

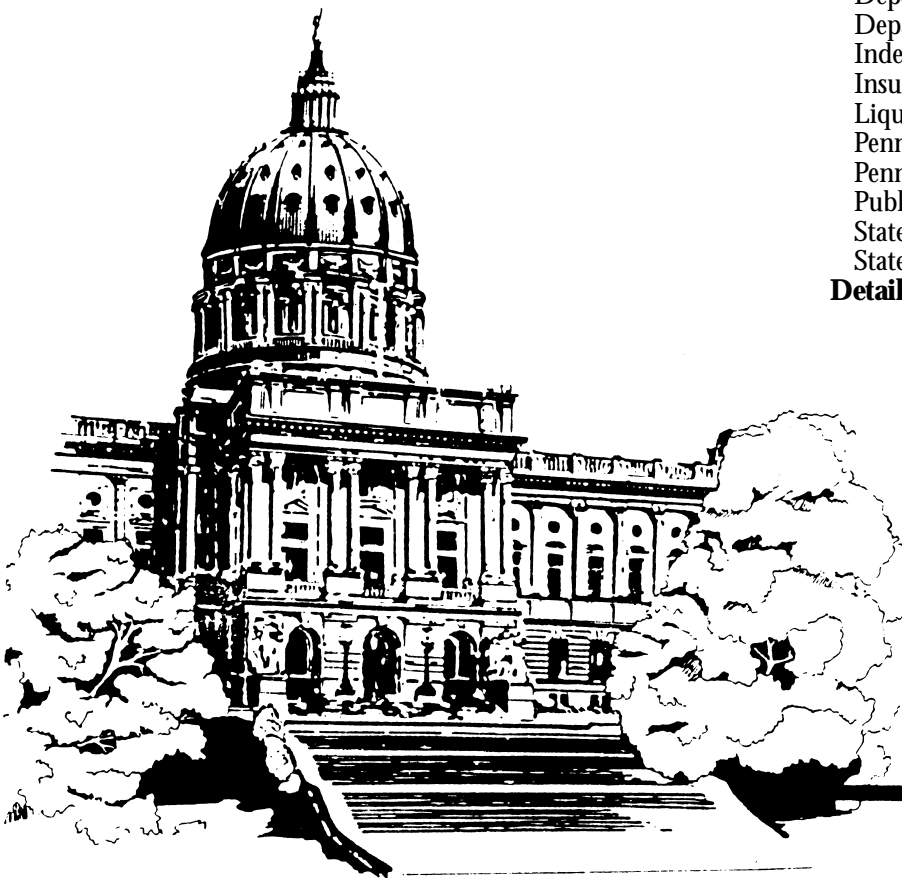
# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Bureau of Professional and Occupational Affairs  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Council on Aging  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Board of Education  
State Board of Nursing

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 359, October 2004**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 096 through 098</b>					
096	Oct 8	HB0237	PN0266	60 days	Mechanics' Lien Law of 1963 —waive by contractor
097	Oct 8	SB0346	PN1864	immediately*	Pennsylvania Election Code—omnibus amendments
098	Oct 8	SB1222	PN1820	immediately	Voting Standards Development Board—effect of standards in 2004 general election

\*denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 04-1910. Filed for public inspection October 22, 2004, 9:00 a.m.]

## PENNSYLVANIA COMMISSION ON SENTENCING

[204 PA. CODE CH. 303]

### Proposed Revisions to Sentencing Guidelines

The Pennsylvania Commission on Sentencing is hereby submitting proposed revisions to the sentencing guidelines for purposes of soliciting comments. Pursuant to 42 Pa.C.S. § 2155, prior to adoption of revised guidelines, the Commission is required to publish in the *Pennsylvania Bulletin* all proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford the following persons and organizations an opportunity to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization

- (v) Law School faculty members
- (vi) Pennsylvania Board of Probation and Parole
- (vii) Pennsylvania Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will be holding four public hearings to receive comments on the proposed revisions to the sentencing guidelines:

Lancaster \*      Lancaster County Courthouse, Room 502  
50 North Duke Street  
Lancaster, PA 17608  
Wednesday, December 1, 2004 at 2:00 p.m.

- Wilkes-Barre Luzerne County Courthouse, Courtroom  
#5 (2nd Floor)  
200 North River Street  
Wilkes-Barre, PA 18711  
*Thursday, December 2, 2004 at 2:00 p.m.*
- Butler Butler County Courthouse, Jury  
Assembly Room  
124 West Diamond Street  
Butler, PA 16001  
*Thursday, December 9, 2004 at 2:00 p.m.*
- Philadelphia The Union League, Lincoln Memorial  
Room  
140 South Broad Street  
Philadelphia, PA 19102  
*Tuesday, December 14, 2004 at 2:00 p.m.*

\* The Commission encourages individuals and organizations wishing to testify regarding the guideline recommendations for drug offenses and the use of treatment for drug dependant offenders to provide comments during the Lancaster hearing.

Persons who are testifying are asked to bring 30 copies of the written comments to the public hearing. Arrangements to testify may be made by contacting the Commission (Phone: 814.863.2797, Ext. 1; Fax: 814.863.2129; E-Mail: [CWD2@MAIL.PSU.EDU](mailto:CWD2@MAIL.PSU.EDU)) in advance of the hearing. Other written comments should be forwarded to the Commission's executive director: Mark H. Bergstrom, Executive Director, Pennsylvania Commission on Sentencing, P. O. Box 1200, State College, PA 16804-1200.

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

REPRESENTATIVE FRANK DERMODY,  
*Chair*

### Commentary on Annex A

#### *Reasons for Revisions to Sentencing Guidelines*

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

son for the revisions is that the Commission is required, pursuant to Act 2002-229, to provide a sentencing enhancement for the offense of homicide by vehicle when the violation occurs in an active work zone. A fourth and final reason for the proposed revisions is that the Commission seeks to clarify several issues raised by the appellate courts and relating to the sentencing guidelines, such as the definition of school zone for purposes of the Youth/School Enhancement and the use of a previous court-martial in the Prior Record Score calculation.

#### *Revisions to Section 303.1—Sentencing guidelines standards*

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

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

As required by statute, 42 Pa.C.S. § 9721(b), all courts must consider the guidelines when imposing sentences for felonies and misdemeanors. While this requirement to consider the guidelines has consistently been interpreted by the Commission to apply to the minor judiciary, the Commission has only required the completion and submission of guideline sentence forms, as required by 42 Pa.C.S. § 2153(a)(14), from courts of record. The Commission has proposed several changes to Section 303.1(c) to clarify this policy. Additionally, the current guidelines contain an inconsistency regarding the recording and reporting of reasons for aggravated or mitigated sentences. Section 303.13(c) requires the recording of such reasons, but Section 303.1(c) does not. This requirement has been added to Section 303.1(c). Finally, in January 2002 the Commission launched SGS Web, a JNET-based sentencing application that allows authorized users to prepare sentencing guidelines and submit completed forms electronically using the secure JNET infrastructure. The Commission notified all courts in February 2004 of a requirement that SGS Web be used to report all sentences beginning in January 2005. The Commission has proposed including language to this effect in Section 303.1(d) and (e).

#### *Revisions to Section 303.2—Procedures for determining the guideline sentence*

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

*Revisions to Section 303.3—Offense Gravity Score*

The standards contained in this section relate to the assignment of the Offense Gravity Score (OGS), which measures the seriousness of the current conviction offense. The OGS is the primary determinant of the sentencing guidelines recommendation. For controlled substances, the OGS assignment is generally based on the type and quantity or weight of the controlled substance. The 4th Edition (1994) sentencing guidelines introduced an exception for fraudulent prescriptions, in which the number of prescription pills rather than the weight of the pills would be used to determine the OGS assignment. The concern was that since only a small amount of the controlled substance was contained in each pill, the weight of the pills would over-estimate the seriousness of the offense. The Commission has proposed expanding this exception to two other sections of the Drug Act: Delivery by practitioner, 35 P.S. § 780-113(a)(14), and Possession with intent to deliver, 35 P.S. § 780-113(a)(30), but limiting the prescription pills exception in all three sections to narcotics.

*Revisions to Sections 303.4 through 303.8—Prior Record Score*

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

In the 4th Edition (1994) sentencing guidelines, the Commission established REVOC (Repeat Violent Offender Category) as the highest PRS category, for offenders with two or more previous convictions or adjudications for crimes of violence and whose current conviction is for an offense with an OGS of 9 or greater. REVOC was viewed as the sentencing guidelines equivalent of the 'three strikes' mandatory sentencing provision, since REVOC provided a recommendation for the longest minimum sentence permitted by statute. Under the 4th Edition sentencing guidelines, most offenses with an OGS of 9 or greater were considered crimes of violence. As the current and proposed sentencing guidelines assign an OGS of 9 or greater to offenses not considered crimes of violence, there is concern that the original focus of REVOC is being lost. The Commission has proposed modifying the definition of REVOC in Section 303.4(a)(1) to limit its application to offenders with a current conviction and two or more previous convictions or adjudications for crimes of violence.

In the 5th Edition (1997) sentencing guidelines, the Commission moved from transaction-based sentencing guidelines to offense-based sentencing guidelines. Under transaction-based guidelines, only the most serious offense of a previous transaction was included in the calculation of the PRS, and the PRS was only used to determine the sentence recommendation for the most serious offense of the current transaction. Under the offense-based guidelines, the presumption is that all previous convictions are included in the calculation of the PRS, and that the PRS is used to determine the sentence recommendation for each current offense. The exception to this 'everything counts' policy is a totally concurrent sentence. A conviction is considered totally concurrent if the sentence imposed did not increase the term of probation, intermediate punishment, partial or total confine-

ment of any sentence. The Commission has received numerous requests to simplify this policy, particularly since implementation is often hampered by missing or incomplete prior conviction and sentencing information, and further complicated by multi-jurisdiction sentencing and credit for time served. The Commission has proposed a streamlined policy in Section 303.5 that requires the most serious offense of each judicial proceeding to be included in the calculation of the PRS, and includes in the calculation any other offense from the judicial proceeding for which a consecutive sentence of confinement within the proceeding has been imposed. Consistent with the current policy, the PRS continues to be used to determine the sentence recommendation for each current offense. The Commission has also clarified the policy related to un-sentenced convictions, and specifically permits the court to consider at sentencing previous convictions or dispositions not counted in the calculation of the PRS.

In Section 303.7 the Commission has proposed several new PRS point assignments, based on expansion of the definition of crimes of violence, 42 Pa.C.S. § 9714(g), and the increase in the classification of certain offenses. Four point offenses are limited to: murder; attempt, solicitation or conspiracy to commit murder; completed crimes of violence, excluding inchoates; and ethnic intimidation to any Felony 1 offense. As a result of the comprehensive changes to the DUI statute, and the related reclassification of DUI offenses, the Commission has proposed assigning all but a first DUI one point in the PRS.

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

*Revisions to Sections 303.9 through 303.14—Guideline sentence recommendations*

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

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

In Section 303.11 the Commission has proposed expansion of the definitions of sentencing levels 3 and 4 to include offenses for which a mandatory minimum sentence to a county facility apply and for which an intermediate punishment sentence is authorized. While some offenses, such as DUI, may be assigned to lower sentenc-

ing levels due to the grade of the offense and the OGS assignment, the mandatory sentencing provision and the intermediate punishment eligibility are consistent with the general description of levels 3 and 4: standard range requires incarceration or restrictive intermediate punishment but in all cases permits incarceration in a county facility.

In Section 303.12 the Commission has proposed language consistent with statute.

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

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

*Revisions to Section 303.15—Offense listing*

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

*Revisions to Sections 303.16 through 303.18—Matrices*

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

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

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VIII. CRIMINAL SENTENCING**

**CHAPTER 303. SENTENCING GUIDELINES**

**§ 303.1. Sentencing guidelines standards.**

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

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

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

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

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

(d) In every case in which **[ the ] a court of record** imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where **[ the ] a court of record imposes an aggravated or mitigated sentence, or a sentence outside the sentencing guidelines, [ the court shall provide a contemporaneous written statement of ]** the reason or reasons for the deviation from **the standard range of** the guidelines **[. These reasons ]** shall be recorded on the Guideline Sentence Form, a copy of which **[ is forwarded ] shall be electronically transmitted** to the Pennsylvania Commission on Sentencing **in the manner described in § 303.1(e).**

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

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

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

(a) **For each conviction offense of a judicial proceeding, t[ T ]he procedure for determining the guideline sentence shall be as follows:**

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

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

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including Deadly Weapon Enhancement and Youth/School Enhancement (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

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

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

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

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

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

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

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

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

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

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa. C.S. § 2710) receive an Offense Gravity

Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score.

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

(1) Exception for prescription pills. The exception to subsection (e) above is for violations of 35 P. S. § 780-113 (a)(12) [ **(relating to fraudulent prescriptions)** ], **(a)(14), and (a)(30)** when **narcotic** prescription pills of Schedule II are involved. For such violations it is the number of pills rather than the amount of the controlled substance which is considered in determining the Offense Gravity Score. (See § 303.15.)

(f) Omnibus Offense Gravity Scores. The Omnibus Offense Gravity Score is applied when the offense is not otherwise listed in § 303.15, or when the grade of an offense listed in § 303.15 has changed, unless application of this section would result in a lower Offense Gravity Score for an increased grading of the offense. The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

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

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

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

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

(2) Repeat Felony 1 and Felony 2 Offender Category [RFEL]. Offenders who have previous convictions or adjudications for Felony 1 and/or Felony 2 offenses which total 6 or more in the prior record, and who do not fall within the Repeat Violent Offender Category, shall be classified in the repeat Felony 1 and Felony 2 Offender Category.

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

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

**[ (a) All prior convictions shall be counted in the Prior Record Score, except certain prior convictions from sentences described in (b).**

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

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

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

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

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

**(2) Any offense for which a sentence of partial or total 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 been imposed on an offense, the offense shall not be counted in the calculation of the Prior Record Score.**

**(d) Adequacy of the Prior Record Score. The court may consider at sentencing previous convictions or dispositions not counted in the calculation of the Prior Record Score, including but not limited to the following:**

**(1) A conviction for which no sentence has been imposed.**

**(2) Lapsed prior adjudications.**

**(3) Excluded offenses described in § 303.8(g).**

**(4) Previous convictions assigned no points in the calculation of the Prior Record Score.**

**(5) Previous convictions in excess of the maximum used in the calculation of the Prior Record Score.**

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

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

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

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

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

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

(1) All other juvenile adjudications not identified above in subsection (a) lapse and shall not be counted in the Prior Record Score if the offender was 28 years of age or older at the time the current offense was committed.

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

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

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

(1) *Four Point Offenses.* Four points are added for each prior conviction or adjudication for the following offenses: Murder, and attempt, solicitation or conspiracy to commit Murder

**[ Voluntary Manslaughter**

**Drug Delivery Resulting in Death**

**Aggravated Assault (causing serious bodily injury)**

**Kidnapping**

**Rape**

**Involuntary Deviate Sexual Intercourse**

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

**Burglary (adapted structure, person present)**

**Robbery (inflicts serious bodily injury)**

**Robbery of Motor Vehicle (inflicts serious bodily injury) ]**

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

Ethnic Intimidation to any Felony 1 offense

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

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

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

**[ Sexual Assault**

**Aggravated Indecent Assault ]**

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

(3) *Two Point Offenses.* Two points are added for each prior conviction or adjudication for the following offenses: All other Felony 2 offenses not listed in § 303.7 (a)(1) or (a)(2).

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

(4) *One Point Offenses.* One point is added for each prior conviction or adjudication for the following offenses: All other felony offenses not listed in § 303.7 (a)(1), (a)(2) or (a)(3).

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (**possession of a weapon**)

Prohibited Offensive Weapons

**Use or Possession of Electric or Electronic Inca-**

**pacitation Device**

Possession of Weapon on School Property  
 Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act Any of the following Misdemeanor 1 offenses that involve death or danger to children:

Involuntary Manslaughter  
 Simple Assault (against child **under 12 years of age** by adult **21 years of age or older**)  
 Luring a Child into a Vehicle  
 Indecent Assault ([ **involving minors** ] **complainant is less than 13 years of age**)  
 Indecent Exposure (persons **present are less than age 16 [ present ]**)  
 Endangering Welfare of Children  
 Dealing in Infant Children  
 Corruption of Minors (of a sexual nature)  
**Unlawful contact or communication with minor [ Homicide by Vehicle ]**

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

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses are designated by an "m" in the offense listing at § 303.15, and are scored as follows:

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

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

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

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

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

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

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

(d) *Former Pennsylvania offenses.*

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

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

When a prior conviction is for a crime which has a summary grade, and the grade of the conviction is unknown, the prior conviction shall not be counted in the Prior Record Score.

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

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

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

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

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

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

(1) Summary offenses, violations of local ordinances, **direct or indirect contempt of court, violation of protection from abuse orders,** and dispositions under Pa.R.Crim.P. Rules [ **175—186** ] **300—320** (relating to accelerated rehabilitative disposition), 35 P. S. § 780-117 (relating to probation without verdict) or 35 P. S. § 780-118 (relating to disposition in lieu of trial or criminal punishment) [ **, shall not be used in computing the Prior Record Score** ].

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

**(3) Any prior conviction which contributed to an increase in the grade of a subsequent conviction, except for prior Driving Under the Influence of Alcohol or Controlled Substance convictions. [shall not be used in computing the Prior Record Score. ]**

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

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

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



(c) *Youth/School Enhancement sentence recommendations.* If the court determines that an offender violated the drug act pursuant to § 303.10(b), 12 months shall be added to the lower limit of the standard range of the applicable sentencing matrix and 36 months shall be added to the upper limit of the standard range of the applicable sentencing matrix. The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score [OGS] and Prior Record Score [PRS].

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

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

(f) Alphabetic sentence recommendations. RS in the sentence recommendation, an abbreviation for Restorative Sanctions, suggests use of the least restrictive, non-confinement sentencing alternatives described in 42 Pa.C.S. § 9753 (determination of guilt without further penalty), § 9754 (order of probation) and § 9758 (fine), and include § 9763 (intermediate punishment) when limited to restorative sanction programs (see § 303.12(a)(5)). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision or amounts of fines for these non-confinement sentencing alternatives. RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

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

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

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

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

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the

DWE/Possessed Matrix (§ 303.17). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

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

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

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

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

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

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

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

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

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

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

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

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

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

(viii) Violations of the Pennsylvania Uniform Firearms Act

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

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

(b) *Youth/School Enhancement.*

(1) When the court determines that the offender either distributed a controlled substance to a person or persons under the age of 18 in violation of 35 P. S. § 780-114, or manufactured, delivered or possessed with intent to deliver a controlled substance within 1000 feet of **the real property on which is located** a public or private elementary or secondary school, the court shall consider the range of sentences described in § 303.9(c).

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

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

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

(a) *Purpose of sentence.* In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) *Sentencing levels.* The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.-Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. 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))

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

Partial confinement in a county facility

Restrictive Intermediate Punishments (see § 303.12(a) for eligibility criteria)

Restorative Sanctions (§ 303.9(f))

(3) Level 3—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or a Restrictive Intermediate Punishment [RIP], but in all case permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. **Included in Level 3 are those offenses for which a mandatory minimum sentence of less than 12 months applies and for which an 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)

Total confinement in a county facility under a state or county sentence (see 61 P. S. § 331.17).

Partial confinement in a county facility.

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

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

Total confinement in a county facility as a state offender. (see 61 P. S. § 331.17).

Restrictive Intermediate Punishment (see § 303.12.(a) for eligibility criteria)

(5) Level 5—Level 5 provides sentence recommendations for the most violent offenders and those with major drug convictions, such that the conviction has an Offense Gravity Score of 9 or greater or the standard range requires state incarceration in a state facility. The standard range in such a case is defined as having a lower limit of 30 months or greater. 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. 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)

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

(a) County intermediate punishment program.

(1) *Eligibility.*

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

37 Pa.Code § 451.1 et seq.

42 Pa.C.S. § 9729, § 9763, [ and ] § 9773 and Chapter 98.

[ 61 P. S. § 1101—§ 1114. ]

204 Pa.Code § 303.8 and § 303.9.

(i) Sentence recommendations which include an option of Restrictive Intermediate Punishments for certain offenders are designated as shaded cells in the guideline matrices.

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

(3) *Intermediate punishments classifications.* In order to incorporate intermediate punishment programs into the sentencing levels, the Commission has classified intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific intermediate punishment programs have been identified in legislation (42 Pa.C.S. §§ 9763(c) and 9804(b)) and regulation (37 Pa. Code § 451.52) as authorized sentences for conviction under 75 Pa.C.S. [ 3731(e) ] 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance); the Commission has classified these programs as [ q ] Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. **[ Restrictive Intermediate Punishments may be imposed only if the court has been granted sentencing authority by the Pennsylvania Commission on Crime and Delinquency (pursuant to 42 Pa.C.S. § 9729). ]** The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of offenders. All programs must meet the minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa. Code Chapter 451) for intermediate punishments.

(i) Restrictive Intermediate Punishments (RIP) either:

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

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

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

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

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

(iv) An offender assessed as not in need of drug or alcohol treatment may be placed in any approved Restrictive Intermediate Punishment program. Each day of

participation in a Restrictive Intermediate Punishment program or combination of programs shall be considered the equivalent of one day of total confinement for guideline sentence recommendations.

(v) The court may impose a [ q ] Qualified Restrictive Intermediate Punishment in lieu of incarceration for [ any ] certain convictions under 75 Pa.C.S. § [ 3731 ] 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance).

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

(i) Restorative sanction programs:

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

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

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

(6) Qualified Restrictive Intermediate Punishments. In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37 Pa. Code § 451[.52 (relating to sentencing restrictions for driving under the influence convictions) ], [ q ] Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 75 Pa.C.S. § [ 3731 ] 3802.

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

**1. house arrest with electronic surveillance; or**

**2. a partial confinement program such as work release, a work camp or a halfway facility.**

**B. house arrest and electronic monitoring combined with drug and alcohol treatment if the defendant is determined not to be in need of drug and alcohol treatment, a sentence to intermediate punishment may only include:**

**1. house arrest with electronic surveillance; or**

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

**3. any combination of Qualified Restrictive Intermediate Punishment programs.**

(b) *State Motivational Boot Camp.*

(1) Eligibility.

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: 61 P. S. § 1121—§ 1129

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

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

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

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

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

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

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

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months longer than the upper limit of the standard range.

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

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

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

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

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

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months shorter than the lower limit of the standard range.

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

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

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

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

(a) **Fines [ and restitution ].**

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

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

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

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

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

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

(2) A fine, within the limits established by law, shall be considered by the court when the offender is convicted of 35 P. S. § 780-113(a)(12), (14) or (30), and the drug involved is [ **2.5 or more grams of** ] any of the following: a controlled substance or counterfeit substance classified in Schedule I or II and which is a narcotic; phencyclidine, methamphetamine, or cocaine, including the isomers, salts, compounds, salts of isomers, or derivatives of phencyclidine, methamphetamine, or cocaine; or is **in excess of** one thousand pounds [ **or more** ] of marijuana. Such fine shall be of an amount that is at least sufficient to exhaust the assets utilized in, and the proceeds obtained by the offender from, the illegal possession, manufacture, or distribution of controlled substances. Such fine shall not include assets concerning which the attorney for the Commonwealth has filed a forfeiture petition or concerning which he has given notice to the court of his intent to file a forfeiture petition.

(3) Fines [ **and restitution** ] may be utilized as part of an intermediate punishment sentence or as a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

(b) **Costs and fees.**

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

(i) **18 Pa.C.S. § 1109 (relating to costs of any reward)**

(ii) **18 P. S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)**

(iii) **18 P. S. § 11.1102 (relating to costs of offender supervision programs)**

(iv) **42 Pa.C.S. § 1725 (relating to fees and charges)**

(v) **42 Pa.C.S. § 1725.1 (relating to costs)**

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

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

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

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

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

(c) **Restitution**

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

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

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

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

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

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

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

§ 303.15. Offense Listing.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
901	Criminal Attempt [INCHOATE]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal Solicitation [INCHOATE]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal Conspiracy [INCHOATE]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907 (a)	Possessing Instruments of Crime (criminal instruments)	M1	3	[ 1 ] m
907 (b)	Possessing Instruments of Crime (weapon)	M1	4	1
907 (c)	Possessing Instruments of Crime (unlawful body armor)	F3	5	1
908	Prohibited Offensive Weapons	M1	4	1
<b>908.1 (a)(1)</b>	<b>Use of electric or electronic incapacitation device (intent to commit felony)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
<b>908.1 (a)(1)</b>	<b>Use or possession of electric or electronic incapacitation device (no intent to commit felony)</b>	<b>M1</b>	<b>5</b>	<b>1</b>
<b>908.1 (a)(2)</b>	<b>Possess electric or electronic incapacitation device (intent to commit felony)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
<b>908.1 (a)(2)</b>	<b>Possess possession of electric or electronic incapacitation device (no intent to commit felony)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
909	Manufacture, Distribution or Possession of Master Key for Motor Vehicles	M1	3	m
910 (b)(1)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (first offense)	M1	[ 3 ] 4	m
910 (b)(2)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (second offense or 10-50 devices)	F3	[ 5 ] 6	1
<b>910 (b)(3)</b>	<b>Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (third or subsequent offense or more than 50 devices)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
911	Corrupt Organizations	F1	8	3
912	Weapon on School Property	M1	4	[ m ] 1
913 (a)(1)	Possession of Firearm or Other Dangerous Weapon in Court Facility	M3	1	m
913 (a)(2)	Possession of Firearm or Other Dangerous Weapon in Court Facility (intend for crime)	M1	3	[ m ] 1

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2102	Desecration of Flag	M3	1	m
2103	Insults to Flag	M2	2	m
2502 (a)	Murder, First Degree	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2502 (a) INCHOATE	- Attempt/Solicitation/Conspiracy [SBI] to First Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (a) INCHOATE	- Attempt/Solicitation/Conspiracy [No SBI] to First Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2502 (b)	Murder, Second Degree	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2502 (b) INCHOATE	- Attempt/Solicitation/Conspiracy [SBI] to Second Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (b) INCHOATE	- Attempt/Solicitation/Conspiracy [No SBI] to Second Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2502 (c)	Murder, Third Degree	F1	14	4
2502 (c) INCHOATE	- Attempt/Solicitation/Conspiracy [SBI] to Third Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (c) INCHOATE	- Attempt/Solicitation/Conspiracy [No SBI] to Third Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2503	Manslaughter, Voluntary	F1	11	4
2503 INCHOATE	- Attempt/Solicitation/Conspiracy to Voluntary Manslaughter	18 Pa.C.S. § 905	10	3
2504*	Manslaughter, Involuntary (when there is also a conviction for DUI arising from the same INCIDENT)	M1	8	1
2504*	Manslaughter, Involuntary (when there is not a conviction for DUI arising from the same INCIDENT)	M1	6	1
2504	Manslaughter, Involuntary (victim under 12 years)	F2	8	2
2505 (b)	Suicide, Aids or Solicits	F2	6	2
2505 (b)	Suicide, Aids or Solicits	M2	2	m
2506	Drug Delivery Resulting in Death	F1	13	4
2506 INCHOATE	- Attempt/Solicitation/Conspiracy to Drug Delivery Resulting in Death	18 Pa.C.S. § 905	12	3
<b>2604 (a)</b>	<b>Murder, First Degree, unborn child</b>	<b>Murder of the First Degree</b>	<b>18 Pa.C.S. § 1102(a)</b>	<b>4</b>
<b>2604 (a) INCHOATE</b>	<b>- Attempt/Solicitation/Conspiracy [ SBI ] to First Degree Murder of unborn child</b>	<b>18 Pa.C.S. § 1102(c)</b>	<b>14</b>	<b>4</b>
<b>2604 (a) INCHOATE</b>	<b>- Attempt/Solicitation/Conspiracy [ No SBI ] to First Degree Murder of unborn child</b>	<b>18 Pa.C.S. § 1102(c)</b>	<b>13</b>	<b>4</b>
<b>2604 (b)</b>	<b>Murder, Second Degree, unborn child</b>	<b>Murder of the Second Degree</b>	<b>18 Pa.C.S. § 1102(b)</b>	<b>4</b>
<b>2604 (b) INCHOATE</b>	<b>- Attempt/Solicitation/Conspiracy [ SBI ] to Second Degree Murder of unborn child</b>	<b>18 Pa.C.S. § 1102(c)</b>	<b>14</b>	<b>4</b>

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2604 (b) INCHOATE	- Attempt/Solicitation/Conspiracy [ No SBI ] to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2604 (c)	Murder, Third Degree, unborn child	F1	14	4
2604 (c) INCHOATE	- Attempt/Solicitation/Conspiracy [ SBI ] to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (c) INCHOATE	- Attempt/Solicitation/Conspiracy [ No SBI ] to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2605	Manslaughter, Voluntary, of unborn child	F1	11	4
2605 INCHOATE	- Attempt/Solicitation/Conspiracy to Voluntary Manslaughter of unborn child	18 Pa.C.S. § 905	10	3
2606*	Aggravated assault of unborn child (caused serious bodily injury)	F1	11	4
2606*	Aggravated assault of unborn child (attempted to cause serious bodily injury)	F1	10	3
2701	Simple Assault	M2	3	m
2701 (b)(1)	Simple Assault (mutual consent)	M3	1	m
2701 (b)(2)	Simple Assault (against child by adult)	M1	4	1
2702 (a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	11	4
2702 (a)(1)* INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI)	18 Pa.C.S. § 905	10	3
2702 (a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)	F1	10	3
2702 (a)(2)*	Aggravated Assault (causes serious bodily injury police, etc.)	F1	11	4
2702 (a)(2)* INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI to police, )	18 Pa.C.S. § 905	10	3
2702 (a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	3
2702 (a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2
2702 (a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2	8	2
2702 (a)(5)	Aggravated Assault ([ teacher ] teaching staff, etc.)	F2	6	2
2702 (a)(6)	Aggravated Assault (physical menace, fear of imminent SBI)	F2	6	2

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2702 (a)(7)	<b>Aggravated Assault (tear or noxious gas)</b>	F2	6	2
2703	Assault by Prisoner	F2	[ 6 ] 7	2
2703.1	<b>Aggravated harassment by prisoner</b>	F3	6	1
2704	<b>Assault by life prisoner</b>	<b>Murder of the Second Degree</b>	<b>18 Pa.C.S. § 1102(b)</b>	4
2704 INCHOATE	- Attempt/Solicitation/Conspiracy [ SBI ] to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	14	4
2704 INCHOATE	- Attempt/Solicitation/Conspiracy [ no SBI ] to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly Endangering Another Person	M2	3	m
2706	Terroristic Threats	M1	3	m
2706	<b>Terroristic threats (diverted from activities)</b>	F3	5	1
2707 (a)	Propulsion of Missiles into an Occupied Vehicle	M1	3	m
2707 (b)	Propulsion of Missiles onto a Roadway	M2	2	m
2707.1	<b>Discharge of firearm into an occupied structure</b>	F3	8	1
2708	Use of Tear Gas in Labor Dispute	M1	3	m
2709 (a)	<b>Harassment</b>	M3	1	m
2709.1 [ (b) ] (c)(1)	Stalking (first offense)	M1	3	m
2709.1 [ (b) ] (c)(2)	Stalking (second/subsequent offense or prior crime of violence)	F3	[ 5 ] 6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712	Assault on Sports Official	M1	3	m
2713 (a)(1)(2)	Neglect of Care-dependent Person(SBI)	F1	10	3
2713 (a)(1)(2)	Neglect of Care-dependent Person(BI)	M1	4	m
2714	<b>Unauthorized administration of intoxicant</b>	F3	8	1
2715 (b)(1)	<b>Threat to use weapons of mass destruction (reports or threatens)</b>	M1	3	m
2715 (b)(2)	<b>Threat to use weapons of mass destruction (diverted from activities)</b>	F3	5	1
2715 (b)(3)	<b>Threat to use weapons of mass destruction (during state of emergency)</b>	F2	7	2
2716 (a)	<b>Weapons of mass destruction (possession/first offense)</b>	F2	7	2

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



## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2716 (a)	<b>Weapons of mass destruction (possession/subsequent offense)</b>	F1	11	3
2716 (b)(1)	<b>Weapons of mass destruction (use/cause injury or illness)</b>	F1	13	3
2716 (b)(1)	<b>Weapons of mass destruction (use/results in death)</b>	Life	Life	4
2716 (b)(2)	<b>Weapons of mass destruction (damage/disrupt water, food)</b>	F1	13	3
2716 (b)(3)	<b>Weapons of mass destruction (evacuation)</b>	F1	13	3
2901	Kidnapping	F1	10	4
2901 INCHOATE	- Attempt/Solicitation/Conspiracy to Kidnapping	18 Pa.C.S. § 905	9	3
2902 (b)(1)	<b>Unlawful restraint (victim 18 yrs. or older)</b>	M1	3	m
2902 (b)(2)	<b>Unlawful restraint (victim under 18 years of age)</b>	F2	8	2
2903 (b)(1)	<b>False imprisonment (victim 18 yrs. or older)</b>	M2	2	m
2903 (b)(2)	<b>False imprisonment (victim under 18 years of age)</b>	F2	7	2
2904 (c)	Interference with the Custody of Children	F3	4	1
2904 (c)(1)	Interference with the Custody of Children	F2	6	2
2904 (c)(2)	Interference with the Custody of Children	M2	2	m
2905	Interference w/Custody of Committed Persons	M2	4	m
2906	Criminal Coercion	M1	3	m
2906	Criminal Coercion	M2	2	m
2907	Disposition of Ransom	F3	5	1
2909	Concealment of Whereabouts of a Child	F3	4	1
2910	Luring a Child into a Motor Vehicle	M1	5	1
3121 (a)	Rape	F1	12	4
3121 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	11	3
3121 (b)	<b>Rape (uses substance to impair victim)</b>	F1	13	4
3121 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	12	3
3121 (c)	<b>Rape (child &lt; 13 yrs.)</b>	F1	14	4
3121 (c) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3121 (d)	<b>Rape (child &lt; 13 yrs., sbi)</b>	F1	14	4

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3121 (d) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3122.1	Statutory Sexual Assault	F2	7	2
3123 (a)	Involuntary Deviate Sexual Intercourse	F1	12	4
3123 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	11	3
<b>3123 (b)</b>	<b>Involuntary Deviate Sexual Intercourse (child &lt; 13 yrs.)</b>	<b>F1</b>	<b>14</b>	<b>4</b>
3123 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
<b>3123 (c)</b>	<b>Involuntary Deviate Sexual Intercourse (child &lt; 13 yrs., sbi)</b>	<b>F1</b>	<b>14</b>	<b>4</b>
3123 (c) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
3124.1	Sexual Assault	F2	11	[ 3 ] 4
<b>3124.1 INCHOATE</b>	<b>- Attempt/Solicitation/Conspiracy to Sexual Assault</b>	<b>18 Pa.C.S. § 905</b>	<b>11</b>	<b>3</b>
<b>3124.2</b>	<b>Institutional sexual assault</b>	<b>F3</b>	<b>5</b>	<b>1</b>
3125 (a)	Aggravated Indecent Assault	F2	10	[ 3 ] 4
<b>3125 (b)</b>	<b>Aggravated Indecent Assault (child)</b>	<b>F1</b>	<b>10</b>	<b>4</b>
<b>3125 INCHOATE</b>	<b>- Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault</b>	<b>18 Pa.C.S. § 905</b>	<b>10</b>	<b>3</b>
3126 (a)(1)—(6), (8)	Indecent Assault	M2	4	m
3126 (a)(7)	Indecent Assault [ (involving minors) ](child < 13 years)	M1	5	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
<b>3129</b>	<b>Sexual intercourse with animal</b>	<b>M2</b>	<b>2</b>	<b>m</b>
3301(a)*	Arson Endangering Persons (where a person is inside the structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	10	4
3301 (a)* INCHOATE	- Attempt/Solicitation/Conspiracy to Arson Endangering Persons (person inside or bodily injury results)	18 Pa.C.S. § 905	9	3
3301(a)*	Arson Endangering Persons (where no person is inside the structure when the fire is started and no bodily injury results either directly or indirectly, at the scene of the fire)	F1	9	3

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3301(c)	Arson, Endangering Property	F2	6	2
3301(d)	Arson, Reckless Burning	F3	5	1
3301(e)	Arson, Failure to Report	M1	3	m
3301(f)	Arson, Possess Explosive Material	F3	5	1
3301(g)	Arson, Disclosure of True Owner	M3	1	m
3302(a)	Catastrophe, Causing	F1	10	3
3302(a)	Catastrophe, Recklessly Causing	F2	6	2
3302(b)	Catastrophe, Risking	F3	4	1
3303	Failure to Prevent Catastrophe	M2	2	m
3304	Criminal Mischief (over \$5,000)	F3	5	1
3304	Criminal Mischief (over \$1,000)	M2	2	m
3304	Criminal Mischief (over \$500)	M3	1	m
3304	Criminal Mischief (over \$150 under (a)(4))	M3	1	m
3305	Tampering w/Fire Hydrants	M3	1	m
3307	Institutional Vandalism (over \$5,000)	F3	5	1
3307	Institutional Vandalism	M2	2	m
3309	Agricultural Vandalism (over \$5,000)	F3	5	1
3309	Agricultural Vandalism (over \$1,000)	M1	3	m
3309	Agricultural Vandalism (over \$500)	M2	2	m
3309	Agricultural Vandalism (\$500 or less)	M3	1	m
<b>3310</b>	<b>Agricultural crop destruction</b>	<b>F2</b>	<b>7</b>	<b>2</b>
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense any person is present)	F1	9	4
3502* INCHOATE	- Attempt/Solicitation/Conspiracy to Burglary (structure adapted for overnight accommodation, person present)	18 Pa.C.S. § 905	8	3
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1	7	3
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1	6	3
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2	5	2
3503 (a)(1)(ii)	Trespass, Criminal	F2	4	2
3503 (a)(1)(i)	Trespass, Criminal	F3	3	1
3503 (b)(1)(i)—(iv)	Trespass, Defiant ( <b>notice against trespass given</b> )	M3	1	m

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3503 (b)(1)(v)	Trespass, Defiant (notice given by official or law enforcement)	M1	3	m
3503(b.2)(1)(i)	Trespass, Agricultural (posted)	M3	1	m
3503 (b.2)(1)(ii)	Trespass, Agricultural (defies order)	M2	3	m
3504 (a)	Railroad protection, railroad vandalism, etc. (damage to railroad, etc.)	M3	1	m
3504 (b)	Railroad protection, railroad vandalism, etc. (stowaways prohibited)	M3	1	m
3701 (a)(1)(i)	Robbery (inflicts serious bodily injury)	F1	12	4
3701 (a)(1)(i)	- Attempt/Solicitation/Conspiracy to Robbery (SBI)	18 Pa.C.S. § 905	11	3
3701 (a)(1)(ii) INCHOATE	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	3
3701 (a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	9	3
3701 (a)(1)(iv)	Robbery (threatens or inflicts bodily injury or intentionally puts him in fear of immediate bodily injury)	F2	7	2
3701 (a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3	5	1
3702*	Robbery or Motor Vehicle (inflicts serious bodily injury)	F1	12	4
3702* INCHOATE	- Attempt/Solicitation/Conspiracy to Robbery of a Motor Vehicle (SBI)	18 Pa.C.S. § 905	11	3
3702*	Robbery of a Motor Vehicle (does not inflict serious bodily injury)	F1	9	3
3921	Theft by Unlawful Taking or Disposition (during disaster or <b>firearm</b> )	F2	<b>[ 7 ] 8</b>	2
3921*	Theft by Unlawful Taking or Disposition (over \$100,000)	F3	8	1
3921*	Theft By Unlawful Taking or Disposition (over \$50,000 to \$100,000)	F3	7	1
3921*	Theft By Unlawful Taking or Disposition (over \$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition (over \$2,000 to \$25,000, or if the property is <b>an [ firearm, ]</b> automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3921	Theft by Unlawful Taking or Disposition (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3921	Theft by Unlawful Taking or Disposition (\$200 to \$2,000)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$50 to less than \$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition (less than \$50)	M3	1	m
<b>3922</b>	<b>Theft by Deception (firearm)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
3922*	Theft by Deception (over \$100,000)	F3	8	1
3922*	Theft By Deception (over \$50,000 to \$100,000)	F3	7	1
3922*	Theft By Deception (over \$25,000 to \$50,000)	F3	6	1
3922*	Theft by Deception (over \$2,000 to \$25,000, or if the property is an [ <b>firearm,</b> ] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3922	Theft by Deception (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3922	Theft by Deception (\$200 to \$2,000)	M1	3	m
3922	Theft by Deception (\$50 to less than \$200)	M2	2	m
3922	Theft by Deception (less than \$50)	M3	1	m
<b>3923</b>	<b>Theft by Extortion (firearm)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
3923*	Theft by Extortion (over \$100,000)	F3	8	1
3923*	Theft by Extortion (over \$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion (over \$25,000 to \$50,000)	F3	6	1
3923*	Theft by Extortion (over \$2,000 to \$25,000, or if the property is an [ <b>firearm,</b> ] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3923	Theft by Extortion (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	4	m
3923	Theft by Extortion (\$200 to \$2,000)	M1	4	m
3923	Theft by Extortion (\$50 to less than \$200)	M2	2	m
3923	Theft by Extortion (less than \$50)	M3	1	m
<b>3924</b>	<b>Theft by Property Lost, Mislaid, or Delivered by Mistake (firearm)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$100,000)	F3	8	1

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

## CRIMES CODE OFFENSES

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

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

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3926*	Theft of Services (over \$100,000)	F3	8	1
3926*	Theft of Services (over \$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services (over \$25,000 to \$50,000)	F3	6	1
3926*	Theft of Services (over \$2,000 to \$25,000, or if the property is an <b>[ firearm, ]</b> automobile, airplane, motorcycle, motor-boat, or other motor-propelled vehicle)	F3	5	1
3926	Theft of Services (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3926	Theft of Services (\$200 to \$2,000)	M1	3	m
3926	Theft of Services (\$50 to less than \$200)	M2	2	m
3926	Theft of Services (less than \$50)	M3	1	m
3926 (e)	Theft of Services (sale\transfer of device for diversion of services)	M3	1	m
<b>3927</b>	<b>Theft by Failure to Make Required Disposition of Funds Received (firearm)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$100,000)	F3	8	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$50,000 to \$100,000)	F3	7	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$25,000 to \$50,000)	F3	6	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$2,000 to \$25,000, or if the property is an <b>[ firearm, ]</b> automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3927	Theft by Failure to Make Required Disposition of Funds Received (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$200 to \$2,000)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received(\$50 to less than \$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received (less than \$50)	M3	1	m

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3928	Unauthorized Use of Auto (during disaster)	F2	[ 7 ] 8	2
3928	Unauthorized Use of Auto	M2	2	m
3929	Theft, Retail (during disaster)	F2	[ 7 ] 8	2
3929	Theft, Retail (> \$2,000, firearm, motor veh.)	F3	5	1
3929	Theft, Retail (third or subsequent conviction)	F3	3	1
3929	Theft, Retail (first or second offense, \$150 or more)	M1	2	m
3929	Theft, Retail (second offense, less than \$150)	M2	2	m
3929.1	Library Theft (3rd; subsequent offense)	F3	5	1
3929.1	Library Theft (1st; 2nd over \$150)	M1	3	m
3929.1	Library Theft (2nd less than \$150)	M2	2	m
<b>3929.2</b>	<b>Unlawful possession of retail or library theft instruments</b>	<b>M1</b>	<b>3</b>	<b>m</b>
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (over \$2,000 [ or if the property is a firearm, automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle ])	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$200 to \$2,000)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$50 to less than \$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions (less than \$50)	M3	1	m
<b>3932</b>	<b>Theft by Leased Property (firearm)</b>	<b>F2</b>	<b>8</b>	<b>2</b>
3932*	Theft of Leased Property (over \$100,000)	F3	8	1
3932*	Theft of Leased Property (over \$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property (over \$25,000 to \$50,000)	F3	6	1

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

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

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



## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3932*	Theft of Leased Property (over \$2,000 to \$25,000, or if property is an <b>[ firearm, ]</b> automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3932	Theft of Leased Property (\$2,000 or less from person or by threat or in breach of fiduciary obligation)	M1	3	m
3932	Theft of Leased Property (\$200 to \$2,000)	M1	3	m
3932	Theft of Leased Property (\$50 to less than \$200)	M2	2	m
3932	Theft of Leased Property (less than \$50)	M3	1	m
<b>[ 3933 (a)(1) ]</b>	<b>[ Unlawful Use of Computer ]</b>	<b>[ F3 ]</b>	<b>[ 5 ]</b>	<b>[ 1 ]</b>
<b>[ 3933 (a)(2)(3) ]</b>	<b>[ Unlawful Use of Computer ]</b>	<b>[ M1 ]</b>	<b>[ 3 ]</b>	<b>[ m ]</b>
<b>3934 (b)(1)(i)</b>	<b>Theft from a motor vehicle (less than \$50)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>3934 (b)(1)(ii)</b>	<b>Theft from a motor vehicle (\$50 or more but less than \$200)</b>	<b>M2</b>	<b>2</b>	<b>m</b>
<b>3934 (b)(1)(iii)</b>	<b>Theft from a motor vehicle (greater than \$200)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
<b>3934 (b)(2)</b>	<b>Theft from a motor vehicle (third/subseq. in 5 yrs.)</b>	<b>F3</b>	<b>6</b>	<b>1</b>
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m
4102	Simulating Antiques	M1	3	m
4103	Fraudulent Destruction of Recordable Instruments	F3	5	1
4104 (a)	Tampering with Records or Identification	M1	3	m
4105 (c)(1)(ii)	Bad Checks (\$200 - < \$500)	M3	1	m
4501 (c)(1)(iii)	Bad Checks (\$500 - < \$1,000)	M2	2	m
4105 (c)(1)(iv)	Bad Checks (\$1,000 - < \$75,000)	M1	3	m
4105 (c)(1)(v)	Bad Checks (\$75,000 or more)	F3	5	1
4105 (c)(2)	Bad Checks (3rd or subseq./< \$75,000)	M1	3	m
4105 (c)(2)	Bad Checks (3rd or subseq./\$75,000 or more)	F3	5	1
<b>4106 (c)(1)(i)</b>	<b>[ Credit Cards (more than \$500) ] Access device fraud (\$500 or more)</b>	F3	<b>[ 3 ] 5</b>	1
<b>4106 (c)(1)(ii)</b>	<b>[ Credit Cards ] Access device fraud (\$50 or more but less than \$500)</b>	<b>[ M2 ] M1</b>	<b>[ 2 ] 4</b>	m

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4106 (c)(1)(iii)	Access device fraud (less than \$50)	M2	3	m
4106 (c)(3)	Access device fraud (provide counterfeit device)	F3	5	1
4106 (c)(4)	Access device fraud (possess counterfeit device)	M3	2	m
4106.1 (a)(1)	Unlawful device-making equipment (produce/traffic equipment)	F3	6	1
4106.1 (a)(2)	Unlawful device-making equipment (possess equipment)	M1	4	m
4107 (a.1)(1)(i)	Deceptive or Fraudulent Business Practices (> \$2,000)	F3	5	1
4107 (a.1)(1)(ii)	Deceptive or Fraudulent Business Practices (\$200 - \$2,000)	M1	3	m
4107 (a.1)(1)(iii)	Deceptive or Fraudulent Business Practices (< \$200)	M2	2	m
4107 (a.1)(1)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained)	M2	2	m
4107 (a.1)(3)(i)	Deceptive or Fraudulent Business Practices (> \$2,000; victim 60 yrs.+)	F2	7	2
4107 (a.1)(3)(ii)	Deceptive or Fraudulent Business Practices (\$200 - \$2,000; victim 60 yrs. +)	F3	5	1
4107 (a.1)(3)(iii)	Deceptive or Fraudulent Business Practices (< \$200; victim 60 yrs. +)	M1	3	m
4107 (a.1)(3)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained; victim 60 yrs. +)	M1	3	m
4107.1	Deception Relating to Kosher Foods	M3	1	m
4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	F3	4	1
4108	Commercial Bribery and Breach of Duty	M2	2	m
4109	Rigging Public Contest	M1	3	m
4110	Defrauding Secured Creditors	M2	2	m
4111	Fraud in Insolvency	M2	2	m
4112	Receiving Deposits; Failed Institution	M2	2	m
4113	Misapplication of Entrusted Property (over \$50)	M2	2	m
4113	Misapplication of Entrusted Property (\$50 or less)	M3	1	m
4114	Securing Execution of Documents by Deception	M2	2	m
4115	Falsely Impersonating Persons Privately Employed	M2	2	m

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4116 (g)(1)	Copying; Recording Devices (100 or more motion picture devices or 1,000 or more sound recording devices)	F3	5	1
4116 (g)(1)	Copying; Recording Devices (second or subsequent conviction at time of sentencing)	F2	7	2
4116 (g)(2)	Copying; Recording Devices (any other violation)	M1	3	m
4116 (g)(2)	Copying; Recording Devices (any other violation; second or subsequent conviction at time of sentencing)	F3	5	1
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (first violation)	M1	3	m
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (second or subsequent conviction at time of sentencing)	F3	4	1
4117 (a)	Insurance Fraud	F3	4	1
4117 (b)	Insurance Fraud	M1	3	m
4118	Washing titles [vehicles]	F3	4	1
4119 (c)(1)	Trademark Counterfeiting	M1	3	m
4119 (c)(2)	Trademark Counterfeiting	F3	5	1
4119 (c)(3)	Trademark Counterfeiting	F2	7	2
<b>4120 (c)(1)(i)</b>	<b>Identity theft (total value &lt; \$2000)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
<b>4120 (c)(1)(ii)</b>	<b>Identity theft (total value \$2000 or more)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>4120 (c)(1)(iii)</b>	<b>Identity theft (criminal conspiracy, any amount)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>4120 (c)(1)(iv)</b>	<b>Identity theft (third/subsequent offense)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
<b>4120 (c)(2)(i)</b>	<b>Identity theft (victim 60 yrs or older, total value &lt; \$2000)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>4120 (c)(2)(ii)</b>	<b>Identity theft (victim 60 yrs or older, total value \$2000 or more)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
<b>4120 (c)(2)(iii)</b>	<b>Identity theft (victim 60 yrs or older, criminal conspiracy, any amount)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
<b>4120 (c)(2)(iv)</b>	<b>Identity theft (victim 60 yrs or older, third/subsequent offense)</b>	<b>F1</b>	<b>8</b>	<b>3</b>
4301	Bigamy	M2	3	m
4302	Incest	F2	[ 7 ] 9	[ 2 ] 4
<b>4302 INCHOATE</b>	<b>- Attempt/Solicitation/Conspiracy to Incest</b>	<b>18 Pa.C.S. § 905</b>	<b>9</b>	<b>3</b>
4303	Concealing Death of Child	M1	3	m
4304	Endangering Welfare of Children	M1	5	1

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4304	Endangering Welfare of Children (course of conduct)	F3	6	1
4305	Dealing in Infant Children	M1	4	1
4701	Bribery, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	M2	2	m
4703	Retaliation for Past Official Action	M2	2	m
4902	Perjury	F3	5	1
4903 (a)	False Swearing	M2	2	m
4903 (b)	False Swearing	M3	1	m
4904 (a)	Unsworn Falsification to Authorities	M2	2	m
4904 (b)	Unsworn Falsification to Authorities	M3	1	m
4905 (b)	False Alarms to agencies of public safety (causes a false alarm)	M1	3	m
4905 (b)	False Alarms to agencies of public safety (during a state of emergency)	F3	5	1
4906 (a)	False Reports to Law Enforcement [ Officials ] Authorities (falsely incriminating another)	M2	2	m
4906 (a)	False Reports to Law Enforcement [ Officials ] Authorities (during a state of emergency)	[ M2 ] M1	[ 2 ] 3	m
4906 (b)	False Reports to Law Enforcement [ Officials ] Authorities (fictitious reports)	M3	1	m
4906 (b)	False Reports to Law Enforcement [ Officials ] Authorities (fictitious reports during a state of emergency)	[ M3 ] M2	[ 1 ] 2	m
4909	Witness Taking Bribe	F3	5	1
4910	Tampering with Physical Evidence	M2	2	m
4911	Tampering w/Public Records or Information	F3	4	1
4911	Tampering w/Public Records or Information	M2	2	m
4912	Impersonating a Public Servant	M2	2	m
4913	Impersonating Notary Public	M1	3	m
4914	False identification to law enforcement authorities	M3	1	m
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1	11	3

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4952	<b>Intimidation of Witnesses or Victims (listed factor(s) and most serious charged offense is F2)</b>	F2	9	2
4952	Intimidation of Witnesses or Victims <b>(any other case in which actor sought to influence or intimidate)</b>	F3	7	1
4952	Intimidation of Witnesses or Victims <b>(any other obstruction or interference)</b>	M2	5	m
4953	Retaliation Against Witness or Victim	F3	8	1
4953	Retaliation Against Witness or Victim	M2	5	m
<b>4953.1 (b)(1)–(5)</b>	<b>Retaliation against prosecutor or judicial officer (listed circumstances)</b>	<b>F2</b>	<b>9</b>	<b>2</b>
<b>4953.1 (b)</b>	<b>Retaliation against prosecutor or judicial officer (all other circumstances)</b>	<b>M1</b>	<b>6</b>	<b>m</b>
5101	Obstructing Justice	M2	3	m
5102	Obstruction of Justice by Picketing	M2	2	m
5103	Unlawfully Listening to Jury Deliberations	M3	1	m
5104	Resisting Arrest	M2	2	m
5105	Apprehension, Hindering (if conduct liable to be charged is F1 or F2)	F3	4	1
5105	Apprehension, Hindering	M2	2	m
5107	Aiding Consummation of Crime (of F1/F2)	F3	5	1
5107	Aiding Consummation of Crime	M2	2	m
5108	Compounding	M2	2	m
5109	Barratry	M3	1	m
5110	Contempt of General Assembly	M3	1	m
5111	Dealing in Proceeds of Unlawful Activities	F1	8	3
<b>5112</b>	<b>Obstructing emergency services</b>	<b>M3</b>	<b>1</b>	<b>m</b>
5121 (d)(1)(i)(ii)(iii)*	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3	5	1
5121 (d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3	6	1
5121 (d)(2)	Escape	M2	3	m
5122 (a)(1)	<b>Weapons or implements for escape</b> (providing to inmate)	M1	8	m
5122 (a)(2)	<b>Weapons or implements for escape</b> (possessed by inmate)	M1	4	m

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
<b>[ 5122 (a)(3) ]</b>	<b>[ Weapons or Implements for Escape (tools) ]</b>	<b>[ M2 ]</b>	<b>[ 3 ]</b>	<b>[ m ]</b>
5123 (a)	Contraband (provide controlled substance to confined person)	F2	7	2
5123 (a.2)	Contraband (possession of controlled substance by confined person)	<b>[ M1 ] F2</b>	<b>[ 3 ] 7</b>	<b>[ m ] 2</b>
5123 (b)	Contraband (money)	M3	1	m
5123 (c)	Contraband (other)	M1	3	m
<b>5123 (c.1)</b>	<b>Contraband (telecommunication devices to inmates)</b>	<b>M1</b>	<b>5</b>	<b>m</b>
<b>5123 (c.2)</b>	<b>Contraband (possession of telecommunication devices by inmates)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
5124	Default in Required Appearance	F3	4	1
5124	Default in Required Appearance	M2	2	m
5125	Absconding Witness	M3	1	m
5126	Avoiding Apprehension	F3	5	1
5126	Avoiding Apprehension	M2	2	m
5301	Official Oppression	M2	2	m
5302	Speculating on Official Action	M2	2	m
5501	Riot	F3	4	1
5502	Failure to Disperse	M2	2	m
5503	Disorderly Conduct	M3	1	m
<b>[ 5504 ]</b>	<b>[ Harassment by Communication ]</b>	<b>[ M3 ]</b>	<b>[ 1 ]</b>	<b>[ m ]</b>
5506	Loitering and Prowling	M3	1	m
5507	Obstructing Highways	M3	1	m
5508	Disrupting Meetings	M3	1	m
5509	Desecration of Venerated Objects	M2	2	m
5510	Abuse of Corpse	M2	3	m
5511 (a)(1)	Cruelty to Animals	M2	3	m
5511 (a)(2)	Cruelty to Animals	F3	5	1
5511 (a)(2.1)(i)	Cruelty to Animals ( <b>killing, maiming, poisoning</b> )	<b>[ M2 ] M1</b>	3	m
5511 (a)(2.1)(ii)	Cruelty to Animals	F3	5	1
<b>5511 (e.1)</b>	<b>Cruelty to Animals (transporting equine animals in cruel manner (2nd/subseq.))</b>	<b>M3</b>	<b>1</b>	<b>m</b>
5511 (h.1)	Cruelty to Animals (animal fighting)	F3	5	1
<b>5511.2 (a)</b>	<b>Police animals (illegal to taunt)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>5511.2 (b)</b>	<b>Police animals (illegal to torture)</b>	<b>F3</b>	<b>7</b>	<b>1</b>
<b>5511.3</b>	<b>Assault with biological agents on animals, fowl or honey bees</b>	<b>F2</b>	<b>7</b>	<b>2</b>

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18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5512	Lotteries	M1	3	m
5513	Gambling Devices	M1	3	m
5514	Pool Selling and Bookmaking	M1	3	m
5515	Prohibiting Paramilitary Training	M1	3	m
<b>5516 (b)</b>	<b>Facsimile weapons of mass destruction (manufacture, sells, etc.)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>5517</b>	<b>Unauthorized school bus entry</b>	<b>M3</b>	<b>1</b>	<b>m</b>
5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications	F3	5	1
5705	Possession, Sale, Distribution, Manufacture or Advertisement of Interception Devices	F3	5	1
5719	Unlawful Use of Intercepted Communications	M2	2	m
5771	Pen Register and Trap and Trace Devices ( <b>general prohibition on use of certain devices and exception</b> )	M3	1	m
5901	Open Lewdness	M3	1	m
5902 [ (a) ] (a.1)(1)	Prostitution ( <b>first/second offense</b> )	M3	1	m
<b>5902 (a.1)(2)</b>	<b>Prostitution (third offense)</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>5902 (a.1)(3)</b>	<b>Prostitution (fourth/subsequent offense)</b>	<b>M1</b>	<b>4</b>	<b>m</b>
5902 [ (a)(b)(d)(e) when (a.1),(c)(v) or (e.1) applies ] (a.1)(4)	Prostitution [ <b>and Related Offenses</b> ] (HIV or AIDS related)	F3	[ 5 ] 7	1
5902 [ (b)(d) when (c)(1)(i)(ii)(iv) applies ] (c)(1)	<b>Promoting Prostitution [ and Related Offenses ]</b>	F3	5	1
5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3	8	1
5902 [ (b) ] (c)(2)	<b>Promoting Prostitution</b>	M2	3	m
5902 [ (e) ] (e.1)(1)	Patronizing Prostitutes ( <b>first/second offense</b> )	M3	1	m
<b>5902 (e.1)(2)</b>	<b>Patronizing Prostitutes (third offense)</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>5902 (e.1)(3)</b>	<b>Patronizing Prostitutes (fourth/subsequent offense)</b>	<b>M1</b>	<b>4</b>	<b>m</b>
<b>5902 (e.1)(4)</b>	<b>Patronizing Prostitutes (HIV/AIDS)</b>	<b>F3</b>	<b>7</b>	<b>1</b>
5903	Obscene Materials	M1	3	m

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## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5903	Obscene Materials [ (subsequent offense) ]	F3	5	1
<b>5903</b>	<b>Obscene Materials</b>	<b>F2</b>	<b>7</b>	<b>2</b>
5904	Public Exhibition of Insane or Deformed Person	M2	2	m
6105*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (loaded)	[ M1 ] F2	[ 5 ] 9	[ 1 ] 2
6105*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (unloaded)	[ M1 ] F2	[ 4 ] 7	[ 1 ] 2
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible; loaded or ammunition in possession or control of defendant)	F3	[ 5 ] 9	1
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible; unloaded and ammunition not in possession or control of defendant)	F3	[ 4 ] 7	1
<b>6106 (a)(2)*</b>	<b>Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
<b>6106 (a)(2)*</b>	<b>Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant)</b>	<b>M1</b>	<b>3</b>	<b>1</b>
6107	Prohibited Conduct during Emergency	M1	3	1
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (loaded or ammunition in possession or control of defendant)	M1	5	1
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6110.1 (a)	Possession of Firearm by Minor	M1	3	1
6110.1 (c)	Possession of Firearms by Minor (responsibility of adult)	F3	7	1
<b>6110.2*</b>	<b>Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
<b>6110.2*</b>	<b>Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)</b>	<b>M1</b>	<b>3</b>	<b>1</b>
6111 (g)(1)	Sale or Transfer of Firearms	M2	2	m

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

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

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



## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6111 (g)(2)(3)(3.1)(4)	Sale or Transfer of Firearms [ <b>(to ineligible; unlawful request for criminal history; false statements) ]</b>	F3	5	1
6111 (h)	Sale or Transfer of Firearms(subsequent)	F2	7	2
6112	Retail Dealer Required to be Licensed	M1	3	1
6113	Licensing of Dealers	M1	3	1
6115	Loans, Lending, Giving Firearms Prohibited	M1	3	1
6116	False Evidence of Identity	M1	3	1
6117	Altering Marks of Identification	F2	7	2
6121	Certain Bullets Prohibited	F3	5	1
6122	Proof of License	M1	3	1
6161	Carrying Explosives	M2	3	m
6162	Shipping Explosives	M3	3	m
6301 (a)(1)*	Corruption of Minors (when of a sexual nature)	M1	5	m
6301 (a)(1)*	Corruption of Minors	M1	4	1
6301 (a)(2)	Corruption of Minors (second violation of truancy in year)	M3	1	m
6302	Sale or Lease of Weapons	M1	4	m
6303	Sale of Starter Pistols	M1	4	m
6304	Sale of Air Rifles	M3	1	m
6306	Furnish Cigarettes to Minors (3rd and subsequent offenses)	M3	1	m
6307	Misrepresentation of Age to Secure Alcohol (subsequent offense)	M3	1	m
6309	Representing that Minor is of Age	M3	1	m
6310	Inducement of Minors to Buy Liquor	M3	1	m
6310.1	Selling Liquor to Minors	M3	1	m
6310.2	Manufacture or Sale of False ID	M2	2	m
6310.3	Carrying False ID (subsequent offense)	M3	1	m
6311	Tattooing [ <b>(a minor) ] and body piercing (first offense)</b>	M3	1	m
<b>6311</b>	<b>Tattooing and body piercing (second/subsequent offense within one year)</b>	<b>M2</b>	<b>2</b>	<b>m</b>
6312 (b)	Sexual Abuse of Children [ <b>(taking photos) ] (photographing, etc.)</b>	F2	7	2
6312 (c)	Sexual Abuse of Children [ <b>(selling photos) ] (dissemination, etc.; first offense)</b>	F3	6	1

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6312 (c)	<b>Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)</b>	F2	8	2
6312 (d)	Possession of Child Pornography (first offense)	F3	5	1
6312 (d)	<b>Possession of Child Pornography (second/subsequent offense)</b>	F2	8	2
6318	<b>Unlawful contact or communication with minor (if underlying offense is less than M1)</b>	M1	3	1
6318	<b>Unlawful contact or communication with minor (if underlying offense is M1 or greater)</b>	same as underlying offense	same as underlying offense	same as underlying offense
6319 (a)	<b>Solicitation of minors to traffic drugs (general provision)</b>	F2	9	2
6319 (b)	<b>Solicitation of minors to traffic drugs (drug-free school zone)</b>	F1	10	3
6320	<b>Sexual exploitation of children</b>	F2	9	2
6501 (a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	m
6501 (a)(3)	Scattering Rubbish (1st. offense)	M2	2	m
6501 (a)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6504	Public Nuisances	M2	2	m
6703	Military Decorations	M3	1	m
6707	False Registration of Domestic Animals	M3	1	m
6709	Use of Union Labels	M3	1	m
6901	Extension of Water Line	M3	1	m
6910	Unauthorized Sale of Tickets	M3	1	m
7102	Drugs to Race Horses	M1	3	m
7103	Horse Racing	M3	1	m
7104	Fortune Telling	M3	1	m
7107	Unlawful Actions by Athlete Agents	M1	3	m
7302 (a)	Sale of Solidified Alcohol	M2	2	m
7302 (b)	Labeling of Solidified Alcohol	M1	3	m
7303	Sale or Illegal Use of Solvents	M3	1	m
7306	Incendiary Devices	M1	3	m
7307	Out of State Convict Made Goods	M2	2	m
7308	Unlawful Advertising of Insurance Business	M2	2	m
7309	Unlawful Coercion in Contracting Insurance	M1	3	m
7310	Furnishing Free Insurance	M3	1	m
7311	Unlawful Collection Agency Practices	M3	1	m

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

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7312	Debt Pooling	M3	1	m
7313	Buying Food Stamps (>\$1,000)	F3	5	1
7313	Buying Food Stamps (<\$1,000 )	M1	3	m
7314	Fraudulent Traffic in Food Orders (>\$1,000)	F3	5	1
7314	Fraudulent Traffic in Food Orders (<\$1,000)	M1	3	m
7316	Keeping Bucket-Shop	M3	1	m
7317	Accessories, Bucket-Shop	M3	1	m
7318	Maintaining Bucket-Shop Premises	M3	1	m
7319	Bucket-Shop Contracts	M3	1	m
7321	Lie Detector Tests	M2	2	m
7322	Demanding Property to Secure Employment	M3	1	m
7323	Discrimination on Account of Uniform	M2	2	m
7324	Unlawful Sale of Dissertations, Thesis, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m
7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
<b>7507.1</b>	<b>Invasion of privacy (single violation)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>7507.1</b>	<b>Invasion of privacy (more than one violation)</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>7509 (a)</b>	<b>Furnishing drug-free urine (unlawful sale or attempt)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>7509 (b)</b>	<b>Furnishing drug-free urine (use or attempt)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>7510 (b)(1)</b>	<b>Municipal housing code avoidance (4th conviction)</b>	<b>M2</b>	<b>2</b>	<b>m</b>
<b>7510 (b)(2)</b>	<b>Municipal housing code avoidance (5th or subsequent conviction)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
<b>7512</b>	<b>Criminal use of communication facility</b>	<b>F3</b>	<b>5</b>	<b>1</b>
<b>7515</b>	<b>Contingent compensation</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>7516</b>	<b>Greyhound racing</b>	<b>M1</b>	<b>3</b>	<b>m</b>
<b>7611</b>	<b>Unlawful use of a computer</b>	<b>F3</b>	<b>7</b>	<b>1</b>
<b>7612</b>	<b>Disruption of computer service</b>	<b>F3</b>	<b>7</b>	<b>1</b>
<b>7613</b>	<b>Computer theft</b>	<b>F3</b>	<b>7</b>	<b>1</b>
<b>7614 (b)(1)</b>	<b>Unlawful duplication (value of \$2,500 or less)</b>	<b>F3</b>	<b>5</b>	<b>1</b>

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

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

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7614 (b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7624 (1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624 (2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624 (3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1
7661 (b)(1)	Unlawful transmission of electronic mail (value of less than \$2,500)	M3	1	m
7661 (b)(2)	Unlawful transmission of electronic mail (damage/reckless disregard, value of \$2,500 or greater)	M1	5	m
7661 (b)(3)	Unlawful transmission of electronic mail (damage/malicious act, value of \$2,500 or greater)	F3	7	1
	Offenses not otherwise listed [OMNIBUS]	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

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

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

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

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

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

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

<b>18 P. S. §</b>	<b>OFFENSE TITLE</b>	<b>STATUTORY CLASS</b>	<b>§ 303.3 OFFENSE GRAVITY SCORE</b>	<b>§ 303.7 PRIOR RECORD POINTS</b>
<b>1.4 (b)</b>	<b>Altered or illegally obtained property (disposition of vehicle)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
11.101—11.5102	CRIME VICTIMS ACT			
<b>11.1303</b>	<b>False claim for victim compensation</b>	<b>M3</b>	<b>2</b>	<b>m</b>

<b>35 P. S. §</b>	<b>OFFENSE TITLE</b>	<b>STATUTORY CLASS</b>	<b>§ 303.3 OFFENSE GRAVITY SCORE</b>	<b>§ 303.7 PRIOR RECORD POINTS</b>
6018.101— 6018.1002	SOLID WASTE MANAGEMENT ACT			
	Knowingly Transports, etc. Hazardous Waste Without Permit	F1	9	1
	Transports, etc. Hazardous Without Permit	F2	7	2
	Violation of Act; [ DER ] DEP Order, etc.	M3	1	m
691.1—691.1001	CLEAN STREAMS LAW Violation of Act; [ DER ] DEP Order	M3	1	m
4001—4015	AIR POLLUTION CONTROL ACT			
	Knowingly Releases Hazardous Air Pollutant	F1	9	1
	Violation of Act; [ DER ] DEP Order	M2	2	m
	Negligently Releases Hazardous Air Pollution	M3	1	m
721.1—721.17	SAFE DRINKING WATER ACT			
	Knowingly Introduces Contaminant Into Public Water	M1	3	m
	Violation of Act; [ DER ] DEP Order	M3	1	m

**DRUG ACT OFFENSES**

<b>35 P. S. § 780-113(a)</b>	<b>DESCRIPTION</b>	<b>STATUTORY CLASS</b>	<b>§ 303.3 OFFENSE GRAVITY SCORE</b>	<b>§ 303.7 PRIOR RECORD POINTS</b>
(1)	Manufacture/Sale/Delivery of Adulterated Drug	M	4	m
(2)	Adulteration of Controlled Substance	M	4	m
(3)	False Advertisement	M	4	m
(4)	Removal of Detained Substance	M	5	m
(5)	Adulteration of Sellable Controlled Substance	M	4	m
(6)	Forging ID Under Act	M	5	m
(7)	Defraud Trademark	M	5	m
(8)	Selling Defrauded Trademark	M	5	m
(9)	Having Equipment to Defraud	M	5	m

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

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

## DRUG ACT OFFENSES

	35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(10)		Illegal Sale of Nonproprietary Drug	M	4	m
(11)		Illegal Pharmacy Operations	M	5	m
(12)*		Acquisition of Controlled Substance by Fraud:			
		<b>Heroin (&gt; 1,000g)</b>	F	<b>13</b>	<b>3</b>
		<b>Heroin (100g to 1000g)</b>	F	<b>11</b>	<b>3</b>
		<b>Heroin (50g to &lt; 100g)</b>	F	<b>10</b>	<b>3</b>
		<b>Heroin (10g to &lt; 50g)</b>	F	<b>8</b>	<b>2</b>
		<b>Heroin (1g &lt; 10 g)</b>	F	<b>7</b>	<b>2</b>
		<b>Heroin (&lt; 1g)</b>	F	<b>6</b>	<b>2</b>
		<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
		<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
		<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to < 100g)	F	10	3
		<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to < 50g)	F	8	2
		Other Narcotics of Schedule I an II, Cocaine, PCP, Methamphetamine (2.5g to < 10g)	F	7	2
		Other Narcotics of Schedule 1 and II, Cocaine, PCP, Methamphetamine (< 2.5g)	F	6	2
		<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (&gt; 1000 pills)</b>	F	<b>[ 5 ] 10</b>	<b>[ 2 ] 3</b>
		<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - &lt; 1000 pills)</b>	F	<b>[ 5 ] 7</b>	<b>2</b>
		<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - &lt; 100 pills)</b>	F	<b>5</b>	<b>2</b>
		<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - &lt; 50 pills)</b>	F	<b>[ 5 ] 3</b>	<b>2</b>
		<b>Narcotic Prescription Pills of Schedule II ( &gt; 100 pills)(including OxyContin, Percocet)</b>	F	<b>10</b>	<b>3</b>
		<b>Narcotic Prescription Pills of Schedule II (51-100 pills)(including OxyContin, Percocet)</b>	F	<b>9</b>	<b>2</b>
		<b>Narcotic Prescription Pills of Schedule II (21-50 pills)(including OxyContin, Percocet)</b>	F	<b>8</b>	<b>2</b>

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

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

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

## DRUG ACT OFFENSES

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

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

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

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

## DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - &lt; 1000 pills)</b>	F	[ 5 ] 7	2
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - &lt; 100 pills)</b>	F	5	2
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - &lt; 50 pills)</b>	F	[ 5 ] 3	2
	<b>Narcotic Prescription Pills of Schedule II (&gt; 100 pills)(including OxyContin, Percocet)</b>	F	10	[ 2 ] 3
	<b>Narcotic Prescription Pills of Schedule II (51 - 100 pills)(including OxyContin, Percocet)</b>	F	9	2
	<b>Narcotic Prescription Pills of Schedule II (21 - 50 pills)(including OxyContin, Percocet)</b>	F	8	2
	<b>Narcotic Prescription Pills of Schedule II (1 - 20 pills)(including OxyContin, Percocet)</b>	F	6	2
	<b>Marijuana (1000 lbs. or greater or 5,000 or more live plants)</b>	F	[ 8 ] 10	[ 2 ] 3
	<b>Marijuana (50 lbs. to &lt; 1000 lbs. [ or greater ] or 51 to &lt; 5,000 [ or more ] live plants)</b>	F	8	2
	<b>Marijuana (10 lbs. to &lt; 50 lbs. or 21 to &lt; 51 live plants)</b>	F	7	2
	<b>Marijuana (1 lb. to &lt; 10 lbs. or 10 to &lt; 21 live plants)</b>	F	5	2
	<b>Marijuana (&lt; 1 lb. or &lt; 10 live plants)</b>	F	3	2
	<b>Schedule I and II Drugs not listed (including GHB, LSD)</b>	F	5	2
	<b>Schedule III and IV Drugs</b>	F	5	2
	<b>Schedule V Drugs</b>	M	3	m
(15)	<b>Illegal Retail Sale</b>	M	4	m
(16)	<b>Simple Possession</b>	M	3	m
(17)	<b>Dispensing of Drugs Without Label</b>	M	4	m
(18)	<b>Illegal Sale Container</b>	M	4	m
(19)	<b>Intentional Unauthorized Purchase</b>	M	5	m
(20)	<b>Divulging Trade Secret</b>	M	4	m
(21)	<b>Failure to Keep Records</b>	M	2	m
(22)	<b>Refusal of Inspection</b>	M	2	m
(23)	<b>Unauthorized Removal of Seals</b>	M	5	m
(24)	<b>Failure to Obtain License</b>	M	2	m
(25)	<b>Manufacture by Unauthorized Party</b>	M	5	m

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

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

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



## DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(26)	Distribution by Registrant of Controlled Substance	M	5	m
(27)	Use of Fictitious Registration Number	M	5	m
(28)	False Application Material	M	5	m
(29)	Production of Counterfeit Trademarks	M	5	m
(30)*	Possession With Intent to Deliver (PWID):			
	<b>Heroin (&gt; 1,000g)</b>	F	<b>13</b>	<b>3</b>
	<b>Heroin (100g to 1000g)</b>	F	<b>11</b>	<b>3</b>
	<b>Heroin (50g to &lt; 100g)</b>	F	<b>10</b>	<b>3</b>
	<b>Heroin (10g to &lt; 50g)</b>	F	<b>8</b>	<b>2</b>
	<b>Heroin (1g to &lt; 10g)</b>	F	<b>7</b>	<b>2</b>
	<b>Heroin (&lt; 1g)</b>	F	<b>6</b>	<b>2</b>
	<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to < 100g)	F	10	3
	<b>[ Heroin, ]</b> Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to < 50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to < 10g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (< 2.5g)	F	6	2
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (&gt;1000 pills)</b>	F	<b>[ 5 ] 10</b>	<b>[ 2 ] 3</b>
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - &lt; 1000 pills)</b>	F	<b>[ 5 ] 7</b>	<b>2</b>
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - &lt; 100 pills)</b>	F	<b>5</b>	<b>2</b>
	<b>MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - &lt; 50 pills)</b>	F	<b>[ 5 ] 3</b>	<b>2</b>
	<b>Narcotic Prescription Pills of Schedule II (&gt; 100 pills)(including OxyContin, Percocet)</b>	F	<b>10</b>	<b>[ 2 ] 3</b>
	<b>Narcotic Prescription Pills of Schedule II (51 - 100 pills)(including OxyContin, Percocet)</b>	F	<b>9</b>	<b>2</b>

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

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

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

## DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Narcotic Prescription Pills of Schedule II (21 - 50 pills)(including OxyContin, Percocet)</b>	F	8	2
	<b>Narcotic Prescription Pills of Schedule II (1 - 20 pills)(including OxyContin, Percocet)</b>	F	6	2
	<b>Marijuana (1000 lbs. or greater or 5,000 or more live plants)</b>	F	[ 8 ] 10	[ 2 ] 3
	<b>Marijuana (50 lbs. to &lt; 1000 lbs. [ or greater ] or 51 to &lt; 5,000 [ or more ] live plants)</b>	F	8	2
	<b>Marijuana (10 lbs. to &lt; 50 lbs. or 21 to &lt; 51 live plants)</b>	F	7	2
	<b>Marijuana (1 lb. to &lt; 10 lbs. or 10 to &lt; 21 live plants)</b>	F	5	2
	<b>Marijuana (&lt; 1 lb. or &lt; 10 live plants)</b>	F	3	2
	<b>Schedule I and II Drugs not listed (including GHB, LSD)</b>	F	5	2
	<b>Schedule III and IV Drugs</b>	F	5	2
	<b>Schedule V Drugs</b>	M	3	m
(31)	<b>Small Amount of Marijuana</b>	M	1	m
(32)	<b>Possession of Paraphernalia</b>	M	1	m
(33)	<b>PWID Paraphernalia (no minor)</b>	M	3	m
(33)	<b>PWID Paraphernalia (minor w/Conditions)</b>	M2	4	m
(34)	<b>Ad for Drug Paraphernalia</b>	M	1	m
(35)	<b>Illegal Sale of Non controlled Substance</b>	F	[ 6 ] 5	2
(36)	<b>Designer Drugs</b>	F	5	2
(37)	<b>Possession of Steroids</b>	M	4	m
35 P. S. § 780-113.1 (a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	<b>Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas)</b>	M	3	m
(2)	<b>Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas with intent to manufacture controlled substance))</b>	F	5	2
(3)	<b>Liquefied Ammonia Gas; Precursors and Chemicals (possessing red phosphorous, etc.)</b>	F	5	2

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

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

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

## DRUG ACT OFFENSES

35 P. S. § 780-113.1 (a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Offenses not otherwise listed [OMNIBUS]	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

## JUDICIAL CODE

42 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4583.1 (b)(1)	Aggravated jury tampering (most serious offense submitted for deliberation is F1 or Murder 1 or Murder 2)	F1	11	3
4583.1 (b)(2)	Aggravated jury tampering (most serious offense submitted to jury is F2)	F2	9	2
4583.1 (b)(3)	Aggravated jury tampering (any other violation)	F3	7	1
4732 (a)	DNA database, disclosure prohibition (disclose to unauthorized person)	M1	3	m
4732 (b)	DNA database, disclosure prohibition (obtain without authorization)	M1	3	m
[ 9793 (e) ]	[ Failure to Register (sexually violent offenses) ]	[ F3 ]	[ 6 ]	[ 1 ]
[ 9795 (d) ]	[ Failure to Register (sexually violent predator) ]	[ F3 ]	[ 6 ]	[ 1 ]
9795.2 (d)(1)	Failure to register (10-year registration)	F3	6	1
9795.2 (d)(2)	Failure to register (lifetime registration)	F1	8	3
9796 (e)(1)	Failure to [ Register ] verify residence (10-year registration)	F3	6	1
9796 (e)(2)	Failure to verify residence (lifetime registration)	F1	8	3

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

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

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

## VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
1543 (1.1)(ii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence; 2nd offense)	M3	1	m
1543 (1.1)(iii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence, 3rd/subseq. offense)	M1	3	m
1571 (a)(5)	Violations concerning licenses (exhibit or cause altered driver's license)	M1	3	m
1571 (a.1)	Violations concerning licenses (employees and agents issuing altered driver's license)	F3	5	1
3712	Abandonment/Stripping of Vehicles	M3	1	m
[ 3731 ]	[ Driving Under the Influence (1st conviction in 7 years) (MANDATORY MINIMUM=48 HOURS) ]	[ M2 ]	[ 2 ]	[ m ]
[ 3731 ]	[ Driving Under the Influence (2nd conviction in 7 years) (MANDATORY MINIMUM=30 DAYS) ]	[ M2 ]	[ 2 ]	[ m ]
[ 3731 ]	[ Driving Under the Influence (3rd conviction in 7 years) (MANDATORY MINIMUM=90 DAYS) ]	[ M1 ]	[ 3 ]	[ 1 ]
[ 3731 ]	[ Driving Under the Influence (4th/subseq. conviction in 7 years) (MANDATORY MINIMUM=1 YEAR) ]	[ M1 ]	[ 3 ]	[ 1 ]
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident; <b>occurs in active work zone</b> )	[ M1 ] F3	[ 8 ] 10	1
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident)	[ M1 ] F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident; <b>occurs in active work zone</b> )	[ M1 ] F3	[ 6 ] 8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	[ M1 ] F3	6	1
3733	Fleeing or Aluding Police	M2	2	m
3735	Homicide by Vehicle while DUI (MANDATORY MINIMUM=3 YEARS)	F2	[ 8 ] 10	2

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

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

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

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3735.1	Aggravated Assault by Vehicle while DUI	F2	7	2
3742 (b)(1)	Accident Involving Death or Personal Injury (failure to stop)	M1	3	m
3742 (b)(2)	Accident Involving Death or Personal Injury (resulting in SBI) (MANDATORY MINIMUM= 90 DAYS)	F3	5	1
3742 (b)(3)	Accident Involving Death or Personal Injury (resulting in death) (MANDATORY MINIMUM=1 YEAR)	F3	6	1
3742.1 (b)(1)	Accident involving death or personal injury <b>while not properly licensed [ license suspended ]</b>	M2	2	m
<b>[ 3742.1 (b)(1) ]</b>	<b>[ Accident Involving Death or Personal Injury (no license issued) ]</b>	<b>[ M3 ]</b>	<b>[ 1 ]</b>	<b>[ m ]</b>
3742.1 (b)(2)*	Accident involving death or personal injury <b>while not properly licensed [ (SBI, license suspended) ]</b> (SBI)	F3	<b>[ 4 ] 5</b>	1
3742.1 (b)(2) *	Accident involving death or personal injury <b>while not properly licensed [ (death, no license issued) ] (death)</b>	F3	<b>[ 5 ] 6</b>	1
<b>[ 3742.1 (b)(2) * ]</b>	<b>[ Accident Involving Death or Personal Injury (SBI, license suspended) ]</b>	<b>[ M1 ]</b>	<b>[ 3 ]</b>	<b>[ m ]</b>
<b>[ 3742.1 (b)(2) * ]</b>	<b>[ Accident Involving Death or Personal Injury (death, no license issued) ]</b>	<b>[ M1 ]</b>	<b>[ 4 ]</b>	<b>[ m ]</b>
3743	Accident Involving Damage to Attended Vehicle	M3	1	m
<b>3802</b>	<b>Driving under influence of alcohol or controlled substance (DUI)</b>			
<b>3802 (a)(1)</b>	<b>DUI (incapable of safe driving; first offense)</b>	<b>M</b>	<b>1</b>	<b>m</b>
<b>3802 (a)(1)</b>	<b>DUI (incapable of safe driving; second offense)</b>	<b>M</b>	<b>1</b>	<b>1</b>
<b>3802 (a)(1)</b>	<b>DUI (incapable of safe driving; third/subsequent offense)</b>	<b>M2</b>	<b>3</b>	<b>1</b>
<b>3802 (a)(1)</b>	<b>DUI (refuse testing; first offense)</b>	<b>M</b>	<b>1</b>	<b>m</b>
<b>3802 (a)(1)</b>	<b>DUI (refuse testing; second offense)</b>	<b>M1</b>	<b>5</b>	<b>1</b>
<b>3802 (a)(1)</b>	<b>DUI (refuse testing; third/subsequent offense)</b>	<b>M1</b>	<b>5</b>	<b>1</b>
<b>3802 (a)(1)</b>	<b>DUI (accident; first offense)</b>	<b>M</b>	<b>1</b>	<b>m</b>

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

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

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

## VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3802 (a)(1)	DUI (accident; second offense)	M	1	1
3802 (a)(1)	DUI (accident; third offense)	M1	5	1
3802 (a)(1)	DUI (accident; fourth/subsequent offense)	M1	5	1
3802 (a)(2)	DUI (BAC .08 - <.10; first offense)	M	1	m
3802 (a)(2)	DUI (BAC .08 - <.10; second offense)	M	1	1
3802 (a)(2)	DUI (BAC .08 - <.10; third/subsequent offense)	M2	3	1
3802 (b)	DUI (BAC .10 - <.16; first offense)	M	1	m
3802 (b)	DUI (BAC .10 - <.16; second offense)	M	1	1
3802 (b)	DUI (BAC .10 - <.16; third offense)	M1	5	1
3802 (b)	DUI (BAC .10 - <.16; fourth/subsequent offense)	M1	5	1
3802 (c)	DUI (BAC .16+; first offense)	M	1	m
3802 (c)	DUI (BAC .16+; second offense)	M1	5	1
3802 (c)	DUI (BAC .16+; third/subsequent offense)	M1	5	1
3802 (d)	DUI (controlled substance; first offense)	M	1	m
3802 (d)	DUI (controlled substance; second offense)	M1	5	1
3802 (d)	DUI (controlled substance; third/subsequent offense)	M1	5	1
3802 (e)	DUI (under 21 years of age; first offense)	M	1	m
3802 (e)	DUI (under 21 years of age; second offense)	M	1	1
3802 (e)	DUI (under 21 years of age; third offense)	M1	5	1
3802 (e)	DUI (under 21 years of age; fourth/subsequent offense)	M1	5	1
3802 (f)	DUI (commercial/school vehicle; first offense)	M	1	m
3802 (f)	DUI (commercial/school vehicle; second offense)	M	1	1
3802 (f)	DUI (commercial/school vehicle; third offense)	M1	5	1
3802 (f)	DUI (commercial/school vehicle; fourth/subsequent offense)	M1	5	1
3808	Ignition interlock			
3808 (a)(2)	Ignition interlock (illegally operate vehicle not equipped; BAC .025 or greater)	M3	1	m
3808 (b)	Ignition interlock (tampering with ignition interlock system)	M3	1	m

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

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

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

## VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7102	Falsify Vehicle Identification	M1	3	m
7102	Falsify Vehicle Identification	M3	1	m
7103	Deal in Vehicles with Removed Identification	F3	5	1
7103	Deal in Vehicles with Removed Identification	M3	1	m
7111	Deal in Stolen Plates	M1	3	m
7112	False Report of Theft or Vehicle Conversion	M3	1	m
7121	False Application for Title/Registration	M1	3	m
7122	Altered or Forged Title or Plates	M1	3	m
7132	Prohibited Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7133	Permissible Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7134	Odometer Disclosure Requirement (1st or subsequent offense, subchapter D)	F3	4	1
7135	Odometer Mileage Statement (1st or subsequent offense, subchapter D)	F3	4	1
7136	Conspiracy to Violate (1st or subsequent offense, subchapter D)	F3	4	1
7137	Violation of Unfair Trade Practices (1st or subsequent offense, subchapter D)	F3	4	1
7752(b)	Unauthorized Disposition of Forms	M3	1	m
8306(b)	Willful Violations	M3	1	m
8306(c)	Subsequent Willful Violations	M2	2	m
	Offenses not otherwise listed [OMNIBUS]:	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

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

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

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

§ 303.16. Basic Sentencing Matrix.

		Prior Record Score									
Level	OGS	Example Offenses	0	1	2	3	4	5	RFEL	REVOG	AGG/MIT
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder/SBI Rape (child <13 years)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	-/- 12
	13	Inchoate Murder/no SBI Weapons (mass destr./injury) PWID Cocaine, etc. (>1,000 gms)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape IDSI Robbery (SBI)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt (SBI) Voluntary Manslaughter Sexual Assault PWID Cocaine, etc. (100-1,000 gms)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg. Indecent. Asslt Agg Asslt (att. SBI) Arson (person inside) Hom. by veh.(DUI & work zone) PWID Cocaine, etc. (50-<100 gms)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual exploitation of children Robbery (F1/F2) Burglary (home/person) Arson (no person inside)	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar RIP trade	8 [F1]	Agg Asslt (BI w/DW) Agg Asslt (att. BI w/DW) Identity theft (60 yrs., 3rd off.) Hom. by veh.(DUI or work zone) Theft (>\$100,000) PWID Cocaine, etc. (10-<50 gms)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty Incar RIP trade	7 [F2]	Robbery (inflicts/threatens BI) Burglary (home/ no person) Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity theft (3rd off.) PWID Cocaine, etc. (2.5-<10 gms)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
	6	Agg. harassment by prisoner Hom. by vehicle Burglary (not home/person) Theft (>\$25,000-\$50,000) Arson (property) PWID Cocaine, etc. (<2.5 gms)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5 [F3]	Burglary (not home/no person) Theft (>\$2000-\$25,000) DUI (M1) PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-18 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent assault Forgery (money, stocks) Weapon on school property Crim Trespass (breaks in)	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 [M1]	Simple Assault Theft (\$200-\$2000) DUI (M2) Drug Poss.	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 [M2]	Theft (\$50-<\$200) Retail Theft (1st ,2nd ) Bad Checks	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1 [M3]	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

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

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



§ 303.17. DWE/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
Level 5	14	Possessed	81-SL	93-SL	105-SL	129-SL	177-SL	201-SL	213-SL	240	-/- 12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	16-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

§ 303.18. DWE/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	-/- 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
Level 3	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

[Pa.B. Doc. No. 04-1911. Filed for public inspection October 22, 2004, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### BRADFORD COUNTY

Local Criminal Rules 114, 106, 579 and 703(C)(3); Rescinding 307.1; Renumbering 301 and 1405.C(3)

#### Order

And Now, this 30th day of September 2004, the Court hereby adopts the following Bradford County Rule of Criminal Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall send seven (7) certified copies of this Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Criminal Procedural Rules Committee, and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that this local rule shall be kept continuously available in the Clerk of Court's Office for public inspection and copying.

By the Court

JEFFREY A. SMITH,  
*President Judge*

#### Bradford County Local Criminal Rules

#### Local Rule 114

(B) Service

(2) The clerk of courts shall serve all orders entered by the court. The court administrator shall serve any notices of hearing or argument generated by court administration.

#### [ Rule 301. Continuances ] Local Rule 106

(A) Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.

(1) Before filing a motion for continuance, the moving party shall make reasonable efforts to obtain the consent of any interested party.

(2) Continuances upon the consent of the parties shall not be effective unless and until ordered by the court.

(B) Motions for continuances shall be presented no later than ten (10) calendar days before the date of the proceeding for which the continuance is requested. Thereafter, no motions for continuance will be granted unless:

(1) the opportunity therefor did not previously exist;

(2) the party making the motion was not aware and reasonably could not be aware of the grounds for the motion; or

(3) required in the interests of justice.

(D) Generally a request for a continuance based on proceedings scheduled in another trial court will be granted only if the other court's scheduling order was issued before the order scheduling the proceeding for which the continuance is requested. If the request for continuance is based on a conflict with a matter scheduled in another trial court, the scheduling order or other written documentation from the other court must be attached to the motion.

(E) (1) The motion for continuance shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF BRADFORD COUNTY, PENNSYLVANIA

COMMONWEALTH :  
VS. : NO.  
:

#### MOTION FOR CONTINUANCE

NOW COMES \_\_\_\_\_, (by and through  
(name of party)

(his) (her) (its) attorney, \_\_\_\_\_, ) and  
(name of attorney)

moves for a continuance as follows:

1. The above-captioned matter is scheduled for

\_\_\_\_\_ (nature of proceeding, i.e., arraignment, omnibus pre-trial, trial, etc.)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ m.,

before \_\_\_\_\_.  
(name of judge)

2. The other (party) (parties) (is) (are):

\_\_\_\_\_ represented by \_\_\_\_\_

\_\_\_\_\_ represented by \_\_\_\_\_

\_\_\_\_\_ represented by \_\_\_\_\_

(include any co-defendants in consolidated cases)

3. The proceeding was scheduled by \_\_\_\_\_  
(notice or order)

dated \_\_\_\_\_ .

4. The proceeding (has) (has not) been previously continued ( \_\_\_\_\_ time(s)).

5. A continuance is requested because

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

(If a continuance is requested because of a conflicting court matter, the scheduling notice or order must be attached.)

6.  No interested party objects to the continuance.

Only the following objected to the continuance request:

\_\_\_\_\_ because \_\_\_\_\_ ;

\_\_\_\_\_ because \_\_\_\_\_ ;

\_\_\_\_\_ because \_\_\_\_\_ ;

Consent to the continuance could not be obtained  
from \_\_\_\_\_ because \_\_\_\_\_

\_\_\_\_\_ because \_\_\_\_\_

(If a response has not been obtained from any interested party, specify the date, time and manner of all efforts to obtain consent to the continuance.)

7. I hereby certify that if a continuance is granted, I will notify all witnesses who would be appearing at my request.

8. I specifically request a continuance

of not less than \_\_\_\_\_

of not more than \_\_\_\_\_ (or)

to the next available date.

Respectfully submitted,

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

(Attorney Supreme Court ID number)

the motion or, if the defendant is not represented by an attorney, the defendant shall obtain from the Court Administrator's office an order scheduling hearing and argument on the motion. The motion for argument shall include a statement of the time needed for hearing and argument.

(C) The order for hearing and argument shall be filed and served with the omnibus pre-trial motion.

(D) A brief in support each claim or ground for relief raised in an omnibus pre-trial motion shall be filed and served with the omnibus pre-trial motion.

(E) A reply brief shall be filed by the attorney for the Commonwealth as the presiding judge may direct.

Failure to fully complete the motion for continuance form shall be grounds for denying the request.

*Note:* This rule does not apply to a defense motion for a continuance of trial, which is governed by Rule 106(C) of the Pennsylvania Rules of Criminal Procedure

**[ Rule 307.1. ] Rescinded**

(A) Each claim or ground for relief raised in an omnibus pre-trial motion and any claim or ground which could be raised in an omnibus pre-trial motion shall be set forth in a separately numbered count.

(B) Immediately prior to the filing of an omnibus pre-trial motion, and any claim or ground which could be raised in an omnibus pre-trial motion, the attorney filing

**Local Rule 579**

(C) A brief in support each claim or ground for relief raised in an omnibus pre-trial motion shall be filed and served with the omnibus pre-trial motion.

(E) A reply brief shall be filed by the attorney for the Commonwealth as the presiding judge may direct.

**[ Bradford County Rule of Criminal Procedure 1405.C(3) ] Renumbered.**

**Rule 704(C)(3) Post-Sentence Rights Advisory Form**

[Pa.B. Doc. No. 04-1912. Filed for public inspection October 22, 2004, 9:00 a.m.]

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**CUMBERLAND COUNTY**

**Notice to Defend; Civil Term; Civil 96-1335**

**Order of Court**

*And Now*, this 5th day of October, 2004, in light of the relocation of the Cumberland County Bar Association and effective October 5, 2004, or thirty (30) days after publication in the *Pennsylvania Bulletin*, Cumberland County Local Rule of Court 1018.1-1 regarding Notice to Defend is amended as follows:

As provided by Pennsylvania Rule of Civil Procedure No. 1018.1, the following officer is designated to be named in the Notice to Defend in order to find out where legal help can be obtained: Cumberland County Bar Association, 32 South Bedford Street, Carlisle, Pennsylvania—telephone number 249-3166.

Pursuant to Pa. R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau, for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

GEORGE E. HOFFER,  
*President Judge*

[Pa.B. Doc. No. 04-1913. Filed for public inspection October 22, 2004, 9:00 a.m.]

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**FAYETTE COUNTY**

**Local Rule: 1308 Compulsory Arbitration: Appeals; Civil Division No. 2245 of 2004 GD**

**Order**

*And Now*, this 4th day of October, 2004, pursuant to the Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rule 1308 is hereby amended to read as follows.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The amendment to this Local Rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

**RULE 1308 COMPULSORY  
ARBITRATION: APPEALS**

For the purpose of filing an appeal from the award of arbitrators, the compensation of the arbitrators shall be deemed to be Three Hundred (\$300.00) Dollars. The Prothonotary, within fifteen (15) days, shall forward a copy of the appeal to the judge assigned to that case.

[Pa.B. Doc. No. 04-1914. Filed for public inspection October 22, 2004, 9:00 a.m.]

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**INDIANA COUNTY**

**Adoption of New Local Rules of Court Nos. L-540/542; No. 418 Misc. 2004**

**Order of Court**

*And Now*, this 7th day of October 2004, it is hereby *Ordered* and *Directed*, pursuant to Rule 105 of 42 Pa.C.S.A., that Indiana County Local Rules 540/542 are adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all criminal proceedings pending at that time.

It is hereby *Ordered* and *Directed* that the Prothonotary:

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

(2) Furnish two (2) certified copies and a diskette of said Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) Distribute and file one (1) certified copy of said Rules with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court.

(4) Distribute and file one (1) certified copy with the Indiana County Law Library.

It is further *Ordered* and *Directed* that these Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Indiana County. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Courts of Indiana County shall furnish to any person a copy of any Local Rule.

*By the Court*

WILLIAM J. MARTIN,  
*President Judge*

**LOCAL RULE OF CRIMINAL PROCEDURE****Part D—Proceedings in Court Cases Before Issuing Authority, Rule Nos. 540 and 542**

Local Rule Providing for the Transportation of Incarcerated Defendants to Preliminary Arraignment and Preliminary Hearing.

**Rule No. 540/542**

It shall be the responsibility of the arresting agency to transport an incarcerated defendant to the preliminary arraignment and preliminary hearing.

**Comment**

This Rule is implemented under Pa.R.CrimP. Rule No. 105 of 42 Pa.C.S.A. Rule 105 gives the President Judge of Court of the Common Pleas the power to enact local rules to govern criminal practice and procedure. Rule 105(A) provides as follows:

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

The prosecution is a party to every criminal proceeding, the prosecuting agency bringing the charge is part of the prosecution.

By enacting this Local Rule it is the Court's intention to put into writing the historical practice in this County which requires arresting agencies to transport prisoners to preliminary arraignments and preliminary hearings. This practice has been in effect in Indiana County for decades and this Rule merely preserves the status quo.

The practice is based upon a common sense equitable division of labor between arresting agencies and the

County Sheriff's Office. The arresting agency is responsible for transportation of incarcerated defendants to the District Justice for preliminary arraignment and preliminary hearing. Once a case is held for court and is then at the courthouse level, the responsibility for transportation is shifted to the Indiana County Sheriff.

In addition, the arresting agency as prosecution bears the duty of advancing the case through the criminal justice system (see Pa.R.Crim.P. Rule 600, 42 Pa.C.S.A.). Any delays in proceedings due to the arresting agency's failure or refusal to transport prisoners violates the due process rights of those individuals and also raises public safety issues should the defendants be released due to delay.

Arguments that the taxpayers of the various municipalities would be paying for the arresting agency to transport the prisoners is misguided. The taxpayers also pay county taxes, therefore the cost would be paid by them regardless of the transporting agency. In addition, the Indiana County Sheriff's Office is not prepared to accept the added responsibility.

The refusal to transport prisoners for preliminary arraignment and preliminary hearing by an arresting agency, despite decades of such a practice, was litigated in Dauphin County in *Lewis v. City of Harrisburg*, 158 Pa. Cmwlth. 318, 631 A.2d 807 (1993). There the court was faced with the same circumstances that this Court now is facing, that is the refusal of a police agency to follow a practice or procedure which has existed for decades. In *Lewis v. City of Harrisburg*, the Court of Common Pleas granted the District Attorney injunctive relief on this issue and the Commonwealth Court affirmed the granting of such relief.

This Rule shall become effective thirty (30) days following publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 04-1915. Filed for public inspection October 22, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [22 PA. CODE CH. 11]

#### Student Attendance

The State Board of Education (Board) amends Chapter 11 (relating to student attendance) to read as set forth in Annex A. Notice of proposed rulemaking was published at 33 Pa.B. 4300 (August 30, 2003) with an invitation to submit written comments.

Chapter 11 governs generally the subject of student attendance. The final-form rulemaking affects primarily the sections regarding admission to public schools, absences for temporary periods, excusals from public school attendance, applicability and general provisions.

#### *Statutory Authority*

The Board takes this action under section 2603-B of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B) and other sections of the code.

#### *Background*

Chapter 11 sets forth the requirements for student attendance in public schools. The final-form rulemaking generally reflects statutory changes that have been made and court decisions that have been rendered since Chapter 11 was last amended in 1986, as well as existing Department of Education (Department) policies and practices. In addition, the Board is amending some provisions to afford public schools with additional flexibility. Other provisions are being added to standardize requirements Statewide.

#### *Summary of Amendments*

##### *Title*

The title of Chapter 11 is changed from "Pupil Attendance" to "Student Attendance." In all of its regulations in 22 Pa. Code (relating to education), the Board is using the term students, rather than pupils, to conform to common usage.

##### *§ 11.3 (relating to minimum required hours)*

The Board is revising § 11.3 to provide additional flexibility to schools in providing the required minimum annual hours of instruction.

##### *§ 11.5 (relating to part-time attendance for potential graduates)*

The Board is revising § 11.5 to reflect current policies and practices of the Department.

##### *§ 11.6 (relating to part-time enrollment of alternative education students)*

The Board is revising § 11.6 to align it with the act of November 23, 1999 (P. L. 529, No. 48), which added Article XIX-E to the code (24 P. S. §§ 19-1901-E—19-1903-E).

##### *§ 11.7 (relating to religious objections)*

The Board is revising § 11.7 to align it with § 4.4(d)(3) (relating to general policies).

##### *§ 11.11 (relating to entitlement of resident children to attend public schools)*

The Board is revising § 11.11(a) to address student enrollment issues that arise when the parents of a child

who are divorced, separated or live apart for other reasons live in different school districts. The final-form rulemaking also addresses the obligation of school entities for the transportation of these students.

Section § 11.11(b) and (c) is designed to standardize student enrollment procedures in this Commonwealth.

The Board has added subsection (d) to reflect the decision of the Supreme Court of the United States in *Plyler v. Doe*, 457 U.S. 202 (1982), and the requirements of the Immigration Reform and Control Act of 1986 (Pub. L. No. 99-603).

The Board has added subsection (e) to reflect policies and practices of the Department.

##### *§ 11.12 (relating to school age)*

The Board has revised § 11.12 to reflect section 10 of the act of June 28, 2002 (P. L. 524, No. 88) (Act 88), which amended section 1301 of the code (24 P. S. § 13-1301).

##### *§ 11.16 (relating to early admission of beginners)*

The Board is revising § 11.16 to remove mental age as a criteria to be used to determine if a child is to be granted early entry into first grade. That criterion will be replaced with a requirement that the child must "demonstrate a readiness" for entry into school.

##### *§ 11.19 (relating to nonresident child living with a district resident)*

The Board is revising § 11.19 to reflect the provisions of section 12 of the act of June 22, 2001 (P. L. 530, No. 35) (Act 35), which amended section 1302 of the code (24 P. S. § 13-1302).

##### *§ 11.20 (relating to nonimmunized children)*

The Board is revising § 11.20 to clarify existing requirements that prohibit students from attending a public, nonpublic, private, special education or vocational school without required immunizations or without an exemption.

##### *§ 11.25 (relating to temporary excusals due to illness or other urgent reasons)*

The Board is revising § 11.25 to ensure that all students who are excused from school attendance or who are provided homebound instruction are returned to the regular school program as soon as possible.

##### *§ 11.27 (relating to graduation)*

The Board is amending § 11.27 to reflect Department policy and practice. New language is also added to allow school entities to permit students with disabilities to participate in the graduation ceremony with their peers, even though the student might continue his school enrollment as outlined in the student's Individual Education Plan. This final-form rulemaking will allow school entities to continue to count these students in their average daily memberships.

##### *§ 11.31 (relating to students not enrolled in public schools due to private tutoring)*

The Board is amending § 11.31 to incorporate amendments made to section 1327 of the code (24 P. S. § 13-1327) made by the act of December 21, 1988 (P. L. 1321, No. 169). The section is also being revised to align it with the curriculum requirements outlined in Chapter 4 (relating to academic standards and assessment). Finally, subsection (b) is being amended to clarify the role of

school superintendents in addressing complaints about the education of a student who is being privately tutored.

*§ 11.31a (relating to students not enrolled in public schools due to participation in a home education program)*

The Board has added § 11.31a to clarify the role of school superintendents in approving home education programs.

*§ 11.33 (relating to dual enrollment students enrolled part-time in the public schools)*

The Board is revising § 11.33 to permit students who are home educated or privately tutored and who are enrolled part-time in the public schools to be counted in the school's average daily membership for State reimbursement purposes.

*§ 11.41 (relating to school district policies and rules)*

The Board is revising § 11.41 to reflect section 13 of Act 35, which amended section 1329 of the code (24 P. S. § 13-1329).

*Summary of Public Comments and Changes*

The proposed rulemaking was published at 33 Pa.B. 3600 and on the Department's website: [www.pde.state.pa.us](http://www.pde.state.pa.us). The Board accepted formal written comments within a 30-day public comment period after publication of the proposed rulemaking. The Board received comments from members and staff of the Education Committee of the House of Representatives; the Education Law Center; The Children's Home of Easton Services, Inc.; the Conestoga Valley School District; the School District of the City of York; the Pennsylvania School Boards Association (PSBA); Asian Americans United; the Latino Leadership Alliance of Bucks County; the Department of Elementary and Early Childhood Education at Millersville University; the Migrant Education Program at Millersville University; the State College Area School District; Glade Run Lutheran Services Auberle Family Foster Care; the United Methodist Home for Children; Concern, Inc.; and the Independent Regulatory Review Commission (IRRC).

Following is a summary of the comments and the Board's response to those comments:

*§ 11.1 (relating to school term)*

*Comment:* IRRC recommended that a definition be included for the term "meritorious educational programs."

*Response:* The Board has added the definition in § 11.8 (relating to definitions).

*§ 11.2 (relating to school day)*

*Comment:* IRRC and the House Education Committee (House Committee) recommended that the term "instructional activities" be added.

*Response:* The Board has added the suggested definition in § 11.8.

*§ 11.5*

*Comment:* IRRC recommended that the term "postsecondary institution" be defined.

*Response:* The Board added a definition of postsecondary institution in § 11.8.

*§ 11.11 (relating to entitlement of resident children to attend public schools)*

*Comment:* IRRC expressed concerns about the clarity and reasonableness of the proposed amendment regarding the use of the term "any other documentation specifically

required by law." IRRC also suggested that addressing issues related to nonresident students in the section dealing with resident students is confusing.

*Response:* The Board concurs with IRRC. The section has been revised to focus on resident students. The Board also has added new language to § 11.18 (relating to nonresident children living in facilities or institutions) and § 11.19 to clarify that the enrollment requirements outlined in § 11.11 also apply to children in those settings.

*Comment:* The PSBA recommended that the proposed language be revised to address the issue of student transportation for students whose parents live in different school districts. The PSBA also recommended that parents be limited to selecting one school district each school year. The PSBA also suggested a reference in this section to the Interstate Compact on the Placement of Children (Compact).

*Response:* The Board added subsection (a)(2) to address the transportation issue. However, the Board felt that limiting choice of a school district to once each year would be too restrictive and unrealistic given the realities facing many families and their children in this situation. The Board felt it unnecessary to address the Compact in this final-form rulemaking as the Compact is already addressed in regulations of the Department of Public Welfare.

*Comment:* Fourteen members of the House Committee expressed opposition to the proposed language that prohibits immigration status from being used to determine eligibility for school enrollment. This provision was added to reflect the decision of the United States Supreme Court in *Plyler v. Doe*, *supra*. In their letter, the representatives shared language from the dissenting opinion written by then-Chief Justice Warren Burger, which argued that children who are not legally admitted to the United States should not be entitled to the benefits provided to its citizens and to those legally admitted.

*Response:* The Board is obliged under the Constitutions of the United States and the Commonwealth, the act of July 31, 1968 (P.L. 769, No. 240) (45 P. S. §§ 1201—1204), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506) and the code to promulgate regulations consistent with the United States and Pennsylvania Constitutions, relevant statutes and binding judicial decisions. The final-form rulemaking is consistent with the binding rulings of the Supreme Court of the United States on matters of Federal constitutional law. The views of then-Chief Justice Burger, expressed in *Plyler v. Doe*, *supra*, have not been embraced by the Supreme Court in the more than 2 decades since *Plyler v. Doe*, *supra*, was decided. If the Board defies the holding in *Plyler v. Doe*, *supra*, the General Counsel and the Attorney General of the Commonwealth would be obliged to reject the regulation as contrary to law. The Board and public schools in this Commonwealth are required to adhere to the Supreme Court's rulings. Consequently, the Board has retained the language as proposed.

*Comments:* School officials from the Conestoga Valley School District, the School District of the City of York and the State College Area School District wrote in support of the proposed language. In addition, Asian Americans United, the Latino Leadership Alliance of Bucks County, the Department of Elementary and Early Childhood Education at Millersville University, the Migrant Educa-

tion Program at Millersville University and the Education Law Center wrote in support of the proposed language that bars consideration of immigration status in determining eligibility for school enrollment.

*Comment:* Glade Run Lutheran Services, Auberle Family Foster Care, the United Methodist Home for Children, Concern, The Children's Home of Easton and the School District of the City of York wrote in support of the proposed language in § 11.11 designed to remove barriers to school enrollment faced by children in foster care.

§ 11.12

*Comment:* Members of the House Committee expressed concerns about revising the definition of the beginning of "school age" from entrance to kindergarten to the earliest admission age to school entity's educational program.

*Response:* The Board has restored the definition of "school" as beginning with enrollment in kindergarten. The other proposed revision refers to the right of students to continue their education through the end of the school term in which they reach 21 years of age. This revision aligns the regulation with an amendment to section 1301 of the code made by Act 88.

§ 11.16

*Comment:* The PSBA expressed support for eliminating the requirement that schools determine whether a child has a "mental age of 7 years of more" in determining whether a child should be granted early entry into first grade. However, they suggested that some other criteria are needed to replace it and suggested inserting "and has demonstrated readiness for entry."

*Response:* The Board added the suggested language to the final form rulemaking.

§ 11.19

*Comment:* The PSBA raised concerns about the Board's interpretation of the term "gratis" with regard to exempting health insurance coverage from being considered as support for a child.

*Response:* The Board believes that health insurance coverage for children is a vital public policy interest to this Commonwealth. The Commonwealth invests significant resources to provide health care coverage to all children through the Children's Health Insurance Program. The Board believes that health care coverage should not be used as a factor in determining a child's eligibility for school enrollment. However, the Board recognizes the principles outlined in *Brenner v. West Shore School District*, 780 A.2d 726 (Pa. Cmwlth. 2001), and has modified the proposed language to indicate that a child must be fully supported by the nonresident adult.

*Comment:* IRRC recommends that the term "other reasonable information" be replaced with the detailed listing of items outlined in Department of Education Basic Education Circular.

*Response:* The term "other reasonable information" is taken from section 1302(2) of the code. It provides authority to the Department to issue guidelines to address what other reasonable information might be requested by a school district. The Board has decided not to impose upon the Department any additional requirements beyond those required by statute.

§ 11.20

*Comment:* Members of the House Committee expressed concern that this section would increase the recordkeeping burden on public schools and would impose new

burdens on nonpublic school students. In addition, the committee shared an e-mail message from the advisory board of the Pennsylvania Home Educators Association (Association), which expressed the Association's opposition to the proposed language as it applies to home education and students who are privately tutored.

*Response:* The Board has deleted the language that would have expanded this section to apply to home education and privately tutored students. The new language reflects existing Department of Health requirements in 28 Pa. Code § 23.81 (relating to purpose and scope), which includes a requirement that school districts work with private and nonpublic schools to insure that all students attending those schools are properly immunized or exempted from the immunization requirements.

§ 11.25

*Comment:* IRRC recommended that the proposed language be revised to state clearly that the school district, not the parent or guardian, is responsible for seeking Department approval to extend providing a student with homebound instruction beyond 3 months.

*Response:* The Board has revised this section to add the suggested clarification.

§ 11.27

*Comment:* IRRC and the House Committee staff recommended that the proposed language state clearly that it is the option of the school entity, not the parent or student, to permit a student to participate in the graduation ceremony with his peers, though the student plans to continue to be enrolled in school to carry out the program of education outlined in the student's Individual Educational Plan.

*Response:* The Board concurs and has revised this section.

§ 11.28 (relating to out-of-school programs and part-time employment)

*Comment:* IRRC recommended that the Board define "out-of-school program" or include a list of examples.

*Response:* The Board added a definition of "out-of-school programs" in § 11.8.

§ 11.31

*Comment:* Members of the House Committee expressed dismay with the deletion of "loyalty to State and Nation" as one of the areas of instruction that must be provided to privately tutored students.

*Response:* The Board has restored "loyalty to State and Nation" to the final-form rulemaking.

*Comment:* IRRC recommended that the rulemaking be revised to outline clearly the circumstances of when it is appropriate for a superintendent to request additional evidence of satisfactory progress. IRRC also suggested listing the types of evidence that might be required.

*Response:* The Board has added language to address these concerns.

§ 11.31a

*Comment:* IRRC and the PSBA suggested that this section be amended to reference section 1327(d) of the code to recognize the needs of students eligible for special education services.

*Response:* The Board has added the reference.



§ 11.33

*Comment:* The PSBA recommended adding language to make clear that dual enrollment for some students is not required and is at the discretion of the school entity.

*Response:* Because this section addresses merely whether students who are dually enrolled can be counted for State subsidy purposes, the Board retained the language as proposed.

*Additional Comments*

In addition to these comments, IRRC and the House Committee staff offered a number of technical corrections with their comments, including changing the chapter title from "Pupil Attendance" to "Student Attendance" and revising the numbering of the subsections of § 11.27. The Board has made all of these suggested changes.

*Fiscal Impact and Paperwork Requirements*

Because the final-form rulemaking largely reflects changes in Federal and State statutes, court decisions and regulations, the costs of compliance should be negligible. Schools traditionally update enrollment and attendance policies annually, since they provide their policies to students and their parents each school year.

Some schools might need to improve student recordkeeping and retrieval to comply with the requirement that student records be transmitted within 5 days to the school to which a student has transferred. Costs associated with this policy will depend upon the school's current recordkeeping procedures and support. In cases when a transferred student has a disability, the new school might be required to incur costs in conducting a new evaluation of the student when records are not promptly received. Costs associated with compliance with this change will be outweighed by the benefits provided to students and schools receiving student records.

Amendments to § 11.3 will result in indeterminate cost savings to schools, inasmuch as the final-form rulemaking will permit public schools additional flexibility in meeting the minimum hours of instruction required each year. The current regulation limits this flexibility by establishing minimum daily and weekly hourly requirements. Changes to the requirement that schools provide a minimum number of hours of instruction per day, week and month also will provide additional flexibility to schools in meeting the statutorily established minimum 900 hours of instruction for elementary schools and 990 for secondary schools. The change might affect State subsidy payments made to a small number of school districts.

Schools might need to update their policies regarding enrollment and attendance as a result of the final-form rulemaking. Since many of the changes, such as permitting students to remain in school through the end of the school term in which they turn 21 years of age and allowing students with excused absences to participate in agricultural fairs, are already statutory mandates or requirements imposed by court decisions or Federal law, schools should have already revised their policies to reflect these changes. Schools also normally update their enrollment and attendance policies annually, since this area also is frequently changed due to statutory amendments and court decisions. Consequently, costs associated with updating local policies to reflect the regulations should be negligible.

*Effective Date*

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

*Sunset Date*

In accordance with its policy and practice respecting all regulations promulgated by it, the Board will review the effectiveness of Chapter 11 after 4 years. Thus, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 30, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4300, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing 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 June 30, 2004, the final-form rulemaking was approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 29, 2004, and approved the final-form rulemaking.

*Contact Person*

The official responsible for information on the final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367.

*Findings*

The Board finds that:

(1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the Commonwealth Documents Law (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 11, are amended by amending §§ 11.1—11.7, 11.11, 11.12, 11.14—11.16, 11.18—11.28, 11.31, 11.32—11.34 and 11.41 and by adding §§ 11.8 and 11.31a to read as set forth in Annex A.

*(Editor's Note:* The proposal to amend § 11.13 has by withdrawn by the Board.)

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

(d) This order is effective upon final-form publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,  
*Executive Director*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 4528 (August 14, 2004).)

**Fiscal Note:** Fiscal Note 6-279 remains valid for the final adoption of the subject regulations.

### Annex A

## TITLE 22. EDUCATION

### PART I. STATE BOARD OF EDUCATION

#### Subpart A. MISCELLANEOUS PROVISIONS

#### CHAPTER 11. STUDENT ATTENDANCE

##### GENERAL PROVISIONS

#### § 11.1. School term.

Public kindergartens, elementary and secondary schools shall be kept open each school term for a minimum of 180 days of instruction for students. Days may not be counted as days taught on which the schools are closed, and time may not be counted as a student session for an activity to which admission is charged. However, when a meritorious educational program warrants, the Secretary may, upon request, approve a school term containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 school days.

#### § 11.2. School day.

Instruction time for students shall be time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees.

#### § 11.3. Minimum required hours.

(a) Minimum hours of instruction time for students shall be as follows:

Grade	Hours
K	2 hours, 30 minutes, each day of the school term
1-6	900 hours for the school term
7-12	990 hours for the school term

(b) Schools with grade level configurations that differ from those outlined in subsection (a) (for example, K—8), are required to meet the minimum annual hourly requirements for each specified grade level.

#### § 11.4. Early withdrawal for postsecondary institution attendance.

Students attending a postsecondary institution full-time prior to graduation from high school shall be dropped from the membership roll of the district at the time they stop attending school.

#### § 11.5. Part-time attendance for potential graduates.

(a) Students of school age may qualify for graduation by attending the public school part-time when lawfully employed part-time or when officially enrolled in a postsecondary institution part-time. For reimbursement purposes, membership in the public school shall be calculated by counting the time the students spend in the public school on a pro rata basis.

(b) Public schools that offer students enrollment at a postsecondary institution as part of the high school program and pay the tuition, fees and textbooks on behalf of students may continue to include the students in their average daily membership.

#### § 11.6. Part-time enrollment of alternative education students.

Students may be allowed to attend public school less than full-time because of participation in a Department approved alternative program operated by a public school or a private alternative education institution as provided by section 1903-E of the Public School Code of 1949 (24 P. S. § 19-1903-E). For reimbursement purposes, the students may be counted as in full membership.

#### § 11.7. Religious objections.

Students shall be excused from instruction as provided by § 4.4(d)(3) (relating to general policies).

#### § 11.8. Definitions.

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

*Instructional activities*—The term includes the following:

(i) Classroom instruction and instructional activities provided under the direction of certified school employees.

(ii) Student services, such as guidance and counseling services, psychological services, speech pathology and audiology services and student health services.

(iii) Opening exercises.

(iv) Homeroom periods.

(v) Supervised study halls.

(vi) Assemblies.

(vii) Clubs, student councils and similar activities conducted during school hours.

(viii) School, group or class educational trips, to which admission is not charged to students or parents and a certified school employee accompanies the students.

(ix) Civil defense, fire, bus evacuation and similar drills.

(x) Kindergarten orientation, snack-time and play-time if they are an integral part of the kindergarten curriculum.

(xi) Up to 3 days for graduation preparation by students in graduating classes, so long as the preparation occurs within 60 days of the commencement ceremony and under the supervision of certified school employees.

(xii) Early dismissal and delayed opening due to inclement weather.

*Meritorious educational program*—An educational program that, in the opinion of the Secretary, warrants an exception to the dates and times of school terms and sessions as provided in section 1504(a) of the Public School Code of 1949 (24 P. S. § 15-1504(a)).

*Out-of-school programs*—Programs conducted off school grounds, such as cooperative education, job shadowing, internships, community exploration, registered apprenticeships and community service-learning designed to provide students with real world experiences under the general supervision of professional school staff.

*Postsecondary institution*—A community college, 2-year college, college, university or other authorized degree granting institution approved by the Department in accordance with Chapters 31 and 40 (relating to higher education general provisions; and institutional approval).

**ADMISSION TO PUBLIC SCHOOLS**

**§ 11.11. Entitlement of resident children to attend public schools.**

(a) *Entitlement.*

(1) A school age child is entitled to attend the public schools of the child's district of residence. A child's district of residence is that in which the parents or the guardian resides. When the parents reside in different school districts due to separation, divorce or other reason, the child may attend school in the district of residence of the parent with whom the child lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise. If the parents have joint custody and time is evenly divided, the parents may choose which of the two school districts the child will enroll for the school year. If the child is an emancipated minor, the resident school district is the one in which the child is then living. For purposes of this section, an emancipated minor is a person under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.

(2) Transportation for students must be provided consistent with the policy of the school district that the students are attending.

(b) *Enrollment.* A school district or charter school shall normally enroll a child the next business day, but no later than 5 business days of application. The school district or charter school has no obligation to enroll a child until the parent, guardian or other person having control or charge of the student making the application has supplied proof of the child's age, residence, and immunizations as required by law. School districts and charter schools receiving requests for educational records from another school district or charter school shall forward the records within 10 business days of receipt of the request.

(c) *Nonresident children.* The requirement of subsection (b) applies equally to nonresident children who are children living in facilities or institutions as defined in § 11.18 (relating to nonresident child living in facilities or institutions), or foster homes, or with a district resident who is supporting the child without personal compensation as defined in § 11.19 (relating to nonresident child living with a district resident), provided that the person making the application has supplied the documentation required by law.

(d) *Immigration status.* A child's right to be admitted to school may not be conditioned on the child's immigration status. A school may not inquire regarding the immigration status of a student as part of the admission process. This provision does not relieve a student who has obtained an F-1 visa from the student's obligation to pay tuition under Federal law.

(e) *Home language survey.* A school entity shall administer a home language survey to all students seeking first time enrollment in its schools in accordance with requirements of the United States Department of Education's Office for Civil Rights.

**§ 11.12. School age.**

School age is the period of a child's life from the earliest admission age to a school district's kindergarten program until graduation from high school or the end of the school term in which a student reaches the age of 21 years, whichever occurs first.

**§ 11.14. Admission to kindergarten when provided.**

When kindergarten is provided, the board of school directors shall establish the district's minimum entry age to kindergarten. The minimum entry age to kindergarten may not be less than 4 years, no months, before the first day of the school term. The district's maximum entry age to kindergarten must be less than the district's entry age for beginners.

**§ 11.15. Admission of beginners.**

The board of school directors shall establish the district's minimum entry age for beginners, which may not be less than a chronological age of 5 years and 7 months before September 1, nor more than 6 years, no months, before the first day of the school term of the district. The board of school directors shall permit a child of beginners' age to attend the district's first grade and may not require the child to attend kindergarten, pre-first grade, transitional class or other grade or class that is not regular first grade without parental consent.

**§ 11.16. Early admission of beginners.**

The board of school directors of a school district may, upon parental request and when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner a child with a chronological age of 5 years and who has demonstrated readiness for entry as of the first day of the district's school term. A board of school directors is not required to admit a child as a beginner whose chronological age is less than the district's established admission age for beginners.

**§ 11.18. Nonresident children living in facilities or institutions.**

(a) The board of school directors of a school district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall admit to the district's public schools school-age children who are living at or assigned to the facility or institution and who are residents of the district or another school district in this Commonwealth.

(b) The board of school directors of a school district in which a day treatment program, operated under approval from the Department of Public Welfare by a private children and youth agency, is located may purchase educational services for a child referred to the program under section 1310(b) of the Public School Code of 1949 (24 P. S. § 13-1310(b)).

(c) If the school district of residence of a child living at or assigned to a facility or institution, as described in subsection (a) or (b), cannot be determined, but it is decided by the Secretary that the child is a resident of this Commonwealth, the child shall be permitted to attend the public schools of the district. A child covered by this subsection shall include a child whom the Secretary finds to have been placed by the child's resident parents or guardian in the care or custody of a Commonwealth facility and subsequently abandoned or deserted.

(d) The enrollment requirements outlined in § 11.11 (relating to entitlement of resident children to attend public schools) also apply to nonresident children living in facilities or institutions.

**§ 11.19. Nonresident child living with a district resident.**

(a) A nonresident child is entitled to attend the district's public schools if that child is fully maintained and

supported in the home of a district resident as if the child were the resident's own child and if the resident receives no personal compensation for maintaining the student in the district. Before accepting the child as a student, the board of school directors of the district shall require the resident to file with the secretary of the board of school directors either appropriate legal documentation to show dependency or guardianship or a sworn statement that the child is a resident of the district, the child is supported fully without personal compensation or gain, and that the resident will assume all personal obligations for the child relative to school requirements and intends to so keep and fully support the child continuously and not merely through the school term. The resident's receipt of public payments, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), maintenance on public or private health insurance, pre-adoptive support or other payments for or on account of the child, may not be deemed to be personal compensation or gain under this section. The school board may require other reasonable information to be submitted by the resident to substantiate the sworn statement in accordance with guidelines established by the Department, as authorized by section 1302(2) of the Public School Code of 1949 (24 P. S. § 13-1302(2)).

(b) The enrollment requirements outlined in § 11.11 (relating to entitlement of resident children to attend public schools) also apply to a nonresident child living with a district resident.

#### **§ 11.20. Nonimmunized children.**

(a) A child may not be admitted to or permitted to attend a public, private, nonpublic, special education or vocational school in a district unless the immunization, exemption or provisional admission requirements of the Department of Health, at 28 Pa. Code Chapter 23, Subchapter C (relating to immunization), have been met or the child has received from the chief school administrator of the public, private, nonpublic, special education or vocational school a medical or religious exemption from immunization under 28 Pa. Code § 23.84 (relating to exemption from immunization).

(b) A child who has not received all doses of the required immunizations or who has not been exempted from immunization, but who has received at least one dose of each of the required immunizations, may be provisionally admitted and attend public school for a period of up to 8 months. Provisional admission or continued attendance shall be conditioned upon the parent or guardian's submission to the superintendent of a plan for the student's completion of the required immunization doses. The plan shall be reviewed by the school district at least every 60 calendar days. If, after 8 months, the child has not received all doses of the required immunizations, the child thereafter may not be further admitted to or be permitted to attend the public schools until all doses have been received.

(c) A child who has been admitted to school or permitted attendance in violation of this section may not be counted toward receipt of Commonwealth reimbursement for the period of the admission or attendance.

#### **ABSENCES FOR TEMPORARY PERIODS**

#### **§ 11.21. Religious holidays and religious instruction.**

(a) Upon written parental request, and in accordance with the policies of the district's board of school directors, students may be excused from school for religious holidays observed by bona fide religious groups.

(b) Upon written parental request, a student shall be excused from school to attend classes for religious instruction under section 1546 of the Public School Code of 1949 (24 P. S. § 15-1546). The excusal shall be limited to a total of not more than 36 hours per school year.

(c) A student's absence from school for religious holidays or for religious instruction shall be recorded as an excused absence. A penalty may not be attached to an absence for religious holidays or instruction.

#### **§ 11.22. Tutorial work.**

(a) Upon written parental request, a student may be excused during school hours for the purpose of receiving tutorial instruction in a field not offered in the district's curricula only if the following requirements are met:

(1) The excusal does not interfere with the student's regular program of studies.

(2) The qualifications of the instructor are approved by the district superintendent.

(b) A school district may adopt additional conditions for excusal that it deems reasonable.

#### **§ 11.23. Health care.**

Upon written parental request, a student may be excused during school hours for the purpose of obtaining professional health care or therapy service only if the following requirements are met:

(1) The health or therapeutic services are to be rendered by Commonwealth licensed practitioners.

(2) It is not practical or possible for the student to receive the services outside of school hours.

(3) The time of necessary absence from school involves a minimum of interference with the student's regular program of studies.

#### **§ 11.24. Unaccounted absences.**

Students whose names are on the active membership roll, who are at anytime in the school term absent from school for 10 consecutive school days, shall thereafter be removed from the active membership roll unless one of the following occurs:

(1) The district has been provided with evidence that absence may be legally excused.

(2) Compulsory attendance prosecution has been or is being pursued.

#### **§ 11.25. Temporary excusals due to illness or other urgent reasons.**

(a) A principal or teacher may, upon receipt of satisfactory evidence of mental, physical or other urgent reasons, excuse a student for nonattendance during a temporary period, but the term "urgent reasons" shall be strictly construed and does not permit irregular attendance. A school district shall adopt rules and procedures governing temporary excusals that may be granted by principals and teachers under this section. Temporary excusals may not exceed 3 months.

(b) A school district, area vocational technical school, charter or independent school may provide students temporarily excused under this section with homebound instruction for a period not to exceed 3 months. A school district, area vocational technical school, charter or independent school may request approval from the Department to extend the provision of homebound instruction, which shall be reevaluated every 3 months. When a student receives homebound instruction, the student may

be counted for attendance purposes as if in school. A school district shall be reimbursed for homebound instruction provided to a student under section 2510.1 of the Public School Code of 1949 (24 P. S. § 25-2510.1).

(c) A school district shall adopt policies that describe the instructional services that are available to students who have been excused under this section. The policies must include statements that define the responsibilities of both the district and the student with regard to these instructional services.

**§ 11.26. Nonschool district sponsored educational tours and trips.**

(a) A school district may excuse a student from school attendance to participate in a non-school district sponsored educational tour or trip, if the following conditions are met:

- (1) The student's parent or guardian prior to the tour or trip submits to the school district a written request for the excusal.
- (2) The student's participation on the tour or trip has been approved by the district superintendent or a designee.
- (3) There is an adult who is directing and supervising the student during the tour or trip who is acceptable to both the parents or guardian and the district superintendent.

(b) A school district may limit the number and duration of tours or trips for which excused absences may be granted to a student during the school term.

**§ 11.27. Graduation.**

The intent of this section is to specify the effect of graduation on membership for the purpose of calculating school subsidies.

(1) A student's graduation from high school signifies both the student's fulfillment of the high school graduation requirements set forth in Chapter 4 (relating to academic standards and assessment) and the end of the student's membership in a school district for the purpose of State subsidy reimbursement. A graduating student's date of graduation shall be that of the commencement ceremony of the student's high school.

(2) This paragraph applies to a graduating high school student who is attending an area vocational technical school (AVTS). If the AVTS instructional calendar extends beyond the student's high school commencement date, for purposes of determining whether the student has received 180 days of instruction and for purposes of determining State subsidy computation, the student may be maintained in membership at the AVTS until the end of the AVTS calendar.

(3) Graduating students may be counted as in attendance for no more than 3 days of commencement preparation. Commencement preparation may be held on Saturdays within 60 days of the commencement ceremony. During commencement preparation days, students shall be under the supervision of certificated school district employees.

(4) School districts, AVTSs and charter schools may permit students with disabilities identified under Chapter 14 (relating to special education program and services) to participate in graduation ceremonies with their graduating class, even though they will not be awarded a diploma and will continue to receive educational services under Chapter 14. The participation of those students in gradu-

ation ceremonies does not preclude the school district from counting those students in its membership for subsidy purposes.

**§ 11.28. Out-of-school programs and part-time employment.**

(a) *Out-of-school programs.* For reimbursement purposes, students engaged part-time in an out-of-school program shall be counted as if in regular school attendance. The programs must be arranged as an integral part of the school curricula and shall be properly supervised by a certificated employee. Students attending school and enrolled in supervised programs may be counted as in full membership.

(b) *Part-time employment.* A student may be excused on a part-time basis from public school attendance to pursue non-school district supervised outside employment. For reimbursement purposes, membership in the public schools shall be calculated by counting the students only for those periods while they are in school. Excusal of students to pursue non-school district supervised outside employment shall be consistent with the applicable provisions of section 1330 of the Public School Code of 1949 (24 P. S. § 13-1330) as they relate to excusals from compulsory attendance for purposes of employment and with the school district's rules governing excusals. Students excused on a full-time basis may not be counted as in membership.

**EXCUSALS FROM PUBLIC SCHOOL ATTENDANCE**

**§ 11.31. Students not enrolled in public schools due to private tutoring.**

(a) *Private tutoring requirements.*

(1) The instruction of students not enrolled in public schools due to private tutoring by a qualified tutor under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327) must include for elementary school level students: English, including spelling, reading and writing; arithmetic; geography; the history of the United States and Pennsylvania; science; civics, including loyalty to the State and National government; safety education, including regular and continuous instruction in the dangers and prevention of fires; health, including physical education and physiology; music; and art.

(2) For secondary school level students, the instruction must include: art; English; health; mathematics; music; physical education; science; and social studies, including civics, world history, United States and Pennsylvania history.

(3) The instruction may include, at the discretion of the tutor, economics, biology, chemistry, foreign languages, trigonometry or other age appropriate planned instruction as contained in Chapter 4 (relating to academic standards and assessment).

(4) The instruction must be given during the school year for a minimum of 180 days of instruction or for a minimum of 900 hours of instruction for an elementary level student and a minimum of 990 hours of instruction for a secondary level student as the equivalent of 180 days of instruction.

(b) *Documentation regarding private tutoring.*

(1) School district approval is not required to commence private tutoring.

(2) The parent shall provide written assurance that the instructional requirements listed in this section have been met.

(3) When a superintendent receives a complaint that a student is not being provided instruction for the time prescribed or that a student is not making satisfactory progress in the tutoring program, the superintendent may request evidence of student academic progress and documentation that instruction is provided for the required number of days and hours.

(4) Evidence of satisfactory progress may include samples of student work, assessments, progress reports, report cards and evaluations.

(5) Documentation of instructional time may include logs maintained by the tutor or parent, attendance records or other records indicating the dates and time instruction was provided.

**§ 11.31a. Students not enrolled in public schools due to participation in a home education program.**

Students of compulsory school age participating in a home education program are subject to sections 1327(d) and 1327.1 of the Public School Code of 1949 (24 P. S. §§ 13-1327(d) and 1327.1). School district approval is not required to commence home education programs.

**§ 11.32. Students attending nonpublic or private schools.**

A child of compulsory school age regularly attending full-time a nonpublic school that is in compliance with section 1327(b) of the Public School Code of 1949 (24 P. S. § 13-1327(b)) or an accredited or licensed private school, in which the instruction prescribed by statute and this part is taught, shall be in compliance with the compulsory attendance requirements.

**§ 11.33. Dual enrollment students enrolled part-time in the public schools.**

For reimbursement purposes, membership and attendance of nonpublic school students, students in a private tutoring program under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327), and students in a home education program under section 1327.1 of the Public School Code of 1949 (24 P. S. § 13-1327.1), lawfully enrolled part-time in the public schools, shall be calcu-

lated by counting the time the students spend in the public school program on a pro rata basis.

**§ 11.34. Excusals from attendance for other than temporary reasons.**

(a) A school district may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of the Secretary. The excusal, which shall be reevaluated every 3 months, may be extended upon the recommendation of the school physician and with the approval of the Secretary. Children so excused shall be entered on the inactive roll.

(b) Prior to seeking excusal and the Secretary's approval, the school district shall provide the child's parents with written notice of both the proposed excusal, including the reasons for the excusal, and an opportunity to be heard. For a child enrolled in special education, the notice and opportunity to be heard shall be governed by §§ 14.161 and 14.162 (relating to prehearing conferences; and impartial due process hearing and expedited due process hearing).

**APPLICABILITY**

**§ 11.41. School district policies and rules.**

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.

(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.

(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. § 13-1329(b)).

[Pa.B. Doc. No. 04-1916. Filed for public inspection October 22, 2004, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CH. 25]

### Schedules of Controlled Substances

The Department of Health (Department) proposes to amend the schedules of controlled substances under the powers and duties contained in The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101–780-144) (act). The Department proposes to amend § 25.72 (relating to schedules of controlled substances) to schedule the substances 1-(3—trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy—4-(N)—Propylthiophenethylamine, and 5—Methoxy—N, N—Diisopropyltryptamine (5-MEO-DIPT) as Schedule I substances, to read as set forth in Annex A.

#### A. Purpose of the Proposed Amendment

The act recognizes the fact that there is a need to control substances which have potential for abuse while also recognizing that some of those substances have medical uses. The act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The act requires that a controlled substance be placed in Schedule I when there is: (1) a high potential for abuse; (2) no currently accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision.

The Drug, Device and Cosmetic Board (Board) met on April 21, 2004. The meeting notice was published at 34 Pa.B. 2135 (April 17, 2004).

The Board heard the petitions of the Office of Attorney General which requested that 1-(3—trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy—4-(N)—Propylthiophenethylamine, and 5—Methoxy—N, N—Diisopropyltryptamine (5-MEO-DIPT) be scheduled as Schedule I controlled substances.

These substances are currently scheduled by the Federal government as Schedule I controlled substances. The fact that these substances are not scheduled at the State level hinders law enforcement agencies in their prosecution for illegal sale and illegal possession. These substances are abused and have a high potential for abuse. There is no currently accepted medical use for these substances in the United States. Further, there is a lack of accepted safety for use under medical supervision. The Board approved a motion to provide written advice to the Secretary to add these substances to Schedule I of controlled substances. The Secretary then directed that the substances be scheduled.

The proposed rulemaking would schedule 1-(3—trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5

Dimethoxy—4-(N)—Propylthiophenethylamine, and 5—Methoxy—N, N—Diisopropyltryptamine (5-MEO-DIPT) as Schedule I substances.

#### B. Requirements of the Amendment

The proposed rulemaking would schedule substances on the lists of schedules of controlled substances as follows:

The substances 1-(3—trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy—4-(N)—Propylthiophenethylamine, and 5—Methoxy—N, N—Diisopropyltryptamine (5-MEO-DIPT) would be scheduled as Schedule I.

#### C. Affected Persons

The general public would benefit from the scheduling of these substances because it would allow for State law enforcement officials to begin to work to remove these substances from this Commonwealth and allow for enforcement and control of the drug abuse problems in this Commonwealth. State law enforcement officials would also benefit because they would be better equipped to enforce the laws to protect the citizens of this Commonwealth.

#### D. Fiscal Impact

The proposal amendment to the schedules of controlled substances would have no measurable fiscal impact on the Commonwealth, local government, the private sector or the general public.

#### E. Paperwork Requirements

A system already exists for the handling of controlled substances under the act and the proposed rulemaking would not increase paperwork.

#### F. Effective Date/Sunset Date

The proposed rulemaking would become effective immediately upon publication as final-form rulemaking. There is no sunset date; the regulations would be continually monitored and updated as needed.

#### G. Statutory Authority

The amendment to the schedules of controlled substances is proposed under sections 3 and 4 of the act (35 P. S. §§ 780-103 and 780-104). The amendment is also proposed under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Section 3 of the act provides that the Secretary controls all substances listed in Schedules I—V of the act. Section 3(a) of the act, provides that the Secretary may add a substance as a controlled substance, and that before doing so, shall request advice in writing from the Board as to whether a substance should be added as a controlled substance. The Secretary sought that advice, and the Board provided advice following their April 21, 2004, meeting. The Board recommended that the substances 1-(3—trifluoromethylphenyl) Piperazine (TFMPP), N-Benzylpiperazine (BZP), Alpha-Methyltryptamine (AMT), 2, 5 Dimethoxy—4-(N)—Propylthiophenethylamine, and 5—Methoxy—N, N—Diisopropyltryptamine (5-MEO-DIPT) be added as Schedule I controlled substances. The Secretary then decided that these substances should be scheduled.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 22, 2004, the Department

submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

*I. Contact Person*

Interested persons are invited to submit questions, comments, suggestions or objections regarding the proposal to Carol Williams, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Persons with a disability who require an alternative format of the proposal; for example, large print, audiotape or Braille should contact Carol Williams at (717) 783-8665, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

**Fiscal Note:** 10-177. No fiscal impact; (8) recommends adoption.

**Annex A**  
**DEPARTMENT OF HEALTH**  
**TITLE 28. HEALTH AND SAFETY**  
**PART III. PREVENTION OF DISEASES**  
**CHAPTER 25. CONTROLLED SUBSTANCES,**  
**DRUGS, DEVICES AND COSMETICS**  
**Subchapter A. CONTROLLED SUBSTANCES,**  
**DRUGS, DEVICES AND COSMETICS**  
**SCHEDULE OF CONTROLLED SUBSTANCES**  
**§ 25.72. Schedules of controlled substances.**

\* \* \* \* \*

(b) *Schedule I.* In determining that a substance comes within this schedule, the Secretary will find: a high potential for abuse; no currently accepted medical use in the United States; a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

\* \* \* \* \*

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or preparation which contains any quantity of the following substances including the salts, isomers and salts of isomers:

\* \* \* \* \*

- (xxix) 1—(3-fluoromethylphenyl) Piperazine (TFMPP)**
- (xxx) N-Benzylpiperazine (BZP)**
- (xxxi) Alpha-Methyltryptamine (AMT)**
- (xxxii) 2,5 Dimethoxy—4—(N)—Propylthiophenethylamine (2C-T-7)**
- (xxxiii) 5—Methoxy—N, N—Diisopropyltryptamine (5-MEO-DIPT)**

\* \* \* \* \*

[Pa.B. Doc. No. 04-1917. Filed for public inspection October 22, 2004, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

#### Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) adopts a statement of policy establishing additional civil penalty schedules to read as set forth in Annex A.

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a))(act) authorizes the Commissioner, after consultation with the licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to adopt a schedule of civil penalties for (1) operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit; and (2) violating any provision of an act or regulation of a licensing board or commission within the Bureau relating to the conduct or operation of a business or facility licensed by a licensing board or commission. Under section 5(a) of the act, the Commissioner adopts the schedule of penalties by publishing the schedule in the *Pennsylvania Bulletin* and within 2 years thereafter promulgating the schedule as a regulation.

The Commissioner has previously adopted civil penalty schedules under section 5(a) of the act for 11 licensing boards and commissions within the Bureau. These schedules, as well as guidelines and procedures for their implementation, have been codified as final regulations in accordance with the act in Chapter 43b (relating to Commissioner of Professional and Occupational Affairs).

Since promulgation of regulations establishing schedules of civil penalties for the 11 licensing boards, the Commissioner has consulted with other licensing boards.

Six additional boards have requested that the Commissioner adopt a schedule of penalties for certain violations of their enabling statutes. The statement of policy set forth in Annex A establishes civil penalty schedules for the following six additional boards: State Board of Certified Real Estate Appraisers; State Board of Examiners in Speech-Language and Hearing; State Board of Examiners of Nursing Home Administrators; State Board of Nursing; State Board of Occupational Therapy Education and Licensure and State Board of Medicine.

Prior to adoption of the civil penalty schedules, the Commissioner's representative consulted with the respective boards, who then approved the civil penalty schedules set forth in Annex A.

The civil penalty schedules set forth in Annex A are effective upon publication in the *Pennsylvania Bulletin* and apply to acts, omissions or violations occurring on and after the date of publication.

*(Editor's Note:* The regulations of the Department of State, Bureau of Professional and Occupational Affairs, are amended by adding statements of policy in 49 Pa. Code §§ 43b.15—43b.20 to read as set forth in Annex A.)

BASIL L. MERENDA,  
*Commissioner*

**Fiscal Note:** 16-29. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

#### § 43b.15. Schedule of civil penalties—certified real estate appraisers—statement of policy.

#### STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 457.3	Holding oneself out as a State-certified real estate appraiser without current, valid appraiser certification	1st offense—\$500 2nd offense—formal action
Section 457.3	Performing real estate appraisal without current, valid appraiser certification	1st offense—\$500 2nd offense—formal action
Section 457.13	Failing to report multiple certifications on biennial renewal application	1st offense—\$100 2nd offense—\$250
Section 457.13	Failing to report disciplinary action taken by another jurisdiction on the biennial renewal application or within 90 days of disposition, whichever is sooner	1st offense—\$500 2nd offense—\$1,000
Section 458.8	Performing valuation of real property for ad valorem tax purposes without current, valid Certified Pennsylvania Evaluator (CPE) certification	1st offense—\$500 2nd offense—formal action

**Violation Under  
49 Pa. Code  
Chapter 36**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 36.13(a)(3)(iii)	Failing to ensure that appraiser assistant signs appraisal document as assistant to certified real estate appraiser	1st offense—\$250 2nd offense—\$500
Section 36.51	Failing to retain workfile for period required under Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule on recordkeeping	1st offense—\$250 2nd offense—\$500
Section 36.51	Failing to identify type of appraisal report under USPAP Standards Rule 2-2	1st offense—\$250 2nd offense—\$500
Section 36.52	Failing to place name, signature, title and appraiser certification number on appraisal report or appraisal agreement	1st offense—\$125 2nd offense—\$250
Section 36.91(c)	Practicing on an expired appraiser certification	1st offense 0—5 mos.—\$250 6—12 mos.—\$500 Over 12 mos.—formal action 2nd offense—formal action
Section 36.265	Failing to place name, signature, title and CPE certification number on appraisal report	1st offense—\$125 2nd offense—\$250
Section 36.271(c)	Practicing on expired CPE certification	1st offense 0—5 mos.—\$250 6—12 mos.—\$500 Over 12 mos.—formal action 2nd offense—formal action

**§ 43b.16. Schedule of civil penalties—audiologists, speech-language pathologists and teachers of the hearing impaired—statement of policy.****STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING****Violation under  
63 P. S.**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 1706	Practicing as an audiologist, speech-language pathologist, or teacher of the hearing impaired on a lapsed license	1st offense 0—12 mos.—\$50 per month; Over 12 months—formal action 2nd offense—formal action

**§ 43b.17. Schedule of civil penalties—nursing home administrators—statement of policy.****STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS****Violation under  
63 P. S.**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 1114.1	Practicing nursing home administration on a lapsed license	0 to 12 months—\$80 per month Over 12 months—formal action 2nd offense—formal action

**§ 43b.18. Schedule of civil penalties—nurses—statement of policy.****STATE BOARD OF NURSING****Violation under  
63 P. S.**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 225.4	Practicing professional nursing on a lapsed license	1st offense 0—12 mos.— \$100 per month up to \$1,000; over 12 months—formal action 2nd offense—formal action
Section 664(4)	Practicing practical nursing on a lapsed license	1st offense 0—12 mos.—\$75 per month; over 12 months—formal action 2nd offense—formal action

**Violation under  
63 P. S.**

Section 225.4

**Title/Description**

Holding oneself out as a licensed dietitian-nutritionist on a lapsed license

**Civil Penalty**1st offense  
0—12 months—\$100 per month  
up to \$1,000;  
over 12 months—formal action  
2nd offense—formal action**§ 43b.19. Schedule of civil penalties—occupational therapists and occupational therapy assistants—  
statement of policy.****STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE****Violation under  
63 P. S.**

Section 1506(a)

**Title/Description**

License Required—Practicing or indicating the ability to practice occupational therapy by person never licensed

**Civil Penalty**0 to 4 months—\$50 per month  
over 4 months to 8 months—  
\$100 per month  
9 months and over—\$200 per  
month, up to total of \$1,000

Section 1513(b)

Use of title occupational therapist or licensed occupational therapist or the letters O.T./L., O.T.R./L., L./O.T. or L./O.T.R. by person never licensed or not holding a current license

1st offense—\$500  
2nd offense—\$1,000

Section 1513(c)

Use of words occupational therapy assistant or licensed occupational therapy assistant or the letters C.O.T.A./L., O.T.A./L., L./C.O.T.A. or L./O.T.A. by person never licensed or not holding a current license.

1st offense—\$500  
2nd offense—\$1,000

Section 1515(a)

Renewal of license—Practicing on a lapsed license

0 to 4 months—\$50 per month  
over 4 months to 8 months—  
\$100 per month  
9 months and over—\$200 per  
month, up to total of \$1,000**§ 43b.20. Schedule of civil penalties—physicians and other board regulated practitioners—statement of  
policy.****STATE BOARD OF MEDICINE****Violation under  
40 P. S.**

1303.903(1)

**Title/Description**

Failure of physician to report to the Board within 60 days of the occurrence of any of those events enumerated in Section 903(1) of the Medical Care Availability and Reduction of Error (Mcare) Act.

**Civil Penalty**

Each offense—\$1,000

[Pa.B. Doc. No. 04-1918. Filed for public inspection October 22, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 5, 2004.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-28-04	ESB Financial Corporation, Ellwood City, to acquire 100% of PHSB Financial Corporation, Beaver Falls	Ellwood City	Filed
9-29-04	F. N. B. Corporation, Hermitage, to acquire 100% of the voting shares of Slippery Rock Financial Corporation, Slippery Rock	Hermitage	Approved
9-29-04	Sterling Financial Corporation, Lancaster, to acquire 100% of the voting shares of The Pennsylvania State Banking Company, Camp Hill	Lancaster	Approved
As a result of the holding company merger, Pennsylvania State Bank, Camp Hill, a wholly owned banking subsidiary of The Pennsylvania State Banking Company, will become a wholly owned subsidiary of Sterling Financial Corporation.			
10-1-04	Leesport Financial Corp., Wyomissing, acquired 100% of the voting shares of Madison Bancshares Group, Ltd., Blue Bell	Wyomissing	Effective
10-1-04	Omega Financial Corporation, State College, acquired 100% of Sun Bancorp, Inc., Lewisburg, and thereby indirectly acquired Sun Bank, Lewisburg, which was merged with and into Omega Bank, N. A., State College	State College	Effective
As a result of this transaction, Sentry Trust Company, Chambersburg, a nondepository trust subsidiary of Sun Bank, was acquired by Omega Financial Corporation and became a subsidiary of Omega Bank, N. A.			

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-28-04	ESB Savings Bank, Ellwood City, and Peoples Home Savings Bank, Beaver Falls Surviving Institution— ESB Savings Bank, Ellwood City	Ellwood City	Filed
9-30-04	First Financial Bank Downingtown Chester County  Purchase of assets/assumption of liabilities of one branch of PNC Bank, N. A., Pittsburgh, Located at:  Pennsylvania Avenue and First Street Avondale Chester County	Downingtown	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-04	Leesport Bank, Wyomissing, and The Madison Bank, Blue Bell Surviving Institution— Leesport Bank, Wyomissing	Wyomissing	Effective
	As a result of the merger, all branches of The Madison Bank, including the former main office, will become branches of Leesport Bank. 1767 Sentry Parkway West Blue Bell Montgomery County		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-7-04	Stonebridge Bank Exton Chester County	600 West Germantown Pike Plymouth Meeting Montgomery County	Opened
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Medford Acme 175 Route 70 Medford Burlington County, NJ	Opened
9-24-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Broomall Acme Lawrence Park Shopping Center 1991 Sproul Road Broomall Delaware County	Opened
9-28-04	First Financial Bank Downingtown Chester County	321 North Third Street Oxford Chester County	Filed
9-28-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 720 Downingtown Pike West Chester Chester County	Opened
9-29-04	Royal Bank America Narbeth Montgomery County	7001 West Chester Pike Upper Darby Delaware County	Opened
9-30-04	First CornerStone Bank King of Prussia Montgomery County	Ridley Shopping Center 160 Morton Avenue Ridley Park Delaware County	Approved
10-1-04	Greenville Savings Bank Greenville Mercer County	3302 Wilmington Road New Castle Lawrence County	Filed
10-4-04	First Commonwealth Bank Indiana Indiana County	Pittsburgh Mills Circle Frazer Township Allegheny County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-04	Farmers First Bank Lititz Lancaster County	<i>To:</i> 1570 Manheim Pike Lancaster Lancaster County  <i>From:</i> 2006 Miller Road East Petersburg Lancaster County	Filed
10-4-04	Fulton Bank Lancaster Lancaster County	<i>To:</i> 2057 South Queen Street York Township York County  <i>From:</i> 2081 Springwood Road York Township York County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-04	The Madison Bank Blue Bell Montgomery County	Summit Square Shopping Center Route 413 and Doublewoods Road Langhorne Bucks County	Effective
9-30-04	The Madison Bank Blue Bell Montgomery County	One Abington Plaza 101 Old York Road Jenkintown Montgomery County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-30-04	Prudential Trust Company Scranton Lackawanna County	Amendment to Article III reflects the removal of references to "The Prudential Insurance Company of America" from the purpose clause.	Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1919. Filed for public inspection October 22, 2004, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS**

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the

Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit 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>
PA0000736	Keystone Powdered Metal Company 251 State Street St. Marys, PA 15857	City of St. Marys Elk County	Iron Run and Elk Creek 17-A	Y
PA0000329	Pennsylvania American Water—Ellwood WTP 800 West Hersheypark Drive Hershey, PA 17033	Wayne Township Lawrence County	Slippery Rock Creek 20-C	Y
PA0104043	Grandview Acres Mobile Home Park 3104 Hadley Road Mercer, PA 16130	Perry Township Mercer County	Unnamed Tributary to Little Shenango 20-A	Y
PA0221601	Allegheny Valley Development P. O. Box 258 Tionesta, PA 16353-0258	Tionesta Township Forest County	Allegheny River 16-E	Y
PA0101851	Sitsters of the Humility of Mary Villa Maria Community Center 225 Villa Maria Road Villa Maria, PA 16155-0906	Pulaski Township Lawrence County	Unnamed Tributary to Coffee Run	Y
PA0101826	Woodland Meadows Mobile Home Park P. O. Box 29 Meridian Branch, PA 16001	Connoquenessing Township Butler County	Unnamed Tributary to Little Connoquenessing Creek	Y

### II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

**PA0243981**, Sewage, **Elizabeth Zimmer**, 1080 Old Sumneytown Pike, Harleysville, PA 19438. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Proposed Activity: This application is for issuance of a new NPDES permit to discharge treated sewage from a duplex residence (small flow sewage treatment plant) at the previous address to Vaughn Run, a tributary to Perkiomen Creek. The treatment plant will replace an existing malfunctioning on-lot sewage disposal system.

The receiving stream, Vaughn Run, is in the State Water Plan watershed 3E—Perkiomen and is classified for: trout stocking fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Suburban Water Company is located on the Perkiomen Creek, approximately 15 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 800 gallons per day.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>			15	30	
Total Suspended Solids (TSS)			10	20	
Total Residual Chlorine			Monitor and Report		
Fecal Coliform			200#/100ml		
pH	within limits of 6.0 and 9.0 standard units at all times				

The EPA waiver is in effect.

**PA0056294**, Sewage, **Bart Golf Club, Inc. T/A Hickory Valley Golf Club**, 1921 Ludwig Road, Gilbertsville, PA 19525. This application is for renewal of an NPDES permit to discharge treated sewage from the Bart Golf Club, Inc. T/A Hickory Valley Golf Club in New Hanover Township, **Montgomery County**. This is an existing discharge to Swamp Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1,500 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	1.0	2.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA0027421**, Sewage, SIC 4952, **Norristown Municipal Waste Authority**, 235 East Airy Street 2nd Floor, Norristown, PA 19401. This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Proposed Activity: Application is for renewal of an NPDES permit to discharge treated sewage from the Norristown Borough WWTP in Norristown Borough, Montgomery County. This is an existing discharge to the Schuylkill River.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for: cold water fishery, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department—Queen Lane Intake is located on the Schuylkill River, 11.6 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 9.75 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	2,030	3,250	25	40	50
Total Suspended Solids	2,440	3,660	30	45	60
Ammonia as N	1,630		20		40
Fecal Coliform			200 #/100 ml		
Dissolved Oxygen			Monitor/Report		
pH			between 6—9 STD units at all times		
Total Residual Chlorine			0.5		1.6
Total Copper			Monitor/Report		
Total Lead			Monitor/Report		
Total Zinc			Monitor/Report		

The proposed effluent limitations for Outfalls 003 and 005 (combined sewer overflows) during wet weather conditions are as follows:



<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	Monitor/Report	Monitor/Report	Monitor/Report
Total Suspended Solids	Monitor/Report	Monitor/Report	Monitor/Report
Ammonia as N	Monitor/Report	Monitor/Report	Monitor/Report
Fecal Coliform	Monitor/Report	Monitor/Report	Monitor/Report
pH	Monitor/Report	Monitor/Report	Monitor/Report

The proposed effluent limits for Outfall SW003 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration (mg/l) Maximum Daily</i>
CBOD <sub>5</sub>	Monitor/Report
COD	Monitor/Report
Oil and Grease	Monitor/Report
pH	Monitor/Report
Total Suspended Solids	Monitor/Report
Total Kjeldahl Nitrogen	Monitor/Report
Total Phosphorus	Monitor/Report
Fecal Coliform	Monitor/Report
Iron (Dissolved)	Monitor/Report

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

1. Average Weekly Definition
2. Remedial Measures if Unsatisfactory Effluent
3. No New Sources of Stormwater
4. Acquire Necessary Property Rights
5. Sludge Report Form and Monthly Operations Report Forms Submission
6. Test Specifications
7. Change in Ownership
8. IW Pretreatment
9. TRC Data
10. Sludge Handling
11. Discharge Specific Data
12. WET Testing
13. CSO/LTCP Requirements
14. Stormwater Only Outfall

The EPA waiver is not in effect.

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

**PA0029017-A1**, Sewage, **Schuylkill Haven Municipal Authority**, 12 West Main Street, Schuylkill Haven, PA 17972-1900. This proposed facility is located in Schuylkill Haven Borough, **Schuylkill County**.

Description of Proposed Activity: Amendment of existing NPDES permit.

The receiving stream, Schuylkill River, is in the State Water Plan watershed #3A and is classified for: cold water fishery. The nearest downstream public water supply intake for the Pottstown Water Authority is located on the Schuylkill River, over 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.8 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	16		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	0.5		1.76

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

1. WETT Monitoring
2. Operation/Implementation Pretreatment Program

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PA0098132**, Industrial Waste, SIC, 4941, **Garrett Borough**, P. O. Box 218, Garrett, PA 15542. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Garrett Borough Water Facility in Summit Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, Casselman River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply is the Ohiopyle Borough Municipal Water Works, P. O. Box 83, Ohiopyle, PA 15470, 33 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.031 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Suspended solids			30		60
Total residual chlorine			0.5		1.0
Aluminum			4.0		8.0
Iron			2.0		4.0
Manganese			1.0		2.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

*Outfall 002: existing discharge.*

This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility.

**PA0032263**, Sewage, **Bureau of State Parks, Yellow Creek State Park**, 170 Route 259 Highway, Penn Run, PA 15765-5941. This application is for renewal of an NPDES permit to discharge treated sewage from the Yellow Creek State Park Sewage Treatment Plant in Cherryhill Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Yellow Creek Lake, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Central Indiana Water Authority.

*Outfall 001: existing discharge, design flow of 0.313 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30) (10- 1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0032263**, Industrial Waste, SIC, 4941, **Bureau of State Parks, Yellow Creek State Park**, 170 Route 259 Highway, Penn Run, PA 15765. This application is for renewal of an NPDES permit to discharge treated process water from the Yellow Creek State Park Water Treatment Plant in Cherryhill Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Yellow Creek Lake, classified as a cold water fishery fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply is the Central Indiana Water Authority.

*Outfall 002: existing discharge, design flow of .005 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			4.0		8.0
Suspended Solids			30		60
Total Residual Chlorine			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0216992**, Sewage, **Shannock Valley General Services Authority**, P. O. Box 168, 111 South Center Street, NuMine, PA 16244-0168. This application is for renewal of an NPDES permit to discharge treated sewage from the Yatesboro STP in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cowanshannock Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Kittanning Suburban Joint Water Authority on the Allegheny River.

*Outfall 001*: existing discharge, design flow of 0.22 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	6.0	9.0		12.0
(11-1 to 4-30)	18.0	27.0		36.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**PA0103446**, Industrial Waste, **Onyx Greentree Landfill**, 635 Toby Road, Kersey, PA 15846. This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Activity: an existing discharge of treated industrial waste and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Pennsylvania American Water Co. and the Clarion River located at Clarion, 73 miles below point of discharge.

The receiving stream, Little Toby Creek, is in watershed 17-A and classified for: cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.053 MGD.

These discharge limits apply in any month in which the daily flow never exceeds 0.053 MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX	XX			
BOD <sub>5</sub>			53	163	163
TSS			31	60	77.5
Oil and Grease			50.2	205	205
Fecal Coliform					
(5-1 to 9-30)	200/100ml				
(10-1 to 4-30)	26,000/100ml				
Antimony			0.206	0.249	0.52
Arsenic			0.104	0.162	0.26
Cadmium			0.0962	0.474	0.474
Chromium			3.07	15.5	15.5
Cobalt			0.124	0.192	0.31
Copper			0.757	0.865	1.9
Lead			0.283	1.32	1.32
Mercury			0.000739	0.00234	0.00234
Nickel			1.45	3.95	3.95
Silver			0.0351	0.12	0.12
Tin			0.12	0.409	0.409
Titanium			0.0618	0.0947	0.15
Vanadium			0.0662	0.218	0.218
Zinc			0.42	0.497	1
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.14
2-Butanone			1.85	4.81	4.81

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.46
2,4,6-Trichlorophenol			0.106	0.155	0.27
(*) Pentachlorophenol				XX	
(*) Acrylonitrile				XX	
(*) Benzidine				XX	
(*) Benzo(a)anthracene				XX	
(*) Benzo(a)pyrene				XX	
(*) 3,4-benzofluoranthene				XX	
(*) Benzo(k)fluoranthene				XX	
(*) Bis(2-chloroethyl)ether				XX	
(*) Chrysene				XX	
(*) Dibenzo(a,h)anthracene				XX	
(*) 3,3-dichlorobenzidine				XX	
(*) 2,4-dinitrotoluene				XX	
(*) 2,6-dinitrotoluene				XX	
(*) 1,2-dephenylhydrazine				XX	
(*) Hexachlorobenzene				XX	
(*) Indeno(1,2,3-cd)pyrene				XX	
(*) N-nitrosodimethylamine				XX	
(*) Nitrosodi-n-propylamine				XX	
(*) Aldrin				XX	
(*) Chlordane				XX	
(*) 4,4-DDT				XX	
(*) 4,4-DDE				XX	
(*) 4,4-DDD				XX	
(*) Dieldrin				XX	
(*) alpha-BHC				XX	
(*) Heptachlor				XX	
Heptachlor epoxide				XX	
Toxaphene				XX	
pH					within limits of 6.0 to 9.0

The proposed effluent limits for Outfall 001 based on a design flow of 0.36 MGD. These discharge limits apply in any month in which the daily flows exceed 0.25 MGD on any given day.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX	XX			
CBOD <sub>5</sub>			36	72	90
TSS			31	60	77.5
Oil and Grease			50.2	205	205
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100ml 5,600/100ml		
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 04-30)	40.5 121.5	81 243	13.5 40.5	27 81	33.8 101.3
TRC			1		3.4
Antimony	0.13	0.26	0.043	0.086	0.11
Arsenic			0.104	0.162	0.26
Cadmium	0.24	0.48	0.18	0.36	0.2
Chromium			3.07	15.5	15.5
Cobalt			0.124	0.192	0.31
Copper	1	2	0.337	0.674	0.84
Lead	0.54	1.08	0.18	0.36	0.45
(*) Mercury				XX	
Nickel	2.37	4.74	0.79	1.58	2
Silver			0.0351	0.12	0.12
Thallium	0.015	0.03	0.005	0.01	0.013
Tin			0.12	0.409	0.409
Titanium			0.0618	0.0947	0.15
Vanadium			0.0662	0.218	0.218

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Zinc			0.42	0.497	1.05
Acetone			7.97	30.23	0.2
Acetophenone			0.0562	0.114	0.14
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.46
2,4,6-Trichlorophenol	0.1	0.2	0.034	0.068	0.085
(*) pentachlorophenol				XX	
(*) Acrylonitrile				XX	
(*) Carbon Tetrachloride				XX	
(*) 1,1-dichloroethylene				XX	
(*) Benzidine				XX	
(*) Benzo(a)anthracene				XX	
(*) Benzo(a)pyrene				XX	
(*) 3,4-benzofluoranthene				XX	
(*) Benzo(k)fluoranthene				XX	
(*) Bis(2-chloroethyl)ether				XX	
(*) Chrysene				XX	
(*) Dibenzo(a,h)anthracene				XX	
(*) 3,3-dichlorobenzidine				XX	
(*) 2,4-dinitrotoluene				XX	
(*) 2,6-dinitrotoluene				XX	
(*) 1,2-dephenylhydrazine				XX	
(*) Hexachlorobenzene				XX	
(*) Hexachlorobutadiene				XX	
(*) Indeno(1,2,3-cd)pyrene				XX	
(*) N-nitrosodimethylamine				XX	
(*) Nitrosodi-n-propylamine				XX	
(*) Aldrin				XX	
(*) alpha-BHC				XX	
(*) beta-BHC				XX	
(*) gamma-BHC				XX	
(*) Chlordane				XX	
(*) 4,4-DDT				XX	
(*) 4,4-DDE				XX	
(*) 4,4-DDD				XX	
(*) Dieldrin				XX	
(*) alpha-endosulfan				XX	
(*) beta-endosulfan				XX	
(*) Endrin				XX	
(*) Heptachlor				XX	
(*) Heptachlor epoxide				XX	
(*) Toxaphene				XX	
pH					within limits of 6.0 to 9.0 standard units

The proposed effluent limits for Outfall 001 based on a design flow of 0.15 MGD. These discharge limits apply in any month in which the daily flow is above 0.053 MGD but does not exceed 0.15 MGD on any given day.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX			
CBOD <sub>5</sub>			53	163	163
TSS			31	607	7.5
Oil and Grease			50.2	205	205
Ammonia Nitrogen					
(5-1 to 10-31)	30	60	24	48	60
(11-1 to 4-30)	90	180	72	144	180
Fecal Coliform					
(5-1 to 9-30)			200/100ml		
(10-1 to 4-30)			10,000/100ml		
Total Residual Chlorine			2.2		7.4
Antimony	0.1	0.2	0.083	0.166	0.21
Arsenic			0.104	0.162	0.26

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Cadmium			0.0962	0.474	0.474
Chromium			3.07	15.5	15.5
Cobalt			0.124	0.192	0.31
Copper			0.757	0.865	1.9
Lead			0.283	1.32	1.32
Mercury	0.00038	0.00076	0.0003	0.0006	0.0075
Nickel			1.45	3.95	3.95
Thallium	0.03	0.06	0.01	0.02	0.025
Silver			0.0351	0.12	0.12
Tin			0.12	0.409	0.409
Titanium			0.0618	0.0947	0.15
Vanadium			0.0662	0.218	0.218
Zinc			0.42	0.497	1.05
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.14
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.46
2,4,6-Trichlorophenol	0.1	0.2	0.078	0.16	0.2
Acrolein (*)				XX	
Pentachlorophenol (*)				XX	
Acrylonitrile (*)				XX	
Benzidine (*)				XX	
Benzo(a)anthracene (*)				XX	
Benzo(a)pyrene (*)				XX	
3,4-benzofluoranthene (*)				XX	
Benzo(k)fluoranthene (*)				XX	
Bis(2-chloroethyl)ether (*)				XX	
Chrysene (*)				XX	
Dibenzo(a,h)anthracene (*)				XX	
3,3-dichlorobenzidine (*)				XX	
2,4-dinitrotoluene (*)				XX	
2,6-dinitrotoluene (*)				XX	
1,2-dephenylhydrazine (*)				XX	
Hexachlorobenzene (*)				XX	
Indeno(1,2,3-cd)pyrene (*)				XX	
N-nitrosodimethylamine (*)				XX	
Nitrosodi-n-propylamine (*)				XX	
Aldrin (*)				XX	
alpha-BHC (*)				XX	
Chlordane (*)				XX	
4,4-DDT (*)				XX	
4,4-DDE (*)				XX	
4,4-DDD (*)				XX	
Dieldrin (*)				XX	
Heptachlor (*)				XX	
Heptachlor epoxide (*)				XX	
Toxaphene (*)				XX	
pH			6.0		9.0

The proposed effluent limits for Outfall 001 based on a design flow of 0.25 MGD. These discharge limits apply in any month in which the daily flow is above 0.15 MGD, but does not exceed 0.25 MGD on any given day.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX			
CBOD <sub>5</sub>			40	80	100
TSS			31	60	77.5
Oil and Grease			50.2	205	205
Ammonia Nitrogen					
(5-1 to 10-31)	34	68	16.5	33	41
(11-01 to 4-30)	103	204	49.5	99	123

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100ml 7,100/100ml		
Total Residual Chlorine			1.4		4.7
Antimony	0.11	0.22	0.055	0.11	0.14
Arsenic			0.104	0.162	0.26
Cadmium			0.0962	0.474	0.474
Chromium			3.07	15.5	15.5
Cobalt			0.124	0.192	0.31
Copper			0.757	0.865	1.9
Lead	0.5	1	0.25	0.5	0.63
Mercury	0.00042	0.00084	0.0002	0.0004	0.0005
Nickel	2.25	4.5	1.08	2.16	2.7
Thallium	0.014	0.028	0.0067	0.014	0.017
Silver			0.0351	0.12	0.12
Tin			0.12	0.409	0.409
Titanium			0.0618	0.0947	0.15
Vanadium			0.0662	0.218	0.218
Zinc			0.42	0.497	1.05
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.14
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.46
2,4,6-Trichlorophenol	0.1	0.2	0.047	0.094	0.12
Acrolein (*)				XX	
Pentachlorophenol (*)				XX	
Acrylonitrile (*)				XX	
Benzidine(*)				XX	
Benzo(a)anthracene (*)				XX	
Benzo(a)pyrene (*)				XX	
3,4-benzofluoranthene (*)				XX	
Benzo(k)fluoranthene (*)				XX	
Bis(2-chloroethyl)ether (*)				XX	
Chrysene (*)				XX	
Dibenzo(a,h)anthracene (*)				XX	
3,3-dichlorobenzidine (*)				XX	
2,4-dinitrotoluene (*)				XX	
2,6-dinitrotoluene (*)				XX	
1,2-dephenylhydrazine (*)				XX	
Hexachlorobenzene (*)				XX	
Indeno(1,2,3-cd)pyrene (*)				XX	
N-nitrosodimethylamine (*)				XX	
Nitrosodi-n-propylamine (*)				XX	
Aldrin (*)				XX	
alpha-BHC (*)				XX	
Chlordane (*)				XX	
4,4-DDT (*)				XX	
4,4-DDE (*)				XX	
4,4-DDD (*)				XX	
Dieldrin (*)				XX	
Heptachlor (*)				XX	
Heptachlor epoxide (*)				XX	
Toxaphene (*)				XX	
pH	within limits of 6 to 9 standard units at all times				

The proposed effluent limits for Sedimentation Basins 001, 002, 003, 004, 006, 007, 008, 010, 011, A1, B1, B2, D and E, based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chemical Oxygen Demand				XX	
Oil and Grease				XX	

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
pH				XX	
Total Dissolved Solids				XX	
Total Organic Carbon				XX	
Barium				XX	
Cadmium				XX	
Chromium				XX	
Lead				XX	
Mercury				XX	
Magnesium				XX	
Selenium				XX	
Silver				XX	
Ammonia				XX	
Arsenic				XX	
Cyanide				XX	
Nitrate plus Nitrite Nitrogen				XX	
Total Iron				XX	

XX—Monitor and Report.

\* See Special Condition 6 in Part C of the permit.

The EPA waiver is in effect.

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### III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 6304409**, Sewerage, **Tim Zyra**, 150 Lanik Road, Bentleyville PA 15314. This proposed facility is located in Somerset Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow treatment facility to serve the Zyra residence.

**WQM Permit No. WQG016104**, Sewerage, **Jane Rittenhouse**, R. D. 5, Box 127, Mt. Pleasant, PA 15666. This proposed facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow treatment facility to serve the Rittenhouse residence.

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### IV. NPDES Applications for Stormwater Discharges from MS4

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAI130544	West Brandywine Township 198 Lafayette Road Coatesville, PA 19320	Chester County	West Brandywine Township	3H Watershed	Y

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### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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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.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011504071	Peter Kjellerup Dansko Development 8 Federal Road West Grove, PA 19390	Chester	Penn Township	Unnamed Tributary East Branch Big Elk Creek HQ-TSF-MF



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

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804037	Signature Homes Attn: Daniel Witzczak 610 Farm Lane Doylestown, PA 18901	Northampton	Forks Township	Bushkill Creek HQ-CWF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504027	Parker Realty Co. 320 N. Ninth St. Stroudsburg, PA 18360	Monroe	Stroud Township	Little Pocono Creek HQ-CWF

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI084204003	Otter Exploration, Inc. 104 College Street Hudson, OH 44236	McKean	Lafayette Township	Lewis Run and Miam Run HQ-CWF

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)**

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

<b>Permit No. 0904509</b> , Public Water Supply.	
Applicant	<b>Pennland Bedminster, LP</b>
Township	Bedminster
County	<b>Bucks</b>
Responsible Official	Bernard K. Ciliberto
Type of Facility	PWS
Consulting Engineer	Carroll Engineer Corporation
Application Received Date	October 6, 2004
Description of Action	Construction of a PWS system to serve the proposed Residential Development, approximately 225 single family dwelling units.

<b>Permit No.4604506</b> , Public Water Supply.	
Applicant	<b>Pottstown Borough Authority</b>
Township	Lower Pottsgrove
County	<b>Montgomery</b>
Responsible Official	Jack Layne
Type of Facility	PWS
Consulting Engineer	BCM Engineers

Application Received Date October 6, 2004  
 Description of Action Construction of a 1 million gallon storage tank.  
*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0204502**, Public Water Supply.

Applicant **Township of Shaler**  
 300 Wetzel Road  
 Glenshaw, PA 15116  
 Township or Borough Glenshaw  
 Responsible Official Timothy Rogers,  
 Township Manager  
 Township of Shaler  
 300 Wetzel Road  
 Glenshaw, PA 15116  
 Type of Facility Water treatment plant  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Application Received Date September 2, 2004  
 Description of Action Construction of two new aboveground water storage tanks to replace existing, replacement or modification of two existing aboveground storage tanks, construction of new pump station, installation of new waterlines.

**Permit No. 2604501**, Public Water Supply.

Applicant **Bruderhof Communities in PA, Inc.**  
 101 New Meadow Run Drive  
 Farmington, PA 15437  
 Township or Borough Wharton Township  
 Responsible Official Matthew Domer, President  
 Bruderhof Communities in PA, Inc.  
 101 New Meadow Run Drive  
 Farmington, PA 15437  
 Type of Facility Private community system  
 Consulting Engineer McMillen Engineering  
 115 Wayland Smith Drive  
 Uniontown, PA 15401  
 Application Received Date September 29, 2004  
 Description of Action Permitting of new water supply well and existing public water supply facilities.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 1604501**, Public Water Supply.

Applicant **East Brady Borough**  
 Township or Borough East Brady Borough,  
**Clarion County**  
 Responsible Official Mary Lou Wyman, Borough  
 Council President

Type of Facility PWS  
 Application Received Date October 7, 2004  
 Description of Action Update water treatment plant and wells along with a waterline extension to provide water to the Petroleum Valley Regional Water Authority.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)**

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

**Application No. 1504509**, Minor Amendment.

Applicant **Pennsylvania American Water Company**  
 City of Coatesville  
 Responsible Official William C. Kelvington  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer Scott M. Thomas  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey PA, 17033  
 Application Received Date October 6, 2004  
 Description of Action Blasting and painting the interior and exterior of a water storage tank.

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

**Application No. Minor Amendment.**

Applicant **Aqua Pennsylvania, Inc.**  
 Township or Borough Kingston Township,  
**Luzerne County**  
 Responsible Official Richard T. Subasic  
 Vice President, General Manager  
 Type of Facility PWS  
 Consulting Engineer Peter J. Lusardi, P. E.  
 CET Engineering Services  
 Application Received Date September 16, 2004  
 Description of Action The construction of a water storage tank and system interconnections.

**Application No. Minor Amendment.**

Applicant **Pennsylvania American Water Company**  
 Township or Borough Bangor Borough,  
**Northampton County**  
 Responsible Official William C. Kelvington  
 Vice President of Operations  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Type of Facility	PWS
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Application Received Date	October 5, 2004
Description of Action	The applicant requests approval to blast and repaint the interior and exterior of a 100,000 gallon elevated tank known as The Roosevelt Street Tank located in Bangor Borough, Northampton County.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 8328-A1-T1, Minor Amendment.**

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Township or Borough	North Strabane Township
Responsible Official	William C. Kelvington, Vice President—Operations Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Water tank
Application Received Date	October 5, 2004
Description of Action	Blasting and painting of the interior and exterior of the 5 million gallon ground tank known as the Mapleview Tank.

## WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WA-59-1009, Water Allocations, Nelson Township Authority, Nelson Township, Tioga County.** The Authority has been granted the right to withdraw a maximum of 49,000 gallons of water per day from the Cowanesque River.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Defense Supply Center Philadelphia and Passyunk Homes, City of Philadelphia, Philadelphia County.** Hasan Dogrul, 8725 John J. Kingman Rd., Suite 2833, Fort Belvoir, VA 22060-6222 on behalf of Georgette Galbreth and Leigh Poltrock, Philadelphia Housing Authority, 12 South 23rd St., Philadelphia, PA 19103 and Dan Faust, Delaware River Port Authority, One Port Center, 2 Riverside Dr., P. O. Box 1949, Camden, NJ 08101-1949 has submitted a Notice of Intent to Remediate. The Defense Supply Center Philadelphia and

Passyunk Homes are contaminated with a refined petroleum product. The soil and groundwater were contaminated with petroleum related organic compounds and inorganics. The proposed future use of the now vacant Passyunk Homes property is unknown at this time. The future use of the Defense Supply Center could include commercial or retail office buildings.

**Atlantic Metals Corporation**, City of Philadelphia, **Philadelphia County**. Donald A. Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of James Thackray, Orthodox St. Prop., LLC, d/b/a Thackray Crane Rental, Inc., 2071 Byberry Blvd., Philadelphia, PA 19116 has submitted a Notice of Intent to Remediate. The 15-acre site had five underground storage tanks closed. The soil was contaminated with lead and selenium at concentrations that exceed their Act 2 nonresidential soil to groundwater medium-specific concentrations. In addition, several metals: antimony, cadmium, lead and selenium, also one semivolatile organic compound (pentachlorophenol) were detected in groundwater. The future use of the property is to remain nonresidential for commercial use.

**Alco Industries Oaks Facility**, Upper Providence Township, **Montgomery County**. Peter Beyer, P. G., ERM, Inc., 350 Eagleview Blvd, Suite 200, Exton, PA 19341 on behalf of John Neilson, Highland Oaks, LLC, 2620 Egypt Rd., Norristown, PA 19403 has submitted a Notice of Intent to Remediate. The site groundwater has been impacted by historical operations where plant debris/materials were disposed. Parameters detected in groundwater include tetrachloroethene (PCE), trichloroethene (TCE).

**Cellini Prop.**, Springfield Township, **Montgomery County**. Matthew Grubb, Environmental Maintenance Co., Inc., 1420 E. Mermaid Ln., Glenside, PA 19038 on behalf of Edward Cellini, 218 92nd North Unit, Seal Isle City, NJ 08243 has submitted a Notice of Intent to Remediate. Two out of service storage tanks were removed from property. Soil at the site was impacted with unleaded/leaded gasoline and diesel fuel. The future use of the property is for residential and nonresidential purposes.

**1500 S. Front St.**, City of Philadelphia, **Philadelphia County**. Natalie Hsueh, React Environmental Svc., Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142 on behalf of Isaac Ohayon, Masada Custom Builders, 100 South St., Philadelphia, PA 19147 has submitted a Notice of Intent to Remediate. The area was a lumber storage yard. Soil at the site was impacted with lead and inorganics. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 15, 2004.

**201 South Caln Road**, Caln Township, **Chester County**. Michael S. Welsh, P. E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of Tim Townes, Southdown Prop., Inc., 55 Country Club Dr., Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Contamination is associated with the site's historic use. Metals from coal/coal ash impacted the soil at the site. The only contaminant identified was arsenic. The intended future use of the property is multifamily residential.

**Microsoft School**, City of Philadelphia, **Philadelphia County**. Scott Smith, P. E., Powell-Harpstead, Inc., 800 E. Washington, St., West Chester, PA 19380 on behalf of Marijane Hooven, School District of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Notice

of Intent to Remediate. The soil at the site was impacted with lead, arsenic and benzo(a)pyrene. The intended future use of the property is Microsoft School. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Weekly* on October 6, 2004.

**Oesterle Tract/Church Hill Estates**, Limerick Township, **Montgomery County**. Richard Sacks, P. G., St. Environmental Professionals, Inc., 1514 Harmon Rd., Harleysville, PA 19438 on behalf of Carmen D'Arcangelo, D'Arcangelo Builders, 1900 General Alexander Dr., Malvern, PA 19255 has submitted a Notice of Intent to Remediate. The soil at the site was impacted with lead. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pottstown Mercury* on September 17, 2004

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**GTE Sylvania (Osram) (WO-41)**, Wellsboro Borough, **Tioga County**, PPL Services Corp., 2 North 9th St, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soils contaminated with mercury. This site located at Jackson Street, Wellsboro, PA is being remediated to meet the Statewide Health Standards.

**Champion Bridge (WD-18)**, Westfield Township, **Tioga County**, PPL Services Corp., 2 North 9th St, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soils contaminated with mercury. This site located at California Rd, Westfield, PA is being remediated to meet the Statewide Health Standards.

**Dominion Transmission Inc.**, Harrison Township, **Potter County**, has submitted an amended Notice of Intent to Remediate soils contaminated with organics. This site is being remediated to meet the site-specific requirements.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Works Garage**, North Union Township, **Fayette County**. Joe Miller, Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 (on behalf of Paula Works, Works Garage, 305 Craig Lane, Hopwood, PA 15455, and Jessica Mangus, Intern, 629 East Rolling Ridge Drive, Bellefonte, PA 16823) has submitted a Notice of Intent to Remediate soil contaminated with leaded and unleaded gasoline, chlorinated solvents, PAHs and other organics. The applicant proposes to remediate the site soils to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Herald-Standard* on September 3, 2004.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Applications received for Determination of Applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**General Permit Application No. WMGR038SW010. Tire Visions, Inc.**, 938 Mine Road, Northern Cambria, PA 15716. Former Greenwich Collieries Facility, 938 Mine Road, Northern Cambria, PA 15716. An application for Determination of Applicability for the general permit for processing and beneficial use of waste tires, tire derived material and tire derived fuel, was received in the regional office on October 5, 2004.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Southwest Regional Office at (412) 442-4000. 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.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Applications Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 101247. Keystone Sanitary Landfill, Inc.**, P. O. Box 249, Dunmore, PA 18512. A major permit modification for an adjustment to Phase II subgrade and final grades of Pads 3—15 at this municipal waste landfill located in Dunmore and Throop Boroughs, **Lackawanna County**. There will be no increase to the landfill's disposal capacity. The application was received in the regional office on September 28, 2004. As of October 6, 2004, it was deemed administratively complete.

### **AIR QUALITY**

#### **NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest

to the regional office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with regional offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users 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 (act) and regulations adopted under the act.

#### **PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-328-007: Green Knight Economic Development Corp.** (2147 Pen Argyl Road, Pen Argyl, PA 18072) for modification of the turbine operation to implement a maintenance program at their Green Knight Energy Center in Plainfield Township, **Northampton County**.

**54-329-001: Commonwealth Environmental Systems** (P. O. Box 322, Hegins, PA 17938) for construction of an emergency generator at their facility in Frailey and Foster Townships, **Schuylkill County**.

**48-322-006: Grand Central Sanitary Landfill, Inc.** (1963 Pen Argyl Road, Pen Argyl, PA 18072) for modification to expand the municipal waste landfill at their facility in Plainfield Township, **Northampton County**. This modification will not increase the maximum daily waste acceptance tonnage but will increase the current disposal area at the site by 25 acres.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-05005A: York Refrigeration—Frick** (100 CV Avenue, Waynesboro, PA 17268) for modification of their existing metal surface coating operation in the Borough of Waynesboro, **Franklin County**. The modifications include the installation of a replacement paint booth with a dry filter system.

**36-05001B: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for modifications to the

dry saw operational area of their Marietta ceiling tile plant in East Donegal Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**17-00055A: River Hill Power Co., LLC** (94 Spruce Street, Indiana, PA 15701-8424) for construction of a 290 megawatt electric generating facility in Karthaus Township, **Clearfield County**, including a 2,871 mmBtu/hr waste coal fired circulating fluidized bed (CFB) boiler, a steam turbine generator, a #2 fuel oil fired auxiliary boiler for CFB start-up, a mechanical draft wet cooling tower, a diesel fired generator, a diesel fired fire pump, a 50,000 gallon #2 fuel oil aboveground storage tank, as well as materials handling, preparation and storage systems for coal, limestone and ash. The air contaminant emissions from the CFB boiler will be controlled by a limestone injection system with humidified fly ash in-duct recirculation, low NOx burners, selective noncatalytic reduction (SNCR) and a fabric filter baghouse. The facility is subject to the Prevention of Significant Deterioration provisions of 40 CFR 52.21, New Source Review provisions of 25 Pa. Code §§ 127.201—127.217, Federal Acid Rain provisions of 40 CFR Parts 72—78, the case-by-case MACT provisions of 25 Pa. Code § 127.35 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1—127.12.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**65-00016G: Timken Latrobe Steel** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for installation of billet grinder and baghouse at Latrobe Plant in Latrobe Borough, **Westmoreland County**. This is a Title V Facility.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**42-196B: Catalyst Energy, Inc.—Swamp Angel Compressor Station** (1/4 mile from Big Shany Road and FR 307, Lewis Run, PA 16738) for installation of a 3,000 cfm natural gas processing plant in Lafayette Township, **McKean County**. The source is subject to NSPS (40 CFR 60, Subpart KKK).

**33-107A: Beverage Air** (Progress Street, Brookville, PA 15825) for initiation of solvent wiping for preparation of sheet metal and metal parts that will generate approximately 8.17 TPY VOC emissions in the City of Brookville, **Jefferson County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702*

**36-03005A: Intelligencer Printing Co., Inc.** (330 Eden Road, P. O. Box 1768, Lancaster, PA 17608) for installation of a replacement printing press controlled by a thermal oxidizer in Manheim Township, **Lancaster County**. Potential VOC emissions are not expected to increase beyond 7.7 tons per year. The plan approval shall contain additional recordkeeping and operating re-

strictions designed to keep the facility operating within all applicable air quality requirements in the ensuing facility-wide operating permit.

**36-03076D: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for modification of the existing limestone crushing plant at their Weaverland Quarry in East Earl Township, **Lancaster County**. The proposed modifications will not appreciably change emissions from the facility. The crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval and State-only operating permit will include emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality standards.

**36-03129A: Kalas Manufacturing, Inc.—Plant No. 3** (25 Main Street, Denver, PA 17517) for construction of additional soldering pots and a baghouse in East Cocalico Township, **Lancaster County**. Estimated facility-wide atmospheric lead emissions are less than 1 ton per year. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-05017B: Conestoga Wood Specialties Corp.** (245 Reading Road, East Earl, PA 17519) for construction of a new CEFLA Line with their Finishing Line Expansion in East Earl Township, **Lancaster County**. This expansion has a potential to increase the facility's VOC emissions by 15 tons per year. The facility's major sources of emissions include woodworking operations controlled by dust collectors and coating booths, which primarily emit VOCs. This Plan Approval will be incorporated into the facility's Title V operating permit number 36-05017 in accordance with 25 Pa. Code § 127.450 (Administrative Amendment). The Title V operating permit number 36-05017 will contain the emissions, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within the applicable air quality requirements.

**67-03122: Key Plastics, LLC** (3350-3390 Farmtrail Road, York, PA 17402) for installation of three automated paint lines controlled by dry filters and a regenerative thermal oxidizer in Manchester Township, **York County**. The facility is a non-Title V (State-only) facility. Operations at the facility will result in 5.1 tons per year of VOCs and 1.2 tons per year of combined HAPs. The plan approval will include emission limitations, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**24-131H: SGL Carbon LLC** (900 Theresia Street, St. Marys, PA 15857) for use of Freon 134a as a process gas for their Vacuum Out Gas Furnace (Source 7101) and their Purification Furnaces (Source 7000) in City of St. Marys, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source shall comply with all the conditions in their Title V permit.

- The Freon (HFC 134a) addition rate shall be less than 6 pounds per hour. Compliance with the Freon (HFC 134a) addition rate limit will be shown through recordkeeping.

- The HF emissions shall be less than 1ppmv. Compliance with the HF emission limitation will be shown through an initial Drager Tube test with subsequent quarterly Drager Tube testing. The Drager Tube test will consist of two tests done at 1-hour intervals at or near the maximum Freon (HFC 134a) addition rate.

**20-175B: Cardinal Home Products** (205 North Pymatuning Street, Linesville, PA 16424) for post construction of a secondary flow coat line and an increase in site VOC emissions at their facility in the Borough of Linesville, **Crawford County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to for post construction of a secondary flow coat line and an increase in site VOC emissions at their facility in the Borough of Linesville, Crawford County. This plan approval will be incorporated into a State Only operating permit at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive, particulate matter, odor and visible emissions, respectively.

2. The source shall use coatings that are compliant with 25 Pa. Code § 129.52, Table I(10)(e) for the category air dried miscellaneous metal parts and products, only.

3. In accordance with 25 Pa. Code § 127.12(a)(5), best available technology, coatings used in the secondary red coating line shall be water based, or shall have VOC contents comparable to Plan Approval application defined coating (maximum 6.67 lbs VOC/gallon coating solids). Proposed changes in coatings and formulations shall be indicated to the Department for review at least 2 weeks prior to implementation.

4. The sources hours of operation shall not exceed 1,500 hours per year, defined as any 12 month rolling period.

5. A monthly log of hours of operation of the source shall be kept. The monthly total will be added to the previous 11 months to assure compliance with condition 4.

6. VOC emissions from the facility shall not exceed 35.0 TPY, to be defined as any 12 month rolling period.

7. A monthly log of VOC emissions from all sources shall be kept. The monthly total will be added to the previous 11 months to assure compliance with condition 6.

8. Records of coating usage shall be maintained in accordance with 25 Pa. Code § 129.52(c). Daily records shall be maintained of coating usage, gallons of diluents used and density of diluents used. The records shall be maintained for a period of 5 years, and shall be made available to the Department upon request.

9. The temperature of the drying oven shall be less than 200°F.

10. Excepting the increase in allowable VOC emissions, above, all other conditions in previous plan approvals shall remain in effect.

## OPERATING PERMITS

### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**15-00037: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) for renewal of their Title V Operating Permit in West Whiteland Township, **Chester County**. The initial permit was issued on December 10, 1999. The facility is a manufacturing facility that operates both nonheatset lithography and screen-printing presses for the production of printed credit and electronic access cards. As a result of potential emissions of VOCs the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring (CAM) under to 40 CFR Part 64.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512*

**19-00007: Transcontinental Gas Pipeline Corp.** (2800 Post Oak Boulevard, P. O. Box 1396, Houston, TX 77251) for renewal of the Title V Operating Permit for their Jackson Township facility in Jackson Township, **Columbia County**. The facility's sources include four turbine compressor engines, four space heaters, four storage tanks, one parts washer, one auxiliary generators, one water heater, one glycol heater and associated pipeline flanges and valves, which have the potential to emit major quantities of NOx. The facility has the potential to emit VOCs, PM/PM10, CO, HAPs and SOx below the major emission thresholds. The four engines are subject to 40 CFR 60.330—60.335. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00066: Wheeling Pittsburgh Steel Corp.** (1 Wheeling Pittsburgh Steel Drive, Allenport, PA 15412) for cold finishing of steel at Allenport Plant in **Washington County**. This is a Title V renewal.

### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) for a non-Title V, State Only, Synthetic Minor Operating Permit in West Rockhill Township, **Bucks County**. TEVA Pharmaceuticals USA Inc. manufactures granular pharmaceutical products that emit volatile organic compounds in the drying process. Volatile organic compounds are limited through this permit to 24 tons per year from these drying processes. There are two boilers that operate on no. 4 fuel

oil and one boiler that operate on no. 2 fuel oil at this facility. The facility also operates two fire pumps and an emergency generator. These fuel-fired sources have the potential to emit 18 tons of nitrogen oxides per year, 60 tons of sulfur oxides per year, and 3 tons of particulate matter emissions per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637*

**41-00062: Wheeland Lumber Co., Inc.** (R. R. 1, Box 220B, Liberty, PA 16930) for their lumber mill facility in Jackson Township, **Lycoming County**. The facility's main source includes two stoker wood-fired boilers for producing steam for lumber-drying kilns. Other sources at the facility include a two emergency generators, one parts cleaning station and one (1) oil-fired office furnace. These sources have the potential to emit PM (PM10), NOx, SOx, CO and VOCs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**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 Act (52 P. S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a

particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—123 and 86.31—34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the following mining activities will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements. Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief 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.

*Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a

1-year 24-hour event) from coal refuse disposal piles.

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100*

**11031301. NPDES Permit No. PA0235539, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to revise the permit for the Madison Mine in



Jackson Township, **Cambria County** to add surface activity site acres to install ventilation boreholes, Surface Acres Proposed 4.4. No additional discharges. Application received September 21, 2004.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900*

**32040201 and NPDES Permit No. PA0249645. Robindale Energy Services, Inc.**, 224 Grange Hollow Road, P. O. Box 228, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface mine in Center and Blacklick Townships, **Indiana County**, affecting 79.1 acres. Receiving streams: unnamed tributary to Two Lick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2004.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191*

**33940102 and NPDES Permit No. PA0211923. Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242-0044). Renewal of an existing bituminous surface strip and auger operation in Knox Township, **Jefferson County** affecting 101.0 acres. Receiving streams: two unnamed tributaries to Lick Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 5, 2004.

*Noncoal Permit Applications Received*

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118*

**64022802. Tompkins Bluestone Co., Inc.**, (P. O. Box 776, Hancock, NY 13783), Stage I & II bond release for a quarry operation in Scott Township, **Wayne County** affecting 4.0 acres on property owned by Thomas J. Toton, Jr. Application received October 4, 2004.

**64022803. Tompkins Bluestone Co., Inc.**, (P. O. Box 776, Hancock, NY 13783), Stage I & II bond release for a quarry operation in Scott Township, **Wayne County** affecting 4.0 acres on property owned by Thomas and Joyce Toton. Application received October 4, 2004.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191*

**20870304 and NPDES Permit No. PA0242578. Heritage Excavating & Stone** (P. O. Box 462, Wampum, PA 16157). Revision to an existing sandstone operation in South Shenango Township, **Crawford County** affecting 37.8 acres. Receiving streams: Unnamed tributary to Pymatuning Reservoir, classified for the following use: WWF. The first downstream potable water supply intakes from the point of discharge are the Borough of Jamestown and Greenville Water Authority. Revision to add an NPDES permit. Application received: October 7, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the state to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to ap-

proval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted previous the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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**Applications Received Under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification Under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

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## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-727. DOT**, 7000 Geerdes Boulevard, King of Prussia, PA 19046, Wallace Township, **Chester County**, ACOE Philadelphia District.

To remove the existing timber beam bridge and to construct and maintain, in its place, a reinforced concrete box culvert across the North Branch of Indian Run (HQ-CWF). The proposed culvert will have a clear span of 18.0 feet and a minimum underclearance of approximately 4.0 feet. The proposed culvert will be depressed an additional 1-foot below the streambed to provide for fish passage. This work also includes placement and maintenance of associated riprap protection at the existing outfall pipe and temporary sand bag cofferdam. The site is located just southwest of the intersection of Springton Road (S. R. 4021) and Indiantown Road (S. R. 4023) (Wagontown, PA USGS Quadrangle N: 14.0 inches; W: 4.4 inches).

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

**E45-471. John McGowan & Sons, Inc.**, 2636 Aquetong Road, New Hope, PA 18938, in Middle Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain fill that was placed in a de minimis area of wetlands equal to 0.003 acre during the construction of a deck attached to a single family dwelling. The project is located at Lot 132-A of Country Club of the Poconos

residential subdivision on the south side of Fairway Drive West (Bushkill, PA-NJ Quadrangle N: 11.8 inches; W: 14.5 inches).

**E64-249. Roger Dirlam and Melvin Plucknett**, R. R. 6, Box 6825, Honesdale, PA 18431-9655, in Texas Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain fill that was placed in approximately 0.22 acre of wetlands, within the drainage basin of the Lackawaxen River, for the purpose of rough grading a site for a future commercial development. The applicant is proposing to create 1.25 acres of wetlands on-site as mitigation. The project is located along the east side of S. R. 0191, approximately 0.5 mile south of the intersection of S. R. 0191 and T-478. (Honesdale, PA Quadrangle N: 8.2 inches; W: 0.1 inch).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**E36-788. Mark Hoover**, 1173 Reading Road, Narvon, PA 17555 in Brecknock Township, **Lancaster County**, ACOE Baltimore District

Mark Hoover proposes to construct and maintain one concrete and steel beam bridge and one suspension pedestrian bridge spanning Muddy Creek (WWF) located on the Terre Hille, PA Quadrangle (Latitude: 40° 11' 28"; W: 76° 01' 21") in Brecknock Township, Lancaster County.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1480. Borough of West Mifflin**, 3000 Lebanon Church Road, West Mifflin, PA 15122. West Mifflin Park culvert replacement in the Borough of West Mifflin, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 19.9 inches; W: 1.2 inches and Latitude: 40° 21' 35"—Longitude: 79° 53' 00"). The applicant proposes to remove the existing 78-inch diameter stream enclosure and to construct and maintain a new 78-inch diameter stream enclosure 135.0 feet in length in an unnamed tributary to Thompson Run (WWF) for the purpose of improving the entrance road to West Mifflin Park. The project is located on the north side of Bettis Road, approximately 1,500 feet southwest from the intersection of Union Road and Bettis Road and will impact, along with the temporary road crossing (20 feet long), 155.0 linear feet of stream channel.

**E02-1481. McKeesport Housing Authority**, 2901 Brownlee Avenue, McKeesport, PA 15132-1759. Renovate Harrison Village in the City of McKeesport, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle N: 16.7 inches; W: 16 inches and Latitude: 40° 20' 31"—Longitude: 79° 51' 53"). The applicant proposes to renovate the existing R. B. Harrison Village along the right bank of the Youghiogheny River (WWF). The project is located on the south side of 12th Street, just south from the intersection of 12th Street and Ross Street and will not impact the Youghiogheny River or wetlands. The project consists of building demolition and reconfiguration of existing buildings, roadways and parking areas.

**E02-1482. Port Authority of Allegheny County**, 345 Sixth Avenue, 3rd Floor, Pittsburgh, PA 15222-2527. Light Rail Transit twin tunnel subway in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. Project begins at (Pittsburgh West, PA Quadrangle N: 12.0 inches; W: 0.6 inch and Latitude: 40° 26' 28"—Longitude: 80° 0' 16") and Project Ends at (Pittsburgh

West, PA Quadrangle N: 13.2 inches; W: 2.8 inches and Latitude: 40° 26' 52" and Longitude: 89° 1' 12"). The applicant proposes to construct and maintain a twin tunnel subway beneath the Allegheny River (WWF) consisting of two 850-foot long, 22-foot diameter boreholes, to construct and maintain two temporary 200-foot long by 20-foot wide coffer dams, one along the north shore and one along the south shore of the Allegheny River and to construct and maintain the Allegheny LRT station and five piers that support the aerial rail line in the 100 year flood plain fringe of the Allegheny River. The proposed work will extend the existing 25.0-mile LRT system an additional 1.2 miles from the existing Gateway Station in the Pittsburgh central business district to Spout Way on the North Shore. The project is located in the City of Pittsburgh. The proposed impacts are to temporarily affect 400 linear feet of the Allegheny Shore line to permanently affect 570 square feet of floodway fringe. There are no permanent impacts to the river and no vegetated wetlands to be impacted.

**E32-465. Exotic Oil & Gas, LLC**, 1 Indian Springs Road, Indiana, PA 15701. Pipe culvert in Cherryhill Township, **Indiana County**, Pittsburgh ACOE District. (Commodore, PA Quadrangle N: 5.0 inches; W: 12.15 inches and Latitude: 40° 39' 8"—Longitude: 78° 57' 45"). The applicant proposes to remove the existing structure and to construct and maintain a 30.0-foot long, 60-inch corrugated metal pipe culvert in Browns Run (CWF) for the purpose of accessing a gas well located off of Route 403, 6,000 feet north of its intersection with Route 580.

**E32-466. Ruben D. Byler**, 31 Windows Road, Smicksburg, PA 16256. Pipe Culvert in West Mahoning Township, **Indiana County**, Pittsburgh ACOE District (Plumville, PA Quadrangle N: 20.8 inches; W: 5.1 inches and Latitude: 40° 52' 00"—Longitude: 79° 09' 30"). The applicant proposes to operate and maintain an existing two 48-inch corrugated plastic pipe culvert having a length of 22.0 feet in an unnamed tributary to Little Mahoning Creek (HQ-CWF) for the purpose of providing access to a residence. The project is located east of S. R. 954, 500 feet from its intersection with T-396.

**E63-565. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. S. R. 2044 Bridge replacement project in Fallowfield Township, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 1.7 inches; W: 16.5 inches and Latitude: 40° 8' 4"—Longitude: 79° 59' 35"). The applicant proposes to remove the existing structure and: (1) to construct and maintain a precast concrete spread box beam bridge having a normal span of 29.5 feet and an underclearance of 7.58 feet over Pigeon Creek (WWF); and (2) to construct and maintain four 18-inch diameter pipe outfalls in Pigeon Creek (WWF). The project proposes to directly impact 100 linear feet of perennial stream; no vegetated wetlands will be impacted.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E25-693. Harborcreek Township**, 5601 Buffalo Road, Erie, PA 16421. Shades Beach Boat Launch, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 12.0 inches; W: 5.1 inches).

The applicant proposes to remove the existing boat launch facility and for the purposes of improving boater safety, providing an efficient boat launch and improving public access to Lake Erie. The applicant proposes to

construct and maintain a protected boat launch including maintenance dredging in Lake Erie at Shades Beach adjacent to the mouth of Eightmile Creek approximately 0.4 mile north of the intersection of S. R. 5 and Bartlett Road: (1) to construct an approximately 530-foot long, 50-foot wide L-shaped, rubble mound, west breakwall with concrete walkway extending approximately 270 feet into Lake Erie; (2) to construct an approximately 240 foot long, 50-foot wide rubble mound, east breakwall with concrete walkway extending approximately 170 feet into Lake Erie; (3) to construct a four launch lane, reinforced concrete boat launch and armored slope having dimensions of approximately 65 feet by 130 feet and having two 90-foot long steel docks; (4) to construct a 250 foot by 75 foot parking and boat launch entrance area; and (5) to install a fillet beach on the west side of the west breakwall. Project includes dredging of shale to 565.0 feet elevation for project construction, maintenance dredging of the facility, maintenance near-shore sand bar removal, and beach nourishment on Harborcreek Township property immediately east of the boat launch. The project proposes to directly affect a net total of approximately 2.0 acres of Lake Erie. Lake Erie is a perennial body of water classified as a cold water fishery.

**E33-223, Department of Transportation, District 10-0**, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. DuBois-Jefferson County Airport Access Road, in Washington Township, **Jefferson County**, ACOE Pittsburgh District (Hazen, PA Quadrangle N: 4.9 inches; W: 2.0 inches).

This project (Phase II) consists of construction of the DuBois-Jefferson County Airport Access Road, designated as S. R. 6830, Section 590. The project consists of a 4.5-mile two-lane full access arterial roadway to provide improved access between Interstate 80 and the DuBois-Jefferson County Airport. Phase 1 of the project consisted of the construction of the DuBois-Jefferson County Airport Access Road I-80 Interchange.

Phase 2 will impact 0.69 acre of wetland and 5,475 linear feet of stream impacts (ephemeral, intermittent and perennial), including the following activities:

1. Replace and existing 48 inch corrugated metal pipe culvert (on S. R. 6830) with an 85 foot long precast reinforced concrete box culvert with a 20 foot span and 9 foot rise over Horm Run (CWF).
2. Construct (on S. R. 6830) a 235 foot long precast reinforced concrete box culvert with a 12 foot span and 9 foot rise over Unnamed Tributary to Horm Run (CWF).
3. Construct (on S. R. 6830) a 141 foot precast reinforced concrete box culvert with a 14 foot span and 9 foot rise over Unnamed Tributary to Keys Run (CWF).
4. 600 linear feet of stream impacts due to the Relocation of 368 linear feet of an unnamed tributary to Keys Run (CWF).
5. 250 linear feet of stream impacts due to the Relocation of 174 linear feet of Horm Run (CWF).

The box culvert floors will be depressed 1 foot below the streambed and will be lined with baffles to encourage the formation of natural streambed and fish passage within the culvert.

0.84 acre of wetlands will be constructed as mitigation for the 0.69 acre of wetland impacts. Phase II wetland impacts will be mitigated at the wetland mitigation site authorized under DEP Permit E33-219 Phase 1 I-80 interchange project.

**E37-167, City of New Castle**, 230 N. Jefferson Street, New Castle, PA 16101. Grant Street Bridge across Shenango River, in City of New Castle, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 0.55 inch; W: 14.65 inches).

To remove the existing structure and to construct and maintain a continuous steel multigirder bridge having two clear spans of 130 feet and an underclearance of 14 feet across the Shenango River on Grant Street approximately 1,500 feet west of S. R. 18. Project includes installation of a 15-inch diameter stormwater outfall downstream of the bridge on the west side of the Shenango River and an 18-inch diameter stormwater outfall approximately 100 feet downstream of the bridge along the east side of the Shenango River. The project also includes temporary stream diversion barriers and a construction access causeway consisting of clean rock fill impacting an area measuring approximately 250 feet long by 120 feet wide within the left (west) side of the channel of the Shenango River.

**E43-318, Mercer County**, 503 Mercer County Courthouse, Mercer, PA 16137. County Bridge 2323 T-423 Hogback Road Across Hogback Run, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 12.55 inches; W: 8.2 inches).

To remove the existing bridge and to construct and maintain a 36-foot long precast concrete arch having a span of 32 feet and a rise of 12 feet across Hogback Run on T-423 Hogback Road approximately 0.8 mile east of Frampton Road.

**E61-271, Cherrytree Township Supervisors**, 1311 Cherrytree Road, Titusville, PA 16354. T-649 Bridge, in Cherrytree Township, **Venango County**, ACOE Pittsburgh District (Dempseytown, PA Quadrangle N: 16.1 inches; W: 0.1 inch).

The applicant proposes to remove the existing structure and to construct and maintain a single span, composite, steel I-beam having a normal clear span of 33.05 feet and an underclearance of 5.9 feet across an unnamed tributary to Prather Creek on T-649 (Fairview Road) approximately 0.7 mile west of the intersection of T-649 and S. R. 4011. Project includes wing walls, rock riprap protection and permanent PSS wetland impact of 0.02 acre (de minimis). The unnamed tributary to Prather Run is a perennial stream classified as a cold water fishery. Project proposes permanent PSS wetland impact of 0.02 acre (de minimis) and to directly affect a total of approximately 60 linear feet of stream channel.

**STORAGE TANKS****SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

*SSIP*

<i>Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04017	Jack Crombie Valspar Corporation 4406 Industrial Park Road Camp Hill PA 17011	Lebanon	North Lebanon Township	1 AST storing glycol ether	5,000 gallons total

**ACTIONS****THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<i>NPDES Permit 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>
PA0000361	Municipal Authority of Westmoreland County P. O. Box 730 Greensburg, PA 15601	Westmoreland County Bell and Washington Townships	Beaver Run	Y
PA0013820	Allegheny Ludlum Corporation 100 River Road Brackenridge, PA 15014-1597	Allegheny County Brackenridge Borough	Allegheny River	N

This notice reflects changes from the notice published at 34 Pa.B. 3928 (July 24, 2004).

<i>Parameter</i>	<i>(lbs/day)</i>		<i>(mg/l)</i>		<i>Instantaneous Max.</i>
	<i>Avg. Mon.</i>	<i>Max. Daily</i>	<i>Avg. Monthly</i>	<i>Max. Daily</i>	
Flow (MGD)	Monitor and Report				
Total Suspended Solids	1,678.98	448,415	40	50	
Oil and Grease		1,121.48		10	12.5
Total Residual Chlorine			0.5	1.0	1.25
pH	not less than 6.0 nor greater than 9.0 standard units				

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES Permit 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>
PA0039225	Blaine E. Rhodes Sewage Company— Reno Village STP P. O. Box 397 Reno, PA 16343-0397	Sugarcreek Borough Venango County	Allegheny River 16-E	Y
PA0220981	Darrell L. Kysor P. O. Box 34 Corry, PA 16407-034	Elgin Borough Erie County	Beaver Run	Y
PA0222976	Albert R. Shouey R.D. 2, Box 113B Worthington, PA 16262	Barnett Township Jefferson County	Unnamed tributary to Cather Run	Y
PA0221023	Christopher S. Arford 942 Hatch Run Road Warren, PA 16365	Glade Township Warren County	Unnamed tributary to Hatch Run	Y

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0011096**, Industrial Waste, **Sunoco, Inc (R & M)**, P. O. Box 426, Marcus Hook, PA 19061-0426. This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Proposed Action/Activity: Applicant is granted approval for the renewal to discharge noncontact cooling water and stormwater from the Marcus Hook Refinery into Middle Creek in Watershed 3F.

**NPDES Permit No. PA0012815 Amendment No. 1**, Industrial Waste, **Sonoco Products Company**, 300 South Brandywine Avenue, Downingtown, PA 19335. This proposed facility is located in Downingtown Borough, **Chester County**.

Description of Proposed Action/Activity: Applicant is granted approval to amend it existing permit to allow compliance time to meet color limits.

**NPDES Permit No. PA0031097**, Sewage, **Radley Run Sewer Association, Inc.**, 1100 Country Club Road, West Chester, PA 19382. This proposed facility is located in Birmingham Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility know as Radley Run Country Club STP into Radley Run in Watershed 3H Brandywine.

**NPDES Permit No. PA0051756**, Sewage, **State Farm Mutual Automobile Insurance Company**, One State Farm Drive, Concordville, PA 19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into an UNT to West Branch of Chester Creek in Watershed 3G.

**III. WQM Industrial Waste and Sewerage Actions Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 6293402**, Sewerage, **Christopher S. Arford**, 942 Hatch Run Road, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAI136133	City of Pittsburgh 313 City-County Building 414 Grant Street Pittsburgh PA 15219	Allegheny	City of Pittsburgh	Monongahela River WWF Allegheny River WWF Ohio River WWF	Y

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG133701	North Annville Township 1929 Thompson Ave. Jonestown, PA 17038	Lebanon	North Annville Township	Swatara, Quittapahilla and Killinger Creeks	Y

**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*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011504047	Jim Law Pond House II Subdivision 92 Millard Road Elverson, PA 19520	Chester	West Nantmeal Township	East Branch Brandywine Creek (HQ-TSF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023904016	Sleep Inn 327 Star Road Allentown, PA 18106	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904017	Becker Subaru 4611 Hamilton Blvd. Allentown, PA 18103	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI024504006	East Stroudsburg Area School District P. O. Box 298 East Stroudsburg, PA 18301	Monroe	Smithfield Township	Delaware River WWF, MF Marshalls Creek HQ-CWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI045904001	DCNR Bureau of Forestry 1 Nessmuk Lane Wellsboro, PA 16901	Tioga	Elk Township	Kramer Run EV

**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).

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<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>
Franconia Township Montgomery County	PAG2004603205	Village at Salford Mill, LP Knight's Crest Subdivision 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Unnamed Tributary Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104017	School District of Philadelphia Germantown Athletic Supersite 734 Schuylkill Avenue Philadelphia, PA 19146	Tacony Creek and Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lycoming County Loyalsock Township	PAG2004104009	Victor Engel 1815 Ginny Lane Williamsport, PA 17701	Lycoming Creek WWF	Lycoming County Conservation District 542 County Farm Rd., Suite 202 Montoursville, PA 17754 (570) 433-3003
Union County Kelly Township	PAG2006004011	Kenneth W. Kline EV Hospital 1 Hospital Dr. Lewisburg, PA 17857	UNT Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Union County East Buffalo Township	PAG2006004012	Angela Vieceli Bucknell University Physical Plant Bldg Lewisburg, PA 17857	UNT Susquehanna River WWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Armstrong County Manor Township	PAG2000304008	Manor Housing Limited Partnership IV 4415 Fifth Avenue Pittsburgh, PA 15213	Allegheny River WWF	Armstrong County CD (724) 548-3425

<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>
Fayette County Bullskin Township	PAG002604030	Harold Davies 728 McKean Avenue Charleroi, PA 15022	Mounts Creek WWF	Fayette County CD (724) 438-4497
Fayette County Brownsville Borough Luzerne Township	PAG002604031	Brownsville Municipal Authority P. O. Box 330 Jackson Street Brownsville, PA 15425	Monongahela River and Dunlap Creek WWF	Fayette County CD (724) 438-4497
Fayette County Saltlick Township	PAG002604032	Mountain Watershed Association P. O. Box 408 Melcroft, PA 15462	Indian Creek CWF	Fayette County CD (724) 438-4497
Butler County Butler Township	PAG001003029	Safe and Sound Self-Storage Jerome Oliver 100 West Sunbury Road Butler PA 16001	Shearer Run WWF	Butler Conservation District (724) 284-5270
Mercer County City of Hermitage	PAG2004304009	First Assembly of God Church 1455 North Keel Ridge Road Hermitage, PA 16148	Pine Hollow Run WWF	Mercer Conservation District (724) 662-2242
Mercer County City of Hermitage	PAG2004304013	Mercer County Solid Waste Authority 2491 Highland Road Hermitage, PA 16148	Unnamed Tributary to Yellow Creek TSF	Mercer Conservation District (724) 662-2242
Venango County City of Franklin	PAG2006104008	The Reserve at Franklin Andrew Restauri 246 Evergreen Drive Franklin, PA 16323	Unnamed tributary to Allegheny River CWF	Venango Conservation District (814) 676-2832
Venango County Cornplanter Township	PAG2006104006	Holmden 1 Pipeline Belden and Blake Corp. 22811 Titusville Road Pleasantville, PA 16341	Pithole Creek, Allender Run and Unnamed tributary to Allender Run	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pine Grove Township Schuylkill County	PAR602225	Klinger's Auto Parts & Recycling 107 Birds Hill Road Pine Grove, PA 17963	Tributary to Swatara Creek CWF	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Beaver County Independence Township	PAR606173-A1	Zelenak's Auto Salvage New Bethlehem Church Road Box 402-A Aliquippa PA 15001	Unnamed feeder to Raredon Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Lower Merion Township Montgomery County	PAG040010	T. Franklin Gainor 224-226 River Road Gladwyne, PA 18901	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Perkiomen Township Montgomery County	PAG040013	Joseph M. Davis 130 Haldeman Road Schwenksville, PA 19473	UNT to East Branch Perkiomen Creek Watershed 3E-Perkiomen	Southeast Regional Office 2 East Main Street Norristown, PA 19401



## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
West Brandywine Township Chester County	PAG040011	Andrew and Gail Woods 1261 North Manor Road Honey Brook, PA 19344-9500	Dry Swale to Indian Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Buckingham Township Bucks County	PAG040006	Michael G. Bird 2835 Mill Road Doylestown, PA 18901	Watson Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Greene Township Erie County	PAG048645	Santo G. Fioretti 3985 Knoyle Road Erie, PA 16510-4926	Unnamed Tributary to Fourmile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048439	Jeffrey M. Durfee 4515 Loop Road Waterford, PA 16441	Unnamed Tributary of Lake Pleasant	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hilltown Township Bucks Count	PAG050060	H. L. Garges Oil Company 4802 Old Bethlehem Pike Telford, PA 18969	Unnamed Tributary to Mill Creek	Southeast Region 2 East Main Street Norristown, PA 19401 (484) 250-5970

*General Permit Type—PAG-7*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG070004	Philadelphia Water Department Aramark Tower 1101 Market St. Suite 5 Phila, PA 19107	Biosolids Recycling Ctr. 7800 Penrose Ferry Rd. Phila, PA 19153	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
South Coatesville Borough Chester County	PAG080016	Pennsylvania American Water Co. 800 W. Hersheypark Dr. Hershey, PA 17033	Coatesville STP 100 Cheshire Court Coatesville, PA 19320	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

*General Permit Type—PAG-10*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Columbia Gas Transmission Richland Township Pipeline Richland Township Bucks County	PAG100016	Columbia Gas Transmission Corp. 1700 MacCorkle Ave. Charlestown, WV 25305	UNT to Tohickon Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Delaware River Crossing Replacement Project Tinicum Township Delaware County	PAG100017	Mobil Pipeline Co. P. O. Box 2220 Houston, TX 77252	Delaware River	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

*General Permit Type—PAG-13*

*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>	<i>DEP Protocol (Y/N)</i>
PAG130017	Phoenixville Borough 140 Church Street Phoenixville, PA 19320	Chester	Phoenixville	French Creek Schuylkill River	Y
PAG130176	Bethel Township 1082 Bethel Rd Boothwyn, PA 19061	Delaware	Bethel	3G Watershed	Y
PAG130169	West Chester University of Pennsylvania 201 Carter Drive West Chester, PA 19383	Chester	East Goshen Township	3G Watershed	Y

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Any person aggrieved by these actions may appeal, pursuant to section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the secretary to the board (717-787-3483) for more information.

### SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Operations Permit** issued to: **Schwenksville Borough Authority**, P. O. Box 458, Schwenksville, PA 19473, (PWS ID #1460042) Lower Frederick Township, **Montgomery County** on October 5, 2004, for the operation of facilities approved under construction permit #4603505.

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

**Operations Permit** issued to: **United Water of Pennsylvania, Inc.**, 4211 East Park Circle, Harrisburg, PA 17111, (PWS ID 2400103) Harveys Lake Borough, **Luzerne County** on September 28, 2004, for the operation of facilities approved under construction permit #4004503.

**Operations Permit** issued to: **Pulsar Petroleum of Reading, Inc.**, P. O. Box 159, Macungie, PA 18064, (PWS ID 3390436) Weisenberg Township, **Lehigh County** on September 30, 2004, for the operation of facilities approved under construction permit #3902503.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. 5904501—Construction**, Public Water Supply.

Applicant Township	<b>Nelson Township Authority</b>
County	<b>Tioga</b>
Responsible Official	Loren Doan, President Nelson Township Authority Lakeview Drive P. O. Box 100 Nelson, PA 16940-0100
Type of Facility	PWS—Construction

Consulting Engineer James J. Rhoades, Jr., P. E.  
Alfred Benesch & Company  
400 One Norwegian Plaza  
Pottsville, PA 17901

Permit Issued Date October 8, 2004

Description of Action Construction of a conventional  
water filtration plant and  
Cowanisque River raw water  
intake.

**Permit No. 1404501—Construction, Public Water Supply.**

Applicant **Centre Hall Borough**

Township Potter Township

County **Centre**

Responsible Official Lynn Dutrow, Operator/Manager  
Centre Hall Borough  
253 West Fourth Street  
P. O. Box 54  
Centre Hall, PA 16828

Type of Facility PWS—Construction

Consulting Engineer Dana R. Boob, P. E.  
Dana R. Boob Surveying &  
Engineering  
136 West Main Street  
P. O. Box 699  
Millheim, PA 16854-0699

Permit Issued Date October 5, 2004

Description of Action Construction of Well #11 as an  
additional source of supply for  
the existing system.

**Permit No. Minor Amendment—Construction, Public Water Supply.**

Applicant **Wellsboro Municipal Authority**

Township or Borough Delmar Township

County **Tioga**

Responsible Official Thomas Rudy, Chairperson  
Wellsboro Municipal Authority  
28 Crafton Street  
Wellsboro, PA 16901

Type of Facility PWS—Construction

Consulting Engineer Edward Brown, P. E.  
Larson Design Group  
1000 Commerce Drive  
Williamsport, PA 17703-0487

Permit Issued Date October 12, 2004

Description of Action Construction of a finished water  
storage tank, distribution line  
and an algae filter.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0479501-A1, Public Water Supply.**

Applicant **Borough Ambridge Water Authority**  
600 11th Street  
Ambridge, PA 15003-2377

Borough or Township Ambridge Borough

County **Beaver**

Type of Facility Water treatment plant

Consulting Engineer NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Permit to Construct Issued October 5, 2004

**Operations Permit issued to: United Mobile Homes, Inc., Somerset Estates Mobile Home Park, Husband Road, Somerset, PA 15501, (PWS ID #4560003) Somerset Township, Somerset County on October 5, 2004 for the operation of facilities approved under Construction Permit # 5688507.**

**Permit No. 0271501-A3, Minor Amendment. Public Water Supply.**

Applicant **Fawn-Frazer Joint Water Authority**  
326 Dunnellsville Road  
Natrona Heights, PA 15065

Borough or Township Frazer Township

County **Allegheny**

Type of Facility Yutes Run Road water storage  
tank #2

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Permit to Construct Issued October 5, 2004

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Operations Permit issued to: Pennsylvania American Water Co., 800 West Hersheypark Dr., P. O. Box 888, Hershey, PA 17033-0888, PWS ID #6160001, Paint Township, Clarion County, on October 12, 2004, for the operation of Paint Township Pump Station and 36,400' of 12-inch DIP, as approved under Construction Permit #1602501.**

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20a)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	3111 SR 72 Jonestown, PA 17038	Lebanon

Plan Description: The approved plan provides for the extension of public gravity sewers to serve the Route 72 South Sewer Planning District and the Bordnersville Road Sewer Planning District as defined in the plan. The plan also provides for the expansion of the Lickdale Wastwater Treatment Facility (owned and operated by the Northern Lebanon County Authority) to a capacity of 0.3 MGD. The expanded facility will discharge to the Swatara Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any

required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delaware Township	R. D. 1 Box 410 Thompsontown, PA 17094	Juniata

**Plan Description:** The approved plan provides for the adoption and implementation of an onlot sewage disposal system management ordinance and the execution of a revised intermunicipal agreement with Thompsontown Borough. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Watts Township	201 Red Hill Road Newport, PA 17074	Perry

**Plan Description:** The approved plan provides for the submission of a township-wide Act 537 Plan within 5 years of the approval letter date (September 30, 2004). The plan will contain an adopted onlot sewage management ordinance meeting the requirements of 25 Pa. Code § 71.73. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report, and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the

property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, please 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Houghton Intl, Inc.,** Lower Providence Township, **Montgomery County.** Richard Werner, Environmental Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Larry Steward, Houghton Intl, Inc., 945 Madison Ave., Norristown, PA 19403 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.

**Bensalem Redevelopment, L. P./Elf Atochem,** Bensalem Township, **Bucks County.** Jeffrey K. Walsh, P. G., Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Bensalem Redevelopment, LP, 855 Springdale Dr., Exton, PA 19341 has submitted a Final Report concerning remediation of site soil, groundwater and surface water contaminated with PCBs, lead heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**L. B. Smith Prop.,** Plymouth Township, **Montgomery County.** Jamey A. Stynchula, P. G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of William Peter R. Cross, Blue Bell Assoc., 650 Parkway, Suite 1, Plymouth, PA 19462 has submitted a Final Report concerning remediation of site soils contaminated with airborne asbestos fibers. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Dreshertown Plaza,** Upper Dublin Township, **Montgomery County.** Craig Herr, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Roger Bucchianeri, Brandolini Co., 1301 Lancaster Ave., Berwyn, PA 19312 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**East Rockhill Township Spill Site,** East Rockhill Township, **Bucks County.** Samuel Kucia, Environmental Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Steve Funk, East Rockhill Township, 1622 Ridge Rd., Perkasio, PA 18944 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Sunoco Station #0003-6889**, Hampden Township, **Cumberland County**. Aquaterra Technologies, 122 South Church Street, West Chester, PA 19381, on behalf of Sunoco, Inc. (R & M), Ten Penn Center, 1801 Market Street, Philadelphia, PA 19335, submitted a remedial investigation report and a cleanup plan concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to the Site-Specific Standard.

**PPL Carlisle Manufactured Gas Plant**, Borough of Carlisle, **Cumberland County**. Langan Engineering and Environmental Services, Inc., 40 South 17th Street, Suite 1500, Philadelphia, PA 19103, on behalf of PPL Corporation, Two North Ninth Street, Allentown, PA 18101, and UGI Utilities, 100 Kachel Boulevard, Reading, PA 19612 submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The applicants propose to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Works Garage**, North Union Township, **Fayette County**. Joe Miller, Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 (on behalf of Paula Works, Works Garage, 305 Craig Lane, Hopwood, PA 15455, and Jessica Mangus, Intern, 629 East Rolling Ridge Drive, Bellefonte, PA 16823) has submitted a Final Report concerning remediation of site soil contaminated with leaded and unleaded gasoline, chlorinated solvents, PAHs and other organics. The report is intended to document remediation of site soils to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (Act), requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final

report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Betzwood Industrial Park Area 8N**, Norriton Township **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of Valley Forge Center Assoc., LP, Michael Trio, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soils contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 5, 2004.

**PECO Ardmore Svc. Bldg.**, Lower Merion Township, **Bucks County**. Bruce Middleman, Jacques Whitford Co., Inc., 450 S. Gravers Rd., Suite 105, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel, leaded gasoline, MTBE, unleaded gasoline and groundwater contaminated with chlorinated solvents, diesel fuel, leaded gasoline, MTBE and unleaded gasoline. The Final Report demonstrated attainment of the Site-Specific, Statewide and Background Standards and was approved by the Department on October 5, 2004.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Hillwood Palmyra, LP, Hetrick Avenue Property, Fill Area Site**, North Londonderry Township and Palmyra Borough, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Final Report concerning remediation of soils contaminated with metals in non-native fill materials. The final report demonstrated attainment of the State-

wide Health Standard for soils only, and was approved by the Department on October 5, 2004.

**Trussell Residence**, Warwick Township, **Lancaster County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of The Trussells, 854 Furnace Hills Pike, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with used motor oil and diesel fuel. The final report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on October 5, 2004.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR023D002. Chem-Ecol Ltd.**, 640 Victoria Ave, P. O. Box 955, Cobourg, Ontario K9A 4W4. The general permit authorizes processing of waste oil (excluding used oil) and unused oil contaminated with water in mobile units for the purpose of reconditioning the oil that shall be reused by the generator of the waste oil or unused, contaminated oil. The approved processing is limited to filtration, centrifugation, ultrafiltration and vacuum distillation. The Department issued the determination of applicability on October 8, 2004.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. 101125. Lycoming County**, Lycoming County Courthouse, 48 W. 3rd St., Williamsport, PA 17701-6536, Williamsport City, **Lycoming County**. Application for permit renewal. The permit was deemed complete by Northcentral Regional Office on October 12, 2004.

Persons interested in reviewing the general permit should contact David Garg, P. E., Solid Waste Supervisor, (570) 327-3752. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920*

**15-310-046GP: F and R Materials** (291 Sawmill Road, Duncannon, PA 17020) on October 7, 2004, to operate a portable nonmetallic processing plant in Warwick Township, **Chester County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940*

**33-107: Beverage-Air** (Progress Street, Brookville, PA 15825) on October 6, 2004, to install a burn off oven in Brookville, **Jefferson County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920*

**09-0048C: H and K Materials—Division of Haines and Kibblehouse, Inc.** (300 Skunk Hollow Road, Chalfont, PA 18914) on October 6, 2004, to operate a hot mix asphalt in Hilltown Township, **Bucks County**.

**46-0010E: Montenay Montgomery Ltd. Partnership** (1155 Conshohocken Road, Conshohocken, PA 19428) on October 8, 2004, to operate a norit carbon injection system in Plymouth Township, **Montgomery County**.

**46-0026C: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) on October 7, 2004, to operate two flexographic printing presses in Upper Providence Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531*

**54-313-083: Air Products and Chemicals, Inc.** (R. R. 1, Box 351, Tamaqua, PA 18252) on September 29, 2004, to construct fluorine (F2) West II production and associated air cleaning devices at their facility in Rush Township, **Schuylkill County**.

**54-313-085: Air Products & Chemicals, Inc.** (R. R. 1, Box 351, Tamaqua, PA 18252) on September 29, 2004, to construct nitrogen tri-fluoride West II production and associated air cleaning devices at their facility in Rush Township, **Schuylkill County**.

**45-310-031: Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044) on October 5, 2004, to install an air cleaning device to capture the emissions from the secondary crusher at their facility in Hamilton Township, **Monroe County**.

**45-302-074: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370) on October 4, 2004, to construct two natural gas/# 2 fuel oil boilers, the modification of

three existing boilers (1, 2 and 3), and the shutdown of two boilers (4 and 5) at the facility located in Pocono Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702*

**36-03141A: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on October 4, 2004, to modify an existing coating line in their facility in East Hempfield Township, **Lancaster County**.

**36-05017A: Conestoga Wood Specialties Corp.** (245 Reading Road, East Earl, PA 17519-0158) on October 5, 2004, to construct a Spray Booth in East Earl Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637*

**18-00009B: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748) on September 7, 2004, to construct a wood tubgrinder and associated 1,000 horsepower diesel engine at their Wayne Township Landfill in Wayne Township, **Clinton County**.

**17-305-051: Parkwood Resources, Inc.** (P. O. Box 552, Somerset, PA 15501) on September 21, 2004, to construct a coal stockpiling and truck loading operation at their Cherry Tree Mine in Burnside Township, **Clearfield County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920*

**09-0105B: Naceville Materials** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on October 6, 2004, to operate a 20,000 gallon storage tank in Springfield Township, **Bucks County**.

**23-0009B: Boeing Aircraft and Military System Group** (P. O. Box 16858, MC P25-75, Philadelphia, PA 19142) on October 8, 2004, to operate three stage dry filter paint booths in Ridley Township, **Delaware County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637*

**49-303-006: Collier Materials, Inc.** (R. R. 1, Elysburg, PA 17824) on October 1, 2004, to perform particulate matter, nitrogen oxides, carbon monoxide, volatile organic compound and opacity testing on a batch asphalt concrete plant until July 31, 2005, in Ralpho Township, **Northumberland County**. The deadline has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174*

**30-00147A: Coal Gas Recovery, LP** (P. O. Box 1020, Waynesburg, PA 15370) on October 5, 2004, to change the language regarding enclosure of engines at this coal mine methane project consisting of approximately six electric compressors, up to 2,000 bhp of gas-fired, engine-driven compressors, and a membrane processing plant for the

production of pipeline quality gas in Franklin, Wayne, and Whiteley Townships, **Greene County**.

**32-040B: Reliant Energy Seward, LLC** (121 Champion Way, Suite 200, Canonsburg, PA) on October 7, 2004, to install the circulating fluidized bed boiler at Seward Power Station in East Wheatfield Township, **Indiana County**. This plan approval was extended.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920*

**15-00017: Transcontinental Gas Pipeline Corp.** (P. O. Box 1396, Houston, PA 77251) on October 7, 2004, to operate a facility Title V Operating Permit in East Whiteland Township, **Chester County**.

**09-00024: Waste Management Disposal Services of PA Inc.** (1121 Bordentown Road, Morrisville, PA 19067) on October 7, 2004, to amend the operation of a facility Title V Operating Permit in Tullytown Borough, **Bucks County**.

**09-00015: Rohm and Haas Co.** (Routes 413 and 13, P. O. Box 219, Bristol, PA 19021) for a minor modification to the Title V Operating Permit at their facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant with a variety of continuous and batch type processes. The modifications that have been addressed in the revised Title V Permit, as follows: Inclusion of an insignificant source (i.e., sludge-dewatering centrifuge for the wastewater treatment plant (WWTP)) into the list of exempted activities in Section G, Miscellaneous. The revised Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940*

**62-00136: Berenfield Containers, Inc.** (31 Railroad Street, Clarendon, PA 16313) on October 6, 2004, to reissue a Title V Permit to operate a metal barrels, drums and pails manufacturing facility in Clarendon Borough, **Warren County**. The facility's major emission sources include space and water heaters, spray booths, paint roller coater, equipment clean up, ovens, weld-seam strip coater, silk screening and cold cleaning degreasers. The facility is major facility for Title V due to its potential to emit volatile organic compounds.

**20-00145: PPG Industries Inc.** (Kebert Industrial Park, Meadville, PA 16335) on October 6, 2004, to reissue a Title V Permit to operate a flat glass manufacturing facility in Greenwood Township, **Crawford County**. The facility's major emission sources include four boilers, two glass melting furnaces, two wareroom packers, two CD (Cullet Drop)-O line, two batch house mixer scale line, three diesel generators, two diesel pumps, diesel fire pump, emergency water pump, two passivation lines, soda ash silo, sand silo, cullet silo, lime stone silo, gypsum silo, dolomite silo, two W line system, two batch line mixers and a parts cleaner. PPG is a major facility due to NOx and SOx emissions being more than 100 tons per year.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920*

**23-00086: Engineered Arresting Systems Corp.** (2550 Market Street, Aston, PA 19014) on October 8, 2004, to operate a natural minor operating permit in Upper Chichester Township, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702*

**07-03008: Nason Hospital** (105 Nason Drive, Roaring Spring, PA 16673) on October 7, 2004, to operate their two natural gas/# 2 oil fired boilers in Roaring Spring Borough, **Blair County**.

**36-03035: Stiegel Castings, Inc.** (411 West Stiegel Street, Manheim, PA 17545) on October 1, 2004, to operate a foundry in Manheim Borough, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637*

**17-00018: Harmony Area School District** (5239 Ridge Road, Westover, PA 16692) on September 29, 2004, an operating permit for their K-12 school district facility in Burnside Township, **Clearfield County**. The facility's main sources include two bituminous coal/natural gas/#2 fuel oil fired boilers. The State Only operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

**18-00012: Lock Haven University of Pennsylvania** (301 West Church Street, Lock Haven, PA 17745) on September 28, 2004, an operating permit for their university campus in Lock Haven, **Clinton County**. The facility's main sources include: 84 natural gas/# 2 fuel oil fired boilers and heaters, 25 natural gas and # 2 fuel oil fired emergency generators, a Safety-Kleen parts cleaning station and a 3,000 gallon fuel oil storage tank. The State Only (Synthetic Minor) operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

**55-00014: Bingaman and Son Lumber, Inc.** (P. O. Box 247, Kreamer, PA 17833) on September 21, 2004, an operating permit on for their wholesale lumber manufacturing facility in Middlecreek Township, **Snyder County**. The facility's main sources include two wood fired boilers, wood sawing and planing and ten steam heated wood drying kilns. The State Only operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

**08-00022: Cummings Lumber Co., Inc.** (P. O. Box 6 Troy, PA 16947) on September 22, 2004, an operating permit for their lumber mill facility in Troy Township, **Bradford County**. The facility's main source includes a stoker wood-fired boiler for producing steam for nine lumber-drying kilns. Other sources at the facility include a two parts cleaning stations and mill operations, which process green wood. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

**17-00051: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on June 25,

2004, an operating permit for their Clearfield Asphalt Plant in Lawrence Township, **Clearfield County**. The facility's main sources include 1 rotary dryer, 1 mill mixer, 1 vibratory screen, 2 conveyors, 13 storage bins and silos, limestone aggregate piles and 1 cold cleaning solvent parts washer. The State Only (Synthetic Minor) operating permit contains all applicable requirements including monitoring, recordkeeping, and reporting conditions.

**49-00015: International Paper Co.** (P. O. Box 407, Mount Carmel, PA 17851) on August 12, 2004, an operating permit for their Mount Carmel Container Plant in Mount Carmel Township, **Northumberland County**. The facility's main sources include two natural gas fired boilers, six natural gas fired space heaters, four flexographic printing presses, four die cutters, folding and gluing operations, process water treatment operations, one starch storage silo and one corrugator. The State Only operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

**17-00009: Marathon Equipment Co.** (901 Industrial Park Road, Clearfield, PA 16830) on September 27, 2004, an operating permit for their MECO-North Plant in Lawrence Township, **Clearfield County**. The facility's main sources include 2 paint spray booths, 2 cold cleaning solvent parts washers, welding operations, 5 storage tanks and 70 combustion units. The State Only (Synthetic Minor) operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702*

**01-05023: Carmeuse Lime, Inc.** (Highway 31 South, P. O. Box 137, Saginaw, AL 35137) on October 7, 2004, for their Hanover lime plant in Oxford Township, **Adams County**. This Title V Operating Permit was administratively amended to reflect a change of ownership from Pennsylvania Lime, Inc. This is Revision No. 1.

**22-03009: Dauphin Precision Tool, LLC** (200 Front Street, Millersburg, PA 17061) on October 7, 2004, for a Natural Minor Operating Permit at their Millersburg Plant in Millersburg Borough, **Dauphin County**. This State-only Operating Permit was administratively amended to reflect a change of ownership from Brubaker Tool Corp. This is Revision No. 1.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637*

**41-305-004F: Keystone Filler and Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) on September 29, 2004, to incorporate, via administrative amendment, conditions established in Plan Approval 41-305-004G regarding the installation of fugitive dust capture hoods on two bulk carbon product railcar loading operations in Muncy Creek Township, **Lycoming County**.

**49-00024: Sunbury Properties LLC** (1400 Susquehanna Avenue, Sunbury, PA 17801) on September 20,



2004, a revised Title V Operating Permit to include an administrative amendment to incorporate terms and conditions from Plan Approval 49-00024B for the operation of a door core sanding operation with a cyclone separator and cartridge collector to control particulate matter emissions in the City of Sunbury, **Northumberland County**. This revised Title V Operating Permit contains all new and revised applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00013: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) on September 23, 2004, a revised Title V Operating Permit to include a restriction taken by Coastal Aluminum Rolling Mills, Inc. to limit the amount of HAPs to not equal or exceed a total combined emission of 25 tons and an individual HAP emission of 10 ton in any 12 consecutive month period from all sources at their facility in the City of Williamsport, **Lycoming County**. This revised Title V operating permit contains all new and revised applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584*

**N00-008: Roto-Die Co., Inc.** (2850 Comly Road, Philadelphia, PA 19154) on October 7, 2004, administratively amended to change contact information. The Natural Minor Operating Permit was originally issued July 31, 2001.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637*

**41-0011: Brodart Co.** (500 Arch Street, Williamsport, PA 17705) on October 1, 2004, to terminate a state only permit application, 41-00014 withdrawn due to a shutdown of their Montgomery Borough, **Lycoming County** facility and to make permanent and federally enforceable 24.91 tons of VOC emission reduction credits from the permanent shutdown of the finishing operation.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); the Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003.**

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*Coal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900*

**56980106 and NPDES Permit No. PA0234842. Marquise Mining Corporation**, 3889 Menoher Blvd., Johnstown, PA 15905, surface mining permit renewal for reclamation only in Quemahoning and Jenner Townships, **Somerset County**, affecting 139 acres. Receiving streams: unnamed tributary to/and Two Mile Run; unnamed tributaries to/and Higgins Run classified for the following uses: cold water fisheries. The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Quemahoning surface water intake. Application received July 29, 2004. Permit issued: October 7, 2004.

**56990101 and NPDES Permit No. PA0235008. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, surface mining permit renewal for reclamation only in Paint Township, **Somerset County**, affecting 54.3 acres. Receiving streams: unnamed tributary to Kaufman Run and Kaufman Run classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stoneycreek Surface Water Withdrawal. Application received August 4, 2004. Permit issued October 7, 2004.

**32990111 and NPDES Permit No. PA0235199. Mears Enterprises, Inc.**, P. O. Box 157, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Cherryhill Township, **Indiana County**, affecting 71.5 acres. Receiving streams: Two Lick Creek classified for the following uses: trout stocked fishery. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek Surface Water Withdrawal. Application received August 5, 2004. Permit issued October 7, 2004.

**32820134 and NPDES Permit No. PA0606154. The Arcadia Company, Inc.**, 250 Airport Road, P. O. Box 1319, Indiana, PA 15701, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Grant, Montgomery, Banks and Canoe Townships, **Indiana County**, affecting 1,166.0 acres. Receiving streams: unnamed tributaries to Little Mahoning Creek, Little Mahoning Creek, unnamed tributary to Cush Creek classified for the following uses: high quality—cold water fishery; cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2004. Permit issued October 7, 2004.

**11020202 and NPDES Permit No. PA0249254. Ebensburg Power Company**, 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, commencement, operation and restoration of a coal refuse reprocessing permit in Jackson Township and Nanty Glo Borough, **Cambria County**, affecting 41.4 acres. Receiving streams: tributary (locally Pergrin Run) to South Branch Blacklick Creek to Blacklick Creek to Two Lick Creek to the Conemaugh River to the Kiskiminetas River to the Allegheny River. There are no potable water supply intakes within 10 miles downstream. Application received July 15, 2002. Permit issued October 7, 2004. This permit was issued under a Project XL agreement between the Department and the EPA. Project XL is the EPA's program to test innovative approaches to environmental protection using regulatory flexibility to achieve superior environmental performance. Under Project XL, a Consent

Order and Agreement between Ebensburg Power Company and the Department was executed on October 7, 2004. The purpose of this agreement is to improve water quality in (Pergrin Run) the unnamed tributary to South Branch Blacklick Creek (Cambria County) through encouraging remining and acid mine drainage abatement measures. The agreement will base compliance on in-stream water quality and the implementation of best management practices, instead of numeric effluent limitations measured at individual discharge points. The agreement applies only to this surface mining permit. Pergrin Run is one of up to eight acid mine drainage impacted watersheds where this approach under Project XL will be evaluated. The full text of the Consent Order and Agreement and the Project XL agreement can be obtained at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Subjects/Mineral Resources Management/District Mining Operations/Project XL) or by contacting the Cambria District Office at (814) 472-1900.

**56703107 and NPDES Permit No. PA0605956. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal and/or continued operation of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 863.0 acres. Receiving streams: unnamed tributary to Paint Creek; to Kaufman Run; to unnamed tributaries to Kaufman Run; to Stony Creek; and to Shade Creek classified for the following uses: cold water fishery and warm water fishery. The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stoneycreek Surface Water Intake. Application received August 6, 2004. Permit issued October 7, 2004.

**56940104 and NPDES Permit No. PA0212849. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530-8822, surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 107.2 acres. Receiving streams: unnamed tributaries to Tubs Run and Laurel Run; and to Tubs Run and Laurel Run classified for the following uses: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2004. Permit issued October 7, 2004.

*Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500*

**03980106 and NPDES Permit No. PA0202291. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in South Bend Township, **Armstrong County**, affecting 94.1 acres. Receiving streams: unnamed tributary to Lindsay Run to Crooked Creek. Application received: June 7, 2004. Reclamation only renewal issued: October 8, 2004.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191*

**33890113 and NPDES Permit No. 33890113. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Perry Township, **Jefferson County** affecting 508.8 acres. Receiving streams: Unnamed tributaries to Pine Run. This renewal is issued for reclamation only. Application received: August 13, 2004. Permit issued: October 6, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200*

**17010101 and NPDES Permit No. PA0243035. Waroquier Coal Company** (P. O. Box 128, Clearfield,

PA 16830). Commencement, operation and restoration of a bituminous surface mine permit in Pike and Lawrence Townships, **Clearfield County** affecting 70.2 acres. Receiving streams: Hogback Run to the West Branch of the Susquehanna River. Application received: December 28, 2000. Permit issued: September 21, 2004.

**17030113 and NPDES Permit No. PA0243591. Kenneth K. Rishel & Sons, Inc.** (1229 Turnpike Avenue, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 47.9 acres. Receiving streams: Montgomery Creek to the West Branch of the Susquehanna River. Application received: September 30, 2003. Permit issued: September 17, 2004.

**17860122 and NPDES Permit No. PA0115410. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), revision to an existing bituminous surface mine permit for a stream variance. The proposed variance entails the construction and maintenance of a haul road stream crossing on an unnamed tributary to Wallace Run, situated at a point 1,450 feet upstream from the unnamed tributary's confluence with Wallace Run. The permit is located in Lawrence Township, **Clearfield County**, and affects 490.5 acres. Application received: June 14, 2004. Permit issued: September 16, 2004.

**17990105 and NPDES Permit No. PA0238261. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 75 acres. Receiving streams: unnamed tributary to Luthersburg Branch, Luthersburg Branch, unnamed tributary to LaBorde Branch and LaBorde Branch to the West Branch of the Susquehanna River. Application received: February 18, 2004. Permit issued: September 8, 2004.

**17803150 and NPDES Permit No. PA0128295. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 434.5 acres. Receiving streams: unnamed tributary to Bell Run, unnamed tributary to Poplar Run, to Bell Run, to West Branch Susquehanna River, to Susquehanna River. Application received: June 10, 2004. Permit issued: October 6, 2004.

**17813084 and NPDES Permit No. PA0609994. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 407.3 acres. Receiving streams: Wolf Run to and an unnamed tributary to the West Branch of the Susquehanna River to the Susquehanna River. Application received: June 10, 2004. Permit issued: October 3, 2004.

**17880103 and NPDES Permit No. PA0116246. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 54.8 acres. Receiving streams: unnamed tributaries to Roaring Run to the West Branch of the Susquehanna River to the Susquehanna River. Application received: June 10, 2004. Permit issued: September 21, 2004.

#### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900*

**11940301 and NPDES Permit No. PA0212873. Pheasant & Shearer**, 1922 Ohio Street, Johnstown, PA

15904, renewal of NPDES Permit in East Taylor Township, **Cambria County**. Receiving streams: Hinckston Run classified for the following uses: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 22, 2004. Permit issued October 7, 2004.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191*

**20870304. Heritage Excavating & Stone** (P. O. Box 462, Wampum, PA 16157). Revision to add blasting to an existing sandstone operation in South Shenango Township, **Crawford County** affecting 37.8 acres. Receiving streams: unnamed tributary to Pymatuning Reservoir. Application received: June 8, 2004. Permit issued: October 7, 2004.

**42040301. D & D Stone Company** (P. O. Box 87, East Smethport, PA 16730). Commencement, operation and restoration of a sandstone and shale operation in Liberty Township, **McKean County** affecting 33.6 acres. Receiving streams: Allegheny River. Application received: January 7, 2004. Permit issued: October 6, 2004.

**16040803. John H. Weaver, Jr.** (73 Ninevah Rd., Knox, PA 16232). Commencement, operation and restoration of a small noncoal shale operation in Salem Township, **Clarion County** affecting 5.5 acres. Receiving streams: Mill Creek. Application received: August 30, 2004. Permit issued: October 5, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200*

**59042801. Michael R. Ackley** (R. R. 3, Box 35, Westfield, PA 16950-9660). Commencement, operation and restoration of a small industrial minerals (topsoil, sand and gravel) permit in Nelson Township, **Tioga County** affecting 5 acres. Receiving streams: Cowanesque, tributary to North Branch Susquehanna River. Application received: June 3, 2004. Permit issued: September 22, 2004.

**4773SM4 and NPDES Permit No. PA0115461. Hanson Aggregates PA, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18040-0231). Renewal of an existing large industrial minerals NPDES permit. The permit is located in Liberty Township, **Tioga County**. Receiving streams: Blacks Creek and Bellman Run. Application received: July 28, 2004. Permit issued: September 23, 2004.

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118*

**58040841. B. Dale Kelley** (R. R. 3, Box 3384, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Choconut Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Tributary to Choconut Creek. Application received: July 1, 2004. Permit issued October 4, 2004.

**54030301 and NPDES Permit No. PA0224286. Middleport Materials, Inc.,** (P. O. Box 189, Telford, PA 18969), commencement, operation and restoration of a quarry operation in Walker and Blythe Townships, **Schuylkill County** affecting 111.0 acres, receiving stream: unnamed tributary to Schuylkill River. Application received February 19, 2003. Permit issued October 6, 2004.

**09890303T. Naceville Materials,** (P. O. Box 161, Warminster, PA 18974), transfer of an existing quarry operation in Plumstead Township, **Bucks County** affecting 155.57 acres, receiving stream: intermittent tributary

to North Branch of Neshaminy Creek. Application received January 27, 2004. Transfer issued October 7, 2004.

**58040852. John William Winans** (R. R. 3, Box 130, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: tributary to Snake Creek. Application received August 16, 2004. Permit issued October 7, 2004.

**66040804. J & K Vandemark Excavating** (R. R. 2, Box 2876, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Windham Township, **Wyoming County** affecting 5.0 acres, receiving stream: Roaring Run Creek. Application received April 8, 2004. Permit issued October 7, 2004.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). 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.**

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191*

**27044001. Simpson Excavating** (Box 204, Corsica, PA 15829). Blasting activity permit to construct roads for oil well exploration in Kingsley Township, **Forest County** for 365 days. Application received: October 7, 2004. Application issued: October 7, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200*

**14044003. C. D. G. Properties, LLC** (P. O. Box 11172, State College, PA 16805), for construction blasting, located in Benner Township, **Centre County**, with an extended expected duration of 59 days. Permit issued: September 28, 2004.

**14024015. H. R. I., Inc.** (P. O. Box 155, State College, PA 16804), for construction blasting, located in Patton Township, **Centre County**, with an extended expected duration of 75 days. Permit issued: September 16, 2004.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118*

**36044086. ABEL Construction Co., Inc.,** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Crossings at Rocky Springs Phase 3 in West Lampeter Township, **Lancaster County** with an expiration date of October 30, 2005. Permit issued: October 4, 2004.

**15044041. Horst Drilling & Blasting, Inc.,** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Applewood in Atglen Borough, **Chester County** with an expiration date of October 30, 2005. Permit issued: October 4, 2004.

**06044041. Schlouch Inc.,** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Fisher Tract in Lower Heidelberg Township, **Berks County** with an expiration date of October 30, 2005. Permit issued: October 4, 2004.

**36044087. Brubacher Excavating, Inc.,** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Penny Terminal in East Lampeter

Township, **Lancaster County** with an expiration date of October 30, 2005. Permit issued: October 4, 2004.

**15044042. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting at Gourmet's Delight Mushroom Company in London Grove Township, **Chester County** with an expiration date of October 30, 2005. Permit issued: October 4, 2004.

**67044104. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting in Carroll Township, **York County** with an expiration date of September 30, 2005. Permit issued: October 5, 2004.

**40044102. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Beaver Dam in Foster Township, **Luzerne County** with an expiration date of December 30, 2004. Permit issued: October 6, 2004.

**09044030. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Warrington Place in Warrington Township, **Bucks County** with an expiration date of November 3, 2005. Permit issued: October 7, 2004.

**48044035. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Company**, (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Riverview Estates West in Forks Township, **Northampton County** with an expiration date of November 3, 2005. Permit issued: October 7, 2004.

**52044012. Holbert Explosives, Inc.**, (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Tanglewood Lakes in Palmyra Township, **Pike County** with an expiration date of November 3, 2005. Permit issued: October 7, 2004.

**52044013. Holbert Explosives, Inc.**, (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Pocono Woodlands in Dingmans Township, **Pike County** with an expiration date of November 3, 2005. Permit issued: October 7, 2004.

**52044014. Holbert Explosives, Inc.**, (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Mast Hope Rapids in Lackawaxen Township, **Pike County** with an expiration date of November 3, 2005. Permit issued: October 7, 2004.

**48044036. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Company**, (557 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Horizons of America in East Allen Township, **Northampton County** with an expiration date of December 2, 2005. Permit issued: October 7, 2004.

**39044017. Labrador Construction**, (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Company**, (557 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Annondale in Lower Macungie Township, **Lehigh County** with an expiration date of December 1, 2005. Permit issued: October 7, 2004.

**48044034. AMROC, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Hanover Corp. Center Kajima Lot 1 in Hanover Township, **Northampton County** with an expiration date of November 3, 2005. Permit issued: October 7, 2004.

**40044013. Poppel Construction, Inc.**, (202 Main Street, Laflin, PA 18702) and **D. C. Guelich Explosives Company**, (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at Dairy Queen Rt. 315 in Plains

Township, **Luzerne County** with an expiration date of September 30, 2005. Permit issued: October 7, 2004.

**48044038. Rock Work, Inc.**, (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at The Estates of Penn's Grant in Palmer Township, **Northampton County** with an expiration date of September 30, 2005. Permit issued: October 7, 2004.

**09044031. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting at Bedminster Township Interceptor in Bedminster Township, **Bucks County** with an expiration date of November 11, 2005. Permit issued: October 7, 2004.

**39044101. Austin Powder Company**, (25800 Science Drive, Cleveland, OH 44122), construction blasting for Route 222 bypass in Lower Macungie Township, **Lehigh County** with an expiration date of October 1, 2005. Permit issued: October 7, 2004.

**39044102. Austin Powder Company**, (25800 Science Drive, Cleveland, OH 44122), construction blasting for Iron Run Beverage in Upper Macungie Township, **Lehigh County** with an expiration date of October 15, 2005. Permit issued: October 7, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and the Clean Streams Law (35 §§ 691.1 —691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTION S AND ENCROACHMENTS**

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

**E09-870. Township of Middletown**, 3 Municipal Way, Langhorne, PA 19047, Middletown Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Delaware Avenue Park Flood Abatement Project:

1. To construct approximately 1,300 linear feet of watercourse to facilitate the relocation and filling of approximately 1,200 linear feet of an unnamed tributary to Mill Creek (WWF).

2. To construct and maintain an approximately 1,033-foot long earthen flood levee and two floodwalls measuring approximately 417 feet and 750 feet long within the floodplain of the unnamed tributary to Mill Creek impacting 1,200 linear feet of stream and 0.01 acre of adjacent wetlands (PFO). The height of the flood levee berm and the floodwall will be an elevation of 87.90 and the top of the berm will be 10 feet wide. The total length of the flood control project will be 2,200 feet.

3. To construct and maintain an outfall structure, a stormwater basin and a collection system associated with the interior drainage of the flood control structure.

4. To construct and maintain a footbridge across the proposed relocated channel.

The project proposes to directly impact a total of 1,200 linear feet of watercourse and 0.01 acre of wetlands (PFO). The site is located just southwest of the intersection of Lincoln Highway (S. R. 0001) and New Rodgers Road (S. R. 0413) (Langhorne, PA USGS Quadrangle N: 6.5 inches; W: 4.2 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E15-701. Cold Springs Run, Inc.**, 21 S. Church Street, West Chester, PA 19382, West Goshen Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the construction of a 16-lot residential subdivision:

1. To construct and maintain a 50-foot long triple cell, open bottom arch bridge, with waterway openings consisting of a middle 32-foot span by 5-foot high arch and a 20-foot span by 5-foot high arch on each side. The structure will cross Westtown Road Run, a tributary to Chester Creek (TSF) and adjacent wetlands. Approximately 90 feet of stream and 0.18 acre of wetlands will be temporarily impacted during construction.

2. To place and maintain fill in 0.02 acre of wetland (PEM) for the approaches of the bridge.

3. To install an 8-inch water utility line across Westtown Road Run and adjacent wetlands east of the bridge.

4. To install two sanitary sewer utility line crossings under Westtown Road Run and adjacent wetlands. The northern crossing will be installed via trench, temporarily impacting 17 feet of stream and 0.03 acre of wetland. The southern crossing will be directionally bored under the stream.

5. To place and maintain fill in approximately 390 feet of an ephemeral stream channel. The channel is a tributary to Westtown Road Run.

The permittee shall construct 0.20 acre of replacement wetland to compensate for the proposed impacts.

The site is located on the south side of Old Westtown Road with its northeast edge located approximately 272 feet south of the intersection of Old Westtown Road and Westtown Road in West Goshen Township, Chester County (West Chester, PA Quadrangle N: 14.00 inches, W: 10.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act.

**E15-714. Edwin J. Gold c/o Planco**, 1500 Liberty Ridge Drive, Suite 100, Wayne, PA 19087, Schuylkill Township, **Chester County**, ACOE Philadelphia District.

To modify and maintain existing reservoirs with in the 100-year floodplain of an unnamed tributary of Pickering Creek (HQ-TSF). Reservoir "A" will be dewatered to facilitate shoreline alteration and deepening by approximately 3 feet to provide maximum depth of 8 feet. The outlet works of nonjurisdictional dam "A" will be modified by capping the existing 12-inch PVC outfall and constructing a spillway outlet structure that will direct flow to existing reservoir "B." Reservoir "B" will be dewatered for shoreline rehabilitation. The outlet works of nonjurisdictional dam "B" will be modified by capping the existing 12-inch PVC outfall and constructing a spillway outlet structure that will direct flow to proposed outlet basin "C." Outlet basin "C" is about 80 feet long and 60 feet wide includes a 10-inch RCP outfall structure and riprap apron to outfall structure along unnamed tributary of Pickering Creek. Work within Reservoirs A and B will temporarily impact 1.15 acres of open waters during construction.

This permit includes an environmental assessment approval to modify two nonjurisdictional dams as previously noted.

The site is located about 2,500 feet southwest of intersection of White Horse and Valley Park Roads (Malvern, PA USGS Quadrangle N: 18.0 inches, W: 1.2 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E54-313. Jason C. Leininger and Heather L. Leininger**, 93 North Tulpehocken Street, Pine Grove, PA 17963-1216. Pine Grove Borough, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 24-foot by 34-foot garage and a 20-foot round aboveground swimming pool in the floodway of Swatara Creek (CWF). The project is located at 93 North Tulpehocken Street approximately 0.25 mile northwest of

Pottsville Road (SR 0443) (Pine Grove, PA Quadrangle N: 9.9 inches; W: 2.1 inches) (Subbasin: 06D).

**E40-634. Thomas and Patricia Castellano, R. R. 1, Box 74A, Harveys Lake, PA 18618.** Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing dock and boathouse in Harveys Lake (HQ-CWF), having a total area of approximately 1,220 square feet, with work including construction of a pile-supported addition, having an area of approximately 450 square feet. The structure extends approximately 48 feet from the shoreline and has an overall width of approximately 47 feet. The project is located along the northern shoreline of the lake, between Barnum Street and Newmarth Street (Harveys Lake, PA Quadrangle N: 22.1 inches; W: 6.8 inches) (Subbasin: 5B).

**E40-632. CAN DO, Inc., One South Church Street, 200 Renaissance Center, Hazleton, PA 18201.** Hazle Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill or regrade within PSS wetlands, impacting 0.95 acre, for the purposes of extending Humboldt Drive and constructing a warehouse/distribution facility and associated stormwater management facilities on Lot 105 of the Humboldt Industrial Park East. The permittee is required to provide 0.95 acre of replacement wetlands. The project is located on the western side of S. R. 0081, approximately 4,000 feet south of S. R. 0924 (Conyngham, PA Quadrangle N: 10.5 inches; W: 3.5 inches) (Subbasin: 5D).

**E35-370. Karf, LLC, 1000 Greenbriar Drive, Clarks Summit, PA 18411.** Clarks Summit Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain various site amenities including parking facilities, access roads, storm drainage facilities, site lighting, gas service and electrical service in the floodway of a tributary to Leggetts Creek (CWF). The site amenities are associated with the construction of Parcel # 2 and Parcel # 3 of the Summit Galleria Commercial Development. The project is located on the northeast side of Routes 6 and 11 approximately 0.4 mile southeast of its intersection with SR 0407 (Grove Street) (Scranton, PA Quadrangle N: 20.4 inches; W: 9.8 inches) (Subbasin: 05A).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**E06-592. Earl Township, 19 Schoolhouse Road, Boyerstown, PA 19512, Earl Township, Berks County,** ACOE Baltimore District.

To remove an existing 57-inch CMP and to construct and maintain a single cell concrete box culvert having an 8-foot span and 3.5-foot rise carrying Woodchoppertown Road (T-579) over Furnace Run (CWF) (Boyertown, PA Quadrangle N: 18.6 inches; W: 14.3 inches) in Earl Township, Berks County. The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**E12-148. Cameron County Conservation District, 20 East Fifth Street, Room 105, Emporium, PA 15834.** Schatz and Venture Stabilization Sites, in Shippen Town-

ship, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 6.45 inches; W: 6.55 inches).

To construct, operate and maintain two stream restoration projects consisting of the Venture site, which proposes to relocate 780 linear feet of Clear Creek (HQ-CWF) to stabilize failing banks and to re-establish a floodplain capacity. The project also proposes three "J" Hook rock structures and four Cross Vane rock structures to assist in stabilizing the newly constructed stream. The Schatz site proposes to remove a gravel bar and stabilize the stream bank totaling 650 linear feet of the Driftwood Branch of the Sinnemahoning Creek (TSF). Two "J" Hook rock structures and two Cross Vane rock structures are proposed to add stability to the project. All structures shall be constructed in accordance with the plans and specifications. This project is located in Shippen Township, Cameron County.

**E12-149. Cameron County Commissioners, East Fifth Street, Emporium, PA 15834.** Bridge construction, in Shippen Township, **Cameron County**, ACOE Baltimore District (West Creek, PA Quadrangle N: 21.9 inches; W: 3.4 inches).

To: (1) remove the existing four span steel girder bridge which has an open steel deck, reinforced concrete piers and abutments, a clear normal span of 97.4 feet and to construct and maintain; (2) a single span prestressed concrete spread box beam bridge 108.48 foot long with a minimum underclearance of 11.09 feet, a waterway opening of 1083 square feet and to construct and maintain; (3) 4-J hook stream restoration structures of R-8 rectangular and subangular native rock, one is located about 225 feet north of the centerline of the proposed bridge and the other three are located on the downstream side to a distance of about 200 feet from the proposed bridge centerline; (4) native rock, abutment demolition rock and trees/root wad Natural Bank Revetment for distances of 75 feet beginning at the south west abutment proceeding downstream and 175 feet beginning at the south east abutment proceeding downstream; and (5) about 125 linear feet by 35 feet wide R-5 rock stabilized channel, five rock check dams and about 330 linear feet of natural material rock bank revetment (165 feet each side) from the mouth proceeding upstream of an unnamed tributary which discharges to wetlands at the south east side of the proposed bridge. The proposed bridge is located on T-345 about 200 feet from the intersection of T-345 with SR 0120. The project will create about 0.65 acre of earth disturbance. The project will impact about 0.294 acre of wetlands and 700 feet of waterway. West Creek is a High Quality—Cold Water Fisheries stream.

**E14-463. Frost Family Limited Partnership, John D. Frost, 4100 Lake Otis Parkway, Anchorage, AK 99508.** Bridge construction, in Snow Shoe Township, **Centre County**, ACOE Baltimore District (Snow Shoe SE, PA Quadrangle N: 7.25 inches; W: 16.50 inches).

To construct and maintain a prefabricated 12 foot by 44 foot steel bridge on top of two concrete abutments which will be set 3 feet into the stream bank and backfilled with about 50 tons of number 4 limestone. The proposed bridge will be located over the South Fork of Beech Creek in a private driveway about 1.5 miles downstream of SR 144 and 4,000 feet south of the North Fork Gaging Station.

The project will not impact wetlands while impacting about 20 feet of waterway and causing 1,000 square feet of earth disturbance.

The South Fork of Beech Creek is a cold-water fisheries stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E10-395, Department of Transportation, Engineering District 10-0**, P. O. Box 429 Indiana, PA 15701-0429, S. R. 3034 Culvert Replacement in Semiconon Run, in Franklin Township, **Butler County**, ACOE Pittsburgh District (Prospect, PA Quadrangle N: 3.0 inches; W: 3.1 inches).

To remove the existing twin 36-inch diameter 40-foot long corrugated metal pipes and to install and maintain twin 42-inch diameter reinforced concrete pipes located at a point along S. R. 3034 (Purvis Road) within Semiconon Run (CWF) approximately 1.2 miles east of the intersection of S. R. 3034 and S. R. 0528.

**E24-218, Albert Prechtl**, 1300 Brussels Street, St. Marys, PA 15857, North Branch Elk Creek Crossing Culvert Amendment, in City of St. Marys, **Elk County**, ACOE Pittsburgh District (Saint Marys, PA Quadrangle N: 11.9 inches; W: 7.4 inches).

To amend Permit E24-218 which authorizes Albert Prechtel to install and maintain twin 30-foot long, 60-inch diameter concrete culverts in North Branch Elk Creek on a private driveway extending east from Washington Road approximately 1 mile north of S. R. 1001.

The proposed amendment is to install and maintain two additional twin 30-foot long, 60-inch diameter concrete culverts in North Branch Elk Creek for a commercial driveway extending east from Washington Road approximately 1 mile north of S. R. 1001. The project includes installation of wing-walls and gabion basket/riprap protection upstream and downstream of the structure. North Branch of Elk Creek is a perennial stream classified as a cold water fishery. The project proposes to directly affect a total of approximately 70 linear feet of stream channel.

**E42-309, Elk County Fishermen**, 6231 Shawmut Road, Ridgway, PA 15853, Twomile Run AMD Wetland Treatment System, in Sergeant Township, **McKean County**, ACOE Pittsburgh District (Hazel Hurst, PA Quadrangle N: 7.1 inches; W: 3.1 inches).

To construct and maintain an acid mine drainage treatment system along Twomile Run within the Upper Clarion River Watershed (HQ-CWF) consisting of: anaerobic vertical flow wetland cells, a flushing pond, limestone channel intakes and outfalls, a check dam and other appurtenant structures along with an access roadway having two minor road crossings all at a point approximately 13,750 feet southwest of the intersection of S. R. 0146 and the Wilcox/Clermont Road. This project will have a de minimis impact to 0.047 acre of PEM wetlands.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E43-315, D & L Energy, Inc.**, 2761 Salt Springs Road, Youngstown, OH 44509, Yesko Pipeline in Sugar Grove Township, **Mercer County**, ACOE Pittsburgh District (Greenville West, PA Quadrangle N: 13.8 inches; W: 0.5 inch).

To construct and maintain a 6 inch steel pipeline for transporting natural gas across two (PEM/PSS) wetland areas and an unnamed tributary to the Little Shenango River (TSF, perennial) by the open cut method. The first wetland crossing is approximately 50 feet long and the second approximately 490 feet long. The unnamed tributary is approximately 15 feet wide and 3 feet deep. Approximately 0.037 acre of the approximate 15 acres wetland complex is to be impacted. The project is located approximately 2,700 feet south of the intersection of an abandoned railroad grade and Goetsch Road (T-530).

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D44-011EA, Reedsville Milling Company, Inc.**, P. O. Box 477 Reedsville, PA 17084, Brown Township, **Mifflin County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed dam across Tea Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 500 feet east of the intersection of Toll Gate Road (S. R. 1005) and S. R. 655 (Burnham, PA Quadrangle N: 7.7 inches; W: 14.0 inches).

**D54-043EA, Schuylkill County Municipal Authority**, 221 South Centre Street, P. O. Box 960, Pottsville, PA 17901, Tremont Township, **Schuylkill County**, ACOE Baltimore District.

Project proposes to breach and remove two unnamed dams across Poplar Creek (CWF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dams are located on the property of the Schuylkill County Municipal Authority approximately 3/4 mile southwest of the intersection of U. S. Route 209 and S. R. 125. (Pine Grove, PA Quadrangle N: 22.3 inches; W: 3.9 inches).

**EA22-013CO, Dauphin County Conservation District**, 1451 Peters Mountain Road, Dauphin, PA 17018, Washington Township, **Dauphin County**, ACOE Baltimore District.

Project proposes to breach and remove Shiffer's Mill Dam across Wiconisco Creek (WWF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is partially breached on the right side and is creating an erosion problem. The dam is located approximately 500 feet northeast of the intersection of Shiffer Mill Road (T400) and Lenker Road (T401) (Elizabethville, PA Quadrangle N: 8.05 inches; W: 16.00 inches).

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04-02-022	Stephen J. Carten Pittsburgh Terminal Corp. Coraopolis Terminal P. O. Box 2621 Harrisburg, PA 17105	Allegheny	Moon Township	3 ASTs storing gasoline/distillate	20,783,000 gallons total

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## SPECIAL NOTICES

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### Water Allocation Permit Application Public Hearing; Cambria Somerset Authority

The Department of Environmental Protection (Department) will be accepting testimony at a public hearing on the Water Allocation Permit Application submitted to the Department by the Cambria Somerset Authority (CSA). In the application, the CSA requested the right to withdraw water, for public water supply purposes, from the waters of the Commonwealth at the following locations:

Quemahoning Reservoir	71 million gallons per day (mgd)
Hinkston Reservoir	10 mgd
Wilmore Reservoir	10 mgd
South Fork Dam Intake	26 mgd
Border Dam Intake	27 mgd

Total withdrawal requested from all sources is 71 mgd.

This hearing will be held at Heritage Hall A, The University of Pittsburgh at Johnstown, Johnstown, PA, on November 1, 2004, at 6 p.m. Written testimony may be submitted until December 1, 2004, to Department of Environmental Protection, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222.

Further information may be obtained by contacting the Department at the previous address or by calling (412) 442-4000 or by e-mailing [chcolbert@state.pa.us](mailto:chcolbert@state.pa.us)

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys Short at (412) 442-4183 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

### Water Allocation Permit Application Public Hearing; Somerset County General Authority

The Department will be accepting testimony at a public hearing on the Water Allocation Permit Application submitted to the Department by the Somerset County General Authority (SGA). In the application, the SGA requested the right to purchase up to 4 million gallons per day from the Cambria Somerset Authority. Testimony will also be accepted on the Public Water Supply Permit Application submitted by the SGA at that time. In that application, the SGA proposes to construct a water treatment plant, a finished water storage tank, a water distribution system, two finished water pump stations and related appurtenances.

This hearing will be held in the Courtroom A, Somerset County Courthouse, 300 North Center Avenue, Somerset, PA on November 9, 2004, at 6:30 p.m.

Written testimony may be submitted until December 10, 2004, to Department of Environmental Protection, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222.

Further information may be obtained by contacting the Department at the previous address or by calling (412) 442-4000 or by e-mailing [chcolbert@state.pa.us](mailto:chcolbert@state.pa.us)

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys Short at (412) 442-4183 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

### Abandoned Mine Reclamation; Jenner Township, Somerset County

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

<i>Project</i>	<i>Municipality</i>	<i>County</i>	<i>Acres</i>
BF 00-05-101.1	Jenner Township	Somerset	15

Pelesmitco, Inc. Coal Company, DMP 56901302, on the GM&W Coal Company property requires backfilling and revegetation.

Letters of interest must be received by Don Barnes, District Mining Manager, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931 by 4 p.m. on November 12, 2004, to be considered.

Telephone inquiries shall be directed to Don Barnes at (814) 472-1900.

### Abandoned Mine Reclamation; Quemahoning Township, Somerset County

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

<i>Project</i>	<i>Municipality</i>	<i>County</i>	<i>Acres</i>
BF 01-05-101.1	Quemahoning Township	Somerset	58

Big J Mining, Inc., SMP 56960111, on the Sorber property requires backfilling and revegetation.

Letters of interest must be received by Don Barnes, District Mining Manager, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931 by 4 p.m. on November 12, 2004, to be considered.

Telephone inquiries shall be directed to Mr. Barnes at (814) 472-1900.

## BUREAU OF DEEP MINE SAFETY

### Approval of Request for Variance

The Department, Bureau of Deep Mine Safety (Bureau) has approved Parkwood Resources, Inc's request for a variance from the requirements of Section 242(c) of the Pennsylvania Bituminous Coal Mine Act (act) at the Cherry Tree Mine. This notification contains a summary of this request and the basis for the Department's



approval. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the Bureau's website: [www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm](http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm).

*Summary of the Request:* Parkwood Resources, Inc. requested a variance from section 242(c) of the act to allow for the common ventilation of belt conveyor entry with other entries at the Cherry Tree Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements set forth in the act.

The basis for the Bureau's approval is summarized as follows:

1. The Pyott-Boone 9500 CO Monitoring System will provide advance warning of a developing mine fire originating in the conveyor belt entry. When maintained and operating correctly, this system provides warnings much earlier than the point type heat sensors.
2. Common entries would permit the larger section mantrip and scoops access to belt entry for transportation of personnel and supplies.
3. The operator will maintain a separate isolated intake escapeway that is at a higher air pressure than the belt and common entries.
4. The plan provides for the common entries to serve as an alternate intake escapeway. There will be a total of three separate, isolated escape routes.

This approval is limited to a variance from the requirements in section 242(c) of the act requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) of the act shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the plan and the following conditions:

1. All mine employees shall be task trained in the Pyott Boone Model 9500 CO monitoring system alert and alarm response procedures. These procedures shall also be included in the 8-hour annual retraining.
2. As part of the requirements of section 228 of the act, all belt entries, common entries and unfenced roadways shall be preshifted in their entirety.
3. A preshift date board should be placed at each CO sensor location.
4. Designated areas shall be established (with approval from the District Inspector) at strategic locations along the belt entry and common entries to determine whether the air is traveling in the proper course and normal volume. This air reading shall be taken by a scientific means (anemometer, chemical smoke tube, velometer) and recorded in the preshift examination record book.
5. The investigative committee shall conduct an underground ventilation survey when the belt and common entries are established to verify pressure differential between the intake escapeway and the common entries.
6. The investigative committee shall evaluate the visual and audible alarms during the installation process.
7. A list of designated surface personnel shall be forwarded to the District Inspector upon activation of the CO Monitoring System. Copies of the task training records shall also be forwarded to the District Inspector.

8. The investigators shall interview supervisory and nonsupervisory personnel upon commencement of mining operations.

9. The operator must ascertain whether or not the belt compounds used in the mine produce CO when burnt. Should the operator use a non-CO producing compound in the mine, additional sensors must be used in conjunction with the CO detectors to provide the early warning benefits of the monitoring system.

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for Wyomissing Creek in Berks County**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

The Department will accept comments on the proposed sediment TMDL developed for a Wyomissing Creek watershed in southcentral Berks County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. The Commonwealth's 1996-303(d) list included stream segments in the watershed. Current use impairments are due to siltation from urban and residential runoff and storm sewers.

The proposed TMDL sets allowable sediment loadings in the watershed. There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The sediment loading was allocated among MS4 areas and all land use categories present in the remaining portions of the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the Wyomissing Creek watershed covered by the TMDL. Overall load reductions necessary to meet the TMDL are also identified.

*Summary of TMDL-Based Load Reductions in the Wyomissing Creek Watershed*

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/yr)</i>	<i>Reduction</i>
Wyomissing Creek	Sediment	10,553,976	6,329,495	40%

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL). To request a copy of this TMDL, contact Joseph Hepp, Water Management Program, SCRO, 909 Elmerton Avenue, Harrisburg, PA 17110, [jhepp@state.pa.us](mailto:jhepp@state.pa.us).

The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval. Written comments will be accepted at the previous address and must be postmarked by November 23, 2004. A public meeting to discuss the technical merits of the TMDL will be held on October 25, 2004, at 7 p.m. in the Shillington Municipal Building, located in the Shillington Memorial Park, off of E. Broad Street, Shillington, PA.

[Pa.B. Doc. No. 04-1920. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 291-4100-001. Title: Bureau of Radiation Protection Compliance and Enforcement Policy. Description: This guidance, which became effective on March 15, 1994, establishes standard procedures for encouraging compliance with, and enforcing the regulations, which the Bureau of Radiation Protection (Bureau) has the authority to administer. The Bureau's regulatory responsibilities are authorized by the Radiation Protection Act (35 P. S. §§ 7110.101—7110.703), the Radon Certification Act (63 P. S. §§ 2001—2014) and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905). On April 6, 2004, the Secretary of the Department announced the Department's new policy on "Standards and Guidelines for Identifying, Tracking and Resolving Violations." This draft guidance incorporates the guidelines under that policy as substantive revisions to provide program staff with direction on how to implement the recently issued guidelines. Written Comments: Interested persons may submit written comments on technical guidance document no. 291-4100-001 by November 22, 2004. Comments submitted by facsimile will not be accepted; however, the Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments may be submitted to Ben Seiber, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, [bseiber@state.pa.us](mailto:bseiber@state.pa.us). Questions regarding this technical guidance

document should be directed to Ben Seiber at (717) 783-7702 or by e-mail.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1921. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Mining and Reclamation Advisory Board and the Board's Reclamation Committee Meetings

The quarterly meeting of the Mining and Reclamation Advisory Board (Board) is scheduled for October 27, 2004, at 11 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will review and discuss the replacement of water supplies impacted by mining, orphan mine discharges and bond rate guidelines. The Board's Reclamation Committee will meet at 9 a.m. on October 27, 2004, at the same location and will discuss orphan mine discharges and beneficial use of residual waste at mine sites.

Questions concerning these meetings should be directed to G. Nevin Strock, (717) 787-6842, [gstrock@state.pa.us](mailto:gstrock@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact G. Nevin Strock at the previous telephone number or e-mail address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1922. Filed for public inspection October 22, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Chronic Renal Disease Advisory Board Meeting Change

The Renal Advisory Committee, established by 35 P. S. § 6204, will hold a public meeting on Friday, October 29, 2004, from 10 a.m. to 3 p.m. in Conference Room 327, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine E. Gible, Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 772-5138, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-1923. Filed for public inspection October 22, 2004, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Santa's List Instant Lottery Game; Change to Game Rules

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Santa's List instant lottery game rules that were published at 34 Pa.B. 5658 (October 9, 2004).

This amendment changes a description of a \$12 prize level. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 34 Pa.B. 5658 and 5659:

\* \* \* \* \*

7. Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
	* * * * *		
\$9	\$9	100	43,200
\$3 × 2 + \$6	\$12	200	21,600
	* * * * *		

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1924. Filed for public inspection October 22, 2004, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to rehabilitate the bridge carrying Corrigan Drive over Catfish Run in South Park, Allegheny County. The bridge rehabilitation requires the taking of approximately 93 square meters (1,000 square feet) from South Park, which qualifies as a Section 2002 resource.

Mitigation measures to minimize harm to the resource include the following:

1. The minimum amount of permanent right-of-way will be acquired from South Park to incorporate the existing wing walls into the roadway right-of-way. The land required is currently undeveloped.
2. During construction, one lane of traffic in each direction and one sidewalk will be maintained at all times to avoid a detour. Therefore, this will not result in any temporary or permanent adverse change to the activities or features, which are important to the purposes and functions of South Park that qualify South Park for protection under Section 2002.
3. Protective fencing will be placed along the walking path adjacent to the bridge during construction.
4. All disturbed areas will be revegetated and any landscaped areas will be restored upon completion of the proposed project.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-1925. Filed for public inspection October 22, 2004, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 7, 2004, and announced the following:

### *Regulations Approved*

Department of Agriculture # 2-146: Amendments to Lifetime Licensure (amends 7 Pa. Code Chapter 21)

Pennsylvania State Police # 17-64: Administration of the Bureau of Liquor Control Enforcement; Age Compliance Check Program (adds 37 Pa. Code Chapter 23)

Environmental Quality Board # 7-380: Stream Redesignations (Brushy Meadow Creek, et al.) (amends 25 Pa. Code Chapter 93)

**Approval Order**

Public Meeting held  
October 7, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Agriculture—Amendments to Lifetime Licensure; Regulation No. 2-146*

On September 1, 2004, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 21. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On September 17, 2004, the Department tolled and resubmitted the final-omitted regulation to the Commission with revisions.

This rulemaking amends the Department's existing regulations to bring them into compliance with revisions to the Veterinary Medicine Practice Act (act) (63 P. S. §§ 485.1—485.35). The amendments to the regulation remove the requirement that only a licensed veterinarian can apply a tattoo and specify that a microchip must be implanted by a licensed veterinarian or a person authorized to implant microchips under the act or the State Board of Veterinary Medicine's regulations.

We have determined this regulation is consistent with the statutory authority of the Department (3 P. S. § 459-201(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
October 7, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Pennsylvania State Police—Administration of the Bureau of Liquor Control Enforcement; Age Compliance Check Program; Regulation No. 17-64*

On December 8, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania State Police. This rulemaking adds 37 Pa. Code Chapter 23. The proposed regulation was published in the December 20, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 30, 2004.

This regulation implements an age compliance check program as mandated by Act 141 of 2002. The regulation includes training and examination requirements for individuals who are 18 to 20 years of age who work in the program. It also establishes standards and procedures for age compliance checks.

We have determined this regulation is consistent with the statutory authority of the Pennsylvania State Police (18 Pa.C.S. §§ 6308(e)(3) and 6310(c)(3)) and the intention of the General Assembly. Having considered all of the

other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
October 7, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Environmental Quality Board—Stream Redesignations (Brushy Meadow Creek, et al.); Regulation No. 7-380*

On August 13, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 93. The proposed regulation was published in the August 23, 2003, *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 2, 2004.

This regulation updates, corrects and clarifies the listings for 36 stream segments. These redesignations are based on evaluations conducted by the Department of Environmental Protection and Fish and Boat Commission. Four stream segments are redesignated as Exceptional Value.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 691.5 and 691.402) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 04-1926. Filed for public inspection October 22, 2004, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
14-483	Department of Public Welfare Metropolitan Statistical Area 34 Pa.B. 4465 (August 14, 2004)	9/13/04	10/13/04
14-486	Department of Public Welfare MA Day of Care Definition 34 Pa.B. 4462 (August 14, 2004)	9/13/04	10/13/04
14-488	Department of Public Welfare Medical Assistance Provider Appeal Procedure 34 Pa.B. 4447 (August 14, 2004)	9/13/04	10/13/04

**Department of Public Welfare Regulation # 14-483  
(IRRC # 2414)**

**Metropolitan Statistical Area**

**October 13, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 13, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 1187.94. Peer grouping for price setting.—Fiscal impact; Reasonableness.**

This proposed rulemaking amends the method the Department uses to establish peer groups used to set net operating per diem rates under the case-mix payment system. Currently, peer groups are based on the most recent Metropolitan Statistical Areas (MSA) group classifications established by the Federal Office of Management and Budget (OMB) and a nursing facility's bed complement. In June 2003, the OMB changed their method for categorizing MSAs. The Department contends that this change makes it impossible to classify nursing facilities into peer groups under the current case-mix payment system regulations. Therefore, the Department has decided to adopt the MSA group classifications published in OMB Bulletin No. 99-04. This change will retain the MSA group classifications currently used by the Department to establish per diem rates.

In the preamble, the Department noted that it considered adopting the new MSA group classifications. However, its analysis indicated that "a majority of nursing facility providers would be adversely affected (that is, the case-mix payment system would compute lower rates for the majority)."

Several commentators have expressed concern with the approach taken by the Department. They believe that maintaining the historical MSA group classifications does not accurately reflect the true cost of operating a nursing facility in their specific geographic location.

We agree. Incorporating the new MSA group classifications would allow the Department to establish per diem rates that reflect more current costs associated with operating a nursing facility. Why has the Department decided to retain the historical MSA group classifications instead of using the most recent MSA data available?

**2. Effective date of the regulation.—Conflict with existing regulations; Reasonableness; Implementation procedures.**

This rulemaking is proposed to take effect for the July 1, 2004, rate-setting. Existing § 1187.95(a), regarding general principles for rate and price setting, state the following: "Prices will be set *prospectively* on an annual basis during the second quarter of each calendar year and be in effect for the subsequent July 1 through June 30 period." (Emphasis added.)

This rulemaking process was initiated August 14, 2004, well after the effective date of the proposed regulation. Establishing a retroactive effective date conflicts with the existing regulation previously noted. This regulation is binding on the Department as it is on the regulated parties. Given this conflict, can the Department implement this rule change retroactively?

**Department of Public Welfare Regulation # 14-486  
(IRRC # 2415)**

**MA Day of Care Definition**

**October 13, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 13, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**Effective date of the regulation.—Conflict with existing regulations; reasonableness; implementation procedures.**

The Department states that the effective date for the change to the definition of an "MA day of care" will be January 1, 2004, and "apply to disproportionate share incentive payments for fiscal year ending on and after December 31, 2003, and the MA CMI for picture dates beginning February 1, 2004."

However, existing § 1187.95(a) states "Prices will be set *prospectively* on an annual basis during the second quarter of each calendar year and be in effect for the subsequent July 1 through June 30 period." (Emphasis added.)

This rulemaking process was initiated after the effective date of the proposed regulation. Therefore, the Department should explain how it can retroactively make these changes.

**Department of Public Welfare Regulation # 14-488  
(IRRC # 2416)**

**Medical Assistance Provider Appeal Procedure**

**October 13, 2004**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 13, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 41.1. Scope.—Reasonableness; Clarity.**

*Subsection (b)—Other regulations*

This subsection states “In addition to this chapter, GRAPP [General Rules of Administrative Practice and Procedure] and other applicable departmental regulations apply to the practice and procedures in MA provider appeals. . . .” (Emphasis added.) To give adequate notice to those subject to compliance, the Department should include specific citations to other Department regulations that will apply.

*Subsections (d) and (e)—Effective date*

These subsections provide that the requirements of this regulation apply to provider appeals commenced on or after December 3, 2002, but before July 1, 2003, with two exceptions. The earlier date precedes publication of the Department’s Final Practice Standing Order (Order). The Order was published at 33 Pa.B. 3053 (June 28, 2003). The Department should explain how these requirements can apply to appeals filed before the publication of the Order.

**2. Section 41.3. Definitions.—Consistency with statute; Reasonableness; Clarity.**

The definition of “senior department official” includes “. . . an individual who works in the office of the Secretary or who reports directly to the Secretary . . . .” Under this definition, an administrative assistant or a receptionist who reports directly to the Secretary would meet the criteria to be a “senior department official.” Therefore, the Department should delete this phrase and limit this definition to the Comptroller, the Chief Counsel of the Department, deputy secretaries, bureau directors or someone designated by the Secretary as a person with authority over a specific program.

**3. Section 41.4. Amendments to regulation.—Consistency with existing regulations; Necessity; Clarity.**

This section purports to supersede 1 Pa. Code § 31.6 of the GRAPP. Section 31.6 of 1 Pa. Code provides that the Joint Committee on Documents (Joint Committee) retains continuing jurisdiction under 45 Pa.C.S. § 723(b) to amend the GRAPP. The Department has no authority to supersede the Joint Committee’s authority in this regard. However, the Department does retain statutory authority to revise its own regulations. Because both grants of authority can and do coexist without conflict, this section is not necessary and should be deleted.

**4. Section 41.5. Jurisdiction of the bureau.—Clarity.**

Subsection (b) provides that the Bureau of Hearings and Appeals (Bureau) does not have jurisdiction to issue a

final determination on a waiver request included in a request for hearing.

According to the Department, the basis for this limitation is found in 67 Pa.C.S. § 1105(b)(3), which provides in part: “The secretary . . . may waive compliance with program requirements to promote fairness and the proper administration of the program.” However, nothing in that sentence precludes the Bureau from issuing a final decision. In fact, 67 Pa.C.S. § 1105(a) states: “The bureau shall issue a determination adjudicating contested issues of fact and law and any appropriate order, decree or decision.” That provision grants the Bureau authority to make a determination on any question raised in the context of a provider appeal. Therefore, the Department should clarify its rationale for this subsection in the final-form regulation.

**5. Section 41.12. Form.—Reasonableness.**

This section allows filing of legal documents by hard copy through personal delivery or first-class mail. Delivery is also authorized through filing by facsimile under certain circumstances. However, a legal document may not be filed through electronic communication. The Department should explain why filing through electronic communication is not permitted.

**6. Section 41.22. Service of pleadings and legal documents.—Clarity**

The references to “General Counsel” in paragraphs (1)(ii) and (2)(ii) should be changed to “Chief Counsel” to avoid confusion and for consistency with § 41.112(b).

**7. Section 41.31. Request for hearing.—Clarity.**

Subsection (d)(4)(iii) states that a provider may only request a declaratory order or an order that the Department be required to promulgate, amend or repeal a regulation in accordance with 1 Pa. Code § 35.18. This paragraph should also include a reference to 1 Pa. Code § 35.19, regarding petitions for declaratory orders.

**8. Section 41.32. Timeliness and perfection of requests for hearing.—Consistency with statute; Clarity.**

*Subsection (a)—Methods for delivery of notice*

Paragraph (2) allows the Department to give written notice of an agency action “other than by mailing the notice to the provider.” We have two questions. First, in what other manner would the Department give notice to the provider? The Department should include examples of other methods of notice in the final-form regulation.

Second, when would the Department not contact a provider by mailing the notice? The Department should explain.

*Subsections (e) and (f)—Dismissal of hearing requests*

In these two subsections, the Bureau is required to dismiss requests for hearings if a number of conditions are not met. Why is the Bureau restricting its discretion in these two subsections? The Bureau should be able to make decisions on a case-by-case basis if the conditions included in these two subsections are met. Therefore, to give the Bureau more flexibility, the Department should replace the verb “will” with the verb “may.”

**9. Section 41.41. Waiver request.—Clarity.**

Subsection (c) contains one sentence that reads:

To the extent that the waiver sought by a provider in a petition for relief has been or *could have been* included in a request for hearing, the Bureau will dismiss the petition for relief. (Emphasis added.)

The phrase “could have been” seems to preclude a provider from seeking a waiver in the future if that waiver is not included in an earlier petition in a different case. If this is not the intent, the Department should clarify the provision to clearly indicate that the dismissal for failure to include the waiver petition will only occur in a given case.

**10. Section 41.43. Request for issuance, amendment or deletion of regulations.—Clarity.**

This section states “[t]he sole means by which a provider may formally petition the Department for the issuance, amendment or deletion of a regulation or statement of policy is by filing a petition for relief.” This section should include citations to the GRAPP or other regulations that outline the contents of and procedures for filing a petition for relief with the Bureau.

**11. Section 41.51. General.—Clarity.**

In subsection (f), the Department should list examples of what appropriate sanctions, other than costs, would be imposed on a party who files a petition for supersedeas in bad faith or on frivolous grounds.

**12. Section 41.53. Circumstances affecting grant or denial.—Reasonableness; Clarity.**

*Subsection (a)—Factors considered in granting supersedeas*

This subsection includes factors that will be considered in granting or denying a supersedeas. It is unclear whether the three factors listed will always be considered, or if any combination of the three will suffice. For clarity, the Department should either revise this section to state “[t]he following factors may be considered” to make the entire list optional, or insert an “and” after the second factor to make the entire list mandatory.

*Subsection (b)—Factors for denying supersedeas*

Subsection (b) states, in part, “If State law or Federal law or regulation require that an action take effect prior to the final determination of an appeal, injury to the public health, safety or welfare shall be deemed to exist.”

In the final-form regulation, the Department should include examples of or specific citations to State and Federal law that would be used as ground for denying supersedeas.

**13. Section 41.83. Withdrawal of provider appeals.—Reasonableness.**

Subsection (b) states “When a provider appeal is withdrawn prior to adjudication, the withdrawal shall be with prejudice.” Why are withdrawals of provider appeals with prejudice in this instance? The Department should explain.

**14. Section 41.92. Expedited disposition procedure for certain appeals.—Reasonableness; Clarity.**

*“Opt-in” versus “Opt-out”*

This section allows parties to “opt-out” of the expedited appeals process. Commentators believe parties should be allowed to “opt-in” rather than “opt-out” with respect to

expedited disposition. We agree. The Department should explain why it used the “opt-out” mechanism in this section.

**15. Section 41.111. Disclosures.—Reasonableness; Clarity.**

Subsection (f) states “[a] provider whose initial mandatory disclosure identifies documents in the possession of the Department or program office, but fails to provide copies of the provider’s own records or documents in support of one or more of the issues raised in the provider’s request for hearing, will not be in compliance with this subsection.” There is no standard for compliance with this subsection imposed on the Department. The Department should make the standards for providers and the program office equivalent in the final-form regulation.

In addition, a cross-reference to § 41.117 should be added so that parties will have an understanding of the penalties for noncompliance.

**16. Section 41.112. Filing of position papers.—Reasonableness.**

Subsection (a) states “[i]f the provider fails to meet the position paper due date or fails to supply the Bureau with the required documentation, the Bureau will dismiss the provider’s appeal.” Subsection (b) states “[i]f the program office fails to meet the position paper due date, the Bureau will schedule the case for hearing and will notify the Chief Counsel of the Department.”

Why are there different standards for providers and the program office? The Department should make the standards for providers and the program office equivalent in the final-form regulation.

**17. Section 41.115. Statement regarding expert opinions.—Clarity.**

Subsection (c) lists the requirements for expert opinion statements. This section should also include the expert’s qualifications.

**18. Section 41.117. Penalties for noncompliance.—Clarity.**

*Good cause exception*

Subsection (a) allows a party to offer testimony of a witness at a hearing if the party establishes “good cause to permit the testimony of the witness.” Subsection (b) does not have a good cause exception for documents introduced into evidence. The Department should either include a good cause exception to documents in subsection (b) or explain why such an exception does not apply to documents.

*Impeachment*

This section should be clarified to state that testimony and documents that fall under subsections (a) and (b) apply only to witnesses and documents that are used for the case-in-chief. These standards should not apply to witnesses and documents that are used exclusively for impeachment purposes.

**19. Section 41.119. General scope of discovery.—Clarity.**

Subsection (b) states “[e]xcept to the extent inconsistent with or as otherwise provided in this chapter,

discovery shall be governed by the relevant Pa.R.C.P. [ Pennsylvania Rules of Civil Procedure ] applicable to the form of discovery authorized by this chapter." The Department should include specific citations to the relevant Pa.R.C.P. in the final-form regulation.

**20. Section 41.122. Supplementing disclosures and responses.—Clarity.**

In subsection (a), the word "or" should be inserted between the phrases "ordered by the Bureau" and "if the party learns."

**21. Section 41.153. Burden of proof and production.—Consistency; Reasonableness.**

Subsection (a) states "[t]he provider has the burden of proof to establish its case by a preponderance of the evidence and is required to make a prima facie case by the close of its case-in-chief." This section does not shift the burden of proof to the Department in any case. If the Department issues a rule to show cause in a provider termination action, does the burden of proof shift to the Department? If so, the Department should describe if and when this shift occurs. A good example of how to specify the shift in the burden of proof can be found in the existing rules of the Environmental Hearing Board in 25 Pa. Code § 1021.122.

**22. Section 41.162. Subpoenas.—Consistency with statute.**

Subsection (a) outlines the controlling rules for subpoenas and requests for subpoenas. Section 1104(a) of 67 Pa.C.S. permits the Bureau to enforce its subpoenas in Commonwealth Court. For consistency with the statute, the Department should include this enforcement power in the final-form regulation.

**23. Section 41.171. Independence.—Clarity.**

This section provides for the independence of presiding officers and restrictions on their conduct. Subsection (b) does not permit presiding officers to conduct ex parte communications with a party to the hearing. The Department should explain what consequences would result from noncompliance with this provision.

**24. Section 41.191. Determinations and recommendations by the Bureau.—Consistency with statute; clarity; necessity; feasibility.**

Under § 41.191(b), the review of the Bureau is severely limited on waiver requests included in a request for hearing. For the reasons discussed in Issue No. 4 above, we object to the limitation on the Bureau's jurisdiction to enter a final decision. The Department should delete language which restricts the Bureau's authority to adjudicate waiver requests presented in a request for hearing, or explain its rationale for this restriction in the final-form regulation.

**25. Section 41.201. Reopening of record prior to adjudication.—Clarity.**

Subsection (b) allows reopening of records "upon the basis of recently discovered evidence" when a number of circumstances are present. If the record is reopened

under this subsection, can parties then file amended pleadings and position papers? The Department should explain.

[Pa.B. Doc. No. 04-1927. Filed for public inspection October 22, 2004, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
10-155	Department of Health Recreational Swimming Establishment Lifeguard Requirements	10/7/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1928. Filed for public inspection October 22, 2004, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Pennsylvania Compensation Rating Bureau  
F-Classification and USL & HW Rating Value Filing;  
Rate Filing**

On October 6, 2004, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau (PCRB) proposed revisions to rates and rating values pertaining to F-Classification and United States Longshore and Harbor Workers (USL&HW) Compensation Act coverages to be effective February 1, 2005. The filing proposes the following:

\* An overall average decrease in collectible F-classification rates of 8.88%.

\* An overall average decrease in manual rates for F-classifications of 9.02% consistent with the proposed overall average change in collectible rates. The proposed changes in manual rates for individual F-Classifications range from decreases of 7.0% to 12.3%.

\* A change in the USL&HW Compensation Coverage Percentage from 79.3% to 79.1%.

The filing is available for review on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click "Rate filings published in the PA Bulletin."

The filing is also available for review on the PCRB's website: [www.pcrb.com](http://www.pcrb.com) (click "Filings").

Copies of the filing are also available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.



Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1929. Filed for public inspection October 22, 2004, 9:00 a.m.]

### State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company; Private Passenger Auto Rate Filing

On October 4, 2004, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company a filing which introduces Liability Rating Groups, a new make and model rating program for BI and PD, to be effective January 1, 2005. The Liability Rating Group program, which applies to 1998 and newer models, is expected to be revenue neutral.

Unless formal administrative action is taken prior to December 3, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1930. Filed for public inspection October 22, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Washington County, Wine & Spirits Shoppe # 6302, 43 E. Pike Street, Canonsburg, PA 15317-1311.

*Lease Expiration Date:* February 28, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space serving Canonsburg. The site must have convenient off-street customer parking and access for separate tractor-trailer deliveries.

*Proposals due:* November 12, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-1931. Filed for public inspection October 22, 2004, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Meeting Dates for 2005

Under 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act), the Pennsylvania Council on Aging (Council) has established the following dates for the calendar year 2005:

Tuesday, February 1, 2005

Tuesday, April 5, 2005

Tuesday, June 7, 2005

Tuesday, August 23, 2005

Tuesday, September 27, 2005

Tuesday, December 6, 2005

All meetings of the Council will be held from 1 p.m. to 5 p.m. at the Department of Aging, Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA.

Persons with a disability who wish to attend a meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Ellen Kramer Adler, Executive Director, (717) 783-1924 to discuss how the Council may best accommodate their needs.

ELLEN KRAMER ADLER,  
*Executive Director*

[Pa.B. Doc. No. 04-1932. Filed for public inspection October 22, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Applications for Approval of Restructuring Plans

*Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al.; Doc. No. R-000973953*

*Application of Pennsylvania Power & Light Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al.; Doc. No. R-000973954*

*Application of West Penn Power Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al.; Doc. No. R-000973981*

*Application of Metropolitan Edison Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al.; Doc. No. R-000974008*

*Application of Pennsylvania Electric Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al.; Doc. No. R-000974009*

The settlements of the restructuring proceedings at the previously referenced docket numbers resulted in the establishment of sustainable energy funds. It has been the practice to use the docket numbers from the restructuring proceedings for any filings or issuances pertaining to these funds. For reasons of administrative efficiency and the convenience of the parties, the Pennsylvania Public Utility Commission (Commission) has assigned each of these sustainable energy funds a unique Commission docket number.

The purpose of this notice is to advise interested parties of changes to the service list. The parties should respond to the Secretary's Bureau at the new docket number if they wish to join a fund's new service list. Changes to their contact information should be identified. Parties who do not respond to this notice will not be included on the new service lists.

The sustainable energy funds have been assigned a folder subordinate to the Pennsylvania Sustainable Energy Board docket number of M-00031715. The new numbers are as follows:

1. PECO Energy Company Sustainable Development Fund: M-00031715 F0002.
2. Sustainable Energy Fund of Central Eastern PA (formerly known as the PP&L Sustainable Energy Fund): M-00031715 F0003.
3. Metropolitan Edison Company and Pennsylvania Electric Company Sustainable Energy Funds: M-00031715 F0004.
4. West Penn Power Sustainable Energy Fund: M-00031715 F0005.

These docket numbers are effective immediately and should be used in future filings with or correspondence to the Commission that pertain to these funds. Questions regarding this matter should be directed to Shane Rooney, Law Bureau, (717) 787-2871.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1933. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Natural Gas Service

**A-121850F2037. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to nine natural gas service customers located in Canal Township, Venango County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 8, 2004. The documents filed in support of the application are available for inspection and

copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation  
*Through and By Counsel:* Christopher M. Trejchel,  
1100 State Street, Erie, PA 16501.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1934. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Natural Gas Service

**A-121850F2038. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to three natural gas service customers located in Madison Township and Toby Township, Clarion County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 8, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation  
*Through and By Counsel:* Christopher M. Trejchel,  
1100 State Street, Erie, PA 16501.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1935. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Natural Gas Service

**A-123100F2001. UGI Utilities, Inc.—Gas Division.** Application of UGI Utilities, Inc.—Gas Division for approval of the abandonment of natural gas service to 1428 Lehigh Street, Allentown.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 8, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* UGI Utilities, Inc.—Gas Division  
*Through and By Counsel:* Mark C. Morrow, Esquire,  
460 North Gulph Road, King of Prussia, PA 19406.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1936. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 1, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00121139. Walter R. Long** (629 Glenwood Drive, Ephrata, Lancaster County, PA 17522), persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Ephrata, Lancaster County, and within an airline distance of 25 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

**A-00121116. L & L Transportation Company, Inc.** (134 Mooreland Avenue, Mt. Holly Springs, Cumberland County, PA 17065), contract carrier, inmates for Cumberland County between points in Pennsylvania.

[Pa.B. Doc. No. 04-1937. Filed for public inspection October 22, 2004, 9:00 a.m.]

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### Tentative Order

Public Meeting held  
September 30, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Global Crest Communications, Inc. d/b/a Dimensions (2004.0106.01); A-311104*

### Tentative Order

*By the Commission:*

Global Crest Communications, Inc. d/b/a Dimensions ("Dimensions"), an interexchange reseller, was granted a certificate of public convenience by the Commission on August 9, 2001, at A-311104. Dimensions has failed to file its Assessment Report of operating revenues for the calendar year 2003 for use in calculating the General Assessment pursuant to section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). An Assessment Report form was sent by first class mail on February 23, 2004, to Dimensions at its last known business address, and was returned as undeliverable. Telephone calls to the last known telephone number for Dimensions confirmed that the number has been disconnected and no information is available for any new telephone number. A telephone call

was also made to its attorney of record who advised that he had not been contacted by the company in several years. At this point, there is no reasonable means to reach the company, and it has failed in its responsibility to notify the Commission of any address or telephone number changes. Finally, we are not aware that Dimensions has any current customers in Pennsylvania, and Dimensions was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the imposition of any such remedies as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based upon the findings of Commission staff, we believe that it is appropriate to revoke Dimensions' certificate of public convenience without the necessity of first filing a formal complaint. For these reasons, we tentatively conclude that revocation of Dimensions' certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest. Furthermore, we may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Dimensions seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Global Crest Communications, Inc. d/b/a Dimensions' certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a thirty (30) day comment period.

3. Absent the filing of adverse public comment within thirty (30) days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Global Crest Communications, Inc. d/b/a Dimensions at A-311104 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1938. Filed for public inspection October 22, 2004, 9:00 a.m.]

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### Tentative Order

Public Meeting held  
September 30, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Maxcess, Inc. (2004.0106.01); A-310918*

### Tentative Order

*By the Commission:*

Maxcess, Inc. ("Maxcess"), an interexchange reseller, was granted a certificate of public convenience by the Commission on July 13, 2000, at A-310918. Maxcess has failed to file its Assessment Report of operating revenues for the calendar year 2003 for use in calculating the General Assessment pursuant to section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). An Assessment Report form was sent by first class mail on February 23, 2004, to Maxcess at its last known business address, and was returned as undeliverable. Telephone calls to the last known telephone number for Maxcess confirmed that the number has been disconnected and no information is available for any new telephone number. At this point, there is no reasonable means to reach the company, and it has failed in its responsibility to notify the Commission of any address or telephone number changes. Finally, we are not aware that Maxcess has any current customers in Pennsylvania, and Maxcess was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the imposition of any such remedies as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based upon the findings of Commission staff, we believe that it is appropriate to revoke Maxcess' certificate of public convenience without the necessity of first filing a formal complaint. For these reasons, we tentatively conclude that revocation of Maxcess' certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest. Furthermore, we may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Maxcess seeks relief from this Tentative Order; *Therefore*,

*It Is Ordered That:*

1. Revocation of Maxcess, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a thirty (30) day comment period.
3. Absent the filing of adverse public comment within thirty (30) days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Maxcess, Inc. at A-310918 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-1939. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Tentative Order

Public Meeting held  
September 30, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Norstar Communications, Inc. (2004.0106.01); A-310931*

### Tentative Order

*By the Commission:*

Norstar Communications, Inc. ("Norstar"), an interexchange reseller, was granted a certificate of public convenience by the Commission on June 22, 2000, at A-310931. Norstar has failed to file its Assessment Report of operating revenues for the calendar year 2003 for use in calculating the General Assessment pursuant to section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). An Assessment Report form was sent by first class mail on February 23, 2004, to Norstar at its last known business address, and was returned as undeliverable. Telephone calls to the last known telephone number for Norstar were received by its legal counsel who advised that the company has gone out of business. At this point, there is no reasonable means to reach the company, and it has failed in its responsibility to notify the Commission of any address or telephone number changes. Finally, we are not aware that Norstar has any current customers in Pennsylvania, and Norstar was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the imposition of any such remedies as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based upon the findings of Commission staff, we believe that it is appropriate to revoke Norstar's certificate of public convenience without the necessity of first filing a formal complaint. For these reasons, we tentatively conclude that revocation of Norstar's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest. Furthermore, we may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Norstar seeks relief from this Tentative Order; *Therefore*,

*It Is Ordered That:*

1. Revocation of Norstar Communications Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a thirty (30) day comment period.
3. Absent the filing of adverse public comment within thirty (30) days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Norstar Communications, Inc. at A-310931

shall be cancelled, and the company's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1940. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Water Service

**A-210104F0053 and A-212875F2000. Aqua Pennsylvania, Inc. and Stanton Water Company, Inc.** Joint application of Aqua Pennsylvania, Inc. and Stanton Water Company, Inc. for approval of: (1) the acquisition by Aqua Pennsylvania of the water system assets of Stanton Water Company, Inc.; (2) the right of Aqua Pennsylvania to begin to offer, render, furnish and supply water service to the public in a portion of South Abington Township, Lackawanna County; and (3) the abandonment by Stanton Water Company, Inc. of public water service within South Abington Township, Lackawanna County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 8, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc. and Stanton Water Company, Inc.

*Through and By Counsel:* Frances P. Orth, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1941. Filed for public inspection October 22, 2004, 9:00 a.m.]

### Water Service

**A-212955F0014. Superior Water Company, Inc.** Application of Superior Water Company, Inc. for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Upper Pottsgrove Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 8, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Superior Water Company, Inc.

*Through and By Counsel:* Louise A. Knight, Esquire, Edward G. Lanza, Esquire, Saul Ewing, LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1942. Filed for public inspection October 22, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

December 14, 2004	Lorraine Payonk (Waiver of Repayment)	1 p.m.
	Gail Griesemer (Purchase of Service)	2:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-1943. Filed for public inspection October 22, 2004, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Kathleen M. Bales; Doc. No. 0959-51-04**

On July 1, 2004, Kathleen M. Bales, Lake Ronkonkoma, NY, was suspended for at least 3 years, retroactive to May 27, 2004, based on her violation of the terms of her Voluntary Recovery Program Consent Agreement and Board Order.

Individuals may obtain a copy of the adjudication by writing to Martha H. Brown, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the Martha H. Brown, Board Counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

[Pa.B. Doc. No. 04-1944. Filed for public inspection October 22, 2004, 9:00 a.m.]

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**Bureau of Professional and Occupational Affairs v.  
Holly Jean Miller, L.P.N.; Doc. No. 0703-51-04**

On September 13, 2004, Holly Jean Miller, license no. PN-259251-L, New Castle, Lawrence County, had her

practical nursing license revoked based on findings she left a nursing assignment prior to the proper reporting and notification to the appropriate department head of personnel of the action, failed to document and maintain accurate records and knowingly abandoned patients in need of nursing care by intentionally deserting patients for whom she was responsible.

Individuals may obtain a copy of the adjudication by writing to Teresa Lazo-Miller, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the Teresa Lazo-Miller, Board Counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

[Pa.B. Doc. No. 04-1945. Filed for public inspection October 22, 2004, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

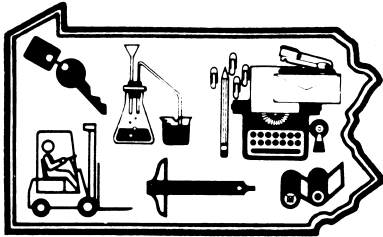
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*

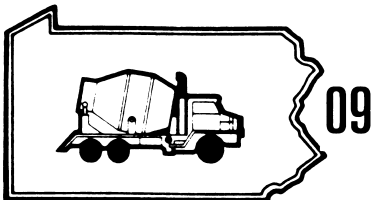


### Commodities

**ADV-229** Indiana University of Pennsylvania (IUP) is seeking bids for Tribaloy Intake and Exhaust Valves for Cooper-Bessemer Engines Model LSVB-20-GDT at S. W. Jack Cogeneration Plant. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-229 and directed to Mrs. Roxie M. Johnson, Purchasing Agent, IUP, Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; or Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until November 3, 2004. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Contact:** Mrs. Roxie M. Johnson, (724) 357-3077

## SERVICES



### Construction & Construction Maintenance

**MI-893** Millersville University of Pennsylvania of the State System of Higher Education is issuing a Request for Bid for Project MI-893 Renovations to the Gordinier Dining and Kitchen. The project consists of the renovations of the dining area, kitchen, offices, and other minor renovations. All General, HVAC, Plumbing, and Electrical work as required. Food Service equipment will be purchased independently by the University and the General Contractor. Food service equipment hook-ups will be by Prime Contractors as indicated. A prebid conference will be held, 10/27/04 at 10 AM, in Gordinier Dining Hall. While not mandatory for bidding purposes, attendance at the pre-bid conference and the accompanying job site visit is highly encouraged. Bidding Documents are available from STV Architects for a cost of \$145.00 non-refundable deposit, payable to STV Architects. To procure a complete set of bidding documents contact: STV Architects, 205 West Welsh Drive, Douglassville, PA 19518, ATTN: Karen Mauger (610-385-8481). A bid bond, certified check or cashier's check drawn to the order of the System University indemnifying the University in an amount not less than 5 percent is required. Sealed proposals will be officially accepted until 2:00 p.m., 11/16/04 in the Construction Contracting Office, Room 202B Dilworth Hall. A public bid opening will be held in Room 203 Dilworth Hall. Contracts are awarded to the lowest responsive bidder. Nondiscrimination and Equal Employment Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville Borough  
**Duration:** Anticipated start date is around 05/09/05 with a completion date of 08/05/05.  
**Contact:** Karen Mauger, (610) 385-8481

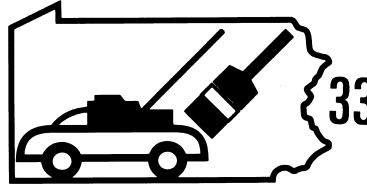




### Financial and Insurance Consulting

**KURFP-0079** Kutztown University is seeking proposals from qualified contractors to provide student payment plan and other services. Interested contractors must submit a written request to receive an RFP packet to: Kutztown University, Purchasing Department, ATTN: Craig Kleinsmith, P. O. Box 730, Kutztown, PA 19530; Fax: (610) 683-4674; or e-mail to kleinsmi@kutztown.edu. RFP packets are available from October 25, 2004 to November 12, 2004. Questions prior to proposal submission must be submitted in writing no later than 12 Noon on November 15, 2004. Proposals must be received by 2 PM on November 30, 2004. Late submissions will be rejected.

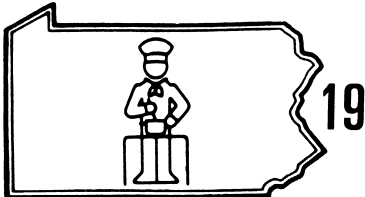
**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 5 Years  
**Contact:** Craig Kleinsmith, (610) 683-4774



### Property Maintenance

**FM 8861** Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Franklin Aviation Patrol Unit. Totals are based on estimated snow removal and granular urea in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

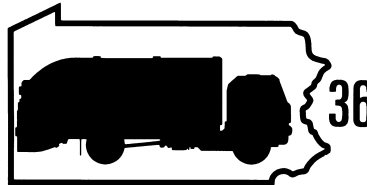
**Department:** State Police  
**Location:** Franklin Aviation Patrol Unit, 1526 Airport Road, Franklin, PA 16323, Phone # 814-437-3424  
**Duration:** 11/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951



### Food

**CN00011282** Milk and Cream Products: Fax to 814-255-8370 or e-mail to kzakraysek@state.pa.us, the company name, address, telephone number, and PA State Vendor Number to receive Request for Quote package.

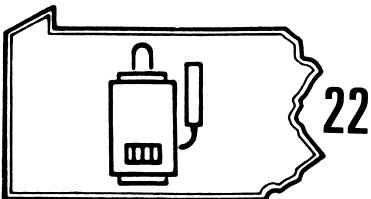
**Department:** Labor and Industry  
**Location:** OVR - Hiram G. Andrews Center, 727 Goucher Street Johnstown, PA 15905  
**Duration:** 01-01-05 through 12-31-05  
**Contact:** Ken Zakraysek, Purchasing Agent, (814) 255-8210



### Sanitation

**00011273** One (1) cubic yard trash container for Philadelphia PennDOT, Blaine and Ruffner Street to be emptied once a week.

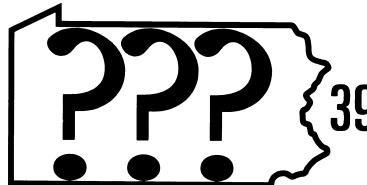
**Department:** Transportation  
**Location:** Blaine and Ruffner Street Philadelphia, PA. One (1) 20 cu. yd. container at maintenance yard.  
**Duration:** One year contract  
**Contact:** Suleica Vazquez, (215) 225-1415



### HVAC Services

**CN00011258** Automatic Temperature Control Services (Heating). To request a bid package, please fax your request to 570-587-7108 and include your name, address, telephone and fax numbers, Federal ID number and PA State Vendor number.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** Nov. 1, 2004 through June 30, 2009  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



### Miscellaneous

**ADV-230** Indiana University of Pennsylvania (IUP), a member of PA State System of Higher Education, is seeking bids for Water Treatment Chemicals and Services for S. W. Jack Cogeneration Plant and IUP Auxiliary Steam Plant. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-230 and directed to Mrs. Roxie M. Johnson, Purchasing Agent, IUP, Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; or Email: rmjohnsn@iup.edu. Requests for bid package will be accepted until November 5, 2004. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** Two (2) Year Contract w/option to extend.  
**Contact:** Mrs. Roxie M. Johnson, (724) 357-3077

**RFP 7039204-101** The Pennsylvania Commission on Crime and Delinquency (PCCD) seeks a vendor to conduct a statewide survey of student risk and protective factors in Pennsylvania similar to assessments conducted in 1989, 1991, 1993, 1995, 1997, 2001, and 2003. The 2005 survey will be administered to approximately 60,000 students in grades 6, 8, 10 and 12 during the 2005-06 school year. Participating schools and students must be selected to form a representative statewide sample. The survey must collect information on: students' use of alcohol, tobacco, and other drugs; behaviors and attitudes concerning factors relating to substance use; knowledge about risks of substance use; physical fighting and weapons carrying; the presence of gangs in school; risks associated with vehicles such as driving under the influence; and other information deemed important. Survey must be confidential and anonymous in order to protect the identity of the respondents, and be capable of being completed in one standard classroom period. Contractor will be responsible for: constructing the statewide sample and recruiting schools to participate in the survey; furnishing an adequate supply of surveys and instructions to participating schools and arranging for the return of completed surveys; making an electronic deployment of the survey possible; analyzing the survey results and producing a report of the findings similar in format to the 2003 report; and providing participating schools with a basic report of the survey findings for their students. The PCCD is an equal opportunity employer.

**Department:** Commission on Crime and Delinquency  
**Location:** Center for Research, Evaluation, and Statistical Analysis, Pennsylvania Commission on Crime and Delinquency, 3101 North Front Street, Harrisburg, PA 17108  
**Duration:** Two years; renewable  
**Contact:** Ray Moneta, (717) 787-5152, Ext. 3103

[Pa.B. Doc. No. 04-1946. Filed for public inspection October 22, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*

