park Place Corporate Center 2, 2000 Commerce Drive Pittsburgh, PA 15275-1026	UNTs to Meshoppen Creek and Monroe Creek (04G)	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-12*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County / Mount Joy Township	PAG123780	Robert L. Brubaker, Jr.—Camp Road Farm 2871 North Colebrook Road Manheim, PA 17545	Little Chickies Creek / 7-G	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County / Greene Township	PAG123588, Amendment #1	Lynn Eberly Mount Pleasant Farms 2071 Mount Pleasant Road Fayetteville, PA 17222	UNT Conococheague Creek / 13-C	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Rapho Township	PAG123682	Joel H. Rutt Joel Rutt Farm 1178 White Oak Road Manheim, PA 17545	UNT Chickies Creek / 7-G	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Chester County Lower Oxford Township	PAG120005	Arthur Astle Arthur Astle Farm 643 Street Road Oxford, PA 19363	Leech Run / 7-K	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707



General Permit Type—MS4 PAG13

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water / Use	Contact Office & Phone No.
North Charleroi Borough Washington County	PAG136109	North Charleroi Borough 555 Walnut Street North Charleroi, PA 15022	Monongahela River and Unnamed Tributary to Monongahela River 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Rostraver Township Westmoreland County	PAG136252	Rostraver Township 201 Municipal Drive Belle Vernon, PA 15012	Cedar Creek, Monongahela River, Unnamed Tributary of Humms Run, Unnamed Tributary to Browneller Run, Unnamed Tributary to Lutz Run, Unnamed Tributary to Monongahela River, Unnamed Tributary to Pollock Run, Unnamed Tributary to Speers Run, Unnamed Tributary to Youghioghney River and Youghioghney River 19-C and 19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 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 AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, 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 pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS

Agricultural Operation Name and Address	County	Total Acres	AEU's	Animal Type	Special Protection Waters (HQ or EV or NA)	Approved or Disapproved
Steve Strickland 1966 Stone Mill Road Bainbridge, PA 17502	Lancaster	305	553.29	Layers/Beef	None	Approved
Belview Valley Farms LLC Eric Gemmill 458 Gemmill Road Delta, PA 17314	York	548	297.39	Swine / Beef	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Steve Strickland 1966 Stone Mill Road Bainbridge, PA 17502	Lancaster	305	553.29	Layers/Beef	None	Approved
Belview Valley Farms LLC Eric Gemmill 458 Gemmill Road Delta, PA 17314	York	548	297.39	Swine / Beef	NA	Approved

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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. 2314501, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Middletown
County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	Hatch Mott MacDonald The Public Ledger Building 150 S. Independence Mall West Suite 1040 Philadelphia, PA 19106

Permit to Construct Issued June 11, 2014

**Permit No. 4614507, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Lower Moreland
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010

Permit to Construct Issued June 11, 2014

**Operations Permit # 0914504** issued to: **Toll Brothers** 250 Gibraltar Road Horsham, PA 10944, [(PWSID)] Buckingham Township, **Bucks County** on June 11, 2014 for the operation of Mill Creek Ridge Wells FG-1 and FG-2 facilities approved under construction permit #0910506.

**Operations Permit #1514514** issued to: **Loags Corner Mobile Home Park** P. O. Box 251 Morgantown, PA 19543, [(PWSID)] West Nantmeal Township, **Chester County**, on June 02, 2014 for the operation of Five (5) 120-Gallon Finished Water Storage Tank and 4-Log Certification facilities approved under construction permit #1511525.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2814503 MA, Minor Amendment,** Public Water Supply.

Applicant	<b>Sandy Hook Water Association</b>
Municipality	Hamilton Township
County	<b>Franklin</b>
Responsible Official	Richard Mellott, Association Member 5103 Mountain Road Chambersburg, PA 17201
Type of Facility	Installation of additional chlorine contact pipe to meet 1-log post filtration Giardia inactivation.
Consulting Engineer	Harry E. Bingaman, P.E. Glance Assoc., Inc. 3705 Trindle Rd. Camp Hill, PA 17011

Permit to Construct 5/19/2014  
Issued

**Comprehensive Operation Permit No. 7220015** issued to: **United Water Pennsylvania** (PWS ID No. 7220015), Susquehanna Township, **Dauphin County** on 6/12/2014 for the operation of facilities submitted under Application No. 7220015.

**Operation Permit No. 0512505 MA** issued to: **Bedford Borough Water Authority** (PWS ID No. 4050002), Bedford Borough, **Bedford County** on 5/22/2014 for facilities approved under Construction Permit No. 0512505 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 6003501—Operation—Public Water Supply.**

Applicant **Mifflinburg Borough Water System**  
Township/Borough Mifflinburg Borough  
County **Union**  
Responsible Official Mr. Michael Snook  
Mifflinburg Borough  
333 Chestnut Street  
Mifflinburg, PA 17844  
Type of Facility Public Water Supply  
Consulting Engineer Erin Threet, P.E.  
HRG, Inc.  
130 Buffalo Road, Suite 103  
Lewisburg, PA 17837  
Permit Issued June 11, 2014  
Description of Action Use of Well No. 2 as an additional source of supply for the Borough of Mifflinburg water system.

**Permit No. 4114502MA—Operation—Public Water Supply.**

Applicant **Lycoming County Water & Sewer Authority**  
Township/Borough Fairfield Township  
County **Lycoming**  
Responsible Official Ms. Christine Weigle  
Lycoming County Water & Sewer Authority  
P. O. Box 186  
Montoursville, PA 17754  
Type of Facility Public Water Supply  
Consulting Engineer N/A  
Permit Issued June 11, 2014  
Description of Action Operation of the sodium hypochlorite disinfection system at the Village Water Well No. 2 treatment plant.

**Permit No. 0812503—Operation—Public Water Supply.**

Applicant **Wyalusing Municipal Authority**  
Township/Borough Wyalusing Borough  
County **Bradford**

Responsible Official Mr. Earl Lewis  
Wyalusing Municipal Authority  
50 Senate Street  
P. O. Box 61  
Wyalusing, PA 18853  
Type of Facility Public Water Supply  
Consulting Engineer Michael Goodwin, P.E.  
Milnes Engineering, Inc.  
12 Frear Hill Road  
Tunkhannock, PA 18657  
Permit Issued June 16, 2014  
Description of Action Operation of Well No. 5 (Welles Well), related appurtenances, and sodium hypochlorite disinfection.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Operation Permit** issued to **Robert H. Young d/b/a Young's Mobile Home Park**, PWSID No. 5100143, Concord Township, **Butler County**. Permit Number 1013506 issued June 12, 2014 for the operation of the upgrades at the Young's Mobile Home Park water treatment plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 1, 2014.

**Operation Permit** issued to **Ray Nemeth d/b/a Mama Doe's Kitchen and Lodge**, PWSID No. 6330830, Barnett Township, **Jefferson County**. Permit Number 3313502 issued June 13, 2014 for the operation of the Mama Doe's Kitchen and Lodge water treatment upgrades. This permit is issued in response to the completed construction completion form and bacteriological sample results received by the Department on June 5, 2014.

**Transfer of Operation Permit** issued to **Beacon Lite Associates**, PWSID No. 5100017, Center Township, **Butler County** on June 16, 2014. Action is for change in ownership; the potable water supplier will do business as Beacon Lite Mobile Home Park. The new permit number is 1088501-T2.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5970*

*Plan Location:*

Township	Township Address	County
Worcester	1721 Valley Forge Road P. O. Box 767 Worcester, PA 19490	Montgomery

On June 12, 2014, the Southeast Regional office approved the Act 537 sewage facilities plan update for Worcester Township, Montgomery County (APS ID 835419 AUTH ID 1013914). This approval provides for the following:

1. The extension of public sewerage facilities to the Hickory Hill service area. This area is shown in Exhibit 6, titled Hickory Hill Planning Area, on Page 110 of the Plan. The Hickory Hill service area will be served by a low pressure sewer system. The sanitary sewer layout is depicted in Exhibit 9, titled Proposed Low Pressure Sanitary Sewer Schematic, on Page 126 of the Plan.



a. The low pressure sewer system that will serve the properties that abut Hickory Hill Drive (south of Landis Road), Crest Terrace and Green Briar Drive will connect to the existing gravity sewer line in Conestoga Lane.

b. The low pressure sewer system that will serve the properties along Landis Road, Hickory Hill Drive (between Landis Road and Valley Forge Road) and Valley Forge Road will connect directly to the Valley Green Wastewater Treatment Plant.

2. Sewage flows from the Hickory Hill service area will be conveyed to the Valley Green Wastewater Treatment Plant. A total of 74 properties are within the service area and the total sewage flow is projected to be 26,100 gallons per day. Connections to the Valley Green Wastewater Treatment Plant should be coordinated with the expansion of the facility.

3. Worcester Township will own and operate the shared force mains proposed as part of the project. Construction of the proposed low pressure sanitary sewer system will commence within 3 months after DEP's issuance of a Part 2 permit for the project. Construction will be completed within 6 months after the start of construction, as stated in the Plan's implementation schedule.

4. Worcester Township will adopt a connection ordinance within 3 months from the date of this approval letter. A copy of the adopted ordinance should be sent to the Department within 30 days of adoption.

This approval is specifically made contingent upon Worcester Township acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance, and replacement of all sewerage structures associated with this project in, along, or across private property, with full rights of ingress, egress and regress. Please contact DEP in the event that the proposed sanitary sewer line routing is altered in any way. Additional sewage facilities planning may be required.

The Township has indicated that up to 87 EDUs may be conveyed through the proposed low-pressure sanitary sewer system, largely as a result of potential subdivisions or increased sewage flows from commercial properties. Please assure that Application Mailers for Sewage Facilities Planning Modules are submitted to DEP prior to any new subdivisions or changes in use at existing properties. Sewage facilities planning modules may be required.

The Department recommends that Worcester Township adopt a grinder pump ordinance to ensure the proper operation and maintenance of the privately owned grinder pumps.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final

report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Just Kingsley Corporation**, Intersection of McMahan Road and SR 220, Cherry Township, **Sullivan County**. Northridge Group Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Just Kingsley Corporation, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Napthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether, Benzo(a) Anthracene, Benzo (a) Pyrene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Brian Ritchey Residence**, formerly Olga Kohl Residence, 27 Fairview Road, McVeytown, PA 17051, Wayne Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Brian Ritchey, 15820 Kenwood Drive, Middlefield, OH 44062, and State Farm Insurance, PO Box 106110, Atlanta, GA 30348-6110, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Diana Herbst Property**, 20 Barto Road, Barto, PA, Washington Township, **Berks County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Diana Herbst, 20 Barto Road, Barto, PA 17504, submitted a Final Report concerning remediation of soils contaminated with No. 2 fuel oil. The report



is intended to document remediation of the site to meet the Residential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Knouse Foods / ART Truck Fire**, 1505 Orrtanna Road, Orrtanna, PA 17353, Hamiltonban Township,

**Adams County.** Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111 on behalf of Advanced Rehabilitation Technologies, Ltd., 1116 County Road 17, Bryan, OH 43506 and Knouse Foods, PO Box 807, Biglerville, PA 17307, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from a motor vehicle during a fire. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 10, 2014.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Helen Bukovac #4 Well Site**, 760 Little Summit Road Extension, Dunbar Township, **Fayette County.** Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate (NIR) to meet a combination of residential Statewide Health and Site Specific Standards concerning site soils contaminated with aluminum, antimony, arsenic, barium, beryllium boron, cadmium chromium, cobalt, copper, iron lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc and chloride. The NIR indicated future use of the property is to remain a natural gas production well. This notice was published in the *Daily Courier* on June 3, 2014.

**Almono Site** (Eliza Furnace & Monongahela Connecting Railroad Parcels), Second Avenue, City of Pittsburgh, **Allegheny County.** KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Almono, L.P., 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222 has submitted a Risk Assessment Report and Clean-Up Plan concerning site soils and groundwater contaminated with semi-volatile organic compounds and metals. The notice was published in the *Tribune Review* on May 12, 2014.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787*

**Reserve at Hidden Ponds**, Lot 14 & 15, Lot 14 & 15 Quaker Way, Richland Township, **Bucks County.** James P. Cinelli, P.E., Liberty Environmental Inc., 50 North Fifth Street 5th Floor, Reading PA 19601 on behalf of Pamela A. Northrop, Hidden Ponds Associates, L.P., 1574 Easton Road, Warrington, PA 18976 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. PF767760

**2413-2429 North Broad Street**, 2413-2429 North Broad Street, City of Philadelphia, **Philadelphia County.** Richard S. Werner, P.G., Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Janet Stearns, Project H.O.M.E., 1845 North 23rd Street, Philadelphia, PA 19121 has submitted a Remedial Investigation/Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Site Specific and Statewide Health Standard. PF769618

**Emico Property**, 812 West Chestnut Street, Perkasio Borough, **Bucks County.** Michael A. Christie, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Frank J. Stopper, Penn Environmen-

tal Remediation Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Stu Duckman, Target Partners, LLC, 812 Chestnut Street, Perkasie, PA 18944 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site groundwater contaminated with VOCs. The report is intended to document remediation of the site to meet the Site Specific Standard. PF738217

**Wellington Estates**, Gibbs Road and Bristol Pike, Bensalem Township, **Bucks County**. Joseph W. Standen, Jr. Leggette, Brashears & Graham, Inc. 901 South Bolmar Street, Suite B, West Chester, PA 19382 on behalf of Vincent G. DeLuca, DeLuca Homes, 370 East Maple Avenue, Suite 1010, Langhorne, PA 19047 has submitted a Risk Assessment, Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standards. PF675096

**Dutton Mill Property LLC**, 308 Dutton Mill Road, Township of Middletown, **Delaware County**. William F. Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Herbert T. Sweeney III, Dutton Mill Properties, 308 Dutton Mill Road, Middletown Township, PA 19015 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the site Specific Standard. PF739750

**Crossing Pipe Line Release Site/Tyler State Park**, State Route 332, Newtown Township, **Bucks County**. James Mulry, P.G., Mulry and Creswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343 Martin Liebhardt, P.G., Evergreen Resources Management Operations, 2 Righter Parkway, Wilmington, DE 19803 on behalf of Bradford Fish, P.G., Sunoco Logistics Partners, 4041 Market Street, Aston, PA 19014 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF620491

**Pathan Chem Site**, 427-447 Moyer Street City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Kevin Gray, New Kensington CDC, 2515 Frankford Avenue, Philadelphia, PA 19125-1708 has submitted a Baseline Environmental Report and Final Report concerning remediation of site soil and groundwater contaminated with lead and chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific and Special Industrial Standards. PF636522

**Brandywine Mills**, 1731, 1737, 1751 Wilmington Pike, Chadds Ford Township and Township of Concord, **Delaware County**. Walter H. Hungarter, III, P.E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Peter Miller, Chadds Ford Investors, L. P., 875 Berkshire Boulevard, Suite 102, Wyomissing, PA 19601 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with voc and pce. The report is intended to document remediation of the site to meet the Site Specific Standard. PF773948

**Village Center Shopping Center**, 1-29 Quaker Way, Richland Township, **Bucks County**. Jim LaRegina, PG, HRG, Inc., 369 East Park Drive, Harrisburg, PA 17111 on behalf of Michael Weaver, DePaul Management Company,

1750 Walton Road, Blue Bell, PA 19422 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with perchloroethylene and trichloroethylene. The report is intended to document remediation of the site to meet the Site Specific Standard. PF 705297

**Skinner Residence**, 74 Flamehill Road, Middletown Township, **Bucks County**. Rachel Burkart, Center Point Tank Services, 536 East Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Brian Skinner, 74 Flamehill Road, Levittown, PA 19056 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with no. 2 heating oil. The report is intended to document remediation of the site to meet the Site Specific Standard. PF772001

**Lehigh Dairies** (1005 Virginia Drive Site), 1005 Virginia Drive, Upper Dublin Township, **Montgomery County**. Scott Shaw, Tetra Tech, 45610 Woodland Road, Suite 400, Sterling, VA 20166, Dallas Mellott, Tetra Tech 234 Mall Boulevard, King of Prussia, PA 19046, Isabelle Gosselin, Labatt Breweries of Canada LP, 50 Labatt Street, Montreal (Quebec) HBR 3E7 on behalf of Richard Previdi, Alliance HSP Fort Washington Office I LP, 40 Morris Avenue, Suite 230, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with tce, pce, cis-1, 2, dce and vinyl chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF768876

**Meehan & Vincent Residence**, 738 Port Indian Road, West Norriton Township, **Montgomery County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Jay Kerestus, State Farm Insurance Company, PA Fire Claims, P. O. Box 106110, Atlanta, GA 30346-6110 on behalf of May Elizabeth Meehan and Michael Vincent, 738 Port Indian Road, Norristown, PA 19403 has submitted a 90 day 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.

**172 Chambers Road Site**, 172 Chambers Road, New Garden Township, **Chester County**. David B. Far-ringdon, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of may Lou Daddazio, 172 Chambers Road, Toughkenamon, PA 19374 has submitted a Final Report concerning remediation of site Soil and groundwater contaminated with no. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF768858

**Solid State Scientific Inc.**, 160 Commerce Drive, Montgomery Township, **Montgomery County**. Paul C. Miller, P.E., Environmental Alliance, Inc., 5341 Kimestone Road, Wilmington, De 19808 on behalf of Anthony Cino, 160 Commence Drive, LP 301 Oxford Valley Road, Suite 702 Yardley, PA 19067-7713 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF618600

**Fiore Motors**, 69 West Germantown Pike, East Norriton Township, **Montgomery County**. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Robert Moses, Fiori Motors, 69 West Germantown Pike, Norristown, PA 19422 has submitted a



Final Report concerning remediation of site Soil contaminated with no2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF774809

**Pine Road/Red Lion Road Open Space Area**, Lower Moreland Township, **Montgomery County**. Gary Emmanuel, O'Brien & Gere Engineers, Inc., 301 East Germantown Pike, 3rd Floor, East Norriton, PA 19401 on behalf of Gregory T. Rogerson, JERC Partners, XIII, L.P., 171 State Route 173 Suite 201, Asbury, NJ 08802-1365 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil contaminated with other organic. The report is intended to document remediation of the site to meet the Site Specific Standard. PF768665

**Gas Station**, 5300 West Baltimore Avenue, Upper Darby Township, **Delaware County**. Josh Sarett, ALC Environmental, 121 West 27th Street, Suite 402, New York, NY 10001, Dennis Liberson, Synergy Environmental Inc., 1008 Astoria Boulevard, Suite A, Cherry Hill, NJ 08003 on behalf of Valerie Chuse, Kravitz Properties, Inc., 25 Washington Lane, Suite 4A, Wyncote, PA 19095 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline constituents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF773528

**8000 Pine Road Street**, 800 Pine Road, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Randy Payne DB Real Estate, Assets, II, 130 Royall Street, Canto, MA 02021 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the site Specific Standard. PF618959

**Spring Mill Corporation**, 901 Washington Street, Whitmarsh Township, **Montgomery County**. Michael S. Welsh, P.E, Welsh Environmental, Inc., on behalf of Robert Haley, Spring Mill Corporation, 194 Greenfield, Road, Lancaster, PA 17601 has submitted a Cleanup Plan concerning remediation of site groundwater and soil contaminated with inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF758570

**Otto and Ron's Mobil Service**, 1902 Jenkintown Road, Abington Township, **Montgomery County**. Gilbert Marshall, PG, Marshall Geoscience Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Ronald M. Raab, R.M. Raab, Inc., 1920 Jenkintown Road, Jenkintown, PA 19046 has submitted a 90 day 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. PF775525

**Neuman Residence**, 335 Camp Hill Road, Upper Dublin Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Erin Bydalek, Harleysville Insurance, 355 Maple Avenue, Harleysville, PA 19438-2297 on behalf of Richard Neuman, 335 Camp Hill Road, Fort Washington, PA 19034 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. PF 775758

**Vanguard Group Campus**, 100 Vanguard Boulevard, Tredyffrin Township, **Chester County**. James P. Cinelli, P.E., Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, James Gansner, ABM Facility Services, 40 Devon Park Drive MS: PM15, Wayne, PA 19087 on behalf of Michael Bray, The Vanguard Group. Inc., 40 Devon Park Drive MS: PM15, Wayne, PA 19087 has submitted a 90 day 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. PF775524

**15 Swamp Road, LTD.**, 15 Swamp Road, Newtown Township, **Bucks County**. Mark Fortna, DelVAL Soil Environmental Consultants Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18902 on behalf of Robert Delai, Limited Liability Partnership 15 Swamp Road LTD, Univset Bank and Trust Company, 106 Meadow View Drive, Newtown, PA 18940 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. PF620497

## 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**GP1-21-03061A: Carlisle Regional Medical Center** (361 Alexander Spring Road, Carlisle, PA 17015) on June 11, 2014, for two (2) existing 12.555 MMBtu/hr. boilers, fueled with natural gas and #2 oil at their hospital in South Middleton Township, **Cumberland County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-41-660: Anadarko Marcellus Midstream, LLC** (1201 Lake Robins Drive, The Woodlands, TX 77380) on June 2, 2014, to construct and operate six (6) gas-fired compressor engines, two (2) natural gas-fired micro turbines, one (1) natural gas-fired emergency generator, two (2) triethylene dehydrators and two (2) storage tanks pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at the Lycoming H&FC Compressor Station in Cogan House Township, **Lycoming County**.

**GP5-08-388: Talisman Energy USA Inc.** (50 Penwood Place Warrendale, PA 15086) on June 13, 2014, to construct and operate two 1380 bhp natural-gas-fired Caterpillar model G3516B four-stroke ultra-lean-burn compressor engines (Engines K1407 and K2407) each equipped with a Miratech model ZHS-36x31-14-XH2B1 oxidation catalyst; six 1775 bhp natural-gas-fired Caterpillar model G3606 four-stroke ultra-lean-burn compressor engines (Engines K1107, K1207, K1307, K2107, K2207, and K2307) each equipped with a Miratech model

ZHS-54x61-20-XH4.5B1 oxidation catalyst; two 95 MMscf/day glycol dehydrators each equipped with a 1.5 MMBtu/hr reboiler; one 250 bbl produced water tank; one 150 bbl oil slop tank; and one 150 bbl glycol/water mixture tank under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at their Mt. Paradise Compressor Site in Warren Township, **Bradford County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-62-168C: Bear Lake Energy—Trisket Compressor Station** (1875 Carrier Road, Columbus, PA 16405) on June 13, 2014, to operate a 145 bhp compressor engine (Caterpillar G3306NA) and eight (8) storage tanks (BAQ-GPA/GP-5) in Columbus Township, **Warren 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**06-05002J: Lehigh Cement Co., LLC—Evansville Cement Plant and Quarry** (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) on June 10, 2014, for the ability to combust Class A dried biosolids (DBS) as an alternative fuel in Source IDs 121 & 122, Portland Cement Kilns #1 & #2, respectively, at the cement manufacturing facility in Maiden creek Township, **Berks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00063D: Pennsylvania Grain Processing, LLC** (250 Technology Dr., Suite 5 Clearfield, PA 16830) on June 4, 2014, to construct four (4) 600,000 bushel capacity grain storage bins and associated fabric collector at their existing ethanol production facility in Clearfield Borough, **Clearfield County**.

**53-00004M: Dominion Transmission, Inc.** (5000 Dominion Boulevard, Glen Allen, VA 23060) on June 9, 2014, to establish performance or emission standards for the boilers and process heaters at the Harrison Transmission Station located in Harrison Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers and process heaters at the facility.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**26-00599A: PPL Renewable Energy, LLC** (Two North Ninth Street, Allentown, PA 18101) on June 10, 2014, to install and initial temporary operation of a

landfill gas to energy plant at the Chestnut Valley Landfill in German Township, **Fayette County**. Sources include landfill gas treatment system, two (2) landfill gas-fired reciprocating internal combustion engines, and associated two (2) electric generators.

**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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**05-05006C: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue, S.E., Charleston, WV 25314) on June 6, 2014, to restart a natural gas-fired combustion turbine (Source ID 035) at their Artemas Compressor Station in Mann Township, **Bedford County**. The plan approval was extended.

**28-05009B: Borough of Chambersburg** (100 South Second Street, Chambersburg, PA 17201) on June 11, 2013, to install a dedicated oxidation catalyst on three existing natural gas/#2 fuel oil-fired reciprocating internal combustion engines (Source IDs 105, 106 and 107) at their Falling Spring Generating Station in Chambersburg Borough, **Franklin County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00063B: Pennsylvania Grain Processing, LLC** (250 Technology Drive, Suite 5 Clearfield, PA 16830) on May 9, 2014, to extend authorization to operate sources at their ethanol production facility in Clearfield Borough, **Clearfield County** to November 8, 2014. The plan approval has been extended.

**17-00063A: Pennsylvania Grain Processing, LLC** (250 Technology Drive, Suite 5 Clearfield, PA 16830) on May 9, 2014, to extend authorization to operate sources at their ethanol production facility in Clearfield Borough, **Clearfield County** to November 8, 2014. The plan approval has been extended.

**14-00003E: Pennsylvania State University** (101P Physical Plant Building, University Park, PA 16802) on June 10, 2014, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from June 14, 2014 to December 11, 2014, at their facility located in College Township, **Centre County**. The plan approval has been extended.

**18-00031A: Mountain Gathering, LLC** (810 Houston Street, Fort Worth, TX 76102-6298) on June 11, 2014 to extend the authorization to operate a natural gas compressor station located in Chapman Township, **Clinton County** on a temporary basis to December 8, 2014. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**32-00424A: Brush Valley Mine Coal Prep Plant—Western Allegheny Energy, LLC** (301 Market Street,



Kittanning, PA 16201) on June 11, 2014, as a result of equipment startup, to establish 180-day of temporary operation of Coal Preparation Facility authorized under Plan Approval PA-32-00424A, until December 13, 2014, at their plant, in Center Township, **Indiana County**.

**65-00101C: MAX Environmental Technologies, Inc.** (1815 Washington Road, Pittsburgh, PA 15241) on June 12, 2014, to extend the period of temporary operation of the electric arc furnace dust treatment system and dust collector authorized under plan approval PA-65-00101C until December 15, 2014, at the Yukon Facility in South Huntingdon Township, **Westmoreland County**. The responsible official and contact person have also been changed.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**TIVOP 08-00045: Panda Liberty LLC** (4100 Spring Valley Road, Suite 1001, Dallas, TX 75244) on June 11, 2014, Phase II Acid Rain (Title IV) Permit for the proposed Panda Liberty Power Project located in Asylum Township, **Bradford County**. All of the applicable Federal and State regulatory requirements for Title IV, including requirements covering the special conditions related to acid rain at § 127.531, have been included in the Acid Rain Permit for this facility.

**53-00001: Tennessee Gas Pipeline Company, LLC** (1001 Louisiana Street, Houston, TX 77002) on June 13, 2014, a revised Title V Operating Permit for their Station 313 facility located in Hebron Township, **Potter County**. The revision incorporated the air contaminant sources and requirements from Plan Approval 53-00001E and the applicable requirements from 53-00001M, into the Title V operating permit. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting and work practice conditions in order to demonstrate compliance with the applicable regulatory requirements have been included in the Title V operating permit for this facility.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Thomas Huynh, Chief—Telephone: 215-685-9476*

**V13-009: Naval Surface Warfare Center—Carderock Division** (5001 S. Broad Street, Code 02, Philadelphia, PA 19112) on June 17, 2014, to issue a Title V/State Operating Permit to operate research, development, testing, evaluation, fleet support and in-service engineering for surface and undersea naval ships facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 202.13 MMBTU/hr wall-fired ship boiler, three (3) boilers each with a heat input < 10 MMBTU/hr, ten (10) heaters each with a heat input < 3 MMBTU/hr, fifteen (15) small boilers/air handlers each less than 3 MMBTU/hr, five (5) emergency generators, three (3) fire pumps, three (3) engine test cells, five (5) diesel engines used for testing, eleven gas turbines, a paint spray booth, and wood working source. The facility's air emissions control devices include a baghouse and dry filters.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00061: International Paper** (533 Forest Road, Hazleton, PA 18202) A renewal State Only Operating Permit was issued June 17, 2014, for a facility located in City of Hazleton, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**36-05130: Masonic Villages** (1 Masonic Drive, Elizabethtown, PA 17022-2199) on June 3, 2014, for their residential living campus in Elizabethtown Borough, **Lancaster County**. The State-only permit was renewed.

**67-03038: Formit Steel Co.** (775 Lombard Road, PO Box 285, Red Lion, PA 17356) on June 4, 2014, for their steel fabrication facility in Windsor Township, **York County**. The State-only permit was renewed.

**36-03085: Goodhart Sons, Inc.** (2515 Horseshoe Road, Lancaster, PA 17601-5939) on June 10, 2014, for their metal products manufacturing facility in Upper Leacock Township, **Lancaster County**. The State-only permit was renewed.

**67-03142: DCP Midstream, LP** (5718 Westheimer Road, Suite 1900, Houston, TX 77057) on June 11, 2014, for their propane terminal facility in West Manchester Township, **York County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**59-00012: Dairy Farmers of America, Inc.** (72 Milk Plant Road, Middlebury Center, PA 16935) on May 30, 2014, issued State Only operating permit for their facility in Middlebury Township, **Tioga County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**08-00040: Seaboard International, Inc.** (PO Box 450989, Houston, TX 77245) on June 4, 2014, issued a state only operating permit for their facility in Ulster Township, **Bradford County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**08-00046: Lowery Life Appreciation Center, LLC** (225 South Main Street, Athens, PA 18810) on June 4, 2014 issued a state only operating permit for their facility in Athens Borough, **Bradford County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00030: Clearfield Machine Co.** (PO Box 992A, Clearfield, PA 16830) on June 5, 2014, issued State Only operating permit for their gray and ductile iron foundry located in Clearfield Borough, **Clearfield County**. The

State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**14-00037: Spectrum Controls, Inc.** (1900 West College Avenue, State College, PA 16801-2723) on April 8, 2014, for the facility in Ferguson Township, **Centre County**. The facilities sources include ceramic capacitor manufacturing operations and associated equipment, one (1) solvent dip tank, one (1) propane-fired emergency generator set, assembly area, antenna assembly line, PTC process, one (2) solvent degreaser and several natural gas-fired combustion units less than 2.5 million Btu per hour rated heat input. The operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

**17-00048: Philipsburg Osceola Area School District** (502 Philips Street, Philipsburg, PA 16866) on June 12, 2014, issued State Only operating permit for their Osceola Mills elementary school in Osceola Mills Borough, **Clearfield County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**S09-016A: Philadelphia University** (School House Lane and Henry Avenue, Philadelphia, PA 19144) on June 17, 2014, issued a Minor State Only Operating Permit for operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include twenty five (25) combustion unit each less than 2 MMBTU/hr that burn natural gas, eight (8) combustion unit each less than 3 MMBTU/hr that burn No 2 fuel oil, thirteen (13) combustion unit each less than 5 MMBTU/hr that burn No 2 fuel oil or natural gas, four (4) diesel emergency generators, and one (1) diesel fire pump.

**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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**60-00014: Evangelical Community Hospital** (One Hospital Drive, Lewisburg, PA 17837), issued an amendment of state only operating permit on June 4, 2014 for their facility located in Kelly Township, **Union County**. This operating permit amendment changes the Responsible Official and Permit Contact Person to Curtis Yeager, Director of Environmental, Safety and Security.

**19-00006: Big Heart Pet Brands** (6670 Low Street, Bloomsburg, PA 17815) on May 29, 2014, for the significant modification to the Title V operating permit TVOP 19-00006 to incorporate terms and conditions contained in the previously issued Plan Approval 19-00006D. The proposed significant modification authorizes the operation of two (2) vertical coolers and independent wet centrifugal

collectors to control the air contaminant emissions from the coolers at their Bloomsburg facility located in South Centre Township, **Columbia County**. The revised Title V operating permit contains all emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

*Coal Permits Issued*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33110101. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Revision to an existing bituminous surface mine to add auger mining in Beaver Township, **Jefferson County**, affecting 30.0 acres. Receiving streams: Unnamed tributary to Reitz Run. Application received: April 4, 2014. Permit Issued: June 9, 2014.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner)*

**17930128 and NPDES PA 0219720. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal for reclamation only to an existing bituminous surface and auger mine located in Penn Township, **Clearfield County** affecting 106.2 acres. Receiving stream(s): Unnamed Tributaries to Bell Run and Bell Run classified for the following use(s): Coal Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 12, 2014. Permit issued: June 10, 2014.

*Noncoal Permits Issued*

*Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500, (Contact: Cathy Hillman)*

**63130401. Boord, Bencheck & Associates, Inc.** (345 Southpoint Blvd., Suite 202, Canonsburg, PA 15317). Permit issued for commencement, operation and restoration of a large noncoal surface mine, located in Smith Township, **Washington County**, affecting 42.2 acres. Receiving streams: unnamed tributaries to Raccoon Creek. Application received: July 15, 2013. Permit issued: June 11, 2014.

**GP-104—63130401. Boord, Bencheck & Associates, Inc.** (345 Southpoint Blvd., Suite 202, Canonsburg, PA



15317). General NPDES permit for stormwater discharge associated with mining activities on a large noncoal (Industrial Mineral). Permit No. 63130401 located in Smith Township, **Washington County** affecting 42.2 acres. Receiving streams: unnamed tributaries to Raccoon Creek. Application received: July 15, 2013. GP-104 permit issued: June 11, 2014.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37002803. S & S Processing, Inc.** (P. O. Box 373, West Pittsburg, PA 16160). Final bond release for a small industrial minerals surface mine in Pulaski Township, **Lawrence County**. Restoration of 6.0 acres completed. Receiving streams: Unnamed tributary to Beaver River. Application received: April 25, 2014. Final bond release approved: June 9, 2014.

**3072SM3. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0605336 in Mercer & Marion Townships, **Butler County**. Receiving streams: Two unnamed tributaries to McMurray Run and McMurray Run, unnamed tributary to North Branch Slippery Rock Creek. Application received: February 14, 2014. Permit Issued: June 11, 2014.

**25100303 and NPDES Permit No. PA0258997. McDonald Sand & Gravel, Inc.** (11425 Neiger Road, Girard, PA 16417) Transfer of an existing large industrial minerals mine and associated NPDES permit from J. D. Diversified Services, Inc. in Springfield Township, **Erie County**, affecting 43.0 acres. Receiving streams: Unnamed tributary to Crooked Creek. Application received: January 6, 2014. Permit Issued: June 11, 2014.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63144003. General Industries, Inc.** (15 Arentzen Blvd., Charleroi, PA 15022). Blasting activity permit for the construction of the Thompson Hill Road boat launch at Cross Creek, located in Hopewell Township, **Washington County** with an exploration date of December 31, 2014. Blasting permit issued: June 13, 2014.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**18144001. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823). Blasting on the Dunkle Farm project located in Lamar Township, **Clinnton County** with an expiration date of July 31, 2015. Permit issued June 11, 2014.

**57144104. DW Drilling & Blasting LLC** (9990 Coconut Rd, Bonita Springs, FL 34135-8488). Blasting for gas pad construction located in Elkland Township, **Sullivan County** with an expiration date of June 5, 2015. Permit issued June 11, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 46144105. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Madison at Providence in Upper Providence Township, **Montgomery County** with an expiration date of June 5, 2015. Permit issued: June 10, 2014.

**Permit No. 58144135. John H. Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for York Pad in Apolaccon Township, **Susquehanna County** with an expiration date of December 31, 2014. Permit issued: June 10, 2014.

**Permit No. 36144126. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bird In Hand Pet Structures in Pequea Township, **Lancaster County** with an expiration date of August 30, 2014. Permit issued: June 12, 2014.

**Permit No. 58144136. DW Drilling & Blasting**, (9990 Coconut Road, Bonita Springs, FL 34135), construction blasting for Powers 2 Gas Well Pad in Middletown Township, **Susquehanna County** with an expiration date of June 3, 2015. Permit issued: June 12, 2014.

**Permit No. 58144137. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Talisman Energy Corey J Well Pad & access road in Choconut Township, **Susquehanna County** with an expiration date of September 15, 2014. Permit issued: June 13, 2014.

**Permit No. 58144138. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Talisman Energy Choconut Valley Farm in Choconut Township, **Susquehanna County** with an expiration date of September 15, 2014. Permit issued: June 13, 2014.

**Permit No. 58144139. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Steen Water Impoundment in Apolaccon Township, **Susquehanna County** with an expiration date of June 10, 2015. Permit issued: June 13, 2014.

**Permit No. 58144140. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Strickland Pipeline Project in Springville and Dimock Townships, **Susquehanna County** with an expiration date of June 11, 2015. Permit issued: June 13, 2014.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E60-218. Union County Commissioners**, 155 North 15th Street, Lewisburg, PA 17837. T-309 over Penns Creek, in Hartley Township, **Union County**, ACOE Baltimore District (Beavertown, PA Quadrangle N: 40°52'15"; W: -77°11'01").

To: 1) remove an existing single span riveted through truss bridge with stone masonry abutments / wingwalls with a clear span of 159.4 feet with an underclearance of 15.6 feet, 2) construct and maintain a three span continuous composite pre-stressed concrete bulb-tee beam bridge with reinforced concrete abutments, wingwalls and two piers with a total clear span of 202.5 feet and an underclearance of 13.57 feet at mid-span over Penns Creek, 3) fill 354 square feet of wetlands to construct the new southern pier, 4) construct and maintain a temporary R-7 riprap and culvert pipe causeway in the right half of the stream channel, all of which is located 0.25 mile south on SR 3004 from SR 3001. This permit also includes 401 Water Quality Certification.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E26-355-A1. Alpha Natural Resources**, 106 East Fredricktown Road, LaBelle, PA 15450; Luzerne Township, **Fayette County**; ACOE Pittsburgh District.

The applicant has withdrawn a proposal to amend Permit No. E26-355 in order to construct and maintain a working platform in the Monongahela River, by installing sheet pile walls between existing mooring cells and the river bank, and backfilling this area, and capping with concrete, to support the expected loadings from material handling equipment (excavator) and a 20 ton bin and

conveyor, at a site that is located approximately 0.8 mile from the intersection of Narrows Road (SR 4022) and Labelle Road (SR 4022) (N: 2.13 inches; W: 15.59 inches; Latitude: 40° 0' 42.17"; Longitude: -79° 59' 10.84") in Luzerne Township, Fayette County.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-093. Warren Township, Talisman Energy USA, Inc.**; 337 Daniel Zenker Drive, Horseheads, NY 14845; Warren Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. One 12 inch diameter steel natural gas pipeline and one 6 inch diameter waterline crossing impacting 3,611 square feet (0.08 acre) of a palustrine emergent wetland (PEM) (Little Meadows, PA Quadrangle: 41° 57' 58" N; -76° 08' 42" W).

The project consists of constructing approximately 0.97 mile of 12" steel natural gas gathering line and a 6" waterline connecting well sites located in Apolacon Township, Susquehanna County and Warren Township, Bradford County. The Warren Township portion of the project will result in 3,611 square feet (0.08 acre) of temporary wetland impacts, all for the purpose of conveyance of Marcellus Shale natural gas to market.

**E5829-070. Apolacon Township, Talisman Energy USA, Inc.**; 337 Daniel Zenker Drive, Horseheads, NY 14845; Apolacon Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 213 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Little Meadows, PA Quadrangle: 41° 58' 14" N; -76° 08' 16" W),

2. One 12 inch diameter steel natural gas pipeline and one 6 inch diameter waterline crossing impacting 1,980 square feet (0.05 acre) of a palustrine forested wetland (PFO) (Little Meadows, PA Quadrangle: 41° 58' 13" N; -76° 08' 16" W),

3. One 12 inch diameter steel natural gas pipeline and one 6 inch diameter waterline crossing impacting 2,017 square feet (0.05 acre) of a palustrine forested wetland (PFO) (Little Meadows, PA Quadrangle: 41° 58' 09" N; -76° 08' 20" W),

4. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 64 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Little Meadows, PA Quadrangle: 41° 58' 09" N; -76° 08' 20" W),

5. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 40 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Little Meadows, PA Quadrangle: 41° 58' 08" N; -76° 08' 20" W),

6. One 12 inch diameter steel natural gas pipeline and one 6 inch diameter waterline crossing impacting 1,044 square feet (0.02 acre) of a palustrine forested wetland (PFO) (Little Meadows, PA Quadrangle: 41° 58' 08" N; -76° 08' 21" W).

The project consists of constructing approximately 0.97 mile of 12" steel natural gas gathering line and a 6" waterline connecting well sites located in Apolacon Town-



ship, Susquehanna County and Warren Township, Bradford County. The Apolacon Township portion of the project will result in 317 lineal feet of temporary stream impacts and 5,041 square feet (0.12 acre) of wetland conversion impacts, all for the purpose of conveyance of Marcellus Shale natural gas to market.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701*

ESCP 2 # ESG00023140002  
 Applicant Name Dominion Transmission Inc  
 Contact Person Sandra Williams  
 Address 5000 Dominion Blvd  
 City, State, Zip Glen Allen VA 23060  
 County Cameron  
 Township(s) Gibson & Grove Townships  
 Receiving Stream(s) and Classification(s) Wycoff Run HQ;  
 Sinnemahoning Creek WWF

ESCP 2 # ESG00035140001  
 Applicant Name Transcontinental Gas Pipe Line Co LLC  
 Contact Person Karen Olson  
 Address 2800 Post Oak Blvd Fl 17  
 City, State, Zip Houston TX 77056  
 County Clinton  
 Township(s) Gallagher Township  
 Receiving Stream(s) and Classification(s) Lick Run EV;  
 Staver Run EV; Craig Fork EV

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00129130007	Dominion Transmission, Inc.	Westmoreland	Salem, Penn. and Hempfield Townships	Beaver Run (CWF), Brush Creek (HQ), and Crooked Run (TSF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX14-073-0014—Pulaski Joseph Well Pad  
 Applicant Hilcorp Energy Company  
 Contact Stephanie McMurray  
 Address 1201 Louisiana Street, Suite 1400  
 City Houston State TX Zip Code 77002  
 County Lawrence Township(s) Pulaski(s)  
 Receiving Stream(s) and Classification(s) UNT to Shenango River, WWF,  
 Secondary Receiving Water Shenango River

ESCGP-1 #ESG14-083-0004—CRV D08 Pad G  
 Applicant Seneca Resources Corp.  
 Contact Michael C. Clinger, P.E.  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County McKean Township(s) Norwich(s)  
 Receiving Stream(s) and Classification(s) Elk Fork (EV/EV); UNT to Elk Fork (EV/EV)  
 Secondary Receiving Water Driftwood Branch Sinnemahoning Creek (TSF)

ESCGP-1 #ESX14-073-0013—Ratvasky Central Facility Pad  
 Applicant Hilcorp Energy Company  
 Contact Stephanie McMurray  
 Address 1201 Louisiana Street, Suite 1400  
 City Houston State TX Zip Code 77002

County Lawrence Township(s) Pulaski(s)  
 Receiving Stream(s) and Classification(s) UNT to Shenango River (WWF)

ESCGP-1 #ESG13-083-0008—Shawmut Grade Road  
 Applicant Seneca Resources Corp.  
 Contact Doug Kepler  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County McKean Township(s) Sergeant and Norwich(s)  
 Receiving Stream(s) and Classification(s) East Branch Clarion River, UNT to East Branch Clarion River, Gum Boot Run, Doe Run, UNT to Doe Run, County Line Run, UNT’s to County Line Run, Wellendorf Branch, North Fork Straight Creek, Red Mill Brook, West Fork West Branch Potato Creek, UNT to West Fork West Branch Potato Creek, Lick Run, South Fork West Branch Potato Creek, UNT’s to South Fork West Branch Potato Creek, UNT to Elk Fork.

ESCGP-1 #ESX14-065-0001—Christoff Project  
 Applicant EQT Production Company  
 Contact Todd Klaner  
 Address 455 Racetrack Road, suite 101  
 City Washington State PA Zip Code 15301  
 County Jefferson Township(s) Washington(s)  
 Receiving Stream(s) and Classification(s) UNT to Rattlesnake Run (CWF), Rattlesnake Run (CWF)

ESCGP-1 #ESX14-073-0004A—Mahoning Siegel Facility and Well Pad—Major Modification  
 Applicant Hilcorp Energy Company LLC  
 Contact Ms. Stephanie McMurray  
 Address 1201 Louisiana Street, Suite 1400  
 City Houston State TX Zip Code 77002  
 County Lawrence Township(s) Mahoning(s)  
 Receiving Stream(s) and Classification(s) Marshall Run & Coffee Run

ESCGP-1 #ESX13-019-0043A—Bass Compressor Station—Major Modification  
 Applicant EQT Gathering LLC  
 Contact Brian Clauto  
 Address 455 Racetrack Road  
 City Washington State PA Zip Code 15301  
 County Butler Township(s) Clinton(s)  
 Receiving Stream(s) and Classification(s) Lardintown Run/Lower Allegheny River Watershed—TSF

ESCGP-1 #ESX14-019-0033—Flinner to Plesniak Pipeline Project  
 Applicant MarkWest Libert Bluestone, LLC  
 Contact Mr. Rick Lowry  
 Address 4600 J. Barry Court, Suite 500  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Muddy Creek and Lancaster(s)  
 Receiving Stream(s) and Classification(s) Unnamed Tributaries to Yellow Creek / Yellow Creek and Crab Run

ESCGP-1 #ESG14-019-0022—Lynx Well Pad  
 Applicant EM Energy Pennsylvania, LLC  
 Contact Mr. Michael Koy  
 Address 601 Technology Drive, Suite 300  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Concord(s)  
 Receiving Stream(s) and Classification(s) Tribs 35321 & 35326 to Connoquenessing Creek

ESCGP-1 #ESX13-085-0016—Cude to Yoder Pipeline  
 Applicant Halcon Field Services, LLC  
 Contact Rich DiMichele  
 Address 1000 Louisiana Street  
 City Houston State TX Zip Code 77002  
 County Mercer Township(s) West Salem(s)  
 Receiving Stream(s) and Classification(s) 2 UNTs to Shenango River, Big Run, and 8 UNTs to Big Run, UNT to Booth Run, WWF

ESCGP-1 #ESG14-047-0005—Ridgway Pad J11-R  
 Applicant Seneca Res Corp.  
 Contact Michael C. Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Elk Township(s) Spring Creek(s)  
 Receiving Stream(s) and Classification(s) Irwin Run (CWF/CWF); Pole Road Run (HQ-CWF/HQ-CWF); Crow Run (HQ-CWF/HQ-CWF); UNT to Bear Creek (HQ-CWF/HQ-CWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX11-015-0130(01)  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) Browns Creek (WWF/MF); Siltation Impaired, Sugar Creek (WWF/MF)

ESCGP-2 # ESX29-015-14-0010  
 Applicant Name Appalachia Midstream Svc., LLC  
 Contact Person Randy DeLaune  
 Address 100 IST Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) West Burlington and Troy Townships  
 Receiving Stream(s) and Classification(s) Sugar Creek and Leonard Creek (TSF/MF); Siltation Impaired

[Pa.B. Doc. No. 14-1348. Filed for public inspection June 27, 2014, 9:00 a.m.]

### **Pennsylvania Sewage Advisory Committee Rescheduled Meeting**

The Pennsylvania Sewage Advisory Committee (Committee) meeting scheduled for July 9, 2014, has been rescheduled for Wednesday, September 10, 2014, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Committee can be directed to John Diehl at (717) 783-2941 or jdiehl@pa.gov. The agenda and meeting materials for the September 10, 2014, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1349. Filed for public inspection June 27, 2014, 9:00 a.m.]

### **Pennsylvania State Clean Diesel Grant Program; Extension of the Grant Application Acceptance Period**

The Department of Environmental Protection (Department) is extending the grant application acceptance period for the Fiscal Year 2013 Pennsylvania State Clean Diesel Grant Program (Program). Applicants have the opportunity to apply for \$202,037.22 that has been made available under the Federal Diesel Emission Reduction Act by the United States Environmental Protection Agency (EPA). This funding is available through the Program for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment in this Commonwealth by reducing emissions from diesel-powered vehicles and engines.

The Department is seeking applications for projects that will replace, repower or retrofit fleet diesel-powered highway and nonroad vehicles. Funding is available for public and private entities which operate diesel-powered fleets throughout this Commonwealth. These entities may include school districts, municipal authorities, political subdivisions, other State agencies, nonprofit entities, cor-

porations, limited liability companies or partnerships incorporated or registered in this Commonwealth. Projects must use technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions. The technology may be a single technology or a combination of available technologies. The majority of the fleet's annual operation time must occur within this Commonwealth.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement.

The grant application package including guidance, instructions and application forms is available by contacting Samantha Harmon, Department of Environmental Protection, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9702. The application package is also available electronically on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword "Clean Diesel").

The Department began accepting applications on April 26, 2014. See 44 Pa.B. 2586 (April 26, 2014). The Department is extending the grant application acceptance deadline to July 11, 2014. Applications must be post-marked on or before July 11, 2014. Faxes and electronic submissions will not be accepted.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1350. Filed for public inspection June 27, 2014, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Retail Space to the Commonwealth Clinton County

Proposals are invited to provide the Department of General Services with 4,500 to 5,500 usable square feet of retail space for the Liquor Control Board in Mill Hall, Clinton County. For more information on SFP No. 94624, which is due on August 15, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-1351. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Luzerne County

Proposals are invited to provide the Department of General Services with 18,000 to 24,000 usable square feet of warehouse space for the Liquor Control Board in Wilkes-Barre, Luzerne County. For more information on SFP No. 94626, which is due on August 15, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-1352. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Monroe County

Proposals are invited to provide the Department of General Services with 5,500 to 6,000 usable square feet of retail space for the Liquor Control Board in Tannersville, Monroe County. For more information on SFP No. 94625, which is due on August 15, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-1353. Filed for public inspection June 27, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to The Clinical Laboratory Act

Governor Corbett signed the act of December 18, 2013 (P. L. 1232, No. 122) (Act 122) into law, resulting in significant changes to The Clinical Laboratory Act (act) (35 P. S. §§ 2151—2165) regarding licensure requirements, specimen collection, acceptance and handling services, and new sanctioning authority for the Department of Health (Department).

Under Act 122, a clinical laboratory will require licensure (a permit) from the Department if the clinical laboratory operates within this Commonwealth or performs testing on any specimen accepted or collected within this Commonwealth. These requirements apply regardless of the location of the clinical laboratory. In addition, Act 122 also prohibits specific activities that might be used to induce a health care provider or health care practitioner to refer specimens to a particular clinical laboratory. Finally, the Department is now authorized to impose civil fines of up to \$500 per day on any person or clinical laboratory that violates the act or the Department's regulations. The fining authority is in addition to any other penalty that may be currently imposed by the Department.

Additional information regarding Act 122 can be found on the Bureau of Laboratories' web site at [www.health.state.pa.us/labs](http://www.health.state.pa.us/labs) under the "Clinical Lab Licensure" section. Questions and requests for additional information may be sent to Mary McCormick, Director, Division of Laboratory Improvement, Bureau of Laboratories, 110 Pickering Way, Exton, PA 19341-1310, [mamccormic@pa.gov](mailto:mamccormic@pa.gov). Applications for clinical laboratory licensure may be downloaded from the Bureau's web site or applicants may contact Mary McCormick for application materials.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) may contact Mary McCormick at the previously referenced information. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1354. Filed for public inspection June 27, 2014, 9:00 a.m.]



### Application of Evangelical Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Evangelical Community Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1355. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-2.6.2.2(1)(b) (relating to critical care patient rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1356. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.6-3.2.2.2 and 3.6-3.6.10.1 (relating to area; and sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1357. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Availability of Grant Funds through the State Lead Program

The Department of Health's (Department) State Lead Program (Program) is accepting applications for small grants from public post-secondary schools and 2- and 4-year public and private colleges and universities to support community-based initiatives that educate communities at-risk for lead poisoning to make them more lead safe and to provide information on other potential environmental hazards around the home.

Lead paint and the dust that results from the breakdown of the paint can lead to serious health issues, including loss of IQ, attention deficit disorder, attention deficit hyperactivity disorder, coma and even death.



Homes built before 1978 are more likely to have lead paint in them and according to the 2010 Census, this Commonwealth ranks fourth in the Nation in the number of homes built before 1978. While there has been a reduction in the number of elevated blood lead levels in children 7 years of age and under in this Commonwealth, 1,817 cases were confirmed in 2012.

Grantees awarded funds through the Program must use the funds for activities and materials to improve knowledge across this Commonwealth regarding lead poisoning and remediation of lead hazards. Grantees may also use funds to provide training on other environmental home hazards in addition to lead hazards. Funded services may include, but are not limited to:

- 1) Providing training or education for vulnerable populations to raise awareness of lead poisoning and lead hazards around the home.
- 2) Strengthening infrastructure by educating and working with landlords or contractors, or both, to increase capacity to prevent illnesses and injuries associated with the home environment.
- 3) Developing and educating community based groups or coalitions to focus on lead poisoning and other environmental health hazards and how to reduce their risk.
- 4) Developing and implementing a lead teaching module for students in applicable majors within the post-secondary setting.
- 5) Developing partnerships with community based groups (day care centers, parent teacher organizations) to provide information and education to parents and caregivers on the dangers of lead poisoning, proper remediation and other environmental issues present in homes.
- 6) Developing a program for teachers and education professionals to receive continuing education credits.

Applications will be rated upon the creativity and efficacy with which the proposed services will meet the previously listed goals. Successful applicants will be awarded small grants up to \$9,000 in State Fiscal Year July 1, 2014, through June 30, 2015, and up to \$3,000 for the period of July 1, 2015, through September 30, 2015, for a total up to \$12,000.

*Purpose:* The Program will provide small grants to successful applicants in an effort to decrease the incidence of preventable child illness due to the presence of lead and health hazards in housing. Applicants are encouraged to identify and provide services to populations that are most at-risk for lead poisoning or other environmentally related illness or injury. Partnerships with organizations that are working toward similar goals are strongly encouraged to support building community infrastructure to address lead poisoning, lead hazards and other environmental home hazards.

The primary focus on this initiative is on lead poisoning, prevention and remediation; however, grantees may also include supplementary activities addressing other environmental hazards around the home such as radon and mold. Applicants are encouraged to assess their communities and draw upon existing resources and services in reaching high-risk populations and reducing health disparities.

*Funds:* Funding for this project is contingent upon Department approval. Project funds must be used to educate community and at-risk groups on the dangers of lead poisoning and prevention methods to eliminate lead and other environmental home hazards.

*Requirements:* Eligible applicants include public and private institutions of higher learning located in this Commonwealth. Eligible applicant must have a Federal Tax ID number. Institutions with multiple ID numbers may submit more than one application, however only one application per institution will be awarded under this initiative. Individuals may not apply. Each grantee will attend an educational presentation from the Department within 6 months of the grant award. This presentation will provide information on lead and environmental home health hazards and will be made at the grantee's campus or business location.

To conduct business with this Commonwealth, grantees are required to have an SAP vendor identification number. Applicants who do not have an SAP vendor identification number may apply for one by contacting Central Vendor Management Unit at (877) 435-7363 or locally at (717) 346-2676 or <http://www.vendorregistration.state.pa.us> (click on "Non-Procurement Vendor Site" then "Non-Procurement Registration Form").

*Application Deadline:* It is anticipated that 15 awards up to \$12,000 in total each as previously outlined will be made under this grant opportunity. To apply for funding, a complete application must be received in the Bureau of Family Health (Bureau) by Friday, July 11, 2014. Applications may be mailed to the address set forth as follows. Applications may not be faxed or e-mailed. Late applications will not be accepted regardless of the reason.

*Application Process:* Complete the 2014-2015 Application and the Proposed Budget. An authorized official of the organization must sign and date the application. Submit an original and three complete copies of the application (including the narrative, budget, budget narrative and any supporting attachments). Applicants can apply for one or both funding time periods mentioned previously. Applications must be page-numbered and unbound. Incomplete applications will not be reviewed.

*Award Determination:* Funding decisions are contingent upon the availability of allocated Program funds and Department approval. Applications are scored by a three-member review panel using a rating scale with the following preestablished criteria:

1. The degree of need for the proposed activity, as justified by the applicant.
2. The extent to which the activity can demonstrate a change in awareness and actions.
3. The reasonableness of the proposed expenditures/purchases.
4. The likelihood that the proposed activity will be of on-going, systemic benefit to the target population.
5. The development of partnerships.

*Notification of Award:* Applicants shall be notified of their award status within 4 weeks of the submission due date. This is a reimbursement only program and no funds are provided at the start of the project. This Program reimburses applicants for actual and approved costs incurred by the successful applicant and shall not exceed the approved amount.

*Eligible Costs:* Applicants may apply for funding reimbursement of multiple purchases or activities under the grant. However, the maximum cumulative award to any one applicant, as identified by Federal ID number, is \$9,000 per State fiscal year and the terms describe previously and funds may not supplant existing funds. The grantee is the sole owner of any items purchased

with grant funds. The budget section of the application must include a budget narrative detailing by line item how project funds will be used. Price quotes, estimates, catalog samples or any other proof of cost must be submitted for every purchase proposed.

Expenses eligible for reimbursement under this project include, but are not limited to:

1. Education, which includes, but is not limited to, the following: training materials, books, workbooks, brochures, posters, and translation of educational materials into different languages and for different populations.

2. Technology, which includes, but is not limited to videos, CDs and DVDs.

3. Coalition development (for example, meeting expenses (but see Ineligible Costs)).

*Ineligible Costs:* The following costs are not eligible for reimbursement under this Program:

1. Administrative/indirect costs (that is, costs not uniquely attributable in full to the programmatic activity).

2. New building construction or structural renovation of an existing space.

3. Capital expenses or equipment.

4. Staffing/personnel.

5. One-time consumables (that is, event tickets, food/refreshments or child care).

By applying for small grant funding, applicants acknowledge and affirm that they will abide by the previously listed spending limitations.

*Summary Report and Invoice Procedures:* Approved applicants shall be reimbursed with one check for all approved expenses. To receive reimbursement of approved expenses, awardees must submit an invoice and receipts to the Bureau within 30 calendar days following completion of funded activity and no later than June 1, 2015, for the first funded time period and no later than October 15, 2015, for the second funded time period.

Questions should be directed to Scott Steffen, EPA State Lead Program, Division of Community Systems Development and Outreach, (717) 772-2763, [rsteffen@pa.gov](mailto:rsteffen@pa.gov).

Applications should be submitted to the Department of Health, Bureau of Family Health, Division of Community Systems Development and Outreach, State Lead Program, Health and Welfare Building, 7th Floor East Wing, 625 Forster Street, Harrisburg, PA 17120.

Only printed applications received by July 11, 2014, will be accepted. No e-mail or faxed bids will be accepted. Go to [www.health.state.pa.us/lead](http://www.health.state.pa.us/lead) to download the full application, attachments and forms.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Scott Steffen, Division of Community Systems Development and Outreach, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17112, (717) 772-2763, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1358. Filed for public inspection June 27, 2014, 9:00 a.m.]

## Availability of Traumatic Brain Injury (TBI) Grant Funds to Support TBI Education and Public Awareness of the Causes and Consequences of TBI

The Bureau of Family Health's (Bureau) Division of Child and Adult Health Services is accepting applications for funding for schools, community sports programs and providers of recreational opportunities for youth, to support education and awareness of the causes and consequences of concussion and mild to severe traumatic brain injury (TBI) in youth. Funding for up to \$5,000 is available to develop trainings and materials to reach the identified population. Funded activities will expand or develop programs, or both, for the targeted audience about the risks and consequences of TBI. This training and education improves knowledge and awareness of TBI and increases state and local capacity for treatment and intervention.

Funding will be used to develop trainings, materials, and education and awareness activities that target professionals (for example, practitioners, teachers, athletic trainers, coaches and school nurses), community sports programs, community members and/or providers of recreational opportunities which could result in physical injury and should teach appropriate intervention strategies in the event an individual sustains an injury which could result in TBI in the identified population of school aged youth.

For the purpose of this funding opportunity, a TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Youth with concussions/mild head injury often do not receive intervention because the extent of the injury is not recognized. Currently, approximately 200 high schools and colleges in this Commonwealth are utilizing preplay neuropsychological testing to develop a "baseline" or "benchmark" of an athlete's level of cognitive functioning in the event that the youth has a concussion while participating in sports. Additional screening tools are also available that can be utilized after a youth sustains a concussion/head injury to determine if further evaluation or action is needed. While attention to the causes and consequences of concussion and TBI in youth has grown dramatically over the past 5 years, the majority of State high schools are not using any kind of concussion management program and junior high/middle schools and recreational programs have been particularly underserved.

The learning objectives of the proposed education and awareness activities must incorporate education on TBI, not just concussion, and should include the following:

1. How to recognize the warning signs that indicate a concussion/mild head injury has occurred.
2. How to manage concussions/mild head injuries.
3. How to intervene in the event that a concussion/mild head injury is suspected.

Project funds must be used to reimburse purchases and activities occurring prior to January 17, 2015.

Eligible applicants are public and private organizations, community-based programs and agencies in this Commonwealth. Entities must have a Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, no applicant may take a profit from these funds.

Eligible applicants may include but are not limited to: sports organizations (such as football, baseball, cheerleading, hockey and soccer); schools; recreation providers; community organizations; park and recreation centers; camps; and parent groups and organizations. Individual athletic directors, coaches, trainers or school nurses interested in these grants are encouraged to partner with an eligible sponsor organization.

To apply for funding, a complete application must be postmarked and mailed to the Department no later than September 15, 2014. Applications may be mailed or hand-delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason. The Department expects to notify all applicants of award status by October 1, 2014. It is anticipated that nine awards of up to \$5,000 or less will be made. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department.

*Application Process:* Complete Attachment A "FY 2014-2015 APPLICATION" and attach a clear and concise narrative of no more than five typewritten pages single spaced that includes the following information, labeled by section:

1. The organization's justified need for the awareness and educational activity in their particular program or community.
2. The identified target audience for the training.
3. A description of the awareness and education activities that address the learning objectives under the Purpose section of this funding opportunity, including who will do the training and the training content (any training/educational material used must be described).
4. A description of how funds will be expended.
5. How the proposed activity will be evaluated or measured for a change in awareness and education on head injury and TBI, specifically.

An authorized official of the organization who can bind the organization to the contents of the application must sign and date Attachment A. Submit an original and three complete copies of the application, which includes Attachment A, a narrative addressing the five points previously listed, and any supporting documentation. Applications should be page-numbered and unbound. Incomplete applications will not be reviewed.

*Eligible Costs:* The maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$5,000 per fiscal year. Funds may be used for reimbursement of the costs incurred prior to January 17, 2015. The budget section of the application must include a budget narrative detailing by line item how project funds will be used. Expenses eligible for reimbursement under this project include, but are not limited to:

1. Purchase of a concussion screening program.
2. Purchase of educational materials.

3. Fees paid to consultants with expertise to provide training regarding TBI.

4. Post-training consultation with the training consultant for the program after the initial training.

5. Training costs.

*Ineligible Costs:* The following costs are not eligible for reimbursement under this project:

1. Administrative/indirect costs.
2. Purchases/activities mandated by the Americans with Disabilities Act.
3. New building construction or structural renovation of an existing space.
4. Capital expenses or equipment.

*Summary Report and Invoice Procedures:* To receive reimbursement of approved expenses, awardees must submit the following documentation, found in Attachment B, to the Bureau no later than February 16, 2015:

1. A summary report of activities and evaluation of increased knowledge as a result of such training activities.
2. Attendance list, including person's position and involvement with youth.
3. Plan for continuing TBI awareness and education.
4. Invoice with expense documentation supporting line item amounts.

Funding decisions are contingent upon the availability of Fiscal Year 2014-2015 funds and Department approval. The approval will be based upon preestablished criteria, including:

1. Does the applicant justify the need for the awareness and educational program in their particular program or community.
2. Is the audience for the proposed activity within the intended target audience.
3. Do the proposed awareness and education activities meet the learning objectives.
4. Are the proposed expenditures/purchases eligible for reimbursement and an efficient use of Department funds.
5. Can the proposed evaluation method demonstrate a change in awareness and knowledge.
6. Will the activity proposed provide an ongoing benefit to the community.

Applications should be mailed to Attention: Julie Hohney, Public Health Program Administrator, Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, TDD (717) 783-6514, [jhohney@pa.gov](mailto:jhohney@pa.gov) with additional questions or to request application materials.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Julie Hohney, Division of Child and Adult Health Services, 7th Floor East Wing, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary



Attachment A

Pennsylvania Department of Health—Bureau of Family Health  
October 1, 2014—January 16, 2015

FY 2014-2015 Funding Application Request: Traumatic Brain Injury Education and Awareness

Applicant Information:

- Name of Organization: \_\_\_\_\_
- FID Number: \_\_\_\_\_
- Complete Mailing Address: \_\_\_\_\_  
\_\_\_\_\_
- Contact Person: \_\_\_\_\_
- Telephone Number: (\_\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_\_) \_\_\_\_\_
- E-mail Address: \_\_\_\_\_
- SAP #: \_\_\_\_\_

Itemized Budget:

Itemized Activity Expenses		
#1: _____	= \$	_____
#2: _____	= \$	_____
#3: _____	= \$	_____
#4: _____	= \$	_____
#5: _____	= \$	_____
#6: _____	= \$	_____
#7: _____	= \$	_____
(attach additional sheets, if necessary)		
TOTAL = \$		_____
*May not exceed \$5,000.00		

Provide a brief written description of what will be purchased with the money:

Attach copies of the proof of cost for every expense proposed within your itemized budget.

Authorized Applicant Signature/Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Attachment B

**Pennsylvania Department of Health—Bureau of Family Health  
 October 1, 2014—January 16, 2015  
 FINAL REPORT/INVOICE  
 Traumatic Brain Injury Education and Awareness**

Awardee Information	
Name of Organization: _____	
FID number: _____	
Complete Mailing Address: _____ _____	
Contact Person: _____	
Telephone Number: (_____) _____ Fax Number: (_____) _____	
E-mail Address: _____	
SAP#: _____	
Please attach the following: <ul style="list-style-type: none"> <li>• A written narrative that includes a summary report of activities and evaluative efforts,</li> <li>• Attendance list(s), including person's position in relation to youth,</li> <li>• Plan for continuing traumatic brain injury awareness and education, and</li> <li>• Expense documentation supporting line item amounts.</li> </ul>	
Invoice	
Itemized Expenses	
#1: _____	= \$ _____
#2: _____	= \$ _____
#3: _____	= \$ _____
#4: _____	= \$ _____
#5: _____	= \$ _____
#6: _____	= \$ _____
#7: _____	= \$ _____
#8: _____	= \$ _____
#9: _____	= \$ _____
TOTAL	= \$ _____ *May not exceed \$5,000.00
Awardee authorized signature/title: _____	
Awardee printed name and title: _____	
<b>DOH Use Only:</b>	
Approved for Payment: _____	Date: _____

[Pa.B. Doc. No. 14-1359. Filed for public inspection June 27, 2014, 9:00 a.m.]

\_\_\_\_\_

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, July 16, 2014, and Thursday, July 17, 2014, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

HIV prevention planning is a required activity of the Department's Federal Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. In addition, Part B the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38) requires that the Department engage in a public advisory planning process in developing a comprehensive plan for HIV prevention services. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process allowing the Department to work in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1360. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Centre Crest  
502 East Howard Street  
Bellefonte, PA 16823  
FAC ID # 031702

The Lebanon Valley Home  
550 East Main Street  
Annville, PA 17003  
FAC ID # 730602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1361. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold its quarterly public meeting on Friday, July 18, 2014, from 10 a.m. to 1 p.m. The meeting will be held in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Carolyn S. Cass, Director, Bureau of Family Health Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for a speech and/or hearing impaired persons call V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1362. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.



Maximum Allowable Prices

Effective July 1, 2014, through September 30, 2014, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.....	\$1.34
Beans/Peas—Dry—16 oz.....	\$2.18
Canned Fish—Pink Salmon.....	\$2.37
Canned Fish—Sardines.....	\$1.48
Canned Fish—Tuna.....	\$1.27
Cereal (per oz.).....	\$0.33
Cheese, 16 oz.....	\$7.31
Eggs.....	\$2.06
Gerber Infant Cereal—8 oz.....	\$2.25
Infant Fruits, 100%—4 oz.....	\$0.66
Infant Vegetables, 100%—4 oz.....	\$0.66
Infant Meats, 100%—2.5 oz.....	\$1.04
Juice—11.5/12 oz.....	\$2.36
Juice—48 oz.....	\$3.07
Juice—64 oz.....	\$3.98
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—quart.....	\$1.69
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.34
Milk, Dry—25.6 oz.....	\$9.32
Milk, Evaporated—12 oz.....	\$1.37
Milk, Low Fat—quart.....	\$1.46
Milk, Low Fat—1/2 gallon.....	\$2.74
Milk, Low Fat Lactose Free—quart.....	\$2.44
Milk, Low Fat Lactose Free—1/2 gallon.....	\$3.95
Milk, Whole—quart.....	\$1.50
Milk, Whole—1/2 gallon.....	\$2.79
Milk, Whole Lactose Free—quart.....	\$2.47
Milk, Whole Lactose Free—1/2 gallon.....	\$4.03
Peanut Butter—16-18 oz.....	\$3.46
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.10
Soy Beverage—8th Continent 64 oz.....	\$3.35
Tofu—16 oz.....	\$2.57
Whole Grain—Bread, 16 oz.....	\$3.55
Whole Grain—Bread, 24 oz.....	\$4.13
Whole Grain—Brown Rice, 16 oz.....	\$1.80
Whole Grain—Brown Rice, 24 oz.....	\$3.32
Whole Grain—Oats, 16 oz.....	\$2.44
Whole Grain—Oats, 24 oz.....	\$5.46
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.57
Boost RTF Formula—8 oz.....	\$1.79
EnfaCare RTF Formula—32 oz.....	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$16.54
Nutramigen Concentrate Formula—13 oz.....	\$7.35
Nutramigen RTF Formula—32 oz.....	\$9.60
Nutramigen w/Enflora Powder Formula—12.6 oz.....	\$24.36
Pediasure RTF Formula—8 oz.....	\$1.92
Pediasure w/Fiber RTF Formula—8 oz.....	\$1.99
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.80
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$4.90
Similac Advance RTF Formula—Blue—32 oz.....	\$7.51
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.46
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$9.45

Maximum Allowable Price

Description	Maximum Allowable Price
Similac Expert Care Alimentum Powder Formula—16 oz.....	\$27.95
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$7.59
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$7.82
Similac Expert Care NeoSure Powder Formula— 13.1 oz.....	\$16.14
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$22.51
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs.....	\$22.35
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$7.72
Similac for Spit Up Powder Formula—Green— 12.3 oz.....	\$15.93
Similac for Spit Up Powder Formula—Green— 12.0 oz.....	\$15.93
Similac Sensitive Concentrate Formula— Orange—13 oz.....	\$4.89
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.50
Similac Sensitive Powder Formula—Orange— 12.6 oz.....	\$15.31
Similac Sensitive Powder Formula—Orange—12.0 oz.....	\$15.31
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$4.95
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$7.93
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$15.89
Similac Total Comfort Powder Formula—Purple— 12.6 oz.....	\$16.39
Similac Total Comfort Powder Formula—Purple— 12.0 oz.....	\$16.39

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2014, through September 30, 2014, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

Description	Competitive Prices
Beans, Canned—15.5/16 oz.....	\$1.23
Beans/Peas—Dry—16 oz.....	\$2.00
Canned Fish—Pink Salmon.....	\$2.28
Canned Fish—Sardines.....	\$1.43
Canned Fish—Tuna.....	\$1.19
Cereal (per oz.).....	\$0.31
Cheese, 16 oz.....	\$6.84
Eggs.....	\$1.96
Gerber Infant Cereal—8 oz.....	\$2.22
Infant Fruits, 100%—4 oz.....	\$0.64
Infant Vegetables, 100%—4 oz.....	\$0.64
Infant Meats, 100%—2.5 oz.....	\$1.03
Juice—11.5/12 oz.....	\$2.22

<i>Description</i>	<i>Competitive Prices</i>
Juice—48 oz. ....	\$3.00
Juice—64 oz. ....	\$3.66
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Low Fat—1/2 gallon ....	\$2.43
Milk, Whole—1/2 gallon ....	\$2.47
Peanut Butter—16-18 oz. ....	\$3.30
Whole Grain—Bread, 16 oz. ....	\$3.35
Whole Grain—Brown Rice, 16 oz. ....	\$1.71
Whole Grain—Oats, 16 oz. ....	\$2.40
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.43
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$4.90
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.46
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$4.95
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$15.89

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2014, through September 30, 2014, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.37
Beans/Peas—Dry—16 oz. ....	\$2.26
Canned Fish—Pink Salmon. ....	\$2.37
Canned Fish—Sardines ....	\$1.59
Canned Fish—Tuna ....	\$1.40
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.33
Eggs ....	\$2.06
Gerber Infant Cereal—8 oz. ....	\$2.30
Infant Fruits, 100%—4 oz. ....	\$0.70
Infant Vegetables, 100%—4 oz. ....	\$0.70
Infant Meats, 100%—2.5 oz. ....	\$1.12
Juice—11.5/12 oz. ....	\$2.51
Juice—48 oz. ....	\$3.19
Juice—64 oz. ....	\$4.18
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.69
Kosher Low Fat Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.46
Milk, Dry—25.6 oz. ....	\$9.47
Milk, Evaporated—12 oz. ....	\$1.53
Milk, Low Fat—quart ....	\$1.46
Milk, Low Fat—1/2 gallon ....	\$2.74
Milk, Low Fat Lactose Free—quart ....	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.31
Milk, Whole—quart ....	\$1.50
Milk, Whole—1/2 gallon ....	\$2.79

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Whole Lactose Free—quart ....	\$2.56
Milk, Whole Lactose Free—1/2 gallon ....	\$4.33
Peanut Butter—16-18 oz. ....	\$3.60
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.10
Soy Beverage—8th Continent 64 oz. ....	\$3.78
Tofu—16 oz. ....	\$2.62
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.13
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.32
Whole Grain—Oats, 16 oz. ....	\$2.44
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.57
Boost RTF Formula—8 oz. ....	\$1.79
EnfaCare RTF Formula—32 oz. ....	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$16.54
Nutramigen Concentrate Formula—13 oz. ....	\$7.40
Nutramigen RTF Formula—32 oz. ....	\$9.60
Nutramigen w/Enflora Powder Formula—12.6 oz. ....	\$24.42
Pediasure RTF Formula—8 oz. ....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.94
Similac Advance Concentrate—Blue Formula— 13 oz. ....	\$4.94
Similac Advance RTF—Blue Formula—32 oz. ....	\$7.60
Similac Advance Powder—Blue Formula— 12.4 oz. ....	\$15.58
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$9.45
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$27.98
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$7.59
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$7.82
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$16.14
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$22.51
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs. ....	\$22.35
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.72
Similac for Spit Up Powder Formula—Green— 12.3 oz. ....	\$16.04
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$16.04
Similac Sensitive Concentrate Formula— Orange—13 oz. ....	\$4.89
Similac Sensitive RTF Formula—Orange—32 oz. ....	\$7.50
Similac Sensitive Powder Formula—Orange— 12.6 oz. ....	\$15.51
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$15.51
Similac Soy Isomil Concentrate—Pink Formula— 13 oz. ....	\$5.21
Similac Soy Isomil RTF—Pink Formula—32 oz. ....	\$7.93
Similac Soy Isomil Powder—Pink Formula— 12.4 oz. ....	\$16.15
Similac Total Comfort Powder Formula—Purple— 12.6 oz. ....	\$16.50
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$16.50

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC partici-

pants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2014, through September 30, 2014, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.27
Beans/Peas—Dry—16 oz.....	\$2.10
Canned Fish—Pink Salmon.....	\$2.28
Canned Fish—Sardines.....	\$1.49
Canned Fish—Tuna.....	\$1.27
Cereal (per oz.).....	\$0.32
Cheese, 16 oz.....	\$6.86
Eggs.....	\$1.96
Gerber Infant Cereal—8 oz.....	\$2.25
Infant Fruits, 100%—4 oz.....	\$0.69
Infant Vegetables, 100%—4 oz.....	\$0.69
Infant Meats, 100%—2.5 oz.....	\$1.10
Juice—11.5/12 oz.....	\$2.42
Juice—48 oz.....	\$3.07
Juice—64 oz.....	\$3.85
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Low Fat—1/2 gallon.....	\$2.43
Milk, Whole—1/2 gallon.....	\$2.47
Peanut Butter—16-18 oz.....	\$3.51
Whole Grain—Bread, 16 oz.....	\$3.50
Whole Grain—Brown Rice, 16 oz.....	\$1.73
Whole Grain—Oats, 16 oz.....	\$2.40
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.43
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$4.94
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.58
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.21
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.15

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2014, through September 30, 2014, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.37
Beans/Peas—Dry—16 oz.....	\$2.26
Canned Fish—Pink Salmon.....	\$2.37

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Sardines.....	\$1.60
Canned Fish—Tuna.....	\$1.40
Cereal (per oz.).....	\$0.36
Cheese, 16 oz.....	\$7.35
Eggs.....	\$2.06
Gerber Infant Cereal—8 oz.....	\$2.30
Infant Fruits, 100%—4 oz.....	\$0.71
Infant Vegetables, 100%—4 oz.....	\$0.71
Infant Meats, 100%—2.5 oz.....	\$1.17
Juice—11.5/12 oz.....	\$2.56
Juice—48 oz.....	\$3.28
Juice—64 oz.....	\$4.27
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—quart.....	\$1.69
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.70
Milk, Dry—25.6 oz.....	\$9.47
Milk, Evaporated—12 oz.....	\$1.57
Milk, Low Fat—quart.....	\$1.47
Milk, Low Fat—1/2 gallon.....	\$2.75
Milk, Low Fat Lactose Free—quart.....	\$2.53
Milk, Low Fat Lactose Free—1/2gallon.....	\$4.31
Milk, Whole—quart.....	\$1.57
Milk, Whole—1/2 gallon.....	\$2.79
Milk, Whole Lactose Free—quart.....	\$2.56
Milk, Whole Lactose Free—1/2 gallon.....	\$4.33
Peanut Butter—16—18 oz.....	\$3.65
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.10
Soy Beverage—8th Continent 64 oz.....	\$3.78
Tofu—16 oz.....	\$2.62
Whole Grain—Bread, 16 oz.....	\$3.63
Whole Grain—Bread, 24 oz.....	\$4.13
Whole Grain—Brown Rice, 16 oz.....	\$2.00
Whole Grain—Brown Rice, 24 oz.....	\$3.32
Whole Grain—Oats, 16 oz.....	\$2.60
Whole Grain—Oats, 24 oz.....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.64
Boost RTF Formula—8 oz.....	\$1.79
EnfaCare RTF Formula—32 oz.....	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$17.31
Nutramigen Concentrate Formula—13 oz.....	\$7.40
Nutramigen RTF Formula—32 oz.....	\$9.63
Nutramigen w/Enflora Powder Formula—12.6 oz.....	\$24.64
Pediasure RTF Formula—8 oz.....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.....	\$2.03
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.15
Similac Advance RTF Formula—Blue—32 oz.....	\$7.60
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.37
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$9.45
Similac Expert Care Alimentum Powder Formula—16 oz.....	\$27.98
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$7.59
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$7.84
Similac Expert Care NeoSure Powder Formula— 13.1 oz.....	\$16.18
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$23.20



<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Go & Grow Powder Soy Based Formula—Pink—1.38 lbs. ....	\$23.03
Similac for Spit Up RTF Formula—Green—32 oz. ....	\$7.72
Similac for Spit Up Powder Formula—Green—12.3 oz. ....	\$16.26
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.26
Similac Sensitive Concentrate Formula—Orange—13 oz. ....	\$5.04
Similac Sensitive RTF Formula—Orange—32 oz. ....	\$7.54
Similac Sensitive Powder Formula—Orange—12.6 oz. ....	\$15.74
Similac Sensitive Powder Formula—Orange—12.0 oz. ....	\$15.74
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.37
Similac Soy Isomil RTF Formula—Pink—32 oz. ....	\$7.93
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.35
Similac Total Comfort Powder Formula—Purple—12.6 oz. ....	\$16.50
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.50

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2014, through September 30, 2014, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.27
Beans/Peas—Dry—16 oz. ....	\$2.10
Canned Fish—Pink Salmon. ....	\$2.29
Canned Fish—Sardines. ....	\$1.54
Canned Fish—Tuna. ....	\$1.30
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$6.88
Eggs. ....	\$1.96
Gerber Infant Cereal—8 oz. ....	\$2.25
Infant Fruits, 100%—4 oz. ....	\$0.70
Infant Vegetables, 100%—4 oz. ....	\$0.70
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.47
Juice—48 oz. ....	\$3.16
Juice—64 oz. ....	\$4.01
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—1/2 gallon. ....	\$3.27
Kosher Whole Milk—1/2 gallon. ....	\$3.37
Milk, Low Fat—1/2 gallon. ....	\$2.43
Milk, Whole—1/2 gallon. ....	\$2.47
Peanut Butter—16-18 oz. ....	\$3.51
Whole Grain—Bread, 16 oz. ....	\$3.50
Whole Grain—Brown Rice, 16 oz. ....	\$2.07
Whole Grain—Oats, 16 oz. ....	\$2.65

<i>Description</i>	<i>Competitive Prices</i>
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.60
Similac Advance Concentrate Formula—Blue—13 oz. ....	\$5.15
Similac Advance Powder Formula—Blue—12.4 oz. ....	\$16.37
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.37
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.35

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

July 1, 2014, through September 30, 2014, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.34
Beans/Peas—Dry—16 oz. ....	\$2.20
Canned Fish—Pink Salmon. ....	\$2.40
Canned Fish—Sardines. ....	\$1.75
Canned Fish—Tuna. ....	\$1.28
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.45
Eggs. ....	\$2.16
Gerber Infant Cereal—8 oz. ....	\$2.32
Infant Fruits, 100%—4 oz. ....	\$0.71
Infant Vegetables, 100%—4 oz. ....	\$0.71
Infant Meats, 100%—2.5 oz. ....	\$1.08
Juice—11.5/12 oz. ....	\$2.45
Juice—48 oz. ....	\$3.18
Juice—64 oz. ....	\$3.99
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart. ....	\$1.69
Kosher Low Fat Milk—1/2 gallon. ....	\$3.27
Kosher Whole Milk—quart. ....	\$1.80
Kosher Whole Milk—1/2 gallon. ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.43
Milk, Dry—25.6 oz. ....	\$9.32
Milk, Evaporated—12 oz. ....	\$1.38
Milk, Low Fat—quart. ....	\$1.48
Milk, Low Fat—1/2 gallon. ....	\$2.82
Milk, Low Fat Lactose Free—quart. ....	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon. ....	\$4.00
Milk, Whole—quart. ....	\$1.52
Milk, Whole—1/2 gallon. ....	\$2.87
Milk, Whole Lactose Free—quart. ....	\$2.56
Milk, Whole Lactose Free—1/2 gallon. ....	\$4.05
Peanut Butter—16-18 oz. ....	\$3.55
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.45
Soy Beverage—8th Continent 64 oz. ....	\$3.42
Tofu—16 oz. ....	\$2.57
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.13
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz. ....	\$2.52



<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Grain—Oats, 24 oz.....	\$5.52
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.70
Boost RTF Formula—8 oz.....	\$1.79
EnfaCare RTF Formula— 32 oz.....	\$7.61
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$16.74
Nutramigen Concentrate Formula—13 oz.....	\$7.39
Nutramigen RTF Formula—32 oz.....	\$9.78
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$24.56
Pediasure RTF Formula—8 oz.....	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.88
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$4.98
Similac Advance RTF Formula—Blue—32 oz.....	\$7.51
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.46
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$9.45
Similac Expert Care Alimentum Powder Formula—16 oz.....	\$28.34
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$7.60
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.04
Similac Expert Care NeoSure Powder Formula— 13.1 oz.....	\$16.59
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$23.17
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs.....	\$23.10
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$7.73
Similac for Spit Up Powder Formula—Green— 12.3 oz.....	\$16.05
Similac for Spit Up Powder Formula—Green— 12.0 oz.....	\$16.05
Similac Sensitive Concentrate Formula— Orange—13 oz.....	\$5.00
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.59
Similac Sensitive Powder Formula—Orange— 12.6 oz.....	\$15.65
Similac Sensitive Powder Formula—Orange— 12.0 oz.....	\$15.65
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.19
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$7.93
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.33
Similac Total Comfort Powder Formula—Purple— 12.6 oz.....	\$16.44
Similac Total Comfort Powder Formula—Purple— 12.0 oz.....	\$16.44

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's

peer group. Effective July 1, 2014, through September 30, 2014, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.24
Beans/Peas—Dry—16 oz.....	\$2.03
Canned Fish—Pink Salmon.....	\$2.32
Canned Fish—Sardines.....	\$1.68
Canned Fish—Tuna.....	\$1.20
Cereal (per oz.).....	\$0.32
Cheese, 16 oz.....	\$6.91
Eggs.....	\$2.06
Gerber Infant Cereal—8 oz.....	\$2.27
Infant Fruits, 100%—4 oz.....	\$0.68
Infant Vegetables, 100%—4 oz.....	\$0.68
Infant Meats, 100%—2.5 oz.....	\$1.06
Juice—11.5/12 oz.....	\$2.25
Juice—48 oz.....	\$3.06
Juice—64 oz.....	\$3.66
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Low Fat—1/2 gallon.....	\$2.51
Milk, Whole—1/2 gallon.....	\$2.55
Peanut Butter—16-18 oz.....	\$3.35
Whole Grain—Bread, 16 oz.....	\$3.35
Whole Grain—Brown Rice, 16 oz.....	\$1.80
Whole Grain—Oats, 16 oz.....	\$2.50
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.57
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$4.98
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.46
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.19
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.33

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2014, through September 30, 2014, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.37
Beans/Peas—Dry—16 oz.....	\$2.26
Canned Fish—Pink Salmon.....	\$2.41
Canned Fish—Sardines.....	\$1.75
Canned Fish—Tuna.....	\$1.40
Cereal (per oz.).....	\$0.36
Cheese, 16 oz.....	\$7.45
Eggs.....	\$2.16
Gerber Infant Cereal—8 oz.....	\$2.32
Infant Fruits, 100%—4 oz.....	\$0.71
Infant Vegetables, 100%—4 oz.....	\$0.71
Infant Meats, 100%—2.5 oz.....	\$1.15
Juice—11.5/12 oz.....	\$2.56

<i>Description</i>	<i>Maximum Allowable Price</i>
Juice—48 oz. ....	\$3.30
Juice—64 oz. ....	\$4.24
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart . . . . .	\$1.69
Kosher Low Fat Milk—1/2 gallon . . . . .	\$3.27
Kosher Whole Milk—quart . . . . .	\$1.80
Kosher Whole Milk—1/2 gallon . . . . .	\$3.37
Milk, Dry—9.6 oz. ....	\$4.46
Milk, Dry—25.6 oz. ....	\$9.47
Milk, Evaporated—12 oz . . . . .	\$1.55
Milk, Low Fat—quart . . . . .	\$1.53
Milk, Low Fat—1/2 gallon . . . . .	\$2.82
Milk, Low Fat Lactose Free—quart . . . . .	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon . . . . .	\$4.31
Milk, Whole—quart . . . . .	\$1.57
Milk, Whole—1/2 gallon . . . . .	\$2.87
Milk, Whole Lactose Free—quart . . . . .	\$2.56
Milk, Whole Lactose Free—1/2 gallon . . . . .	\$4.37
Peanut Butter—16-18 oz. ....	\$3.55
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.45
Soy Beverage—8th Continent 64 oz. ....	\$3.78
Tofu—16 oz. ....	\$2.62
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.13
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz. ....	\$2.88
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.70
Boost RTF Formula—8 oz. ....	\$1.79
EnfaCare RTF Formula— 32 oz. ....	\$7.61
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$16.88
Nutramigen Concentrate Formula—13 oz. ....	\$7.43
Nutramigen RTF Formula—32 oz. ....	\$9.78
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.65
Pediasure RTF Formula—8 oz. ....	\$2.06
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.97
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.08
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.60
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.74
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$9.45
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$28.34
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$8.07
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.04
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$16.59
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.40
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs. ....	\$23.12
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.89
Similac for Spit Up Powder Formula—Green— 12.3 oz. ....	\$16.34
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$16.34

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Sensitive Concentrate Formula— Orange—13 oz. ....	\$5.26
Similac Sensitive RTF Formula—Orange—32 oz. . .	\$7.59
Similac Sensitive Powder Formula—Orange— 12.6 oz. ....	\$15.65
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$15.65
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.28
Similac Soy Isomil RTF Formula—Pink—32 oz. . .	\$7.93
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.33
Similac Total Comfort Powder Formula—Purple— 12.6 oz. ....	\$16.86
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$16.86

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2014, through September 30, 2014, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.27
Beans/Peas—Dry—16 oz. ....	\$2.11
Canned Fish—Pink Salmon . . . . .	\$2.32
Canned Fish—Sardines . . . . .	\$1.68
Canned Fish—Tuna . . . . .	\$1.27
Cereal (per oz.) . . . . .	\$0.34
Cheese, 16 oz. ....	\$6.91
Eggs . . . . .	\$2.06
Gerber Infant Cereal—8 oz. ....	\$2.28
Infant Fruits, 100%—4 oz. ....	\$0.69
Infant Vegetables, 100%—4 oz. ....	\$0.69
Infant Meats, 100%—2.5 oz. ....	\$1.13
Juice—11.5/12 oz. ....	\$2.47
Juice—48 oz. ....	\$3.16
Juice—64 oz. ....	\$3.93
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—1/2 gallon . . . . .	\$3.27
Kosher Whole Milk—1/2 gallon . . . . .	\$3.37
Milk, Low Fat—1/2 gallon . . . . .	\$2.51
Milk, Whole—1/2 gallon . . . . .	\$2.55
Peanut Butter—16-18 oz. ....	\$3.51
Whole Grain—Bread, 16 oz. ....	\$3.52
Whole Grain—Brown Rice, 16 oz. ....	\$1.94
Whole Grain—Oats, 16 oz. ....	\$2.85
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.57
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.08
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.74
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.28

<i>Description</i>	<i>Competitive Prices</i>
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.33

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

July 1, 2014, through September 30, 2014, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.44
Beans/Peas—Dry—16 oz.....	\$2.26
Canned Fish—Pink Salmon.....	\$2.43
Canned Fish—Sardines .....	\$1.75
Canned Fish—Tuna .....	\$1.40
Cereal (per oz.) .....	\$0.37
Cheese, 16 oz. ....	\$7.70
Eggs .....	\$2.16
Gerber Infant Cereal—8 oz.....	\$2.56
Infant Fruits, 100%—4 oz.....	\$0.84
Infant Vegetables, 100%—4 oz.....	\$0.84
Infant Meats, 100%—2.5 oz. ....	\$1.17
Juice—11.5/12 oz. ....	\$2.60
Juice—48 oz. ....	\$3.38
Juice—64 oz. ....	\$4.27
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart .....	\$1.87
Kosher Low Fat Milk—1/2 gallon .....	\$3.27
Kosher Whole Milk—quart .....	\$1.80
Kosher Whole Milk—1/2 gallon .....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.70
Milk, Dry—25.6 oz. ....	\$9.47
Milk, Evaporated—12 oz.....	\$1.60
Milk, Low Fat—quart .....	\$1.61
Milk, Low Fat—1/2 gallon .....	\$2.86
Milk, Low Fat Lactose Free—quart .....	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon .....	\$4.31
Milk, Whole—quart .....	\$1.69
Milk, Whole—1/2 gallon .....	\$3.01
Milk, Whole Lactose Free—quart .....	\$2.56
Milk, Whole Lactose Free—1/2 gallon .....	\$4.37
Peanut Butter—16-18 oz.....	\$3.66
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.45
Soy Beverage—8th Continent 64 oz.....	\$3.90
Tofu—16 oz. ....	\$2.65
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.13
Whole Grain—Brown Rice, 16 oz. ....	\$2.35
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz.....	\$3.00
Whole Grain—Oats, 24 oz.....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.70
Boost RTF Formula—8 oz.....	\$1.80
EnfaCare RTF Formula— 32 oz. ....	\$8.03
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$17.31
Nutramigen Concentrate Formula—13 oz. ....	\$8.15
Nutramigen RTF Formula—32 oz. ....	\$9.79

<i>Description</i>	<i>Maximum Allowable Price</i>
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$25.10
Pediasure RTF Formula—8 oz.....	\$2.23
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.30
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.27
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.57
Similac Advance RTF Formula—Blue—32 oz. ....	\$8.10
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.89
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$9.51
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$29.98
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$8.69
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.22
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$17.04
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.40
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs. ....	\$23.53
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$8.27
Similac for Spit Up Powder Formula—Green— 12.3 oz. ....	\$17.20
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$17.20
Similac Sensitive Concentrate Formula— Orange—13 oz. ....	\$5.65
Similac Sensitive RTF Formula—Orange—32 oz..	\$8.27
Similac Sensitive Powder Formula—Orange— 12.6 oz. ....	\$16.75
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$16.75
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.75
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$8.04
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.39
Similac Total Comfort Powder Formula—Purple— 12.6 oz. ....	\$17.36
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$17.36

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2014, through September 30, 2014, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.38
Beans/Peas—Dry—16 oz.....	\$2.11



<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Pink Salmon.....	\$2.32
Canned Fish—Sardines .....	\$1.68
Canned Fish—Tuna .....	\$1.30
Cereal (per oz.) .....	\$0.35
Cheese, 16 oz. ....	\$7.20
Eggs .....	\$2.06
Gerber Infant Cereal—8 oz.....	\$2.53
Infant Fruits, 100%—4 oz.....	\$0.85
Infant Vegetables, 100%—4 oz.....	\$0.85
Infant Meats, 100%—2.5 oz. ....	\$1.18
Juice—11.5/12 oz.....	\$2.55
Juice—48 oz. ....	\$3.30
Juice—64 oz. ....	\$4.10
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—1/2 gallon .....	\$3.27
Kosher Whole Milk—1/2 gallon .....	\$3.37
Milk, Low Fat—1/2 gallon .....	\$2.58
Milk, Whole—1/2 gallon .....	\$2.62
Peanut Butter—16-18 oz.....	\$3.57
Whole Grain—Bread, 16 oz. ....	\$3.52
Whole Grain—Brown Rice, 16 oz. ....	\$2.32
Whole Grain—Oats, 16 oz.....	\$2.97
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.60
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.57
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.75
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.39

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1363. Filed for public inspection June 27, 2014, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### New Class of Disproportionate Share Hospital Payments

The Department of Public Welfare (Department) is announcing its intent to create a new class of disproportionate share hospital (DSH) payments for those acute care general hospitals that provide a significant amount of services to the indigent and Medical Assistance (MA) populations residing in Pennsylvania (PA) cities with a per capita income substantially below the Statewide average. These payments provide additional financial

support to hospitals providing inpatient hospital services and serve an inordinate amount of MA beneficiaries in impoverished areas of this Commonwealth.

#### *Qualifying Criteria*

For a hospital to qualify for this class of DSH payment, it must meet all of the following proposed criteria, based on its Fiscal Year (FY) 2011-2012 PA MA hospital cost report unless otherwise specified:

(a) The hospital is enrolled in PA MA as an acute care general hospital.

(b) The hospital provides at least 20,000 inpatient days of care to MA beneficiaries.

(c) The hospital has an MA inpatient utilization rate of at least 25% as determined by dividing the hospital's MA days by its total days of inpatient care.

(d) The hospital has a negative 3-year average change in net patient revenue according to the Health Care Cost Containment Council's Fiscal Year 2012 Financial Analysis, Volume One, General Acute Care Hospitals.

(e) The hospital is located in a county in this Commonwealth which contains a city with a population of 30,000 or more and that city has a per capita income below 60% of the average per capita income for the Commonwealth as documented in the 2010 United States census data.

#### *Payment Determination*

The Department intends to pay each qualifying hospital a proportionate amount of the funding allocated to this payment based on the hospital's ratio of MA inpatient days to the total MA inpatient days for all qualifying hospitals. The hospital's ratio is multiplied by the total amount allocated for these payments to determine its payment amount. The data used for purposes of this determination will be based on the FY 2011-2012 PA MA hospital cost report.

#### *Fiscal Impact*

The FY 2013-2014 impact is \$4.128 million (\$1.989 million in State general funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-891. (1) General Fund; (2) Implementing Year 2013-14 is \$1,989,000; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$0; (4) 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1364. Filed for public inspection June 27, 2014, 9:00 a.m.]



### **Proposed Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waivers Services, Targeted Services Management and the Community Intellectual Disability Base-Funded Program**

The purpose of this notice is to announce the Department of Public Welfare's (Department) proposed Fee Schedule Rates for select services funded through the Consolidated and Person/Family Directed Support waivers, the Department-established fees for residential ineligible services and fee for Targeted Service Management (TSM) effective July 1, 2014. These proposed Fee Schedule Rates also serve as the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4104—4704), 55 Pa. Code Chapter 4300 (relating to county mental health and mental retardation fiscal manual) and 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services).

#### *Fee Schedule Rates*

The Fee Schedule Rates are identified under the following categories: Select Community-Based Services and Agency with Choice/Financial Management Services (AWC/FMS), including benefit allowance and excluding benefit allowance.

The Select Community-Based Services include behavior support, companion, home and community habilitation unlicensed, homemaker/chore, licensed day habilitation (adult training), prevocational services, therapy (physical, occupational, speech and language, individual behavior therapy, group behavior therapy and visual/mobility), nursing, older adult day, supplemental habilitation, additional individualized staffing, supported employment, supports broker, supports coordination, transitional work and all waiver-funded respite care services, excluding respite camp which is a vendor service.

AWC/FMS (including and excluding benefit allowance) includes home and community habilitation unlicensed, companion services, unlicensed in-home and out-of-home respite, supported employment, supports broker and homemaker/chore services. There are two separate tables for AWC/FMS, one provides the fee schedule rate including a benefit allowance and the other provides the fee schedule rate excluding a benefit allowance. The benefit allowance is provided as an option for the managing employer to include benefits such as disability insurance, life insurance, retirement savings and paid time off to the support service worker.

The proposed fee schedule rates should be used to process claims submitted to the Provider Reimbursement and Operations Management Information System (PROMISE™) in electronic format for services provided until a notice announcing final fee schedule rates is published.

#### *Enhanced Communication Services*

Effective July 1, 2014, the Enhanced Communication Services modifier is available for the following Consolidated Waiver fee schedule services behavioral support, companion, supported employment, transitional work, prevocational services, home and community habilitation unlicensed, licensed day habilitation (adult training), therapy (physical, occupational, speech and language, individual behavior therapy, group behavior therapy and

visual/mobility), nursing, older adult day, supplemental habilitation, additional individualized staffing, supports broker and all waiver-funded respite care services, excluding respite camp which is a vendor service.

Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers seeking the Enhanced Communication Services Rate will need to submit a request to the Office of Developmental Programs. The request must include documentation that the provider has sign language proficient staff and can meet the communication needs of individuals who are deaf at all times during services. The Office of Developmental Programs will also review the records of each individual that receives Enhanced Communication Services to ensure that he is in need of the service.

#### *Department-Established Fees*

The Department-established fees represent a per-person, per-day net fee based on the size of the home (such as a 1-individual home or 2-individual home) and type of home (defined by licensed, unlicensed or family living home). The fee does not include consideration for payment by the participant, as it is the provider's responsibility to collect that portion of payment from the participant.

The proposed Department-established fees should be used to process claims submitted to the PROMISE™ for services provided until a notice announcing final Department-established fees is published.

#### *Geographic Areas*

The geographic areas are as follows:

*Area 1:* Adams, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, York

*Area 2:* Allegheny, Berks, Bucks, Chester, Franklin, Fulton

*Area 3:* Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming

#### *TSM Fee*

TSM is provided under the State Plan to eligible Medical Assistance (MA) recipients. This service is provided consistent with the supports coordination service definition. The supports coordination MA fee identified in the Fee Schedule rate chart is also applicable to TSM.

#### **Fee Schedule Rates and Department-Established Fees Tables: Effective July 1, 2014**

Modifier ET must be used with applicable procedure codes when billing for temporary Base-funded services.

The supports coordination MA fee identified as follows and billed with procedure code W7210 is also applicable to TSM and base funded supports coordination.

Prior authorization must be obtained from the Department for services denoted by (PA) in the service row in the following table.

## Fee Schedule Rates

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.36	\$10.76	\$10.05
		TE & ET						
		TE	16	161				
		TE & ET						
Nursing Services: RN	T2025	TD	05	051	15 min.	\$14.72	\$13.94	\$13.03
		TD & ET						
		TD	16	160				
		TD & ET						
Physical Therapy	T2025	GP	17	170	15 min.	\$21.61	\$20.46	\$19.12
		GP & ET						
Occupational Therapy	T2025	GO	17	171	15 min.	\$20.93	\$19.82	\$18.52
		GO & ET						
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$19.23	\$18.21	\$17.02
		GN & ET						
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$25.29	\$23.95	\$22.38
		HE & ET						
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 min.	\$8.09	\$7.66	\$7.16
		HE, HQ & ET						
Visual/Mobility Therapy	W7246		51	517	15 min.	\$19.23	\$18.21	\$17.02
		ET						
Companion, Basic staff support	W1724		51	363	15 min.	\$1.26	\$1.19	\$1.12
		ET						
Companion, level 1	W1725		51	363	15 min.	\$1.46	\$1.38	\$1.29
		ET						
Companion, level 2	W1726		51	363	15 min.	\$2.23	\$2.11	\$1.97
		ET						
Companion, level 3	W1727		51	363	15 min.	\$6.11	\$5.79	\$5.41
		ET						
Supplemental Habilitation, 1:1(PA)	W7070		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
		ET						
Supplemental Habilitation, 2:1(PA)	W7084		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
		ET						
Additional Individualized Staffing, 1:1(PA)	W7085		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
Additional Individualized Staffing, 2:1(PA)	W7086		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.57	\$2.43	\$2.27
		ET						
Behavioral Support	W7095		51	510	15 min.	\$19.42	\$18.39	\$17.19
		ET						
Supports Broker	W7096		51	510	15 min.	\$8.65	\$8.19	\$7.65

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Day-Adult	W7072		51	514	15 min.	\$2.90	\$2.75	\$2.57
	W7073		51	514	15 min.	\$3.55	\$3.36	\$3.14
	W7074		51	514	15 min.	\$4.50	\$4.26	\$3.98
	W7075		51	514	15 min.	\$9.16	\$8.67	\$8.11
	W7076		51		15 min.	\$13.35	\$12.64	\$11.81
	W7035				15 min.	\$17.20	\$16.29	\$15.22
	W7036				15 min.	\$25.57	\$24.21	\$22.63
Prevocational	W7087				15 min.	\$2.06	\$1.95	\$1.82
	W7088				15 min.	\$2.43	\$2.30	\$2.15
	W7089				15 min.	\$3.26	\$3.09	\$2.88
	W7090				15 min.	\$9.06	\$8.58	\$8.02
	W7091				15 min.	\$12.59	\$11.92	\$11.14
	W7092				15 min.	\$17.75	\$16.81	\$15.71
	W7093				15 min.	\$24.82	\$23.50	\$21.96
Supports Coordination	W7210		21	218	15 min.	\$21.70	\$20.55	\$19.20
Supported Employment	W7235		53	530 531	15 min.	\$17.75	\$16.81	\$15.71
Transitional Work	W7237		51	516	15 min.	\$2.65	\$2.51	\$2.35
	W7239		51	516	15 min.	\$3.55	\$3.36	\$3.14
	W7241		51	516	15 min.	\$4.65	\$4.40	\$4.12
	W7245		51	516	15 min.	\$11.63	\$11.01	\$10.29
Unlicensed Home and Community Habilitation	W7057		51	510	15 min.	\$2.54	\$2.41	\$2.25
	W7058		51	510	15 min.	\$3.52	\$3.33	\$3.12
	W7059		51	510	15 min.	\$4.47	\$4.23	\$3.96
	W7060		51	510	15 min.	\$7.21	\$6.83	\$6.38
	W7061		51	510	15 min.	\$11.09	\$10.50	\$9.81
		TD						
		TE						
	W7068		51	510	15 min.	\$13.96	\$13.22	\$12.35
	W7069		51	510	15 min.	\$23.97	\$22.70	\$21.21
		TD						
TE								
In Home Respite—24 hours	W7247		51	512	Day	\$85.20	\$80.68	\$75.40
	W7248		51	512	Day	\$110.80	\$104.92	\$98.05
	W7250		51	512	Day	\$241.92	\$229.07	\$214.09
	W7251		51	512	Day	\$381.84	\$361.57	\$337.91
	W7252		51	512	Day	\$475.82	\$450.56	\$421.08
	W7253		51	512	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								

## NOTICES

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
In Home Respite—15 Minutes	W7255		51	512	15 min.	\$2.13	\$2.02	\$1.88
	W7256		51	512	15 min.	\$2.77	\$2.62	\$2.45
	W7258		51	512	15 min.	\$6.11	\$5.79	\$5.41
	W7264		51	512	15 min.	\$9.55	\$9.04	\$8.45
	W7265		51	512	15 min.	\$11.90	\$11.27	\$10.53
	W7266		51	512	15 min.	\$18.89	\$17.89	\$16.72
		TD						
TE								
Respite—unlicensed out of home—24 hour	W8000		51	513	Day	\$85.20	\$80.68	\$75.40
	W8001		51	513	Day	\$110.80	\$104.92	\$98.05
	W8002		51	513	Day	\$241.92	\$229.07	\$214.09
	W8003		51	513	Day	\$381.84	\$361.57	\$337.91
	W8004		51	513	Day	\$475.82	\$450.56	\$421.08
	W8005		51	513	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								
Respite—unlicensed out of home—15 minute	W8010		51	513	15 min.	\$2.13	\$2.02	\$1.88
	W8011		51	513	15 min.	\$2.77	\$2.62	\$2.45
	W8012		51	513	15 min.	\$6.11	\$5.79	\$5.41
	W8013		51	513	15 min.	\$9.55	\$9.04	\$8.45
		TD						
		TE						
	W8014		51	513	15 min.	\$11.90	\$11.27	\$10.53
W8015		51	513	15 min.	\$18.89	\$17.89	\$16.72	
	TD							
	TE							
Respite—licensed out of home—24 hour	W7259		51	513	Day	\$111.11	\$105.21	\$98.33
		U2						
	W7260		51	513	Day	\$203.96	\$193.13	\$180.50
		U2						
	W7262		51	513	Day	\$269.98	\$255.64	\$238.92
		U2						
	W7263		51	513	Day	\$416.51	\$394.39	\$368.59
		U2						
	W7299		51	513	Day	\$524.61	\$496.75	\$464.26
		U2						
W7300		51	513	Day	\$817.68	\$774.26	\$723.61	
	TD							
	TE							
	U2							



<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—licensed out of home—15 minutes	W7267		51	513	15 min.	\$2.78	\$2.63	\$2.46
	W7268		51	513	15 min.	\$3.68	\$3.48	\$3.26
	W7270		51	513	15 min.	\$6.75	\$6.39	\$5.97
	W7400		51	513	15 min.	\$10.41	\$9.86	\$9.21
		TD						
		TE						
	W7401		51	513	15 min.	\$13.12	\$12.42	\$11.61
W7402		51	513	15 min.	\$20.44	\$19.35	\$18.09	
	TD							
	TE							
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$19.44	\$18.41	\$17.20
			51	430 or 431				
Homemaker/Chore (temporary)	W7283	UA	43	430	1 hour	\$19.44	\$18.41	\$17.20
		UA & ET						
		UA	51	430 or 431				
		UA & ET						

**Enhanced Communication Services for Consolidated Waiver—Requires ODP Approval**

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE & U1	5	51	15 min.	\$12.56	\$11.89	\$11.12
		TE & U1	16	161				
Nursing Services: RN	T2025	TD & U1	5	51	15 min.	\$16.33	\$15.46	\$14.45
		TD & U1	16	160				
Physical Therapy	T2025	GP & U1	17	170	15 min.	\$23.82	\$22.56	\$21.08
Occupational Therapy	T2025	GO & U1	17	171	15 min.	\$23.06	\$21.84	\$20.41
Speech and Language Therapy	T2025	GN & U1	17	173	15 min.	\$21.15	\$20.03	\$18.72
Individual Behavioral Therapy	T2025	HE & U1	19	208	15 min.	\$27.96	\$26.48	\$24.74
Group Behavioral Therapy	T2025	HE & HQ & U1	19	208	15 min.	\$9.41	\$8.91	\$8.33
Visual/Mobility Therapy	W7246	U1	51	517	15 min.	\$21.15	\$20.03	\$18.72
Companion, Basic staff support	W1724	U1	51	363	15 min.	\$1.46	\$1.38	\$1.29
Companion, level 1	W1725	U1	51	363	15 min.	\$1.68	\$1.59	\$1.49
Companion, level 2	W1726	U1	51	363	15 min.	\$2.61	\$2.47	\$2.31
Companion, level 3	W1727	U1	51	363	15 min.	\$6.67	\$6.32	\$5.90
Supplemental Habilitation, 1:1(PA)	W7070	U1	52	456, 520, 521 or 522	15 min.	\$5.96	\$5.64	\$5.27
Supplemental Habilitation, 2:1(PA)	W7084	U1	52	456, 520, 521 or 522	15 min.	\$11.92	\$11.29	\$10.55
Additional Individualized Staffing, 1:1(PA)	W7085	U1	52	456, 520, 521 or 522	15 min.	\$5.96	\$5.64	\$5.27
Additional Individualized Staffing, 2:1(PA)	W7086	U1	52	456, 520, 521 or 522	15 min.	\$11.92	\$11.29	\$10.55
Older Adult Day Habilitation	W7094	U1	51	410	15 min.	\$2.81	\$2.66	\$2.49

## NOTICES

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Behavioral Support	W7095	U1	51	510	15 min.	\$21.36	\$20.23	\$18.90
Supports Broker	W7096	U1	51	510	15 min.	\$9.57	\$9.06	\$8.47
Licensed Day—Adult	W7072	U1	51	514	15 min.	\$3.18	\$3.01	\$2.81
	W7073	U1	51	514	15 min.	\$3.94	\$3.73	\$3.49
	W7074	U1	51	514	15 min.	\$5.08	\$4.81	\$4.50
	W7075	U1	51	514	15 min.	\$9.86	\$9.34	\$8.73
	W7076	U1	51	514	15 min.	\$14.56	\$13.79	\$12.88
		TD & U1						
		TE & U1						
	W7035	U1	51	514	15 min.	\$18.59	\$17.60	\$16.45
	W7036	U1	51	514	15 min.	\$28.00	\$26.51	\$24.78
		TD & U1						
TE & U1								
Prevocational	W7087	U1	51	515	15 min.	\$2.27	\$2.15	\$2.01
	W7088	U1	51	515	15 min.	\$2.73	\$2.59	\$2.42
	W7089	U1	51	515	15 min.	\$3.76	\$3.56	\$3.33
	W7090	U1	51	515	15 min.	\$9.84	\$9.32	\$8.71
	W7091	U1	51	515	15 min.	\$13.81	\$13.08	\$12.22
		TD & U1						
		TE & U1						
	W7092	U1	51	515	15 min.	\$19.30	\$18.28	\$17.08
	W7093	U1	51	515	15 min.	\$27.25	\$25.80	\$24.12
		TD & U1						
TE & U1								
Supported Employment	W7235	U1	53	530 or 531	15 min.	\$19.31	\$18.28	\$17.09
Transitional Work	W7237	U1	51	516	15 min.	\$3.10	\$2.94	\$2.74
	W7239	U1	51	516	15 min.	\$4.17	\$3.95	\$3.69
	W7241	U1	51	516	15 min.	\$5.46	\$5.17	\$4.83
	W7245	U1	51	516	15 min.	\$12.67	\$12.00	\$11.21
Unlicensed Home and Community Habilitation	W7057	U1	51	510	15 min.	\$2.93	\$2.77	\$2.59
	W7058	U1	51	510	15 min.	\$4.08	\$3.86	\$3.61
	W7059	U1	51	510	15 min.	\$5.21	\$4.93	\$4.61
	W7060	U1	51	510	15 min.	\$7.86	\$7.44	\$6.96
	W7061	U1	51	510	15 min.	\$12.22	\$11.57	\$10.81
		TD & U1						
		TE & U1						
	W7068	U1	51	510	15 min.	\$15.25	\$14.44	\$13.50
	W7069	U1	51	510	15 min.	\$26.44	\$25.04	\$23.40
TD & U1								
TE & U1								

NOTICES

4051

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
In Home Respite—24 hours	W7247	U1	51	512	Day	\$99.69	\$94.40	\$88.22
	W7248	U1	51	512	Day	\$130.23	\$123.32	\$115.25
	W7250	U1	51	512	Day	\$264.17	\$250.14	\$233.78
	W7251	U1	51	512	Day	\$421.55	\$399.17	\$373.05
		TD & U1						
		TE & U1						
	W7252	U1	51	512	Day	\$520.29	\$492.66	\$460.43
	W7253	U1	51	512	Day	\$835.06	\$790.72	\$738.99
		TD & U1						
TE & U1								
In Home Respite—15 Minutes	W7255	U1	51	512	15 min.	\$2.50	\$2.37	\$2.21
	W7256	U1	51	512	15 min.	\$3.27	\$3.10	\$2.89
	W7258	U1	51	512	15 min.	\$6.67	\$6.32	\$5.90
	W7264	U1	51	512	15 min.	\$10.55	\$9.99	\$9.34
		TD & U1						
		TE & U1						
	W7265	U1	51	512	15 min.	\$13.02	\$12.33	\$11.52
	W7266	U1	51	512	15 min.	\$20.88	\$19.77	\$18.48
		TD & U1						
TE & U1								
Respite—unlicensed out of home—24 hour	W8000	U1	51	513	Day	\$99.66	\$94.37	\$88.19
	W8001	U1	51	513	Day	\$130.20	\$123.29	\$115.22
	W8002	U1	51	513	Day	\$264.15	\$250.12	\$233.76
	W8003	U1	51	513	Day	\$421.56	\$399.18	\$373.06
		TD & U1						
		TE & U1						
	W8004	U1	51	513	Day	\$520.28	\$492.65	\$460.42
	W8005	U1	51	513	Day	\$835.09	\$790.75	\$739.02
		TD & U1						
TE & U1								
Respite—unlicensed out of home—15 minute	W8010	U1	51	513	15 min.	\$2.49	\$2.36	\$2.20
	W8011	U1	51	513	15 min.	\$3.26	\$3.09	\$2.88
	W8012	U1	51	513	15 min.	\$6.67	\$6.32	\$5.90
	W8013	U1	51	513	15 min.	\$10.54	\$9.98	\$9.33
		TD & U1						
		TE & U1						
	W8014	U1	51	513	15 min.	\$13.01	\$12.32	\$11.51
	W8015	U1	51	513	15 min.	\$20.88	\$19.77	\$18.48
		TD & U1						
TE & U1								

NOTICES

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—licensed out of home—24 hour	W7259	U1	51	513	Day	\$128.51	\$121.69	\$113.73
		U2 & U1						
	W7260	U1	51	513	Day	\$238.74	\$226.06	\$211.27
		U2 & U1						
	W7262	U1	51	513	Day	\$294.29	\$278.66	\$260.43
		U2 & U1						
	W7263	U1	51	513	Day	\$459.13	\$434.75	\$406.31
		TD & U1						
		TE & U1						
		U2 & U1						
		TD & U2 & U1						
		TE & U2 & U1						
	W7299	U1	51	513	Day	\$573.22	\$542.78	\$507.27
		U2 & U1						
	W7300	U1	51	513	Day	\$902.92	\$854.98	\$799.04
		TD & U1						
		TE & U1						
		U2 & U1						
		TD & U2 & U1						
		TE & U2 & U1						
Respite—licensed out of home—15 minutes	W7267	U1	51	513	15 min.	\$3.22	\$3.05	\$2.85
	W7268	U1	51	513	15 min.	\$4.29	\$4.06	\$3.80
	W7270	U1	51	513	15 min.	\$7.36	\$6.97	\$6.51
	W7400	U1	51	513	15 min.	\$11.48	\$10.87	\$10.16
		TD & U1						
		TE & U1						
	W7401	U1	51	513	15 min.	\$14.33	\$13.57	\$12.68
	W7402	U1	51	513	15 min.	\$22.57	\$21.37	\$19.97
		TD & U1						
TE & U1								

Department-Established Fees

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Community Homes—Ineligible	W6091				Day	\$72.71	\$67.93	\$62.35
	W6093					\$38.64	\$35.67	\$32.20
	W6095					\$27.32	\$24.95	\$22.18
	W6097					\$21.22	\$19.17	\$16.78
	W6099					\$16.78	\$14.97	\$12.86
Licensed Child Residential Services—Ineligible	W7011				Day	\$72.71	\$67.93	\$62.35
	W7013					\$38.64	\$35.67	\$32.20
	W7015					\$27.32	\$24.95	\$22.18
	W7017					\$21.22	\$19.17	\$16.78
	W7019					\$16.78	\$14.97	\$12.86



<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Community Residential Rehabilitation Services—Ineligible	W7021				Day	\$72.71	\$67.93	\$62.35
	W7023					\$38.64	\$35.67	\$32.20
	W7025					\$27.32	\$24.95	\$22.18
	W7027					\$21.22	\$19.17	\$16.78
	W7029					\$16.78	\$14.97	\$12.86
Unlicensed Residential Services—Ineligible	W7079				Day	\$15.28	\$13.56	\$11.56
	W7081					\$6.14	\$4.90	\$3.47
	W7083					\$5.46	\$4.26	\$2.87
Unlicensed Family Living Home—Ineligible	W7038				Day	\$2.70	\$1.65	\$0.43
	W7040					\$1.31	\$0.34	\$0.00
Licensed Adult Family Living Home—Ineligible	W7292				Day	\$2.70	\$1.65	\$0.43
	W7294					\$1.31	\$0.34	\$0.00
Licensed Child Family Living Home—Ineligible	W7296				Day	\$2.70	\$1.65	\$0.43
	W7298					\$1.31	\$0.34	\$0.00

**Agency with Choice Financial Management Services, Including Benefit Allowance\*\*\***

\*\*\*No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion level 3	W1727		54	540	15 min.	\$3.84	\$3.64	\$3.40
Supported Employment	W7235		54	540	15 min.	\$6.52	\$6.17	\$5.77
Unlicensed Habilitation, level 3	W7060		54	540	15 min.	\$5.77	\$5.46	\$5.11
Unlicensed Habilitation, level 3, enhanced	W7061		54	540	15 min.	\$8.92	\$8.45	\$7.89
		TD						
		TE						
Unlicensed Habilitation, level 4	W7068		54	540	15 min.	\$11.54	\$10.93	\$10.21
Unlicensed Habilitation, level 4, enhanced	W7069		54	540	15 min.	\$17.84	\$16.89	\$15.79
		TD						
		TE						
Supports Broker	W7096		54	540	15 min.	\$6.50	\$6.15	\$5.75
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$273.69	\$259.16	\$242.20
	W7258		54	540	15 min.	\$4.28	\$4.05	\$3.79
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$516.87	\$489.43	\$457.41
		TD						
		TE						
	W7264		54	540	15 min.	\$8.05	\$7.62	\$7.12
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$547.39	\$518.33	\$484.42
	W7265		54	540	15 min.	\$8.55	\$8.10	\$7.57

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1033.74	\$978.85	\$914.81
		TD						
		TE						
	W7266		54	540	15 min.	\$16.09	\$15.24	\$14.24
		TD						
		TE						
Homemaker/ Chore	W7283		54	540	1 hour	\$16.43	\$15.56	\$14.54
		UA						
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$273.69	\$259.16	\$242.20
	W8012		54	540	15 min.	\$4.28	\$4.05	\$3.79
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$516.87	\$489.43	\$457.41
		TD						
		TE						
	W8013		54	540	15 min.	\$8.05	\$7.62	\$7.12
		TD						
		TE						
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$547.39	\$518.33	\$484.42
	W8014		54	540	15 min.	\$8.55	\$8.10	\$7.57
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1033.74	\$978.85	\$914.81
		TD						
		TE						
	W8015		54	540	15 min.	\$16.09	\$15.24	\$14.24
		TD						
		TE						

**Enhanced Communication Agency with Choice Financial Management Services, Including Benefit Allowance, Consolidated Waiver Only\*\*\*—Requires ODP Approval**

\*\*\*No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U1	54	540	15 min.	\$4.21	\$3.99	\$3.73
Supported Employment	W7235	U1	54	540	15 min.	\$7.23	\$6.85	\$6.40
Unlicensed Habilitation, level 3	W7060	U1	54	540	15 min.	\$6.37	\$6.03	\$5.64
Unlicensed Habilitation, level 3, enhanced	W7061	U1	54	540	15 min.	\$9.92	\$9.39	\$8.78
		TD & U1						
		TE & U1						
Unlicensed Habilitation, level 4	W7068	U1	54	540	15 min.	\$12.76	\$12.08	\$11.29
Unlicensed Habilitation, level 4, enhanced	W7069	U1	54	540	15 min.	\$19.85	\$18.80	\$17.57
		TD & U1						
		TE & U1						
Supports Broker	W7096	U1	54	540	15 min.	\$7.21	\$6.83	\$6.38
Respite—unlicensed, in home, level 2	W7250	U1	54	540	1 day	\$300.82	\$284.85	\$266.21
	W7258	U1	54	540	15 min.	\$4.70	\$4.45	\$4.16

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, in home, level 2, enhanced	W7251	U1	54	540	1 day	\$574.40	\$543.90	\$508.32
		TD & U1						
		TE & U1						
	W7264	U1	54	540	15 min.	\$8.94	\$8.47	\$7.91
		TD & U1						
		TE & U1						
Respite—unlicensed, in home, level 3	W7252	U1	54	540	1 day	\$601.65	\$569.70	\$532.43
	W7265	U1	54	540	15 min.	\$9.40	\$8.90	\$8.32
Respite—unlicensed, in home, level 3, enhanced	W7253	U1	54	540	1 day	\$1,148.80	\$1,087.80	\$1,016.64
		TD & U1						
		TE & U1						
	W7266	U1	54	540	15 min.	\$17.88	\$16.93	\$15.82
		TD & U1						
		TE & U1						
Respite—unlicensed, out of home, level 2	W8002	U1	54	540	1 day	\$300.82	\$284.85	\$266.21
	W8012	U1	54	540	15 min.	\$4.70	\$4.45	\$4.16
Respite—unlicensed, out of home, level 2, enhanced	W8003	U1	54	540	1 day	\$574.40	\$543.90	\$508.32
		TD & U1						
		TE & U1						
	W8013	U1	54	540	15 min.	\$8.94	\$8.47	\$7.91
TD & U1								
Respite—unlicensed, out of home, level 3	W8004	U1	54	540	1 day	\$601.65	\$569.70	\$532.43
	W8014	U1	54	540	15 min.	\$9.40	\$8.90	\$8.32
Respite—unlicensed, out of home, level 3, enhanced	W8005	U1	54	540	1 day	\$1,148.80	\$1,087.80	\$1,016.64
		TD & U1						
		TE & U1						
	W8015	U1	54	540	15 min.	\$17.88	\$16.93	\$15.82
		TD & U1						
		TE & U1						

**Agency with Choice Financial Management Services, Excluding Benefit Allowance\*\***

\*\*Modifier U4 must be used with all procedures codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4	54	540	15 min.	\$2.92	\$2.76	\$2.58
Supported Employment	W7235	U4	54	540	15 min.	\$5.64	\$5.34	\$4.99
Unlicensed Habilitation, level 3	W7060	U4	54	540	15 min.	\$4.84	\$4.58	\$4.28
Unlicensed Habilitation, level 3, enhanced	W7061	U4	54	540	15 min.	\$8.00	\$7.58	\$7.08
		TD & U4						
		TE & U4						
Unlicensed Habilitation, level 4	W7068	U4	54	540	15 min.	\$9.68	\$9.17	\$8.57
Unlicensed Habilitation, level 4, enhanced	W7069	U4	54	540	15 min.	\$15.99	\$15.14	\$14.15
		TD & U4						
		TE & U4						
Supports Broker	W7096	U4	54	540	15 min.	\$5.60	\$5.30	\$4.96

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$216.81	\$205.30	\$191.87
	W7258	U4	54	540	15 min.	\$3.35	\$3.17	\$2.96
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$459.95	\$435.53	\$407.04
		TD & U4						
		TE & U4						
	W7264	U4	54	540	15 min.	\$7.11	\$6.73	\$6.29
		TD & U4						
		TE & U4						
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$433.61	\$410.59	\$383.73
	W7265	U4	54	540	15 min.	\$6.72	\$6.36	\$5.95
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$919.90	\$871.06	\$814.07
		TD & U4						
		TE & U4						
	W7266	U4	54	540	15 min.	\$14.24	\$13.48	\$12.60
		TD & U4						
		TE & U4						
Homemaker/ Chore	W7283	U4	54	540	1 hour	\$12.76	\$12.08	\$11.29
		UA & U4						
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1 day	\$216.81	\$205.30	\$191.87
	W8012	U4	54	540	15 min.	\$3.35	\$3.17	\$2.96
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$459.95	\$435.53	\$407.04
		TD & U4						
		TE & U4						
	W8013	U4	54	540	15 min.	\$7.11	\$6.73	\$6.29
		TD & U4						
		TE & U4						
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$433.61	\$410.59	\$383.73
	W8014	U4	54	540	15 min.	\$6.72	\$6.36	\$5.95
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$919.90	\$871.06	\$814.07
		TD & U4						
		TE & U4						
	W8015	U4	54	540	15 min.	\$14.24	\$13.48	\$12.60

**Enhanced Communication Agency with Choice Financial Management Services, Excluding Benefit Allowance, Consolidated Waiver Only\*\*—Requires ODP Approval**

\*\*Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4 & U1	54	540	15 min.	\$3.28	\$3.11	\$2.90
Supported Employment	W7235	U4 & U1	54	540	15 min.	\$6.34	\$6.00	\$5.61
Unlicensed Habilitation, level 3	W7060	U4 & U1	54	540	15 min.	\$5.45	\$5.16	\$4.82
Unlicensed Habilitation, level 3, enhanced	W7061	U4 & U1	54	540	15 min.	\$9.00	\$8.52	\$7.96
		TD & U4 & U1						
		TE & U4 & U1						
Unlicensed Habilitation, level 4	W7068	U4 & U1	54	540	15 min.	\$10.89	\$10.31	\$9.64



<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 4, enhanced	W7069	U4 & U1	54	540	15 min.	\$17.99	\$17.03	\$15.92
		TD & U4 & U1						
Supports Broker	W7096	U4 & U1	54	540	15 min.	\$6.30	\$5.97	\$5.58
Respite—unlicensed, in home, level 2	W7250	U4 & U1	54	540	1 day	\$243.91	\$230.96	\$215.85
	W7258	U4 & U1	54	540	15 min.	\$3.77	\$3.57	\$3.34
Respite—unlicensed, in home, level 2, enhanced	W7251	U4 & U1	54	540	1 day	\$517.45	\$489.97	\$457.92
		TD & U4 & U1						
		TE & U4 & U1						
	W7264	U4 & U1	54	540	15 min.	\$8.00	\$7.58	\$7.08
		TD & U4 & U1						
		TE & U4 & U1						
Respite—unlicensed in home, level 3	W7252	U4 & U1	54	540	1 day	\$487.81	\$461.91	\$431.69
	W7265	U4 & U1	54	540	15 min.	\$7.56	\$7.16	\$6.69
Respite—unlicensed, in home, level 3, enhanced	W7253	U4 & U1	54	540	1 day	\$1,034.88	\$979.93	\$915.82
		TD & U4 & U1						
		TE & U4 & U1						
	W7266	U4 & U1	54	540	15 min.	\$16.02	\$15.17	\$14.18
		TE & U4 & U1						
Respite—unlicensed, out of home, level 2	W8002	U4 & U1	54	540	1 day	\$243.91	\$230.96	\$215.85
	W8012	U4 & U1	54	540	15 min.	\$3.77	\$3.57	\$3.34
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4 & U1	54	540	1 day	\$517.45	\$489.97	\$457.92
		TD & U4 & U1						
		TE & U4 & U1						
	W8013	U4 & U1	54	540	15 min.	\$8.00	\$7.58	\$7.08
		TD & U4 & U1						
		TE & U4 & U1						
Respite—unlicensed, out of home, level 3	W8004	U4 & U1	54	540	1 day	\$487.81	\$461.91	\$431.69
	W8014	U4 & U1	54	540	15 min.	\$7.56	\$7.16	\$6.69
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4 & U1	54	540	1 day	\$1,034.88	\$979.93	\$915.82
		TD & U4 & U1						
		TE & U4 & U1						
	W8015	U4 & U1	54	540	15 min.	\$16.02	\$15.17	\$14.18
		TD & U4 & U1 TE & U4 & U1						

*Fiscal Impact*

A new estimated cost for Fiscal Year 2014-15 and subsequent years is the Enhanced Communication Service for individuals enrolled in the Consolidated Waiver. The total amount for Fee Schedule Enhanced Communication Services that was included in the Waiver Appropriation of the Governor’s Executive Budget at \$1.818 million (\$0.868 million State funds). The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact associated with this notice is estimated.

*Public Comment*

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCTY.ASP> or contact the previously referenced regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding this notice to the Department at the Office of Developmental Programs’ rate-setting mailbox at [ra-ratesetting@state.pa.us](mailto:ra-ratesetting@state.pa.us), use subject header “PN Fee Schedule,” or mail to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-884. (1) General Fund; (2) Implementing Year 2014-15 is \$868,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$868,000; (4) 2013-14 Program—\$1,027,000,000; 2012-13 Program—\$931,885,000; 2011-12 Program—\$854,863,000; (7) Intellectual Disabilities—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1365. Filed for public inspection June 27, 2014, 9:00 a.m.]

**Proposed Fee Schedule Rates for Personal Assistance Services (Agency) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program**

The Department of Public Welfare (Department) is announcing proposed fee schedule rates for Personal Assistance Services (Agency) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). Under 55 Pa. Code § 52.42(b) (relating to payment policies), the Department is also announcing the waivers in which Personal Assistance Services (Agency) are provided. The proposed rates for this service will be effective July 1, 2014.

*Rate-Setting Methodology*

The Department is proposing to use the same rate methodology for the fee schedule rates as that used in the notice published at 42 Pa.B. 3343 (June 9, 2012).

**Personal Assistance Services (Agency) Proposed Fee Schedule Rates**

Region	Aging	Attendant Care		Act 150			Procedure Code	Rate	Unit
		Care	CC	CC	IW	OW			
1	X	X	X	X	X	X	W1793	\$4.38	15 min
2	X	X	X	X	X	X	W1793	\$4.87	15 min
3	X	X	X	X	X	X	W1793	\$4.58	15 min
4	X	X	X	X	X	X	W1793	\$4.88	15 min

CC = COMMCARE      IW = Independence      OW = OBRA

*Fiscal Impact*

The Department anticipates that this proposed change will result in a cost of \$8.911 million (\$4.214 million in State funds) in Fiscal Year 2014-2015: Aging Waiver—\$4.896 million (\$2.240 million in State funds); Attendant Care Waiver—\$0.867 million (\$0.414 million in State funds); Act 150 Program—\$0.220 million (\$0.220 million in State funds); COMMCARE Waiver—\$0.199 million (\$0.091 million in State funds); OBRA Waiver—\$0.457 million (\$0.209 million in State funds); and Independence Waiver—\$2.272 million (\$1.040 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this proposed notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: John Esposito, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments can also be sent to [RA-waiverstandard@pa.gov](mailto:RA-waiverstandard@pa.gov). Comments received within 30 days will be reviewed and considered for any subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-888. (1) General Fund;

(7) Home and Community-Based Services; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$2,240,000; (4) 2012-13 Program—\$184,500,000; 2011-12 Program—\$175,162,000; 2010-11 Program—\$0;

(7) Attendant Care; (2) Implementing Year 2013-14 is

\$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$634,000; (4) 2012-13 Program—\$107,830,000; 2011-12 Program—\$102,704,000; 2010-11 Program—\$97,869,000;

(7) Services to Persons with Disabilities; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$1,340,000; (4) 2012-13 Program—\$195,135,000; 2011-12 Program—\$163,987,000; 2010-11 Program—\$115,635,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1366. Filed for public inspection June 27, 2014, 9:00 a.m.]

**Proposed Fee Schedule Rates for Personal Assistance Services (Consumer) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program**

The Department of Public Welfare (Department) is announcing proposed fee schedule rates for Personal Assistance Services (Consumer) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). Under 55 Pa. Code § 52.42(b) (relating to payment policies), the Department is also announcing the waivers in which Personal Assistance Services (Consumer) are provided. The proposed rates for this service will be effective July 1, 2014.

*Rate-Setting Methodology*

The Department is proposing to use the same rate methodology for the fee schedule rates as that used in the notice published at 42 Pa.B. 3343 (June 9, 2012).

**Personal Assistance Services (Consumer) Proposed Fee Schedule Rates**

<i>Region</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>Act 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Rate</i>	<i>Unit</i>
1	X	X	X	X	X	X	W1792	\$3.41	15 min
2	X	X	X	X	X	X	W1792	\$3.26	15 min
3	X	X	X	X	X	X	W1792	\$3.57	15 min
4	X	X	X	X	X	X	W1792	\$4.01	15 min

CC = COMMCARE      IW = Independence      OW = OBRA

*Fiscal Impact*

The Department anticipates that this proposed change will result in a cost of \$7.094 million (\$3.396 million in State funds) in Fiscal Year 2014-2015: Aging Waiver—\$2.449 million (\$1.121 million in State funds); Attendant Care Waiver—\$1.930 million (\$0.883 million in State funds); Act 150 Program—\$0.277 million (\$0.277 million in State funds); COMMCARE Waiver—\$0.159 million (\$0.073 million in State funds); OBRA Waiver—\$0.515 million (\$0.235 million in State funds); and Independence Waiver—\$1.764 million (\$0.807 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this proposed notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: John Esposito, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments can also be sent to RA-waiverstandard@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-887. (1) General Fund;

(7) Home and Community-Based Services; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$1,121,000; (4) 2012-13 Program—\$184,500,000; 2011-12 Program—\$175,162,000; 2010-11 Program—\$0;

(7) Attendant Care; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$1,160,000; (4) 2012-13 Program—\$107,830,000; 2011-12 Program—\$102,704,000; 2010-11 Program—\$97,869,000;

(7) Services to Persons with Disabilities; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$1,115,000; (4) 2012-13 Program—\$195,135,000; 2011-12 Program—\$163,987,000; 2010-11 Program—\$115,635,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1367. Filed for public inspection June 27, 2014, 9:00 a.m.]

**Proposed Fee Schedule Rates for Service Coordination Services in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program**

The Department of Public Welfare (Department) is announcing proposed fee schedule rates for Service Coordination Services (Services) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). Under 55 Pa. Code § 52.42(b) (relating to payment policies), the Department is also announcing the waivers in which Services are provided. The proposed rates for this service will be effective July 1, 2014.

*Rate-Setting Methodology*

The Department is proposing to use the same rate methodology for the fee schedule rates as that used in the notice published at 42 Pa.B. 3343 (June 9, 2012).

**Service Coordination Proposed Fee Schedule Rates**

Region	Aging	Attendant Care	Act 150	CC	IW	OW	Procedure Code	Rate	Unit
1	X	X	X	X	X	X	W1011	\$18.49	15 min
2	X	X	X	X	X	X	W1011	\$20.21	15 min
3	X	X	X	X	X	X	W1011	\$18.78	15 min
4	X	X	X	X	X	X	W1011	\$21.47	15 min

CC = COMMCARE

IW = Independence

OW = OBRA

*Fiscal Impact*

The Department anticipates that this proposed change will result in a cost of \$4.978 million (\$2.351 million in State funds) in Fiscal Year 2014-2015: Aging Waiver—\$2.673 million (\$1.223 million in State funds); Attendant Care Waiver—\$0.802 million (\$0.367 million in State funds); Act 150 Program—\$0.136 million (\$0.136 million in State funds); COMMCARE Waiver—\$0.090 million (\$0.041 million in State funds); OBRA Waiver—\$0.229 million (\$0.105 million in State funds); and Independence Waiver—\$1.048 million (\$0.479 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this proposed notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: John Esposito, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments can also be sent to RA-waiverstandard@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

BEVERLY D. MACKERETH,  
Secretary

**Fiscal Note:** 14-NOT-889. (1) General Fund;

(7) Home and Community-Based Services; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$1,223,000; (4) 2012-13 Program—\$184,500,000; 2011-12 Program—\$175,162,000; 2010-11 Program—\$0;

(7) Attendant Care; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$503,000; (4) 2012-13 Program—\$107,830,000; 2011-12 Program—\$102,704,000; 2010-11 Program—\$97,869,000;

(7) Services to Persons with Disabilities; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$625,000; (4) 2012-13 Program—\$195,135,000; 2011-12 Program—\$163,987,000; 2010-11 Program—\$115,635,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1368. Filed for public inspection June 27, 2014, 9:00 a.m.]

**Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver- and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System**

The purpose of this notice is to announce the methodology used in the Prospective Payment System to develop rates, effective July 1, 2014, for residential habilitation eligible and transportation trip services, funded through the Consolidated and Person/Family Directed Support waivers and for the same service that is provided with base funding in a waiver-funded service location.

*Rate-Setting Methodology for Residential Habilitation Eligible Services*

The following methodology applies to the residential habilitation eligible proposed payment rates. In accordance with 55 Pa. Code § 51.72 (relating to cost-based rate assignment), the Fiscal Year (FY) 2014-2015 proposed rates for the residential habilitation eligible services were developed from expenses and utilization data reported in approved Year 6 cost reports (FY 2012-2013 Historical Expense Period), submitted by providers and approved in the desk review process, when the procedure codes and service locations in the cost reports were the same as those entered in the Home and Community Services Information Systems (HCSIS) Services and Supports Directory (SSD) as of December 31, 2013. The FY 2014-2015 residential habilitation eligible proposed rates will be effective for services delivered on or after July 1, 2014, are subject to the adjustments described as follows, and are assigned at the Master Provider Index (MPI)—Service Location Code—Procedure Code/Modifier level based, on the methodology outlined as follows.

*Residential Outlier Review Process*

The “total unit cost” for a provider and service is defined as the total expenses reported in the approved



cost report for that provider and service divided by the total available units reported in the approved cost report for that provider and service, including any applicable utilization adjustments based on a review of the cost report data compared to available HCSIS and Provider Reimbursement and Operations Management Information System (PROMISE™) data.

As required under 55 Pa. Code § 51.74 (relating to approval of a cost-based rate for nontransportation HCBS), the Department identified and adjusted for outliers at the total unit cost level for each of the providers' residential habilitation eligible services submitted in the Year 6 approved cost reports, as applicable. For all residential habilitation eligible services with 20 or more unique unit costs (unit costs by provider and service from separate, approved Year 6 cost reports), the Department applied the following process for each service:

- The average and standard deviation (SD) values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 6 cost report data.
- Total unit costs that were greater than the average plus one SD or were less than the average minus two SD were flagged as outliers.
- Total unit costs that were flagged as outliers were subject to a review, as described as follows.

#### *Total Unit Cost Review*

The Department performed a standardized review of all total unit cost outliers. The review consisted of an evaluation of the Individual Support Plans (ISP) for waiver participants receiving services at the service locations impacted by the outlier unit cost. The review allowed the Department to determine whether the outlier unit cost was justified (such as an individual with complex needs) and the following was applied:

- Total unit cost outliers that were supported by the ISP reviews were not adjusted.
- Total unit cost outliers that were greater than the average unit cost plus one SD and that were not supported by the ISP reviews were adjusted to the maximum unit cost from an approved Year 6 cost report below the average plus one SD for that service.
- Total unit cost outliers that were less than the average minus two SD and that were not supported by the ISP reviews were adjusted to the minimum unit cost from an approved Year 6 cost report above the average minus two SD for that service.

For all residential habilitation eligible services with fewer than 20 unique unit costs, the Department did not perform the standardized outlier review on the total unit costs because there were not enough data points available to produce statistically valid ranges. The Department, however, did review the unit costs for these services in an effort to standardize rates across services. The review consisted of a comparison of the following:

- Other unit costs for that service, as applicable.
- The average unit cost and range of unit costs for similar services with 20 or more unit costs.
- The FY 2013-2014 Statewide average unit cost for that service based on FY 2013-2014 approved cost report data.

If based on the review, a unit cost appeared unreasonably high or low; the Department reviewed the ISPs for waiver participants receiving services at the service locations impacted by the high/low unit cost to determine if the unit costs were justified. Adjustments to unit costs were made based on the Department's review of the ISPs.

#### *Vacancy Factor*

In accordance with 55 Pa. Code § 51.74, and as done in FY 2012-2013 and FY 2013-2014, a vacancy factor was incorporated into the residential habilitation rates to recognize that providers may not deliver services at full capacity. The vacancy factor adjusts the full capacity rate to account for days when the residential provider cannot bill due to a participant not receiving services. The provider cannot bill for days when a participant is not receiving services, but rather the provider is paid a higher rate for days when the participant is receiving services.

After the unit costs for each residential habilitation eligible service were adjusted through the outlier review process, a single, standardized vacancy factor of 97% was applied to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$103.09 (\$100/0.97) after the vacancy factor was applied. The single standardized vacancy factor was based on an analysis of historical PROMISE™ utilization data.

#### *Enhanced Communication Services*

Effective July 1, 2014, an Enhanced Communication Services modifier will be available for residential habilitation eligible services. The Enhanced Communication Services can be provided to individuals who meet all the following:

- Enrolled in the Consolidated Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers seeking the Enhanced Communication Services rate will need to submit a request to the Office of Developmental Programs. The request must include documentation that the provider has sign language proficient staff and can meet the communication needs of individuals who are deaf at all times during services. The Office of Developmental Programs will also review the records of each individual that receives Enhanced Communication Services to ensure that the individual is in need of the service and the provider's current rate to ensure that the provider is not already receiving a rate that includes the increased cost to provide Enhanced Communication Services.

#### *Transportation Trip Services*

The FY 2014-2015 proposed rates for transportation trip services were developed from expenses and utilization data reported in the approved Year 6 transportation cost reports that are based on the FY 2012-2013 historical expense period, when the procedure codes submitted by providers are the same as those entered in the SSD as of March 31, 2014. The FY 2014-2015 transportation trip proposed rates will be effective for services delivered July 1, 2014, through June 30, 2015, are subject to the adjustments described as follows, and are assigned to the MPI—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

*Transportation Trip Outlier Review Process*

The “total unit cost” for a provider and transportation trip service is defined as total expenses reported in the approved transportation cost report for that provider and service divided by the total utilization reported in the approved transportation cost report for that provider and service. The total expenses are equal to Schedule A, Line 12 of the cost report (total net expenses). The total utilization is equal to Schedule A, Line 13 of the cost report. These rates reflect consideration for trips with and without aides (as reported by the provider), which means each provider will be paid one payment rate for each trip service (that is, there will not be separate rates for trips with an aide versus without an aide).

The Department reviewed the development of each transportation trip unit cost submitted in approved transportation cost reports for accuracy, reasonableness and to ensure compliance with the Department’s allowable cost policies. To support the Department’s efforts to continue to standardize rates for similar services, the Department reviewed unit costs that were at the upper or lower end of the range of unit costs for each transportation trip service. No adjustments were made as a result of the review.

*Cost of Living (COLA)*

In accordance with 55 Pa. Code § 51.74(9), after the unit costs for each residential habilitation eligible and transportation trip service were adjusted as previously described, a total COLA of 0.00% was applied (0.00% for FY 2012-2013 and 0.00% for FY 2013-2014) to establish each provider’s proposed rates for FY 2014-2015 (prior to application of the rate adjustment factor).

*Rate Adjustment Factor (RAF)*

In accordance with 55 Pa. Code § 51.74(10), the Department performed an analysis of the aggregate projected expenditures compared to the amount proposed to be appropriated for the waiver program, an assessment of the current year’s billing trends and an analysis of provider-specific impacts of any potential RAF to determine if an RAF would need to be applied prospectively to the residential habilitation eligible rates. The Department used information from this analysis to determine that an RAF was not necessary for the proposed residential habilitation eligible rates.

*Rate Assignment Process*

For the FY 2014-2015 residential habilitation eligible and transportation trip services, in accordance with 55 Pa. Code § 51.72, the Department assigned proposed payment rates to providers with approved Year 6 cost reports using the following methodology:

- The provider’s cost-based payment rate for existing services and service locations submitted in the cost reports, based on the methodology previously described.
- The average of the provider’s cost-based payment rates for an existing service at a new service location if the provider submitted cost report data for that service at other service locations.
- The area adjusted average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2012-2013.

The Department assigned proposed payment rates to existing providers who do not have approved Year 6 cost reports based on the following methodology:

- The lowest payment rates calculated based on all approved cost reports for an existing service for which the provider delivered at any service location in FY 2012-2013.
- The area adjusted average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2012-2013.

The Department assigned the area adjusted average rate calculated based on all approved cost reports to new providers who did not provide any cost-based services in FY 2012-2013.

All proposed payment rates for all waiver-funded services are contingent on the final budget enacted by the General Assembly. The proposed payment rates should be used to process claims submitted to the PROMISE™ in electronic format for services provided until a notice announcing final rates is published.

*Fiscal Impact*

It is anticipated that there will be an approximate cost to the Commonwealth of \$29.289 million (\$13.788 million State funds) in FY 2014-2015 and subsequent years. A new cost for FY 2014-15, which has been included, is the Enhanced Communication Service for individuals enrolled in the Consolidated Waiver. The total amount for cost-based Enhanced Communication Services was included in the Waiver Appropriation of the Governor’s Executive Budget at \$3.096 million (\$1.479 million State funds). The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact associated with this notice is estimated.

*Public Comment*

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCTY.ASP> or contact the previously referenced regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding this notice to the Department at the Office of Developmental Programs’ rate-setting mailbox at [ra-ratesetting@state.pa.us](mailto:ra-ratesetting@state.pa.us), use subject header “PN PPS Methodology,” or mail to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-885. (1) General Fund;

(7) Intellectual Disability—Community Waiver Program; (2) Implementing Year 2014-15 is \$13,445,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$13,445,000; (4) 2013-14 Program—\$1,027,000,000; 2012-13 Program—\$931,885,000; 2011-12 Program—\$854,863,000;

(7) Intellectual Disability—Community Base Program; (2) Implementing Year 2014-15 is \$343,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$343,000; (4) 2013-14 Program—\$150,918,000; 2012-13 Program—\$151,223,000; 2011-12 Program—\$158,194,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1369. Filed for public inspection June 27, 2014, 9:00 a.m.]

(9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.

(10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.

(11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.

(12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.

(13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.

(14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.

(15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.

(16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 14-1370. Filed for public inspection June 27, 2014, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act (10 P. S. § 376(a)(1) and (2)) for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

(1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.

(2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.

(3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.

(4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.

(5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.

(6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.

(7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.

(8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.

## ENVIRONMENTAL HEARING BOARD

### West Buffalo Township Concerned Citizens v. DEP and Edward H. Martin, Permittee; EHB Doc. No. 2014-078-L

The West Buffalo Township Concerned Citizens has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Edward H. Martin for a facility in West Buffalo Township, Union County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 14-1371. Filed for public inspection June 27, 2014, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the Commission web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Tolled</i>	<i>Public Meeting</i>
#126-5	Philadelphia Parking Authority Wheelchair Accessible Vehicle Taxicabs	6/7/14	7/10/14
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#57-277	Pennsylvania Public Utility Commission Meter Location	6/13/14	7/24/14
#126-8	Philadelphia Parking Authority Taxicab Safety Cameras	6/16/14	7/24/14

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 14-1372. Filed for public inspection June 27, 2014, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of State Farm Mutual Automobile Insurance Company; file no. 14-119-165913; Alanna Dougherty; Doc. No. P14-06-009; July 17, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce docu-

mentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-1373. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.



The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Phoenix Insurance Company; file no. 14-115-164513; Gregory Skotnicki; Doc. No. P14-06-006; July 22, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-1374. Filed for public inspection June 27, 2014, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Application for the Fire Company and Volunteer Ambulance Services Grant Program

This notice provides information about the Fire Company and Volunteer Ambulance Services Grant Program (Program) as amended by the act of June 29, 2012 (P. L. 663, No. 78) (Act 78). Fire companies and volunteer ambulance services seeking grants under Act 78 shall submit completed applications no later than 4 p.m. on October 23, 2014. Written instructions and guidelines for the Program will be available online at the Office of State Fire Commissioner (Commissioner) web site [www.osfc.state.pa.us](http://www.osfc.state.pa.us) no later than September 2, 2014. Grant applications will be available online at the Commissioner's web site no later than September 8, 2014.

GLENN CANNON,  
*Director*

[Pa.B. Doc. No. 14-1375. Filed for public inspection June 27, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 July 14, 2014. 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.

#### Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

**A-2013-2384956. The Auto Lender, Inc.** (925 North Main Street, Punxsutawney, PA 15767) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points within the Counties of Jefferson, Butler, Clarion, Armstrong, Westmoreland, Indiana and Clearfield.

#### 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-2014-2415068. Corporate Limo, LLC, t/a Corporate Limo** (1738 Creek View Drive, Fogelsville, Lehigh County, PA 18051) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is between points in Allegheny County and service that is under the jurisdiction of the Philadelphia Parking Authority; which is to be a transfer of all the rights from A-00105327 issued to A Touch of Class Limousine Service, Inc. *Attorney:* Kevin T. Fogerty, Esquire, 1275 Glenlivet Drive, Allentown, PA 18106.

**A-2014-2417507. Barry, LLC** (2657 East Ann Street, Apartment No. 2F, Philadelphia, Philadelphia County, PA 19134) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is between points in Allegheny County and service that is under the jurisdiction of the Philadelphia Parking Authority; which is to be a transfer of all the rights from A-00111638 issued to Walshie, Inc.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1376. Filed for public inspection June 27, 2014, 9:00 a.m.]

### Wastewater and Water Service

**A-2014-2426439 and A-2014-2426440. Pennsylvania-American Water Company—Wastewater.** Application of Pennsylvania-American Water Company—Wastewater for: 1) approval to offer, render, furnish or supply wastewater service to the public in an additional portion of East Fallowfield Township, Chester County; and 2) approval of Pennsylvania American Water Company—Water to offer, render, furnish or supply water service to the public in an additional portion of East Fallowfield Township.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 14, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company  
*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033  
 ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1377. Filed for public inspection June 27, 2014, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-030.P, Design for Pier 124 Access Road, until 2 p.m. on Thursday, August 7, 2014. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 14-1378. Filed for public inspection June 27, 2014, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) 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 AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Christian Beiler 282 Strawberry Ridge Road Danville, PA 17821	Montour County/ Derry Township	47.12	Veal	New	Approved
Daniel Hershberger Jr. 203 Greenleaf Road Danville, PA 17821	Montour County/ Derry Township	24.5	Veal	Existing	Approved
Gerry and Jevin Kready 1113 North Colebrook Road Manheim, PA 17545	Lancaster County/ Rapho Township	322.06	Broilers	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Samuel M. Esch 1324 Village Road Strasburg, PA 17579	Lancaster County/ West Lampeter Township	0	Cattle	New	Approved
Dan Stelfox 5237 Rolling Road Chambersburg, PA 17201	Franklin County/ St. Thomas Township	144.9	Broiler	New	Approved
Steve Hershey 2024 Donegal Springs Road Mount Joy, PA 17552	Lancaster County/ East Donegal Township	138.22	Cattle / Swine	New	Approved
Brubaker Farms, LLC Flory Road Farm 1130 Flory Road Mount Joy, PA 17552	Lancaster County/ East Donegal Township	390	Cattle	New	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 14-1379. Filed for public inspection June 27, 2014, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### 2013 Common Level Ratios

The State Tax Equalization Board has established a Common Level Ratio for each county in the Commonwealth for the calendar year 2013. The ratios were mandated by Act 267-1982.

The law requires the State Tax Equalization Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical acceptable technique which the Board used for the 2013 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2013.

The methodology used is to include every valid sale from 1% to 500% to compute an average mean. Using this average mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed average mean by 4. After the high and low limits are defined; the extreme upper sales ratio limit is 200%. Using these computed limits, the State Tax Equalization Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the State Tax Equalization Board is certifying as the Common Level Ratio for each county for 2013.

The Common Level Ratios for 2013 are as follows.

PETER BARSZ,  
*Chairperson*

### 2013 Common Level Ratios

<i>County</i>	<i>CLR</i>
*Adams	122.0%
*Allegheny	90.8%
Armstrong	42.0%

<i>County</i>	<i>CLR</i>
Beaver	29.3%
*Bedford	95.0%
*Berks	76.3%
*Blair	14.3%
Bradford	31.9%
*Bucks	10.8%
*Butler	11.4%
*Cambria	27.8%
Cameron	45.6%
Carbon	47.3%
Centre	28.9%
*Chester	57.7%
Clarion	25.7%
Clearfield	14.6%
*Clinton	89.7%
Columbia	27.7%
Crawford	39.0%
*Cumberland	101.1%
*Dauphin	74.2%
*Delaware	67.8%
Elk	51.0%
*Erie	96.3%
*Fayette	79.4%
Forest	20.9%
*Franklin	14.5%
*Fulton	43.5%
*Greene	79.4%
Huntingdon	27.5%
*Indiana	19.9%
*Jefferson	48.3%
*Juniata	20.2%

<i>County</i>	<i>CLR</i>	<i>County</i>	<i>CLR</i>
*Lackawanna	21.2%	Schuylkill	44.6%
*Lancaster	79.1%	*Snyder	17.1%
*Lawrence	90.3%	Somerset	37.6%
*Lebanon	107.0%	*Sullivan	66.4%
*Lehigh	102.6%	Susquehanna	33.0%
*Luzerne	106.4%	*Tioga	67.8%
*Lycoming	75.0%	*Union	78.0%
*McKean	87.6%	*Venango	91.8%
Mercer	31.5%	Warren	40.7%
Mifflin	47.6%	Washington	10.9%
Monroe	23.4%	*Wayne	85.8%
*Montgomery	57.5%	*Westmoreland	19.3%
*Montour	81.9%	Wyoming	18.4%
Northampton	35.2%	*York	88.0%
*Northumberland	30.3%		
*Perry	97.3%		
* <b>Philadelphia</b>	<b>100%</b>		
Pike	23.1%		
*Potter	36.4%		

**Bold Reassessed**

\*Counties with a Predetermined Assessment Ratio of 100%

[Pa.B. Doc. No. 14-1380. Filed for public inspection June 27, 2014, 9:00 a.m.]







# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Adoption of Amendment 2 to the 7th Edition Sentencing Guidelines

On April 5, 2014, the Pennsylvania Commission on Sentencing published a proposed Amendment to the 7th Edition Sentencing Guidelines in the *Pennsylvania Bulletin*, in accordance with 42 Pa.C.S.A. § 2155(a)(1), and held public hearings on May 8, 2014 (Pittsburgh), May 21, 2014 (Philadelphia), and June 4, 2014 (Harrisburg).

On June 5, 2014, the Commission on Sentencing adopted Amendment 2 to the 7th Edition Sentencing Guidelines, which is published in Annex A pursuant to 42 Pa.C.S.A. § 2155(a)(2).

The 7th Edition Sentencing Guidelines, which the Commission adopted on September 13, 2012, apply to all offenses committed on or after their effective date of December 28, 2012. The Commission amended the 7th Edition Sentencing Guidelines to address legislation enacted between the September 13, 2012 adoption of the 7th Edition Sentencing Guidelines and the end of the legislative session in November 2012. The 7th Edition Amendment Sentencing Guidelines apply to all offenses committed on or after their effective date of September 27, 2013.

The Commission subsequently adopted this second amendment to the 7th Edition Sentencing Guidelines to primarily address two legislative mandates to create sentencing enhancements: Act 105 of 2013 (related to child abuse 18 Pa.C.S. § 6312) and Act 16 of 2014 (related to arson 18 Pa.C.S. § 3301). Additionally, offense gravity scores are assigned to new or amended offenses.

The Amendment 2 to the 7th Edition Sentencing Guidelines as adopted by the Commission is summarized as follows and included in Annex A.

#### Commentary on Annex A

This Commentary provides selected highlights of the proposed revisions to the guidelines. The proposed revisions are set forth in Annex A.

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

The 7th Edition Amendment Sentencing Guidelines were effective September 27, 2013. They are applicable to all offenses committed on or after that date.

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

No changes

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

Language was added in (d) to clarify that the highest gravity score applicable is applied for a conviction of ethnic intimidation when the object offense is of murder in the third degree. The offense gravity score of 15 is not applicable. The offense gravity score of 15 is only applicable to first or second degree murder by an offender younger than age 18 at the time of the offense.

Additionally, language is added in (f) to address the offense gravity score assignment to modified or newly enacted offenses.

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

No changes.

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

No changes.

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

No changes.

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

An editorial change is made to (a)(4) for any misdemeanor 1 offenses that involve death or danger to children. Act 118 of 2013 modified the definition of adult for simple assault against a child younger than age 12 (18 Pa.C.S. § 2701). It reduced the age of an adult from 21 years to 18 years.

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

No changes.

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

Editorial changes are made in (j) and (k). ‘Sentence’ is inserted prior to recommendations.

Two enhancements are added.

The Sexual Abuse of Children Enhancement (l) is created pursuant to the legislative mandate in Act 105 of 2013. It addresses the number of images possessed and the nature and character of abuse depicted.

The Arson Enhancement (m) is created pursuant to the legislative mandate of Act 16 of 2014. It addresses special circumstances relating to aggravated arson.

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

The deadly weapon enhancement is not applied if the arson enhancement which relates to the attempt, use, or possession of an explosive or incendiary device is applied (a)(3)(x).

The Sexual Abuse of Children Enhancement (e) and Arson Enhancement (f) are added (see 303.9).

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

No changes.

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

No changes.

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

Under (b)(11), the mitigated sentence under the Sexual Abuse of Children Enhancement involving number of images may not be less than 6 months for possession of more than 50 to 200 images, may not be less than 12 months for possession of more than 200 to 500 images, and may not be less than 18 months for possession of more than 500 images.

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

No changes.

*Revisions to 303.15—Offense listing*

New or modified offenses by General Assembly:

18 Pa.C.S.A.

- § 2701(a) Simple assault against a child by an adult
- § 2702(a)(8) Aggravated assault-attempt/cause bodily injury against child by adult
- § 2702(a)(9) Aggravated assault-attempt/cause serious bodily injury against child by adult
- § 2709 Harassment
- § 2910 Luring a child into motor vehicle/structure
- § 3301(a.1)(1) Aggravated arson
- § 3301(a.2)(1) Arson of historic resource
- § 3502(a) Burglary
- § 3701(a) Robbery
- § 3921 Theft by unlawful taking
- § 3922 Theft by deception
- § 3923 Theft by extortion
- § 3924 Theft of property
- § 3925 Theft by receiving stolen property
- § 3926 Theft of services
- § 3927 Theft by failure
- § 3929 Retail theft
- § 3932 Theft of leased property
- § 4120(a) Identify theft
- § 4906.1 False report of child abuse
- § 4958(a) Intimidation—child abuse case
- § 4958(b) Retaliation—child abuse case
- § 4958(b.1) Obstruction—child abuse case
- § 6312 Sexual abuse of child

*Sentencing Enhancement through increase in Offense Gravity Score*

18 Pa.C.S.A.

- § 3301(a)(1) Arson endangering persons

Corrections or omissions from the 7th Edition Amendment

18 Pa.C.S.A.

- § 5513(a.1) Gambling devices
- § 6111(g) Firearms: sale/transfer

Removed offense:

75 Pa.C.S.A.

- § 1543(a) Drive with suspended license (2nd/subsequent offense)

Other

18 Pa.C.S.A.

- § 6105(a)(1) Firearms—persons not to possess. Addresses persons listed under (c). This issue was raised in public hearing testimony.

23 Pa.C.S.A.

§ 6319

Failure to report or to refer suspected child abuse. Act 32 of 2014, effective 60 days after it was signed by the Governor on April 15, 2014, modified penalties. As this modification was not included in the proposed Amendment to the 7th Edition Sentencing Guidelines published on April 5, 2014 in the *Pennsylvania Bulletin*, the omnibus offense gravity score applies.

*Resource Utilization*

In accordance with 42 Pa.C.S.A. § 2153(a)(15), the Commission determined resources required under current guidelines (7th Edition Amendment, effective September 27, 2013) and resources that would be required to carry out Amendment 2. Changes to the sentencing guidelines may be in response to legislation enacted by the General Assembly or may be initiated by the Commission. The majority of changes contained in this proposed Amendment are in response to legislation enacted during the 2013-2014 Session, including the following:

- A requirement that the Commission provide a sentence enhancement within the guidelines for certain aggravating circumstances relating to sexual abuse of children (Act 2013-105);

- A requirement that the Commission provide a sentence enhancement within the guidelines for certain aggravating circumstances relating to arson (Act 2014-106);

- New offenses, including: aggravated assault against a child by an adult (18 Pa.C.S. § 2702), aggravated arson and arson of historic resource (18 Pa.C.S. § 3301), false reports of child abuse (18 Pa.C.S. § 4906.1), and intimidation/retaliation/obstruction of child abuse case (18 Pa.C.S. § 4958);

- Modified offenses, including: simple assault against a child by an adult (18 Pa.C.S. § 2701(a)), harassment (18 Pa.C.S. § 2709), luring a child into motor vehicle/structure (18 Pa.C.S. § 2910), burglary (18 Pa.C.S. § 3502), robbery (18 Pa.C.S. § 3702), theft (18 Pa.C.S. §§ 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3932), retail theft (18 Pa.C.S. § 3929), and identity theft (18 Pa.C.S. § 4120).

For new and modified offenses, the Commission reviewed and recommended offense gravity score assignments based upon other offenses of a similar nature for consistency and proportionality within the sentencing guidelines.

Resource utilization can only be completed where reliable data are available. The Commission was unable to generate or obtain reliable information on many of the new provisions contained in the new or modified offenses and enhancements; so these are not included in the resource utilization analysis. As a result, the resource utilization analysis is limited to the following offenses: simple assault, aggravated assault against a child by an adult, and theft.

The resource impact is based upon the disposition and duration of sentences reported to the Commission for calendar year 2012. The impact represents the difference between the current guidelines and the proposed guidelines and is presented as an increase or reduction in the utilization of institutional and community correctional resources on an annual basis. This simulation is based on holding all other factors and conformity to the guidelines



constant except the change being analyzed. It does not take into account time served prior to parole or release. Sentencing data unit of analysis is most serious offense per offender.

Overall, the guideline revisions will increase utilization of state incarceration by 92 beds per year. At the county level, the proposed revisions will increase utilization of county incarceration by 10 beds per year.

*Resource Utilization*

Difference Between 7th Edition Amendment 1 and 7th Edition Amendment 2 Sentencing Guidelines Based on Offenses for Which Information is Available

<i>Offense</i>	<i>State Incarceration</i>	<i>County Incarceration</i>	<i>County Intermediate Punishment</i>	<i>Probation</i>
Simple Assault	<1	<1	<1	6
Aggravated Assault	66	1	0	6
Theft	27	8	-7	-35
	92	10	-7	-23
Total	Beds	Beds	Offenders	Offenders

*Effective Date*

The 7th Edition Amendment 2 Sentencing Guidelines shall become effective 90 days after publication in the *Pennsylvania Bulletin* unless disapproved by the General Assembly, pursuant to 42 Pa.C.S.A. § 2155(b). If not disapproved, the 7th Edition Amendment 2 Sentencing Guidelines will take effect September 26, 2014 and shall apply to all sentences for offenses committed on or after that date.

PROFESSOR STEVEN L. CHANENSON,  
*Chair*

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VIII. CRIMINAL SENTENCING**

**CHAPTER 303. SENTENCING GUIDELINES**

**§ 303.1. Sentencing guidelines standards.**

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

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

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

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

(2) The initial sentencing guidelines went into effect on July 22, 1982 and applied to all crimes committed on or after that date. Amendments to the guidelines went into effect in June 1983, January 1986 and June 1986. On October 7, 1987 the Pennsylvania Supreme Court invalidated the guidelines due to a procedural error that occurred in 1981 when the legislature rejected the first set of guidelines. New guidelines were drafted and became effective on April 25, 1988. Amendments to the guidelines went into effect August 9, 1991 and December 20, 1991. Revised sets of guidelines became effective August 12, 1994, June 13, 1997, June 3, 2005, December 5, 2008, and December 28, 2012. **An Amendment to the guidelines went into effect September 27, 2013.**

(d) In every case in which a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where a court of record imposes a sentence outside the sentencing guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Score is applied **in the following circumstances:**

(1) when the offense is not otherwise listed in § 303.15, or

(2) when the grade **or statutory maximum sentence** 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 **or statutory maximum sentence** of the offense.

Where the definition of [ **the crime** ] **an offense listed in § 303.15** is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score [ **still applies** ] **shall apply.**

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

(g) The Offense Gravity Score of 15 is assigned only for first and second degree murder when committed by offenders under age 18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Murder, and attempt, solicitation or conspiracy to commit Murder

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

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

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

Ethnic Intimidation to any Felony 1 offense

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

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

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

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

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

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

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

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

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

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

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

Involuntary Manslaughter

Simple Assault (against child under 12 years of age by adult [ 21 ] 18 years of age or older)

Luring a Child into a Vehicle

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

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

Recruiting Criminal Gang Members

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

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

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



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

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

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

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

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

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

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

(d) *Former Pennsylvania offenses.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(d) *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). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision for these non-confinement sentencing alternatives. Recommendations related to fines and community service are found at § 303.14(a). RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

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

(j) *Criminal Gang Enhancement sentence recommendations.* If the court determines that either a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a violation of possession with intent to deliver as defined in 35 P.S. § 780-113(a)(30) is committed in association with a criminal gang, the court shall instead consider the Criminal Gang Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

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

(l) *Sexual Abuse of Children Enhancement sentence recommendations.* If the court determines that aggravating circumstances described in § 303.10(e) are present, the court shall instead consider the applicable Sexual Abuse of Children Enhancement related to number of images possessed by the offender or the nature and character of the abuse depicted:

(1) *When applying enhancement based on the number of images possessed by the offender.* If the offender possessed more than 50 images to 200 images, 6 months are added to the lower limit of the standard range and 6 months are added to the upper limit of the standard range. If the offender possessed more than 200 images to 500 images, 12 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. If the offender possessed more than 500 images, 18 months are added to the lower limit of the standard range and 18 months are added to the upper limit of the standard range.

(2) *When applying enhancement based on the nature and character of the abuse depicted.* The Offense Gravity Score is one point higher than the assignments for 18 Pa.C.S. § 6312 (relating to sexual abuse of children) listed in § 303.15.

(3) *When applying enhancement when both aggravating circumstances are present.* The court shall consider the enhancement with the higher sentence recommendation.

(m) *Arson Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(f) are present, the court shall instead consider the Arson Enhancement. When the Arson Enhancement is applied, the Offense Gravity Score is one point higher than the assignments listed for 18 Pa.C.S. § 3301 (relating to arson) in § 303.15.

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

(a) *Deadly Weapon Enhancement.*

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

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

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

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the offender 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 (§ 303.17(b)). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual:

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

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

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

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

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

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

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

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

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

(viii) Violations of the Pennsylvania Uniform Firearms Act

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

**(x) If the Arson Enhancement under § 303.10(f)(1)(iii) is applied.**

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

(b) *Youth/School Enhancement.*

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

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

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

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

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

(c) *Criminal Gang Enhancement.*

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

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

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

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

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

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

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

(e) *Sexual Abuse of Children Enhancement.*

**(1) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the offender possessed more than 50 images, the court shall instead consider the sentence recommendations described in § 303.9(l)(1). For purposes of this enhancement, the number of images is defined as follows:**

**(i) Each photograph, picture, computer generated image, or any similar visual depiction shall be considered to be one image.**

**(ii) Each video, video-clip, movie, or similar visual depiction shall be considered to have 50 images.**

**(2) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the abuse depicted in the images possessed by the offender were of a sexual or violent nature or character, the court shall instead consider the sentence recommendations described in § 303.9(l)(2). This enhancement shall apply to any image possessed by the offender which portrays or contains any of the following:**

**(i) the bondage of a child;**

**(ii) a weapon used in a sexual context;**

**(iii) penetration or attempted penetration of a child; or**

**(iv) an act which would constitute a crime under 18 Pa.C.S. Chapter 25 (relating to criminal homicide), 18 Pa.C.S. Chapter 27 (relating to assault) or 18 Pa.C.S. Chapter 31 (relating to sexual offenses).**

(3) **Sexual Abuse of Children Enhancement shall apply to each violation which meets the criteria above.**

**(f) Arson Enhancement.**

(1) **When the court determines that one or more of the following factors relating to arson as defined in 18 Pa.C.S. § 3301 are present, the court shall instead consider the sentence recommendations described in § 303.9(m):**

(i) **more than three persons were present inside the property at the time of the offense;**

(ii) **the fire caused more than \$1,000,000 in property damage; or**

(iii) **the actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting paramilitary training).**

(2) **Arson 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. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

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

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

(2) *Level 2*—Level 2 provides sentence recommendations for generally non-violent offenders and those with numerous less serious prior convictions, such that the standard range requires a county sentence but permits both incarceration and non-confinement. The standard range is defined as having an upper limit of less than 12

months and a lower limit of Restorative Sanctions (RS). The primary purposes of this level are control over the offender and restitution to victims. Treatment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a county facility

Partial confinement in a county facility

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

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

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

Total confinement in a state facility

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

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

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

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

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

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



Total confinement in a state facility

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

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

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

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

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

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

Total confinement in a state facility

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

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

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

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

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

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

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

(1) *Eligibility.*

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

37 Pa. Code § 451.1 et seq.

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

204 Pa. Code § 303.8 and § 303.9

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

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

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

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

(i) Restrictive Intermediate Punishments (RIP) either:

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

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

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

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

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

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

(v) The court may impose a Qualified Restrictive Intermediate Punishment in lieu of incarceration for certain



convictions under 75 Pa.C.S. § 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance).

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

(i) Restorative sanction programs:

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

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

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

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

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

(A) if the offender is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance;

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

4. any combination of Qualified Restrictive Intermediate Punishment programs.

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

1. house arrest with electronic surveillance; or

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

3. any combination of Qualified Restrictive Intermediate Punishment programs.

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

(1) *Eligibility.*

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

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

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

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

(1) *Eligibility.*

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

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

(2) The court may, upon motion of the Commonwealth, commit an offender to the custody of the Department of Corrections for the purpose of evaluating whether the offender 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, the court may sentence an eligible offender to a period of 24 months of state intermediate punishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(11) In no case where the Sexual Abuse of Children Enhancement involving number of images is applied may the mitigated sentence recommendation be lower than 6 months for possession of greater than 50 to 200 images, be lower than 12 months for possession of greater than 200 to 500 images, and be lower than 18 months for greater than 500 images.**

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

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

(a) *Fines.*

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

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

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

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

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

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

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

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

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

(A) *OGS 1*

- |            |                     |
|------------|---------------------|
| i. PRS 0   | 25 hours-50 hours   |
| ii. PRS 1  | 50 hours-75 hours   |
| iii. PRS 2 | 75 hours-100 hours  |
| iv. PRS 3  | 100 hours-125 hours |
| v. PRS 4   | 125 hours-150 hours |
| vi. PRS 5  | 150 hours-175 hours |

(B) *OGS 2*

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

(C) *OGS 3*

- |            |                     |
|------------|---------------------|
| i. PRS 0   | 50 hours-75 hours   |
| ii. PRS 1  | 150 hours-175 hours |
| iii. PRS 2 | 225 hours-250 hours |
| iv. PRS 3  | 300 hours-325 hours |

(D) *OGS 4*

- |            |                     |
|------------|---------------------|
| i. PRS 0   | 100 hours-125 hours |
| ii. PRS 1  | 225 hours-250 hours |
| iii. PRS 2 | 300 hours-325 hours |

- (E) OGS 5
  - i. PRS 0 225 hours-250 hours
  - (b) *Costs and fees.*
    - (1) Costs and fees may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:
      - (i) 18 Pa.C.S. § 1109 (relating to costs of any reward)
      - (ii) 18 P.S. § 11.1101 (relating to Crime Victim’s Compensation Fund costs)
      - (iii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)
      - (iv) 42 Pa.C.S. § 1725 (relating to fees and charges)
      - (v) 42 Pa.C.S. § 1725.1 (relating to costs)
      - (vi) 42 Pa.C.S. § 1725.2 (relating to costs of summary convictions)
      - (vii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)
      - (viii) 42 Pa.C.S. § 1726.1 (relating to forensic exam)

- (ix) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)
- (x) 42 Pa.C.S. § 9728(c) (relating to costs, etc.)
- (c) *Restitution*
  - (1) Restitution shall be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:
    - (i) 18 Pa.C.S. § 1106 (relating to injuries to person or property)
    - (ii) 18 Pa.C.S. § 1107 (relating to theft of timber)
    - (iii) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)
    - (iv) 42 Pa.C.S. § 9720.1 (relating to identity theft)
    - (v) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)
  - (2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

§ 303.15. Offense Listing.

CRIMES CODE OFFENSES

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
901	Criminal attempt (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal solicitation (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal conspiracy (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing instruments of crime (criminal instruments)	M-1	3	m
907(b)	Possessing instruments of crime (weapon)	M-1	4	1
907(c)	Possessing instruments of crime (unlawful body armor)	F-3	5	1
908(a)	Prohibited offensive weapons	M-1	4	1
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	8	2
908.1(a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	5	1
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	7	2
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	4	1
909(a)	Manufacture/etc.-master key for motor vehicle	M-1	3	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	8	2
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	4	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	4	m
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	8	2
911(b)(1)	Corrupt organizations	F-1	8	3
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	8	3
911(b)(3)	Corrupt organizations-employee participation	F-1	8	3
911(b)(4)	Corrupt organizations-conspire	F-1	8	3
912(b)	Possession of weapon on school property	M-1	4	1
913(a)(1)	Possession of weapon in court facility	M-3	1	m
913(a)(2)	Possession of weapon in court facility (intend for crime)	M-1	3	1
2102(a)(1)	Desecration of flag (marks or writing)	M-3	1	m
2102(a)(2)	Desecration of flag (public view of defiled flag)	M-3	1	m
2102(a)(3)	Desecration of flag (manufactures for advertisement)	M-3	1	m
2102(a)(4)	Desecration of flag (defile/mutilate)	M-3	1	m
2103	Insults to national or Commonwealth flag	M-2	2	m
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(a)	Murder-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2502(a)	Murder-1st degree (offender 15-<18 yrs)	Murder of 1st Degree	15	4



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2502(a)	Murder-1st degree (offender <15 yrs)	Murder of 1st Degree	15	4
2502(b)	Murder-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2502(b)	Murder-2nd degree (offender 15-<18 yrs)	Murder of 2nd Degree	15	4
2502(b)	Murder-2nd degree (offender <15 yrs)	Murder of 2nd Degree	15	4
2502(c)	Murder-3rd degree	F-1	14	4
2502(c)	Murder-3rd degree (victim <13 yrs)	F-1	14	4
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	11	4
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	11	4
2503(b)	Voluntary manslaughter (believe justified)	F-1	11	4
2504(a)	Involuntary manslaughter (victim <12 yrs)	F-2	8	2
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter	M-1	6	1
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	14	4
2505(a)	Suicide, causing (as homicide/vol manslaughter)	F-1	11	4
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	6	1
2505(a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs)	F-2	8	2
2505(a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv)	M-1	8	1
2505(b)	Suicide, aiding or soliciting (positive result)	F-2	6	2
2505(b)	Suicide, aiding or soliciting (no result)	M-2	2	m
2506(a)	Drug delivery resulting in death	F-1	13	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	14	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2507(a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2507(a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2507(a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2507(b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2507(b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2507(c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	14	4
2507(c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	14	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2507(c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	14	4
2507(d)	Manslaughter of law enforcement officer (2nd degree)	F-2	9	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2604(a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2604(a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2604(c)(1)	Murder of unborn child-3rd degree	F-1	14	4
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	11	4
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	11	4
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	10	3
2701(a)(1)	Simple assault-attempt/cause BI	M-2	3	m
2701(a)(1)	Simple assault-attempt/cause BI (against child <12 by adult >=[ 21 ] 18)	M-1	4	1
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	1	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	3	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >= [ 21 ] 18)	M-1	4	1
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	1	m
2701(a)(3)	Simple assault-cause fear of SBI	M-2	3	m
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult [ 21+ ] >= 18)	M-1	4	1
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	1	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	3	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=[ 21 ] 18)	M-1	4	1
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	1	m
2702(a)(1)*	Aggravated assault-cause SBI	F-1	11	4
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	10	3
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	11	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	10	3
2702(a)(3)	Aggravated assault-cause BI to police/enumerated persons	F-2	6	2
2702(a)(4)	Aggravated assault-cause BI w/ deadly weapon	F-2	8	2
2702(a)(5)	Aggravated assault-cause BI to teacher, etc	F-2	6	2
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	6	2
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	6	2
<b>2702(a)(8)</b>	<b>Aggravated assault-attempt/cause BI (against child &lt;6 by person &gt;=18)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>2702(a)(9)*</b>	<b>Aggravated assault-cause SBI (against child &lt;13 by person &gt;=18)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 12</b>	<b>4</b>
<b>2702(a)(9)*</b>	<b>Aggravated assault-attempt SBI (against child &lt;13 by person &gt;=18)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 11</b>	<b>4</b>
2702.1(a)	Assault of law enforcement officer-discharge firearm (1st degree)	F-1	13	4
2703(a)	Assault by prisoner	F-2	7	2
2703.1	Aggravated harassment by prisoner	F-3	6	1
2704	Assault by life prisoner	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	14	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly endangering another person	M-2	3	m
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	3	m
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	1
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	3	m
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	1
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	3	m
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	1
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	3	m
2707(b)	Propulsion of missiles onto a roadway	M-2	2	m
2707.1(a)	Discharge of firearm into an occupied structure	F-3	10	1
2708(a)	Use of tear gas in labor dispute	M-1	3	m
<b>2709(a)(1)</b>	<b>Harassment-subject other physical contact (prev. violation of order)</b>	<b>M-3</b>	<b>1</b>	<b>m</b>
<b>2709(a)(2)</b>	<b>Harassment-follow in public place (prev. violation of order)</b>	<b>M-3</b>	<b>1</b>	<b>m</b>
<b>2709(a)(3)</b>	<b>Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)</b>	<b>M-3</b>	<b>1</b>	<b>m</b>
2709(a)(4)	Harassment-lewd communication	M-3	1	m
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	1	m
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	1	m
2709(a)(7)	Harassment-repeated communication: other	M-3	1	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	4	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712(a)	Assault-sports official	M-1	3	m
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	10	3
2713(a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	4	m
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	10	3
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	4	m
2714	Unauthorized administration of intoxicant	F-3	8	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	m
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	2
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	m
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	1
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	4
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	13	4
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	13	4
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	13	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(2)	Terrorism-influence govt (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(2)	Terrorism-influence govt (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2901(a)(1)	Kidnapping-for ransom (victim ≥18 yrs)	F-1	10	4
2901(a)(2)	Kidnapping-to facilitate a felony (victim ≥18 yrs)	F-1	10	4
2901(a)(3)	Kidnapping-to inflict terror, BI (victim ≥18 yrs)	F-1	10	4
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim ≥18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs)	F-1	10	4
2902(a)(1)	Unlawful restraint-risk SBI	M-1	3	m
2902(a)(2)	Unlawful restraint-involuntary servitude	M-1	3	m
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs)	F-2	8	2
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs)	F-2	8	2
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs)	F-2	8	2
2903(a)	False imprisonment (victim >=18 yrs)	M-2	2	m
2903(b)	False imprisonment (victim <18 yrs )	F-2	8	2
2903(c)	False imprisonment by parent (victim<18 yrs)	F-2	7	2
2904(a)	Interfere with custody of children	F-3	6	1
2904(a)	Interfere with custody of children-good cause/time <24 hrs.	M-2	3	m
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	8	2
2905(a)	Interfere with custody of committed person	M-2	4	m
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	2	m
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	m
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	m
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	m
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	2	m
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	m
2906(a)(4)	Criminal coercion-threaten official act	M-2	2	m
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	m
2907	Disposition of ransom	F-3	5	1
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	1
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	1
2910(a)	Luring child into motor vehicle/structure	M-1	5	1
<b>2910</b>	<b>Luring a child into motor vehicle/structure (child &lt;13 yrs)</b>	<b>F-2</b>	<b>[ 7 omnibus ] 8</b>	<b>2</b>
3002(a)	Trafficking of persons	F-2	9	2
3002(a)	Trafficking of persons (victim <18 yrs)	F-1	10	4
3002(a)	Trafficking of persons-w/ BI	F-1	10	4
3121(a)(1)	Rape-forcible compulsion	F-1	12	4
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(2)	Rape-threat of forcible compulsion	F-1	12	4
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(3)	Rape-unconscious victim	F-1	12	4
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	13	4
3121(a)(4)	Rape-substantially impaired victim	F-1	12	4
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	13	4
3121(a)(5)	Rape-mentally disabled victim	F-1	12	4
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	13	4
3121(c)	Rape-child (victim <13 yrs)	F-1	14	4
3121(d)	Rape-child w/ SBI (victim <13 yrs)	F-1	14	4
3122.1(a)(1)	Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older)	F-2	7	2
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3122.1(b)	Statutory sexual assault-victim <16 yrs (person >=11 yrs older)	F-1	9	3
3123(a)(1)	IDSI-forcible compulsion	F-1	12	4
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	12	4
3123(a)(3)	IDSI-unconscious victim	F-1	12	4
3123(a)(4)	IDSI-substantially impaired victim	F-1	12	4
3123(a)(5)	IDSI-mentally disabled victim	F-1	12	4
3123(a)(7)	IDSI-victim <16 yrs (person >=4 yrs older)	F-1	12	4
3123(b)	IDSI-child (victim <13 yrs)	F-1	14	4
3123(c)	IDSI-child w/ SBI (victim <13 yrs)	F-1	14	4
3124.1	Sexual assault	F-2	11	4
3124.2(a)	Institutional sexual assault-generally	F-3	6	1
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs)	F-3	6	1
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	6	1
3124.2(a.3)	Institutional sexual assault-by child care volunteer/employee	F-3	6	1
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	10	4
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	4
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	4
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	4
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	4
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	4
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	4
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	4
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	4
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	4
3125(a)(7)	Aggravated indecent assault-victim <13 yrs	F-2	10	4
3125(a)(8)	Aggravated indecent assault-victim <16 yrs (person >=4 yrs older)	F-2	10	4
3126(a)(1)	Indecent assault-w/o consent	M-2	4	m
3126(a)(2)	Indecent assault-forcible compulsion	M-1	5	m
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	5	m
3126(a)(4)	Indecent assault-unconscious victim	M-1	5	m
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	5	m
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	5	m
3126(a)(7)	Indecent assault-victim <13 yrs	M-1	5	1
3126(a)(7)	Indecent assault-victim <13 yrs (2nd/subsq)	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/course of conduct	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3126(a)(7)	Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's	F-3	6	1
3126(a)(8)	Indecent assault-victim <16 yrs (person >=4 yrs older)	M-2	4	m
3127(a)	Indecent exposure	M-2	3	m
3127(a)	Indecent exposure-victim <16 yrs	M-1	4	1
3129	Sexual intercourse with animal	M-2	2	m
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	5	1
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	5	1
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	5	1
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	5	1
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	10	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	9	4
<b>3301(a)(1)(i)*</b>	<b>Arson endangering persons-danger of death (cause SBI to civilian)</b>	<b>F-1</b>	<b>11</b>	<b>4</b>
<b>3301(a)(1)(i)*</b>	<b>Arson endangering persons-danger of death (cause BI to firefighter, etc.)</b>	<b>F-1</b>	<b>11</b>	<b>4</b>
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	10	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	9	4
<b>3301(a)(1)(ii)*</b>	<b>Arson endangering persons-inhabited building (cause SBI to civilian)</b>	<b>F-1</b>	<b>11</b>	<b>4</b>
<b>3301(a)(1)(ii)*</b>	<b>Arson endangering persons-inhabited building (cause BI to firefighter, etc.)</b>	<b>F-1</b>	<b>11</b>	<b>4</b>
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
<b>3301(a.1)(1)(i)*</b>	<b>Aggravated arson-attempt BI to civilian</b>	<b>F-1</b>	<b>10</b>	<b>4</b>
<b>3301(a.1)(1)(i)*</b>	<b>Aggravated arson-cause BI to civilian</b>	<b>F-1</b>	<b>[ 10 ] 11</b>	<b>4</b>
<b>3301(a.1)(1)(i)*</b>	<b>Aggravated arson-attempt SBI to civilian</b>	<b>F-1</b>	<b>[ 10 ] 11</b>	<b>4</b>
<b>3301(a.1)(1)(i)*</b>	<b>Aggravated arson-cause SBI to civilian</b>	<b>F-1</b>	<b>[ 10 ] 12</b>	<b>4</b>
<b>3301(a.1)(1)(i)*</b>	<b>Aggravated arson-attempt BI to firefighter, etc.</b>	<b>F-1</b>	<b>[ 10 ] 11</b>	<b>4</b>
<b>3301(a.1)(1)(i)*</b>	<b>Aggravated arson-cause BI to firefighter, etc.</b>	<b>F-1</b>	<b>[ 10 ] 12</b>	<b>4</b>
<b>3301(a.1)(1)(ii)</b>	<b>Aggravated arson-other felony arson (when person present inside property)</b>	<b>F-1</b>	<b>10</b>	<b>4</b>
<b>3301(a.1)(2)</b>	<b>Aggravated arson-fire/explosion causes death of any person</b>	<b>Murder of 2nd Degree</b>	<b>18 Pa.C.S. § 1102(b)</b>	<b>4</b>
<b>3301(a.2)(1)</b>	<b>Arson of historic resource-w/ intent (fire/explosion)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>3301(a.2)(2)</b>	<b>Arson of historic resource-aids/pays (fire/explosion)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3301(c)(1)	Arson endangering property-intent to destroy unoccupied bldg	F-2	6	2
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	6	2
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	6	2
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg)	F-3	5	1
3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	5	1
3301(e)(1)	Arson-failure to control/report (duty)	M-1	3	m
3301(e)(2)	Arson-failure to control/report (own property)	M-1	3	m
3301(f)	Arson-possess explosive material (intent to use)	F-3	5	1
3301(g)	Arson-failure to disclose true owner	M-3	1	m
3302(a)	Catastrophe-causing (intentionally)	F-1	10	3
3302(a)	Catastrophe-causing (recklessly)	F-2	6	2
3302(b)	Catastrophe-risking	F-3	4	1
3303(1)	Failure to prevent catastrophe-duty	M-2	2	m
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000)	F-3	5	1
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000)	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$500)	M-3	1	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	5	1
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	2	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	1	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	5	1
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	2	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	1	m
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	5	1
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	2	m
3304(a)(4)	Criminal mischief-graffiti (>\$150)	M-3	1	m
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	5	1
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	2	m
3304(a)(5)	Criminal mischief-damage property (>\$500)	M-3	1	m
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	5	1
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	2	m
3304(a)(6)	Criminal mischief-paintball (>\$500)	M-3	1	m
3305	Tampering w/ fire apparatus/hydrants	M-3	1	m
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	5	1
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	2	m
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	2	m
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	2	m

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

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-1)	F-1	14	4
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-3)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	3	m
3313(a)	Illegal dumping of methamphetamine waste	F-3	5	1
3502(a)(1)	Burglary-home/person present	F-1	9	4
3502(a)(2)	Burglary-home/no person present	F-1	7	3
3502(a)(3)	Burglary-not a home/person present	F-1	6	3
3502(a)(4)	Burglary-not a home/no person present	F-2	5	2
<b>3502(a)(4)</b>	<b>Burglary-not a home/no person present (commit theft of drugs)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 7</b>	<b>3</b>
3503(a)(1)(i)	Criminal trespass-buildings	F-3	3	1
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	4	2
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	1	m
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	1	m
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	1	m
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	3	m
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	m
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	m
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	m
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	m
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	m
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	m
3504(b)	Railroad protection-stowaways prohibited	M-3	1	m
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	12	4
<b>3701(a)(1)(i)</b>	<b>Robbery-inflicts SBI (drug-related)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 13</b>	<b>4</b>
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	10	4
<b>3701(a)(1)(ii)</b>	<b>Robbery-threaten SBI (drug-related)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 11</b>	<b>4</b>
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	9	4
<b>3701(a)(1)(iii)</b>	<b>Robbery-commit/threaten any F1 or F2 (drug-related)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 10</b>	<b>4</b>
3701(a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	7	2
<b>3701(a)(1)(iv)</b>	<b>Robbery-inflicts/threatens BI (drug-related)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3701(a)(1)(v)	Robbery-takes property by force	F-3	5	1
<b>3701(a)(1)(v)</b>	<b>Robbery-takes property by force (drug-related)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 6</b>	<b>3</b>
3701(a)(1)(vi)	Robbery-demand money from financial institution	F-2	7	2
3702(a)*	Robbery of motor vehicle-with SBI	F-1	12	4
3702(a)*	Robbery of motor vehicle-without SBI	F-1	9	4
3921(a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (disaster)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (firearm)	F-2	8	2
<b>3921(a)</b>	<b>Theft by unlaw taking-movable property (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3921(a)[ * ]	Theft by unlaw taking-movable property ([ > ] \$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3921(a)*</b>	<b>Theft by unlaw taking-movable property (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3921(a)* ]	[ Theft by unlaw taking-movable property (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
[ 3921(a)* ]	[ Theft by unlaw taking-movable property (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3921(a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3921(a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	2	m
3921(a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	1	m
3921(b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (disaster)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (firearm)	F-2	8	2
<b>3921(b)</b>	<b>Theft by unlaw taking-immovable property (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3921(b)[ * ]	Theft by unlaw taking-immovable property ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3921(b)*</b>	<b>Theft by unlaw taking-immovable property (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3921(b)* ]	[ Theft by unlaw taking-immovable property (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3921(b)* ]	[ Theft by unlaw taking-immovable property (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3921(b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3921(b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	2	m
3921(b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	1	m
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	8	2
<b>3922(a)(1)</b>	<b>Theft by deception-false impression (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3922(a)(1)[ * ]	Theft by deception-false impression ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3922(a)(1)*</b>	<b>Theft by deception-false impression (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3922(a)(1)* ]	[ Theft by deception-false impression (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3922(a)(1)* ]	[ Theft by deception-false impression (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3922(a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	2	m
3922(a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	1	m
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	8	2
<b>3922(a)(2)</b>	<b>Theft by deception-conceal information (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3922(a)(2)[ * ]	Theft by deception-conceal information ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3922(a)(2)*</b>	<b>Theft by deception-conceal information (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3922(a)(2)*</b> ]	[ <b>Theft by deception-conceal information (&gt;\$50,000-\$100,000)</b> ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ <b>3922(a)(2)*</b> ]	[ <b>Theft by deception-conceal information (&gt;\$25,000-\$50,000)</b> ]	[ F-3 ]	[ 6 ]	[ 1 ]
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3922(a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	2	m
3922(a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	1	m
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	8	2
<b>3922(a)(3)</b>	<b>Theft by deception-fail to correct (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3922(a)(3)[ * ]	Theft by deception-fail to correct ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3922(a)(3)</b>	<b>Theft by deception-fail to correct (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3922(a)(3)*</b> ]	[ <b>Theft by deception-fail to correct (&gt;\$50,000-\$100,000)</b> ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ <b>3922(a)(3)*</b> ]	[ <b>Theft by deception-fail to correct (&gt;\$25,000-\$50,000)</b> ]	[ F-3 ]	[ 6 ]	[ 1 ]
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3922(a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	2	m
3922(a)(3)	Theft by deception-fail to correct (<\$50/no threat)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	8	2
<b>3923(a)(1)</b>	<b>Theft by extortion-commit crime (= &gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(1)[ * ]	Theft by extortion-commit crime ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3923(a)(1)*</b>	<b>Theft by extortion-commit crime (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(1)*</b> ]	[ <b>Theft by extortion-commit crime (&gt;\$50,000-\$100,000)</b> ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ <b>3923(a)(1)*</b> ]	[ <b>Theft by extortion-commit crime (&gt;\$25,000-\$50,000)</b> ]	[ F-3 ]	[ 6 ]	[ 1 ]
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3923(a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(1)	Theft by extortion-commit crime (<\$50/no threat)	M-3	1	m
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	8	2
<b>3923(a)(2)</b>	<b>Theft by extortion-accuse of crime (= &gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(2)[ * ]	Theft by extortion-accuse of crime ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3923(a)(2)*</b>	<b>Theft by extortion-accuse of crime (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(2)*</b> ]	[ <b>Theft by extortion-accuse of crime (&gt;\$50,000-\$100,000)</b> ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ <b>3923(a)(2)*</b> ]	[ <b>Theft by extortion-accuse of crime (&gt;\$25,000-\$50,000)</b> ]	[ F-3 ]	[ 6 ]	[ 1 ]
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3923(a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(2)	Theft by extortion-accuse of crime (<\$50/no threat)	M-3	1	m
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	8	2
<b>3923(a)(3)</b>	<b>Theft by extortion-expose secret (= &gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(3)[ * ]	Theft by extortion-expose secret ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
<b>3923(a)(3)*</b>	<b>Theft by extortion-expose secret (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(3)*</b> ]	[ <b>Theft by extortion-expose secret (&gt;\$50,000-\$100,000)</b> ]	[ <b>F-3</b> ]	[ <b>7</b> ]	[ <b>1</b> ]
[ <b>3923(a)(3)*</b> ]	[ <b>Theft by extortion-expose secret (&gt;\$25,000-\$50,000)</b> ]	[ <b>F-3</b> ]	[ <b>6</b> ]	[ <b>1</b> ]
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3923(a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	2	m
3923(a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	1	m
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	8	2
<b>3923(a)(4)</b>	<b>Theft by extortion-official action (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(4)[ * ]	Theft by extortion-official action ([ > ]\$100,000-<\$500,000)	[ <b>F-3</b> ] <b>F-2</b>	[ <b>8</b> ] <b>7</b>	[ <b>1</b> ] <b>2</b>
<b>3923(a)(4)*</b>	<b>Theft by extortion-official action (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(4)*</b> ]	[ <b>Theft by extortion-official action (&gt;\$50,000-\$100,000)</b> ]	[ <b>F-3</b> ]	[ <b>7</b> ]	[ <b>1</b> ]
[ <b>3923(a)(4)*</b> ]	[ <b>Theft by extortion-official action (&gt;\$25,000-\$50,000)</b> ]	[ <b>F-3</b> ]	[ <b>6</b> ]	[ <b>1</b> ]
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3923(a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	2	m
3923(a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	1	m
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	8	2
<b>3923(a)(5)</b>	<b>Theft by extortion-strike/boycott (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(5)[ * ]	Theft by extortion-strike/boycott ([ > ]\$100,000-<\$500,000)	[ <b>F-3</b> ] <b>F-2</b>	[ <b>8</b> ] <b>7</b>	[ <b>1</b> ] <b>2</b>
<b>3923(a)(5)*</b>	<b>Theft by extortion-strike/boycott (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(5)*</b> ]	[ <b>Theft by extortion-strike/boycott (&gt;\$50,000-\$100,000)</b> ]	[ <b>F-3</b> ]	[ <b>7</b> ]	[ <b>1</b> ]
[ <b>3923(a)(5)*</b> ]	[ <b>Theft by extortion-strike/boycott (&gt;\$25,000-\$50,000)</b> ]	[ <b>F-3</b> ]	[ <b>6</b> ]	[ <b>1</b> ]
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3923(a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	2	m
3923(a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	1	m
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	8	2
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	8	2
<b>3923(a)(6)</b>	<b>Theft by extortion-testimony (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(6)[ * ]	Theft by extortion-testimony ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3923(a)(6)*</b>	<b>Theft by extortion-testimony (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(6)*</b> ]	[ <b>Theft by extortion-testimony (&gt;\$50,000-\$100,000)</b> ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ <b>3923(a)(6)*</b> ]	[ <b>Theft by extortion-testimony (&gt;\$25,000-\$50,000)</b> ]	[ F-3 ]	[ 6 ]	[ 1 ]
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3923(a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	2	m
3923(a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	1	m
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	8	2
<b>3923(a)(7)</b>	<b>Theft by extortion-inflict harm (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3923(a)(7)[ * ]	Theft by extortion-inflict harm ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3923(a)(7)</b>	<b>Theft by extortion-inflict harm (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3923(a)(7)*</b> ]	[ <b>Theft by extortion-inflict harm (&gt;\$50,000-\$100,000)</b> ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ <b>3923(a)(7)*</b> ]	[ <b>Theft by extortion-inflict harm (&gt;\$25,000-\$50,000)</b> ]	[ F-3 ]	[ 6 ]	[ 1 ]
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3923(a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	2	m
3923(a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	1	m
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	8	2
3924	Theft of property-lost/mislaid (firearm)	F-2	8	2
<b>3924</b>	<b>Theft of property-lost/mislaid (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3924[ * ]	Theft of property-lost/mislaidd ( [ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3924*</b>	<b>Theft of property-lost/mislaidd (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3924* ]	[ Theft of property-lost/mislaidd (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3924* ]	[ Theft of property-lost/mislaidd (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3924*	Theft of property-lost/mislaidd (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3924	Theft of property-lost/mislaidd (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3924	Theft of property-lost/mislaidd (\$200-\$2,000/no threat)	M-1	3	m
3924	Theft of property-lost/mislaidd (\$50-<\$200/no threat)	M-2	2	m
3924	Theft of property-lost/mislaidd (<\$50/no threat)	M-3	1	m
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	8	2
3925(a)	Theft by receiving stolen property (disaster)	F-2	8	2
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	9	3
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	8	2
<b>3925(a)</b>	<b>Theft of receiving stolen property (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3925(a)[ * ]	Theft by receiving stolen property ( [ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3925*</b>	<b>Theft of receiving stolen property (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3925(a)* ]	[ Theft by receiving stolen property (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3925(a)* ]	[ Theft by receiving stolen property (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3925(a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	2	m
3925(a)	Theft by receiving stolen property (<\$50/no threat)	M-3	1	m
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	8	2
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	8	2
<b>3926(a)(1)</b>	<b>Theft of services-obtain service (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3926(a)(1)[ * ]	Theft of services-obtain service ( [ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3926(a)(1)*</b>	<b>Theft of services-obtain service (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
[ 3926(a)(1)* ]	[ Theft of services-obtain service (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3926(a)(1)* ]	[ Theft of services-obtain service (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3926(a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	1	m
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	8	2
<b>3926(a)(1.1)</b>	<b>Theft of services-obtain telecommunications (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3926(a)(1.1)[ * ]	Theft of services-obtain telecommunications ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3926(a)(1.1)*</b>	<b>Theft of services-obtain telecommunications (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3926(a)(1.1)* ]	[ Theft of services-obtain telecommunications (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3926(a)(1.1)* ]	[ Theft of services-obtain telecommunications (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3926(a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	8	2
3926(b)	Theft of services-divert service (firearm)	F-2	8	2
<b>3926(b)</b>	<b>Theft of services-divert service (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3926(b)[ * ]	Theft of services-divert service ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3926(b)*</b>	<b>Theft of services-divert service (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3926(b)* ]	[ Theft of services-divert service (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3926(b)* ]	[ Theft of services-divert service (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3926(b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	3	m
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (<\$50/no threat)	M-3	1	m
3926(e)	Theft of services-transfer device/plan	M-3	1	m
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	8	2
<b>3927(a)</b>	<b>Theft by failure-req. disposition funds (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3927(a)[ * ]	Theft by failure-req. disposition funds ( [ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3927(a)*</b>	<b>Theft by failure-req. disposition funds (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ 3927(a)* ]	[ Theft by failure-req. disposition funds (>\$50,000-\$100,000) ]	[ F-3 ]	[ 7 ]	[ 1 ]
[ 3927(a)* ]	[ Theft by failure-req. disposition funds (>\$25,000-\$50,000) ]	[ F-3 ]	[ 6 ]	[ 1 ]
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3927(a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	2	m
3927(a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	1	m
3928(a)	Unauthorized use of auto	M-2	2	m
3928(a)	Unauthorized use of auto (disaster)	F-2	8	2
3929(a)(1)	Retail theft-take merchandise (>[ \$2000 ]\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	2	m
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	3	1
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	8	2
3929(a)(2)	Retail theft-alter price (>[ \$2000 ]\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	2	m
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	3	1
3929(a)(2)	Retail theft-alter price (disaster)	F-2	8	2
3929(a)(3)	Retail theft-transfer container (>[ \$2000 ]\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	2	m
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	3	1
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	8	2



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3929(a)(4)	Retail theft-under-rings (>[ <b>\$2000</b> ]\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	2	m
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	3	1
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	8	2
3929(a)(5)	Retail theft-tamper w/ inventory tag (>[ <b>\$2000</b> ] <b>\$1,000</b> /or firearm/motor vehicle)	F-3	5	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	3	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	8	2
3929.1(a)	Library Theft (1st/2nd off & >=\$150)	M-1	3	m
3929.1(a)	Library Theft (2nd off & <\$150)	M-2	2	m
3929.1(a)	Library Theft (3rd/Subsq off)	F-3	5	1
3929.2(a)	Unlawful possession-retail/library theft instruments	M-1	3	m
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	7	2
3929.3(a)	Organized retail theft (\$5,000-\$19,999)	F-3	6	1
3930(a)(1)	Theft of trade secrets-by force	F-2	7	2
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	7	2
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	7	2
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	5	1
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	5	1
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	5	1
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	2	m
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	1	m
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	8	2
3932(a)	Theft of leased property (firearm)	F-2	8	2
<b>3932(a)</b>	<b>Theft of leased property (=&gt;\$500,000)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
3932(a)[ * ]	Theft of leased property ([ > ]\$100,000-<\$500,000)	[ F-3 ] F-2	[ 8 ] 7	[ 1 ] 2
<b>3932(a)*</b>	<b>Theft of leased property (&gt;\$25,000-&lt;\$100,000/or motorized vehicle)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
[ <b>3932(a)*</b> ]	[ <b>Theft of leased property (&gt;\$50,000-\$100,000)</b> ]	[ <b>F-3</b> ]	[ <b>7</b> ]	[ <b>1</b> ]
[ <b>3932(a)*</b> ]	[ <b>Theft of leased property (&gt;\$25,000-\$50,000)</b> ]	[ <b>F-3</b> ]	[ <b>6</b> ]	[ <b>1</b> ]
3932(a)*	Theft of leased property (>\$2,000-\$25,000[ /or motorized vehicle ])	F-3	5	1
3932(a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	3	m
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	2	m
3932(a)	Theft of leased property (<\$50/no threat)	M-3	1	m
3934(a)	Theft from a motor vehicle (3rd/subsq w/in 5 yrs)	F-3	6	1
3934(a)	Theft from a motor vehicle (>\$200)	M-1	3	m
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	2	m
3934(a)	Theft from a motor vehicle (<\$50)	M-3	1	m
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(1)	Forgery-altered writing (will//deed/other legal doc)	F-3	3	1
4101(a)(1)	Forgery-altered writing (other)	M-1	3	m
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(2)	Forgery-unauthorized writing (will//deed/other legal doc)	F-3	3	1
4101(a)(2)	Forgery-unauthorized writing (other)	M-1	3	m
4101(a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(3)	Forgery-utter forged writing (will//deed/other legal doc)	F-3	3	1
4101(a)(3)	Forgery-utter forged writing (other)	M-1	3	m
4102	Simulating objects of antiquity	M-1	3	m
4103	Fraudulent destruction of recordable instruments	F-3	5	1
4104(a)	Tampering w/ records or identification	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	1
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	m
4105(a)(1)	Bad checks—issues/passes check (\$500-<\$1,000)	M-2	2	m
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	m
4105(a)(1)	Bad checks—issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	1
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	5	1
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	1
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	3	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	5	1
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	4	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	3	m
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	5	1
4106(a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	4	m
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	3	m
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	5	1
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	2	m
4106.1(a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	6	1
4106.1(a)(2)	Unlawful device-making equipment (possesses)	M-1	4	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	3	m
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	2	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	2	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	m



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	2	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107.1(a)	Deception relating to kosher food products	M-3	1	m
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	4	1
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	1
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	1
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	1
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	m
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	m
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	2	m
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	m
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	m
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	m
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	m
4110	Defrauding secured creditors	M-2	2	m
4111	Fraud in Insolvency	M-2	2	m
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	m
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	2	m
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	m
4112	Receiving deposits in failing financial institution	M-2	2	m
4113(a)	Misapplication of entrusted property (>\$50)	M-2	2	m
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	1	m
4114	Securing execution of documents by deception	M-2	2	m
4115	Falsely impersonating persons privately employed	M-2	2	m

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4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	3	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	3	m
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	m
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	m
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	2
4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	m
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	1
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	m
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	1
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	1
4117(a)(2)	Insurance fraud-false insurance claim	F-3	4	1

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4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	4	1
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	4	1
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	4	1
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	4	1
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	4	1
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	4	1
4117(b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	3	m
4117(b)(2)	Insurance fraud-unlawful compensation by provider	M-1	3	m
4117(b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	3	m
4117(b)(4)	Insurance fraud-false insurance application	M-1	3	m
4118	Washing vehicle titles	F-3	4	1
4119(a)(1)	Trademark counterfeiting-mfr.	M-1	3	m
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(2)	Trademark counterfeiting-sells	M-1	3	m
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	3	m
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(4)	Trademark counterfeiting-displays	M-1	3	m
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(5)	Trademark counterfeiting-advertises	M-1	3	m
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(6)	Trademark counterfeiting-distributes	M-1	3	m
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(7)	Trademark counterfeiting-transport	M-1	3	m

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4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4120(a)	Identity theft (>=\$2,000)	F-3	5	1
4120(a)	Identity theft (<\$2,000)	M-1	3	m
4120(a)	Identity theft (3rd/subsq off)	F-2	7	2
4120(a)	Identity theft (furtherance of conspiracy)	F-3	5	1
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs/care-dependent)	F-3	5	1
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent)	F-2	7	2
<b>4120(a)</b>	<b>Identity theft (&lt;\$2,000 and victim &lt;18 yrs)</b>	<b>F-3</b>	<b>5</b>	<b>1</b>
<b>4120(a)</b>	<b>Identity theft (&gt;=\$2,000 and victim &lt;18 yrs)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4120(a)</b>	<b>Identity theft (3rd/subsq off and victim &lt;18 yrs)</b>	<b>F-1</b>	<b>8</b>	<b>3</b>
<b>4120(a)</b>	<b>Identity theft (furtherance of conspiracy and victim &lt;18 yrs)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
4301(a)	Bigamy (by married person)	M-2	3	m
4301(b)	Bigamy (knowing other person committing bigamy)	M-2	3	m
4302(a)	Incest (victim >18 yrs.)	F-2	9	4
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	9	4
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	9	4
4303(a)	Concealing death of child	M-1	3	m
4304(a)(1)	Endangering welfare of children-violate duty of care	M-1	5	1
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	5	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	1
4305	Dealing in infant children	M-1	4	1
4701(a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	5	1
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	1
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	1
4702(a)(1)	Threats-to influence decision as public servant	M-2	2	m
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	1
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	m
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	1



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4702(a)(3)	Threats-harm for legal duty as public servant	M-2	2	m
4702(a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	5	1
4703	Retaliation for past official action	M-2	2	m
4902(a)	Perjury	F-3	5	1
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	2	m
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	2	m
4903(b)	False swearing-statement required to be sworn	M-3	1	m
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	2	m
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	2	m
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	2	m
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	1	m
4905(a)	False alarms to agency of public safety	M-1	3	m
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	5	1
4906(a)	False reports-falsely incriminate another	M-2	2	m
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	3	m
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	3	m
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	1	m
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	2	m
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	2	m
4906(b)(2)	False reports-fictitious report of information	M-3	1	m
4906(b)(2)	False reports-fictitious report of information (report of theft/loss of firearm)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information (state of emergency)	M-2	2	m
<b>4906.1</b>	<b>False reports of child abuse</b>	<b>M-2</b>	<b>2</b>	<b>m</b>
4909	Witness or informant taking bribe	F-3	5	1
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	2	m
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	1
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	2	m
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	1
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	m
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	1
4912	Impersonating a public servant	M-2	2	m
4913(a)	Impersonating a notary public	M-2	2	m

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4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	3	m
4914(a)	False identification to law enforcement authorities	M-3	1	m
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	8	2
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	3

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4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	8	2
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	10	3
4915.1(a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	5	m
4915.1(a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	5	m
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	9	2
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	7	1
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	m
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	2
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	1
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	m
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	2
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	1
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	m
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	2
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	1
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	m
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	2
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	1
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	m

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4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	9	2
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	7	1
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	5	m
4953(a)	Retaliation against witness/victim-listed factor	F-3	8	1
4953(a)	Retaliation against witness/victim-general	M-2	5	m
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	9	2
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	6	m
<b>4958(a)(1)</b>	<b>Intimidation child abuse case-knowledge/intent to impede, etc.</b>	<b>M-2</b>	<b>[ 2 omnibus ] 5</b>	<b>m</b>
<b>4958(a)(1)</b>	<b>Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(1)</b>	<b>Intimidation child abuse case-knowledge/intent to impede, etc. (benefit)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(1)</b>	<b>Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(1)</b>	<b>Intimidation child abuse case-knowledge/intent to impede, etc. (other person)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(1)</b>	<b>Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(i)</b>	<b>Intimidation child abuse cases-intimidate/attempt refrain from/cause not report</b>	<b>M-2</b>	<b>[ 2 omnibus ] 5</b>	<b>m</b>
<b>4958(a)(2)(i)</b>	<b>Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(i)</b>	<b>Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(i)</b>	<b>Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(i)</b>	<b>Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(i)</b>	<b>Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(ii)</b>	<b>Intimidation child abuse cases-intimidate/attempt withhold information</b>	<b>M-2</b>	<b>[ 2 omnibus ] 5</b>	<b>m</b>
<b>4958(a)(2)(ii)</b>	<b>Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(ii)</b>	<b>Intimidation child abuse cases-intimidate/attempt withhold information (benefit)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(ii)</b>	<b>Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>
<b>4958(a)(2)(ii)</b>	<b>Intimidation child abuse cases-intimidate/attempt withhold information (other person)</b>	<b>F-2</b>	<b>7</b>	<b>2</b>



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4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/ attempt withhold information (prior conv)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information	M-2	[ 2 omnibus ] 5	m
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (force, etc.)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (benefit)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (furtherance consp)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (other person)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (prior conv)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process	M-2	[ 2 omnibus ] 5	m
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (force)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (benefit)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (furtherance consp)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (other person)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (prior conv)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process	M-2	[ 2 omnibus ] 5	m
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (force)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (benefit)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (furtherance consp)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (other person)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (prior conv)	F-2	7	2
4958(b)	Retaliation child abuse cases	M-2	[ 2 omnibus ] 5	m
4958(b)	Retaliation child abuse cases (force)	F-2	[ 7 omnibus ] 8	2

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4958(b)	Retaliation child abuse cases (benefit)	F-2	[ 7 omnibus ] 8	2
4958(b)	Retaliation child abuse cases (furtherance consp)	F-2	[ 7 omnibus ] 8	2
4958(b)	Retaliation child abuse cases (other person)	F-2	[ 7 omnibus ] 8	2
4958(b)	Retaliation child abuse cases (prior conv)	F-2	[ 7 omnibus ] 8	2
4958(b.1)	Obstruction child abuse cases	M-2	[ 2 omnibus ] 5	m
4958(b.1)	Obstruction child abuse cases (force)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (benefit)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (furtherance consp)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (other person)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (prior conv)	F-2	7	2
5101	Obstructing admin. of law/other govt. function	M-2	3	m
5102(a)	Obstructing/impeding justice by picketing	M-2	2	m
5103	Unlawfully listening into deliberations of jury	M-3	1	m
5104	Resisting arrest, etc.	M-2	2	m
5104.1(a)	Disarming law enforcement officer	F-3	5	1
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	2	m
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	4	1
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	2	m
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	4	1
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	2	m
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	4	1
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	2	m
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	4	1
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	2	m
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2)	F-3	4	1
5107(a)	Aiding consummation of crime	M-2	2	m
5107(a)	Aiding consummation of crime (principal off is F1/F2)	F-3	5	1
5108(a)	Compounding	M-2	2	m
5109	Barratry-vex with unjust/vexatious suits	M-3	1	m
5110	Contempt of General Assembly	M-3	1	m
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	8	3
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	8	3
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	8	3
5112(a)	Obstructing emergency services	M-3	1	m

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

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5501(2)	Riot-intent to prevent/coerce official action	F-3	4	1
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	4	1
5502	Failure to disperse upon official order	M-2	2	m
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	1	m
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	1	m
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	1	m
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	1	m
5506	Loitering and prowling at night time	M-3	1	m
5507(a)	Obstructing highway, etc.-after warning	M-3	1	m
5508	Disrupting meetings and processions	M-3	1	m
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	2	m
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	2	m
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	2	m
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	3	m
5510	Abuse of corpse	M-2	3	m
5511(a)(1)	Cruelty to animals-own dog that injures service dog	M-3	1	m
5511(a)(1)(i)	Cruelty to animals-kill/maim domestic animal	M-2	3	m
5511(a)(1)(ii)	Cruelty to animals-poisons domestic animal	M-2	3	m
5511(a)(1)(iii)	Cruelty to animals-harasses/injure etc. service/guide dog	M-2	3	m
5511(a)(2)(i)	Cruelty to animals-kill/maim zoo animal	F-3	5	1
5511(a)(2)(ii)	Cruelty to animals-poison zoo animal	F-3	5	1
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (1st off)	M-1	3	m
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (2nd/subsq off)	F-3	5	1
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (1st off)	M-1	3	m
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (2nd/subsq off)	F-3	5	1
5511(c)(1)	Cruelty to animals-neglect/mistreat animal in care (2nd/subsq off)	M-3	1	m
5511(e.1)	Cruelty to animals-transport equines in cruel manner (2nd/subsq off)	M-3	1	m
5511(h.1)(1)	Cruelty to animals-animal fighting (for amusement/gain)	F-3	5	1
5511(h.1)(2)	Cruelty to animals-animal fighting (receives compensation)	F-3	5	1
5511(h.1)(3)	Cruelty to animals-animal fighting (owns fighting animal)	F-3	5	1
5511(h.1)(4)	Cruelty to animals-animal fighting (encourage/aid/assist)	F-3	5	1
5511(h.1)(5)	Cruelty to animals-animal fighting (wagers on fight outcome)	F-3	5	1
5511(h.1)(6)	Cruelty to animals-animal fighting (pays admission)	F-3	5	1



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5511(h.1)(7)	Cruelty to animals-animal fighting (permits use of animal for fight)	F-3	5	1
5511.2(a)	Police animals-illegal to taunt	F-3	5	1
5511.2(b)	Police animals-illegal to torture	F-3	7	1
5511.3	Assault w/ biological agent on animal/fowl/honey bee	F-2	7	2
5512(b)(1)	Lotteries-set up unlawful game	M-1	3	m
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	m
5512(b)(3)	Lotteries-publish advertisement	M-1	3	m
5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	m
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	3	m
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	m
5513(a)(4)	Gambling devices-allows gambling on premises	M-1	3	m
<b>5513(a.1)(1)</b>	<b>Gambling devices-electronic video monitor: indirect or direct consideration</b>	<b>M-1</b>	<b>3</b>	<b>m</b>
<b>5513(a.1)(2)</b>	<b>Gambling devices-electronic video monitor: player eligible for prize</b>	<b>M-1</b>	<b>3</b>	<b>m</b>
5514(1)	Pool selling and bookmaking-engage in	M-1	3	m
5514(2)	Pool selling and bookmaking-occupy place	M-1	3	m
5514(3)	Pool selling and bookmaking-receives bet on political outcome	M-1	3	m
5514(4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	3	m
5514(5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	3	m
5515(b)(1)	Prohibiting of paramilitary training-teaching	M-1	3	m
5515(b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	3	m
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	5	1
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency	F-3	5	1
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	5	1
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	5	1
5517(a)	Unauthorized school bus entry	M-3	1	m
5703	Interception of wire/oral communication	F-3	5	1
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	5	1
5703(2)	Interception of wire/oral communication-discloses contents	F-3	5	1
5703(3)	Interception of wire/oral communication-use contents	F-3	5	1
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	5	1
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	5	1
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	5	1
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	5	1

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5719	Unlawful use of order concerning intercepted communications	M-2	2	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	1	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	2	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	1	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	2	m
5771(a)	Prohibit pen register & trap/trace device	M-3	1	m
5901	Open lewdness	M-3	1	m
5902(a)(1)	Prostitution-business (1st/2nd off)	M-3	1	m
5902(a)(1)	Prostitution-business (3rd off)	M-2	3	m
5902(a)(1)	Prostitution-business (4th/subsq off)	M-1	4	m
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	7	1
5902(a)(2)	Prostitution (1st/2nd off)	M-3	1	m
5902(a)(2)	Prostitution (3rd off)	M-2	3	m
5902(a)(2)	Prostitution (4th/subsq off)	M-1	4	m
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	7	1
5902(b)(1)	Promoting prostitution-own house/business	F-3	5	1
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	5	1
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron	M-2	3	m
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	3	m
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	3	m
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	3	m
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit	M-2	3	m

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

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5903(a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	3	m
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	3	m
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	4	m
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	6	1
5903(a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	3	m
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	5	1
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	4	m
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	3	m
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	5	1
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	4	m
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	4	m
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	6	1
5903(a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	3	m
5903(a)(7)	Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale)	F-3	5	1
5903(a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	3	m
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	5	1
5903(a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	3	m
5903(a)(9)	Obscene materials-permit into correctnl inst (2nd/subsq off or for resale)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	7	2
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	5	1
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	7	2
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	5	1
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	7	2
5903(f)	Obscene materials-require sale	M-1	3	m



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5904	Public exhibition of insane/deformed person	M-2	2	m
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (loaded/ammo available) ((a.1)(1))	F-2	10	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (unloaded/no ammo available) ((a.1)(1))	F-2	9	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	2	m
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	1	m
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (loaded/ammo available) ((a.1)(2))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (unloaded/no ammo available) ((a.1)(2))	M-1	4	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) (a.1)(5)	M-1	5	1
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: convicted of drug offense (loaded/ammo available) ((c)(2))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: convicted of drug offense (unloaded/no ammo available) ((c)(2))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))</b>	<b>M-1</b>	<b>4</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
<b>6105(a)(1)*</b>	<b>Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>

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6105(a)(1)*	<b>Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
6105(a)(1)*	<b>Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
6105(a)(1)*	<b>Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
6105(a)(1)*	<b>Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
6105(a)(1)*	<b>Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))</b>	<b>M-1</b>	<b>6</b>	<b>1</b>
6105(a)(1)*	<b>Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	9	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	1
6106(a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	1
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/ no other crim. act.)	M-1	3	1
6107(a)	Firearms-prohibited conduct during emergency	M-1	3	1
6108	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	1
6108	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	4	1
6110.1(a)	Firearms-possession by minor	M-1	3	1
6110.1(c)	Firearms-delivery to minor by adult	F-3	7	1
6110.2(a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	10	2
6110.2(a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	m
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	m
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	2

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6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	2	m
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	9	2
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	m
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	2
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	m
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	2
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	1
<b>6111(g)(2)</b>	<b>Firearms-sale/transfer: to unqualified or ineligible person</b>	<b>F-3</b>	<b>8</b>	<b>1</b>
<b>6111(g)(2)</b>	<b>Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off)</b>	<b>F-2</b>	<b>9</b>	<b>2</b>
<b>6111(g)(4)</b>	<b>Firearms-sale/transfer: false statements, materials, ID</b>	<b>F-3</b>	<b>8</b>	<b>1</b>
<b>6111(g)(4)</b>	<b>Firearms-sale/transfer: false statements, materials, ID (2nd/subsq off)</b>	<b>F-2</b>	<b>9</b>	<b>2</b>
6112	Firearms-dealer to be licensed	M-1	3	1
6113(a)(1)	Firearms-dealer license: sell in undesignated area	M-1	3	1
6113(a)(2)	Firearms-dealer license: fail to display license	M-1	3	1
6113(a)(3)	Firearms-dealer license: violation of act	M-1	3	1

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6113(a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	3	1
6113(a)(5)	Firearms-dealer license: fail to keep record	M-1	3	1
6113(a)(6)	Firearms-dealer license: display firearm in public view	M-1	3	1
6115(a)	Firearms-lending prohibited	M-1	3	1
6116	Firearms-give false info/identity for purchase	M-1	3	1
6117(a)	Firearms-alter mfr. number/ID	F-2	7	2
6121(a)	Firearms-certain bullets prohibited	F-3	5	1
6122	Firearms-proof of license	M-1	3	1
6161(a)	Carrying explosives on conveyances	M-2	3	m
6162(a)	Shipping explosives	M-3	3	m
6301(a)(1)(i)	Corruption of minors	M-1	4	m
6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	6	1
6301(a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	1	m
6302(a)	Sale/lease of weapons/explosives (to minor)	M-1	4	m
6303(a)	Sale of starter pistols-to minors	M-1	4	m
6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	m
6307(a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	m
6309(a)	Representing that minor is of age	M-3	1	m
6310(a)	Inducement of minors to buy liquor/beer	M-3	1	m
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	1	m
6310.2(a)	Manufacture/sale of false ID card	M-2	2	m
6310.3(a)	Carrying a false ID card (2nd/subsq off)	M-3	1	m
6311(a)	Tattooing a minor (1st off)	M-3	1	m
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	2	m
6311(b)	Body piercing a minor (1st off)	M-3	1	m
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	2	m
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<13 yrs <b>or determination of prepubescence</b> )	F-2	9	2
<b>6312(b)*</b>	<b>Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-&lt;18 yrs)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 10</b>	<b>3</b>
<b>6312(b)*</b>	<b>Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (&lt;13 yrs or determination of prepubescence)</b>	<b>F-1</b>	<b>[ 8 omnibus ] 10</b>	<b>3</b>
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (1st off)	F-3	6	1
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(c)*	Sexual abuse of children-dissemination (<13 yrs <b>or determination of prepubescence</b> ) (1st off)	F-3	7	1
6312(c)*	Sexual abuse of children-dissemination (<13 yrs <b>or determination of prepubescence</b> ) (2nd/subsq off)	F-2	9	2



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6312(c)*	<b>Sexual abuse of children-dissemination: when indecent contact depicted (13-&lt;18 yrs) (1st offense)</b>	F-2	[ 7 omnibus ] 9	2
6312(c)*	<b>Sexual abuse of children-dissemination: when indecent contact depicted (13-&lt;18 yrs) (2nd/subsq offense)</b>	F-1	[ 8 omnibus ] 10	3
6312(c)*	<b>Sexual abuse of children-dissemination: when indecent contact depicted (&lt;13 yrs or determination of prepubescence) (1st offense)</b>	F-2	[ 7 omnibus ] 9	2
6312(c)*	<b>Sexual abuse of children-dissemination: indecent contact depicted (&lt;13 yrs or determination of prepubescence) (2nd/subsq offense)</b>	F-1	[ 8 omnibus ] 10	3
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off)	F-3	6	1
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs or <b>determination of prepubescence</b> ) (1st off)	F-3	7	1
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs or <b>determination of prepubescence</b> ) (2nd/subsq off)	F-2	9	2
6312(d)*	<b>Sexual abuse of children-possess child pornography: when indecent contact depicted (13-&lt;18) (1st offense)</b>	F-2	[ 7 omnibus ] 9	2
6312(d)*	<b>Sexual abuse of children-possess child pornography: when indecent contact depicted (13-&lt;18) (2nd/subsq offense)</b>	F-1	[ 8 omnibus ] 10	3
6312(d)*	<b>Sexual abuse of children-possess child pornography: when indecent contact depicted (&lt;13 yrs or determination of prepubescence) (1st offense)</b>	F-2	[ 7 omnibus ] 9	2
6312(d)*	<b>Sexual abuse of children-possess child pornography: when indecent contact depicted (&lt;13 yrs or determination of prepubescence) (2nd/subsq offense)</b>	F-1	[ 8 omnibus ] 10	3
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses (underlying offense <F-3)	F-3	6	1
6318(a)(2)	Unlaw. contact w/ minor-open lewdness (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(2)	Unlaw. contact w/ minor-open lewdness (underlying offense <F-3)	F-3	6	1
6318(a)(3)	Unlaw. contact w/ minor-prostitution (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(3)	Unlaw. contact w/ minor-prostitution (underlying offense <F-3)	F-3	6	1

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6318(a)(4)	Unlaw. contact w/ minor-sexual materials (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(4)	Unlaw. contact w/ minor-sexual materials (underlying offense <F-3)	F-3	6	1
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse (underlying offense <F-3)	F-3	6	1
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation (underlying offense <F-3)	F-3	6	1
6319(a)	Solicitation of minors to traffic drugs-general	F-2	9	2
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	3
6320	Sexual exploitation of children	F-2	9	2
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim ≥12 yrs)	M-3	1	m
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	m
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	m
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	m
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	m
6504	Public nuisances	M-2	2	m
6703	Dealing in military decorations	M-3	1	m
6707	False registration of domestic animals	M-3	1	m
6709(1)	Use of union labels-insignia	M-3	1	m
6709(2)	Use of union labels-nonunion product	M-3	1	m
6709(3)	Use of union labels-not authorized by union	M-3	1	m
6901	Extension of water line-w/o permit	M-3	1	m
6910(a)	Unauthorized sale of tickets	M-3	1	m
7102	Administer drugs to race horses	M-1	3	m
7103(a)	Horse racing	M-3	1	m
7104(a)	Fortune telling-for gain or lucre	M-3	1	m
7107(a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	3	m

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7107(a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	3	m
7107(a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	3	m
7302(a)	Sale of solidified alcohol	M-2	2	m
7302(b)	Labeling of solidified alcohol	M-1	3	m
7303(a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	1	m
7303(c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	1	m
7303(d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	1	m
7306(a)	Incendiary devices	M-1	3	m
7307	Out-of-state convict made goods-sell/exchange	M-2	2	m
7308(a)	Unlawful advertising of insurance business	M-2	2	m
7309(a)	Unlawful coercion in contracting insurance	M-1	3	m
7310(a)	Furnishing free insurance as inducement for purchase	M-3	1	m
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	1	m
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	1	m
7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	m
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	m
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	m
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	m
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	m
7312(a)	Debt pooling	M-3	1	m
7313(a)	Buying/exchanging food stamps (>=\$1,000)	F-3	5	1
7313(a)	Buying/exchanging food stamps (<\$1,000)	M-1	3	m
7314(a)	Fraudulent traffic in food orders (>=\$1,000)	F-3	5	1
7314(a)	Fraudulent traffic in food orders (<\$1,000)	M-1	3	m
7316(a)	Keeping bucket-shop	M-3	1	m
7317(a)	Accessories in conduct of bucket-shop	M-3	1	m
7318(a)	Maintaining premises of bucket-shop	M-3	1	m
7319(b)	Bucket-shop contracts	M-3	1	m
7321(a)	Lie detector tests-require for employment	M-2	2	m
7322	Demanding property/money to secure employment	M-3	1	m
7323	Discrimination on account of U.S. armed forces uniform	M-2	2	m
7324(b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	1	m
7324(c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	1	m
7324(d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	1	m
7326(a)	Disclosure of confidential tax information	M-3	1	m
7328(a)	Operation of unauthorized bottle club	M-3	1	m

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7503(a)	Architects/engineers-interest in public works contracts	M-3	1	m
7504(a)	Appointment of special police	M-3	1	m
7507	Breach of privacy-use stress monitor w/o consent	M-2	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	3	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	2	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	3	m
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	2	m
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	3	m
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	8	2
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	3
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	1	m
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	1	m
7510(a)	Municipal housing code avoidance (4th off)	M-2	2	m
7510(a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	m
7512(a)	Criminal use of communication facility	F-3	5	1
7515(a)(1)	Contingent compensation-compensate other	M-3	1	m
7515(a)(2)	Contingent compensation-agree to lobby	M-3	1	m
7516(a)	Greyhound racing-for remuneration	M-1	3	m
7517(b)	Commemorative service demonstration activities	M-3	1	m
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	1
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	1
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	1
7612(a)	Disruption of computer service	F-3	7	1
7613(a)	Computer theft	F-3	7	1
7614(a)	Unlawful duplication (>\$2500)	F-2	7	2
7614(a)	Unlawful duplication (<=\$2500)	F-3	5	1
7615(a)(1)	Computer trespass-remove data/programs	F-3	7	1
7615(a)(2)	Computer trespass-cause malfunction	F-3	7	1
7615(a)(3)	Computer trespass-alter/erase data	F-3	7	1
7615(a)(4)	Computer trespass-transfer funds	F-3	7	1
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	7	1
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	1
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	1
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	m
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	m
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	1



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7641(a)	Computer-assisted remote harvesting of animals	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	1	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	m
7702(1)	Owning/operating/conducting a chop shop	F-2	7	2
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	2
7703	Altered or illegally obtained property-veh ID num	F-3	5	1
7704	Altered or illegally obtained property-disposition	F-3	5	1

\*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

Inchoate=Inchoate to 4 point PRS offenses. See § 303.7(a)(5).

See §§ 303.7(c)and 303.8(b) for all other inchoates.

**MISCELLANEOUS OFFENSES  
(Child Abuse Reporting)**

<i>23 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	1	m
[ 6319 ]	[ Penalties for failure to report or to refer-suspected child abuse (1st violation) ]	[ M-3 ]	[ 2 ]	[ m ]
[ 6319 ]	[ Penalties for failure to report or to refer-suspected child abuse (2nd/subsq violation) ]	[ M-2 ]	[ 3 ]	[ m ]
6319(a)(1)	Failure to report or to refer suspected child abuse-willfully fails to report/F-1 or higher/direct knowledge of nature	F-3	[ omnibus ] 5	1
6319(a)(1)	Failure to report or to refer suspected child abuse	M-2	[ omnibus ] 2	m
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action	M-1	[ omnibus ] 3	m

<i>23 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
<b>6319(b)</b>	<b>Failure to report or to refer suspected child abuse-continuing course of action (child abuse is F-1 or higher)</b>	<b>F-3</b>	<b>[ omnibus ] 5</b>	<b>1</b>
<b>6319(c)</b>	<b>Failure to report or to refer suspected child abuse-2nd/subsq offense</b>	<b>F-3</b>	<b>[ omnibus ] 5</b>	<b>1</b>
<b>6319(c)</b>	<b>Failure to report or to refer suspected child abuse-child abuse is F-1 or higher (2nd subsq offense)</b>	<b>F-2</b>	<b>[ omnibus ] 7</b>	<b>2</b>

m=other misdemeanor offense. See § 303.7(a)(5).

#### OPERATION OF BOATS

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

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

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	5	1
5502.1(a)	Homicide by watercraft while operating under influence	F-2	10	2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	8	1
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	6	1
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	7	2
5507(a)	Duties of operators involved in boating accidents-stop	M-1	3	m
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	5	1
5507(b)	Duties of operators involved in boating accidents-give information	M-1	3	m
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	5	1
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	3	m
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	5	1
5507(d)	Duties of operators involved in boating accidents-stay	M-1	3	m
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	5	1

\*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

#### DRUG ACT OFFENSES

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	4	m
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	4	m
(a)(3)	False/misleading advertisement (1st off)	M	4	m
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	4	m
(a)(4)	Removal/disposal-detained substance (1st off)	M	5	m
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	5	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	4	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	4	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	5	m



<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (1st off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	5	m
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	4	m
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	4	m
(a)(11)	Illegal pharmacy operations (1st off)	M	5	m
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	5	m
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	13	3

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

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	3	m
(a)(13)	Dispense drugs to dependent person (1st off)	M	4	m
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	4	m
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	7	2

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	5	2
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	3	2
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	3	2



<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-Sched I	F	5	2
(a)(14)*	Delivery by practitioner-Sched II	F	5	2
(a)(14)*	Delivery by practitioner-Sched III	F	5	2
(a)(14)*	Delivery by practitioner-Sched IV	F	5	2
(a)(14)*	Delivery by practitioner-Sched V	M	3	m
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	4	m
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	4	m
(a)(16)	Simple possession (1st off)	M	3	m
(a)(16)	Simple possession (2nd/subsq off)	M	3	m
(a)(16)	Simple possession-GHB (1st off)	F	5	2
(a)(16)	Simple possession-GHB (2nd/sub off)	F	5	2
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	4	m
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	4	m
(a)(18)	Illegal sale container (1st off)	M	4	m
(a)(18)	Illegal sale container (2nd/subsq off)	M	4	m
(a)(19)	Intentional unauthorized purchase (1st off)	M	5	m
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	5	m
(a)(20)	Divulging trade secret (1st off)	M	4	m
(a)(20)	Divulging trade secret (2nd/subsq off)	M	4	m
(a)(21)	Failure to keep records (1st off)	M	2	m
(a)(21)	Failure to keep records (2nd/subsq off)	M	2	m
(a)(22)	Refusal of inspection (1st off)	M	2	m
(a)(22)	Refusal of inspection (2nd/subsq off)	M	2	m
(a)(23)	Unauthorized removal of seals	M	5	m
(a)(24)	Failure to obtain license (1st off)	M	2	m
(a)(24)	Failure to obtain license (2nd/subsq off)	M	2	m
(a)(25)	Manufacture by unauthorized party	M	5	m
(a)(26)	Distribution by registrant of Schedule I or II	M	5	m
(a)(27)	Use of fictitious registration number	M	5	m
(a)(28)	Furnish false application material	M	5	m
(a)(29)	Production of counterfeit trademarks equipment	M	5	m
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	13	3

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	5	2
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-PCP (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	6	2

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-MDMA (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	3	2
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	3	2
(a)(30)*	Possession with intent to deliver-Sched I	F	5	2
(a)(30)*	Possession with intent to deliver-Sched II	F	5	2
(a)(30)*	Possession with intent to deliver-Sched III	F	5	2
(a)(30)*	Possession with intent to deliver-Sched IV	F	5	2
(a)(30)*	Possession with intent to deliver-Sched V	M	3	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish)	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	1	m
(a)(32)	Possession-drug paraphernalia	M	1	m
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	4	m
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	3	m

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(34)	Place ad for sale of drug paraphernalia	M	1	m
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	5	2
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	5	2
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	5	2
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	5	2
(a)(36)	Possession w/ intent to deliver-designer drugs	F	5	2
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	4	m
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	4	m
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	9	2
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	7	1
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off)	M	2	m
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	2	m

\*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

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

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



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

m=other misdemeanor offense. See § 303.7(a)(5).

#### JUDICIAL CODE

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	2
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	1
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	2
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	1
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	2
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	1
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	2
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	1

#### VEHICLE LAW OFFENSES

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
[ 1543(a) ]	[ Drive w/ susp. lic. (2nd/subsq off) ]	[ M ]	[ 1 ]	[ m ]
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC $\geq$ 0.02%/or under influence of controlled subst. (2nd off)	M-3	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC $\geq$ 0.02%/or under influence of controlled subst. (3rd/subsq off)	M-1	3	m
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	1
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	m
3105(g)(2)	Unauth. operation of preemptive device	M-3	1	m
3367	Racing on highways (2nd/subsq off)	M	1	m
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	m
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	m
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	1
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	1	m
3732(a)*	Homicide by vehicle-w/DUI conviction & active work zone	F-3 <sup>1</sup>	10	1
3732(a)*	Homicide by vehicle-w/DUI conviction & conviction for 75-3325/75-3327	F-3 <sup>1</sup>	10	1
3732(a)*	Homicide by vehicle-w/ DUI conviction	F-3	8	1
3732(a)*	Homicide by vehicle-active work zone	F-3 <sup>1</sup>	8	1
3732(a)*	Homicide by vehicle-w/ conviction for 75-3325/75-3327	F-3 <sup>1</sup>	8	1
3732(a)*	Homicide by vehicle	F-3	6	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & active work zone	F-3 <sup>2</sup>	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & conviction for 75-3325/75-3327	F-3 <sup>2</sup>	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction	F-3	7	1
3732.1(a)*	Aggravated assault by vehicle-active work zone	F-3 <sup>2</sup>	7	1
3732.1(a)*	Aggravated assault by vehicle-w/ conviction for 75-3325/75-3327	F-3 <sup>2</sup>	7	1
3732.1(a)*	Aggravated assault by vehicle	F-3	5	1
3733(a)	Fleeing or eluding police officer	M-2	2	m
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	1
3735(a)	Homicide by vehicle while DUI	F-2	10	2
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	9	2
3742(a)	Accident involving death/personal injury-failure to stop (death)	F-2	9	[ 1 ] 2
3742(a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	5	1
3742(a)	Accident involving death/personal injury-failure to stop (injury)	M-1	3	m
3742.1(a)	Accident involving death/personal injury-not properly licensed (death)	F-3	6	1
3742.1(a)	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	1
3742.1(a)	Accident involving death/personal injury-not properly licensed	M-2	2	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3743(a)	Accident involving damage to attended vehicle or property	M-3	1	m
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i))			§ 303.7(a)
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	1	m
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	1	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd/subsq off)	M-2	3	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BII/SBI/death (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: accident w/BII/SBI/death (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BII/SBI/death (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BII/SBI/death (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BII/SBI/death (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant)	M-1	5	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	1	m
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	1	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1

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



<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(e)	DUI-minor driver (2nd off)	M	1	1
3802(e)	DUI-minor driver (3rd off)	M-1	5	1
3802(e)	DUI-minor driver (4th/subsq off)	M-1	5	1
3802(e)	DUI-minor driver (minor occupant)	M-1	5	1
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	1	m
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	1	1
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	6	1
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant)	M-1	5	1
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	1	m
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	1	1
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	6	1
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant)	M-1	5	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	m
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	M-1	7	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant)	M-1	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	1	m
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	1	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	M-1	7	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant)	M-1	5	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	1	m
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	1	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	M-1	7	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant)	M-1	5	1
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	m
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	1	m
3808(b)	Tampering with ignition interlock system-using/providing breath sample	M	1	m
6308(d)	Investigation by police officers-records	M-3	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6503.1	Habitual offenders	M-2	2	m
7111	Deal in titles/plates for stolen vehicles	M-1	3	m
7112	False report of theft or conversion of vehicle	M-3	1	m
7121	False application for title or registration	M-1	3	m
7122	Altered/forged/counterfeit title/plates	M-1	3	m
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	m
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	m

\*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

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

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

#### OMNIBUS ASSIGNMENTS

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

§ 303.16(a). Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/12
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-Inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine (50-<100 g)	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-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	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 Assault-Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone) Theft (>\$100,000) PWID Cocaine (10-<50 g)	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 Present Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	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-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>\$25,000-\$50,000) Arson-Endanger Property PWID Cocaine (2<5 g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary F2 Theft (>\$2000-\$25,000) Bribery PWID Marij (1<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/-3
	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/-3
	3 (M1)	Simple Assault-Attempt/Cause BI Theft (\$200-\$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/-3
LEVEL 1 RS	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st/2nd Offense) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/-3
	1 (M3)	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/-3

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

Key:

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

§ 303.16(b). Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder.

<i>Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree If [ Defendant ] Offender is Under Age 18 at the Time of the Offense and the Conviction Occurred After June 24, 2012</i>											
	OGS	Prior Record Score								Agg/Mit	
		0	1	2	3	4	5	RFEL	REVOC		
<i>Murder of 1st Degree [ * ]</i>											
Offender Age 15 to < 18	15	420-Life	456-Life	492-Life	552-Life	612-Life	672-Life	732-Life	LWOP	+/-60**	
Offender Age <15	15	300-Life	324-Life	348-Life	396-Life	444-Life	492-Life	540-Life	LWOP	+/-48**	
<i>Murder of 2nd Degree</i>											
Offender Age 15 to < 18	15	360-624	384-624	408-624	444-624	480-624	516-624	552-624	588-624	+/-36**	
Offender Age <15	15	240-588	252-588	264-588	288-588	312-588	336-588	360-588	384-588	+/-24**	

1. Murder of the 1st Degree also includes 1st Degree Murder of Unborn Child and 1st Degree Murder of Law Enforcement Officer
2. Murder of the 2nd Degree also includes 2nd Degree Murder of Unborn Child and 2nd Degree Murder of Law Enforcement Officer
3. LWOP = Life without Parole



4. The Offense Gravity Score (OGS) of 15 is assigned only for Murder 1 and Murder 2 when committed by offenders under age 18.

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

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

§ 303.17(a). **Deadly Weapon Enhancement/Possessed Matrix.**

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

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program(s) shall not exceed the guideline [ range ] ranges.
3. The mitigated recommendation is never less than three months (§ 303.10(a)).
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.17(b). **Deadly Weapon Enhancement/Used Matrix.**

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	~- 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
Level 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

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment [ program(s) ] program shall not exceed the guideline [ range ] ranges.
3. The mitigated recommendation is never less than [ three ] six months (§ 303.10(a)).
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(a). Youth Enhancement Matrix.

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

1. This enhancement may only be applied to violations of 35 P. S. § 780-113(a)(14) and (a)(30).
2. [ Level 4 indicates ] Levels 3 and 4 indicate restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than [ 6 ] six months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(b). School Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	72-102	78-108	84-114	90-120	96-126	108-138	120-150	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	48-78	54-84	60-90	66-96	72-102	84-114	96-120	120	+/-12
	10	34-60	42-66	48-72	54-78	60-84	72-96	84-108	120	+/-12
	9	24-48	30-54	36-60	42-66	48-72	60-84	72-96	120	+/-12
4	8	21-40	24-42	27-45	30-48	33-51	39-57	52-76	NA	+/-9
	7	18-38	21-40	24-42	27-45	30-48	36-54	47-69	NA	+/-6
	6	15-36	18-38	21-40	24-42	27-45	33-51	39-64	NA	+/-6
	5	12-33	13-36	15-38	18-40	21-40	24-42	36-60	NA	+/-3
	4	12-27	12-33	12-<36	15-38	18-40	21-40	33-54	NA	+/-3
	3	12-25	12-30	12-33	12-<36	15-38	18-40	24-42	NA	+/-3

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than [ 12 ] twelve months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

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

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

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. [ **Level 3 and** ] Level 4 [ **indicate** ] **indicates** restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than [ **18** ] **eighteen** months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

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