

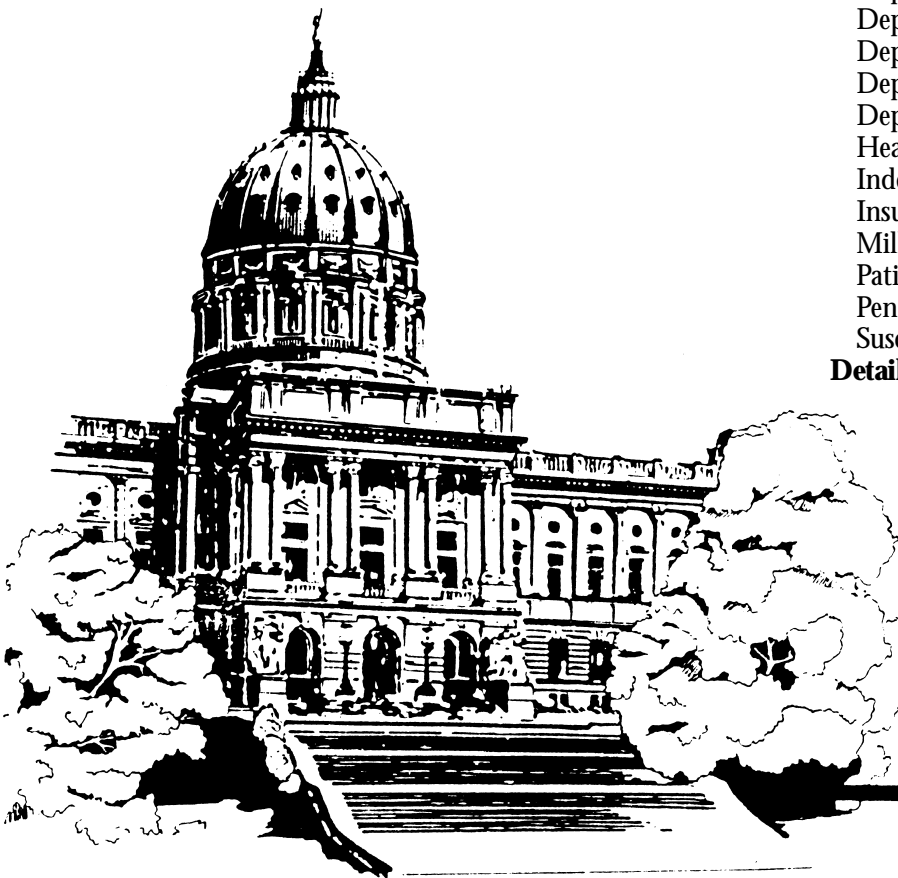
PENNSYLVANIA BULLETIN

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for the Subject Index
for January—December 2007

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Department of Banking
Department of Conservation and Natural Resources
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Department of Health
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Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Patient Safety Authority
Pennsylvania Public Utility Commission
Susquehanna River Basin Commission
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No. 398, January 2008

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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 2008.

22 Pa. Code (Education)

Adopted Rules

338 76

25 Pa. Code (Environmental Protection)

Proposed Rules

86 80

204 Pa. Code (Judicial System General Provisions)

Proposed Rules

303 9

234 Pa. Code (Rules of Criminal Procedure)

Proposed Rules

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237 Pa. Code (Juvenile Rules)

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252 Pa. Code (Allegheny Rules)

Unclassified 64

255 Pa. Code (Local Court Rules)

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THE GENERAL ASSEMBLY

Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 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>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 067 through 077					
067	Dec 18	HB0017	PN2982	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
068	Dec 18	HB0043	PN2870	60 days	Environmental Resources (27 Pa.C.S.)—Uniform environmental covenants
069	Dec 18	HB0131	PN2910	60 days	General Local Government Code (53 Pa.C.S.)—prohibiting fees for police services
070	Dec 18	HB0296	PN2873	Immediately*	Crimes Code (18 Pa.C.S.)—costs imposed following conviction for passing bad checks and the offense of debt pooling
071	Dec 18	HB1604	PN2043	30 days	Battle of the Bulge Veterans Memorial Highway—designation
072	Dec 18	HB1877	PN2574	60 days	County Code—authorization of hotel tax
073	Dec 18	HB1961	PN2832	Immediately*	Domestic Relations (23 Pa.C.S.)—information relating to prospective child-care personnel
074	Dec 18	SB0648	PN1486	Immediately	Conveyances—Commonwealth property in Ligonier Borough, Westmoreland County; City of Connellsville, Fayette County; City of Allentown, Lehigh County; Bensalem Township, Bucks County and Susquehanna Township, Dauphin County
075	Dec 18	SB0737	PN1188	Immediately	Compliance checks for extension of expiration date relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages
076	Dec 18	SB1156	PN1576	January 1, 2008	Judicial Code (42 Pa.C.S.)—notice and hearing and disposition of dependent child
077	Dec 18	SB1100	PN1483	Immediately	Hazardous Sites Cleanup Fund Funding Act—enactment

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously 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 date 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 (Department) 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. 08-1. Filed for public inspection January 4, 2008, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings for 2008:

Wednesday, February 27, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Thursday, February 28, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Tuesday, April 15, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) Omni William Penn, Pittsburgh, PA
Wednesday, April 16, 2008	Commission Meeting (9 a.m.—11:30 a.m.) Omni William Penn, Pittsburgh, PA
Wednesday, June 18, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Thursday, June 19, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Wednesday, August 20, 2008	Strategic Planning Session (9 a.m.—5 p.m.) Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Penn Stater Conference Center Hotel, State College, PA
Thursday, August 21, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Penn Stater Conference Center Hotel, State College, PA
Wednesday, October 22, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Thursday, October 23, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Wednesday, December 17, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Union League of Philadelphia Philadelphia, PA
Thursday, December 18, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Union League of Philadelphia Philadelphia, PA

The evening dinner/policy meetings are scheduled from 6:30 p.m.—9 p.m. with the policy meeting beginning at 7:30 p.m. Meetings are open to the public. Direct any questions regarding Commission meetings to Mark H. Bergstrom, Executive Director at (814) 863-2797 or mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 08-2. Filed for public inspection January 4, 2008, 9:00 a.m.]

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 three public hearings to receive comments on the proposed revisions to the sentencing guidelines:

Pittsburgh	Allegheny County Courthouse Room 324 436 Grant Street Pittsburgh, PA <i>Friday, February 8, 2008 at 10 a.m.</i>
Philadelphia	Philadelphia Criminal Justice Center Room 1107 1301 Filbert Street Philadelphia, PA <i>Thursday, February 21, 2008 at 1 p.m.</i>
Harrisburg	Forum Building (Capitol Complex) Room 321 Commonwealth Avenue and South Drive Harrisburg, PA <i>Wednesday, February 27, 2008 at 1 p.m.</i>

Persons wishing to testify are asked to bring 30 copies of the written comments to the public hearing. Arrangements to testify may be made by contacting the Commission (Cathy Dittman at (814) 863-5729 or CWD2@PSU.EDU) in advance of the hearing. Written comments from persons not wishing to testify should be submitted *no later than Friday, February 15, 2008* to: Mark H. Bergstrom, Executive Director, Pennsylvania Commission on Sentencing, P. O. Box 1200, State College, PA 16804-1200.

The Commission will evaluate the proposed 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 nine occasions, most recently in 2005. The current sentencing guidelines (6th Edition) became effective June 3, 2005 and apply to offenses committed on or after that date. The Commission herein proposes revisions to the 6th Edition sentencing guidelines in the following areas: assigning new offense gravity scores (OGS) to certain offenses; adding a law-abiding behavior requirement to the juvenile lapsing provision; expanding recommendations for consideration of state intermediate punishment; providing recommendations for the use of fines and community service as restorative sanctions as an initial response to the requirements contained in Act 2007-37; and correcting typographical errors and omissions identified in the 6th Edition sentencing guidelines.

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 current guidelines require the court to consider only the higher graded offense in circumstances where crimes merge for sentencing purposes. The Commission has proposed requiring the court to consider instead only the offense with the higher offense gravity score.

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. The Commission has proposed adding a reference to 'prior' judicial proceedings as a clarification and to make the text of these sections more consistent with that used in other sections.

In Section 303.6(c), the current guidelines provide a lapsing of certain juvenile adjudications if the offender is 28 years of age or older at the time the current offense was committed. The Commission has proposed including requirement for a ten-year period of law-abiding behavior in order for this lapsing to occur. Law abiding behavior is defined as a period with no adjudications or convictions for misdemeanors or felonies, and no confinement related to prior adjudications or convictions for misdemeanors or felonies. While retaining the lapsing provision, this proposal takes into account the higher risk for re-offending by youthful offenders that persist in criminal activity. The ten-year period is linked both to the existing time period for lapsing (i.e., ten years past 18 years of age), as well as

the time period used in Pa.R.E. Rule 609 (Impeachment by Evidence of Conviction of Crime).

In Section 303.7, the current guidelines provide point assignments used in the prior record score calculation. Recent amendments to the Operating a Watercraft Under the Influence of Alcohol or a Controlled Substances statute provide greater alignment between the penalties for this offense and those for DUI. The Commission has proposed extending the DUI point values to Operating a Watercraft Under the Influence.

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 303.9, the current guidelines provide general recommendations for sentencing. The Commission has proposed adding to this section a reference to the proposed recommendation for fines and community service, as well as expanding the discussion of DUI sentencing provisions to include Operating a Watercraft Under the Influence.

In Section 303.11, the current guidelines provide a 30 month minimum sentence threshold for targeting the use of intermediate punishments: offenders with a minimum sentence recommendation of less than 30 months are recommended for county intermediate punishment, and those with a minimum sentence recommendation of 30 months or greater are recommended for state intermediate punishment. The Commission has proposed a change that would place greater emphasis on recommended place of confinement for targeting the use of intermediate punishments, to promote greater consideration of these options at both the state and county level. The Commission has proposed consideration of county intermediate punishment when the individual or aggregate minimum sentence recommendation includes confinement in a county facility, and consideration of state intermediate punishment when the individual or aggregate minimum sentence recommendation includes confinement in a state facility.

In Section 303.12, the current guidelines provide recommendations for three sentencing programs: county intermediate punishment, state motivational boot camp and state intermediate punishment. The Commission has proposed adding language to better distinguish between county and state intermediate punishment programs, and to incorporate amendments to the county intermediate punishment statute relating to qualified restrictive intermediate punishments (Act 2007-27).

In Section 303.13, the current guidelines define the minimum confinement ranges for aggravated and mitigated sentences. The Commission has proposed adding provisions to define the fines and community service ranges for aggravated and mitigated sentences at Level 1 and Level 2 of the sentencing guidelines.

In Section 303.14, the current guidelines provide recommendation for three categories of economic sanctions: fines, costs and fees, and restitution. Pursuant to Act 2007-37 (SB 116, PN1323), the Commission is required to adopt guidelines for fines and other lawful economic sanctions, and to prescribe community service alternatives which may be imposed in lieu of fines. The Commis-

sion is undertaking a comprehensive study of the use of fines and other economic sanctions as part of this effort, with particular focus on the imposition and collection of fines in recent years. However, as an initial response to the mandate of Act 37, the Commission has advanced a proposal, limited to Level 1 and Level 2 of the sentencing guidelines, which provides structured sentencing recommendations for the use of fines and/or community service as restorative sanctions without confinement.

In order to avoid concerns regarding an offender's ability to pay, the Commission used community service hours as the starting point for its recommendations, since community service could be ordered without consideration of ability to pay. The proposal links the number of hours of community service recommended to the existing guideline recommendations, so that those offenders with more serious offenses or more extensive criminal history are recommended for more hours of community service. At Level 1, which targets the least serious offenders, the current sentence recommendation is exclusively RS; for these cells, the community service recommendation is 25-50 hours. At Level 2, where the sentence recommendation contains a range that includes RS and a minimum period of confinement, the number of hours of community service is increased by increments of 25 hours (e.g., RS-1 = 50-75 hours; RS-2 = 75-100 hours).

If the court determines the offender does have the ability to pay, and the court chooses to impose a fine, the proposal uses the community service recommendation to determine the fines recommendation. The proposal contains a sliding scale, in which the fine is determined by multiplying the number of hours that would otherwise have been ordered as community service by the offender's hourly wage, with the state minimum wage serving as the default. This approach maintains the proportionality of the sanction (i.e., increased hours for more serious offenders) while scaling the fine to the offender's income. It also provides the court with a credible sole-sanction for lower-level offenders. Based on experiences in other jurisdictions, the scaling of fines to ability to pay leads to higher compliance rates and increased overall collections.

Revisions to Section 303.15—Offense listing

The Commission has proposed changes to this section that reflect assignments for recently enacted or amended statutes, as well as changes to assignments based on comments received. In several cases, the modifications correct errors identified in the 6th Edition sentencing guidelines. Details are as follow:

Title 18

New offenses: Terrorism (2717), Trafficking of persons (3002), Conduct relating to sex offenders (3130), Ecoterrorism (3311), Destruction of a survey monument (3312), VUFA/Person not to possess (6105), VUFA/Penalties for release of information (6108.5), Commemorative service demonstration activities (7517).

Amended offenses: Indecent assault (3126), Failure to register, etc. (4915), Unlawful contact or communication with minor (6318).

Corrections (6th Edition errors/omissions): Use or possession of electric or electronic incapacitation device (908.1), Aggravated assault (2702), Aggravated indecent assault (3125), Theft by receiving stolen property (3925), VUFA/Person not to possess (6105).

Title 23

New offenses: Penalties for failure to report child abuse (6319).

Title 30

Amended offenses: Operating watercraft under the influence (5502), Homicide by watercraft while operating under the influence (5502.1), Homicide by watercraft (5502.2), Aggravated assault by watercraft while under the influence (5502.3).

Title 35

Corrections (6th Edition errors/omissions): Acquisition of controlled substance by fraud: MDMA, Marijuana (780-113(a)(12)), Delivery by practitioner: MDMA, Marijuana (780-113(a)(14)), Possession with intent to deliver, etc.: MDMA, Marijuana (780-113(a)(30)).

Title 75

Amended offenses: Fleeing or attempting to elude a police officer (3733).

Corrections (6th Edition errors/omissions): Accidents involving death or personal injury (3742), Ignition interlock (3808).

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 **assigned the higher offense gravity score**.

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

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

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

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

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

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

§ 303.2. Procedure for determining the guideline sentence.

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

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

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

(3) Determine the guideline sentence recommendation as described in §§ 303.9—303.14, including Deadly Weapon Enhancement and Youth/School Enhancement (§ 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), (a)(14), and (a)(30) when narcotic prescription pills of Schedule II are involved. For such violations it is the number of pills rather than the amount of the controlled substance which is considered in determining the Offense Gravity Score. (See § 303.15.)

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

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

§ 303.4. Prior Record Score—categories.

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

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

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

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

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

§ 303.5. Prior Record Score—prior convictions.

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

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

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

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

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

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

§ 303.6. Prior Record Score—prior juvenile adjudications.

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

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

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

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

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

(1) All other juvenile adjudications not identified above in subsection (a) lapse and shall not be counted in the Prior Record Score if the offender was 28 years of age or older at the time the current offense was committed **and if a period of more than ten years has elapsed since the date of the most recent prior conviction or adjudication for a felony or misdemeanor, or if a period of more than ten years has elapsed since the release of the offender from the confinement imposed for any prior conviction or adjudication for a felony or misdemeanor, whichever is the later date.**

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

§ 303.7. Prior Record Score—guideline points scoring.

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

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

Murder, and attempt, solicitation or conspiracy to commit Murder

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

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

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

Ethnic Intimidation to any Felony 1 offense

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

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

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

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

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

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

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

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

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

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

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

Involuntary Manslaughter

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

Luring a Child into a Vehicle

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

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

Corruption of Minors (of a sexual nature)

Unlawful contact or communication with minor

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

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

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

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

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

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

§ 303.8. Prior Record Score—miscellaneous.

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

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

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

(d) *Former Pennsylvania offenses.*

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

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

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

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

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

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

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

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

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

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

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

§ 303.9. Guideline sentence recommendation: general.

(a) *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. **Recommendations related to fines and community service are found at § 303.14(a).** RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

(g) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. § 1103 and § 1104 (relating to sentence of imprisonment for felony and misdemeanors) 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) *Operating a Watercraft or Driving Under the Influence.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under **30 Pa.C.S. § 5502 (Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance)** or 75 Pa.C.S. § 3802 (Driving Under the Influence of Alcohol or Controlled Substance). The court may use a Qualified Restrictive Intermediate Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement **as provided by law.**

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17). 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:

(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 1,000 feet of the real property on which is located a public or private elementary or secondary school, the court shall consider the range of sentences described in § 303.9(c).

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

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

§ 303.11. Guideline sentence recommendation: sentencing levels.

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

intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) *Sentencing levels.* The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. **[In any case where an individual or aggregate sentence recommendation may include total confinement, county intermediate punishment is recommended for eligible offenders with a minimum sentence recommendation of less than 30 months, and state intermediate punishment is recommended for eligible offenders with a minimum sentence recommendation of 30 months or greater.]** When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

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

Restorative Sanctions (§ 303.9(f))

(also see § 303.14(a)(4) for Fines/Community Service Guidelines)

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

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

Partial confinement in a county facility

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

Restorative Sanctions (§ 303.9(f))

(also see § 303.14(a)(4) for Fines/Community Service Guidelines)

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

ate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility.

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

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

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

Partial confinement in a county facility.

County 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**] a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state **or county** intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility.

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

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

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

Partial confinement in a county facility.

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

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

Total confinement in a state facility.

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

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

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

Partial confinement in a county facility.

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

§ 303.12. Guideline sentence recommendations: sentencing programs.

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

(1) Eligibility.

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

37 Pa. Code § 451.1 et seq.

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

204 Pa. Code § 303.8 and § 303.9.

(ii) Sentence recommendations which include an option of County Intermediate Punishment for certain offenders are designated 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) **County [Intermediate] intermediate** punishments classifications. In order to incorporate **county** intermediate punishment programs into the sentencing levels, the Commission has classified **county** intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific **county** intermediate punishment programs have been identified in legislation (42 Pa.C.S. §§ 9763(c) and 9804(b)) and regulation (37 Pa. Code § 451.52) as authorized sentences for convictions [**under 75 Pa.C.S. § 3802 ()** relating to **Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, Driving While Operating Privilege is Suspended or Revoked, and Driving Under the Influence of Alcohol or Controlled Substance ()**]; the Commission has classified these programs as Qualified Restrictive Intermediate Punishments.

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

(i) Restrictive Intermediate Punishments (RIP) either:

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

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

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

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

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

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

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

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

(i) Restorative sanction programs:

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

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

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

(6) **Qualified Restrictive Intermediate Punishments.** In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37 Pa. Code § 451, Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under **30 Pa.C.S. § 5502(c.1) for a first, second or third offense under 30 Pa.C.S. § 5502, 75 Pa.C.S. § [3802] 1543(b), former 75 Pa.C.S. § 3731, or 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38.**

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

(A) if the defendant is determined to be in need of drug and alcohol treatment, **and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, or 75 Pa.C.S. § 3804,** a sentence to **county** intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance; [or]

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

4. any combination of Qualified Restrictive Intermediate Punishment programs.

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

1. house arrest with electronic surveillance; or

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

3. any combination of Qualified Restrictive Intermediate Punishment programs.

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

(1) Eligibility.

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

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

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

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

(1) Eligibility.

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

42 Pa.C.S. Chapter 99

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 303.14. Guideline sentence recommendations—economic sanctions.

(a) *Fines.*

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

- (i) 18 Pa.C.S. § 1101 (relating to fines)
- (ii) 35 P.S. § 780-113(b)—(o) (relating to controlled substances)
- (iii) 42 Pa.C.S. § 9726 (relating to fine as a sentence)
- (iv) 42 Pa.C.S. § 9758 (relating to imposition of a fine)
- (v) 75 Pa.C.S. § 3804 (relating to fines for DUI)

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

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

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

a. OGS 1

- i. PRS 0 25 hours-50 hours
- ii. PRS 1 50 hours-75 hours
- iii. PRS 2 75 hours-100 hours
- iv. PRS 3 100 hours-125 hours
- v. PRS 4 125 hours-150 hours
- vi. PRS 5 150 hours-175 hours

b. OGS 2

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

c. OGS 3

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

d. OGS 4

- i. PRS 0 100 hours-125 hours
- ii. PRS 1 225 hours-250 hours
- iii. PRS 2 300 hours-325 hours

e. OGS 5

- i. PRS 0 225 hours-250 hours

(b) *Costs and fees.*

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

- (i) 18 Pa.C.S. § 1109 (relating to costs of any reward)
- (ii) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)
- (iii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)
- (iv) 42 Pa.C.S. § 1725 (relating to fees and charges)
- (v) 42 Pa.C.S. § 1725.1 (relating to costs)
- (vi) 42 Pa.C.S. § 1725.2 (relating to costs of summary convictions)
- (vii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)
- (viii) 42 Pa.C.S. § 1726.1 (relating to forensic exam)
- (ix) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)

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

(c) Restitution

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

- (i) 18 Pa.C.S. § 1106 (relating to injuries to person or property)
 - (ii) 18 Pa.C.S. § 1107 (relating to theft of timber)
 - (iii) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)
 - (iv) 42 Pa.C.S. § 9720.1 (relating to identity theft)
 - (v) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)
- (2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

§ 303.15. Offense Listing

CRIMES CODE OFFENSES

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

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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	4
2604 (a)	Murder, First Degree, unborn child	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2604 (a) INCHOATE	- Attempt/Solicitation/Conspiracy (SBI) to First Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (a) INCHOATE	- Attempt/Solicitation/Conspiracy (No SBI) to First Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
2604 (b)	Murder, Second Degree, unborn child	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2604 (b) INCHOATE	- Attempt/Solicitation/Conspiracy (SBI) to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (b) INCHOATE	- Attempt/Solicitation/Conspiracy (No SBI) to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2604 (c)	Murder, Third Degree, unborn child	F1	14	4
2604 (c) INCHOATE	- Attempt/Solicitation/Conspiracy (SBI) to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (c) INCHOATE	- Attempt/Solicitation/Conspiracy (No SBI) to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2605	Manslaughter, Voluntary, of unborn child	F1	11	4
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	[4] 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, etc.)	18 Pa.C.S. § 905	10	3
2702 (a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	[4] 3
2702 (a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

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

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
2715 (b)(2)	Threat to use weapons of mass destruction (diverted from activities)	F3	5	1
2715 (b)(3)	Threat to use weapons of mass destruction (during state of emergency)	F2	7	2
2716 (a)	Weapons of mass destruction (possession/first offense)	F2	7	2
2716 (a)	Weapons of mass destruction (possession/subsequent offense)	F1	11	4
2716 (b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1	13	4
2716 (b)(1)	Weapons of mass destruction (use/results in death)	Life	Life	4
2716 (b)(2)	Weapons of mass destruction (damage/disrupt water, food)	F1	13	4
2716 (b)(3)	Weapons of mass destruction (evacuation)	F1	13	4
2717 (b)(1)*	Terrorism (if the violent offense is an M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an M2)	M1	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an M1)	F3	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an F3 or ungraded felony)	F2	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an F2)	F1	one point higher than object offense	See § 303.7(a)
2717 (b)(2)	Terrorism (if the violent offense is an F1)	F1	14	4
2901	Kidnapping	F1	10	4
2901 INCHOATE	- Attempt/Solicitation/Conspiracy to Kidnapping	18 Pa.C.S. § 905	9	3
2902 (b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1	3	m
2902 (b)(2)	Unlawful restraint (victim under 18 years of age)	F2	8	2
2903 (b)(1)	False imprisonment (victim 18 yrs. or older)	M2	2	m
2903 (b)(2)	False imprisonment (victim under 18 years of age)	F2	7	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
3002 (a)	Trafficking of persons (knowingly traffics or attempts to traffic)	F2	9	2
3002 (a)	Trafficking of persons (knowingly traffics or attempts to traffic/SBI)	F1	10	3
3002 (a)	Trafficking of persons (knowingly traffics or attempts to traffic/victim under 18 years of age)	F1	10	3
3121 (a)	Rape	F1	12	4
3121 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	11	3
3121 (b)	Rape (uses substance to impair victim)	F1	13	4
3121 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	12	3
3121 (c)	Rape (child <13 yrs.)	F1	14	4
3121 (c) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3121 (d)	Rape (child <13 yrs., sbi)	F1	14	4
3121 (d) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3122.1	Statutory Sexual Assault	F2	7	2
3123 (a)	Involuntary Deviate Sexual Intercourse	F1	12	4
3123 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	11	3
3123 (b)	Involuntary Deviate Sexual Intercourse (child <13 yrs.)	F1	14	4

* = Subcategorized Offenses. See 303.3(b).
m = Other Misdemeanor Offenses. See 303.7(a)(5).
INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3123 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
3123 (c)	Involuntary Deviate Sexual Intercourse (child <13 yrs., sbi)	F1	14	4
3123 (c) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
3124.1	Sexual Assault	F2	11	4
3124.1 INCHOATE	- Attempt/Solicitation/Conspiracy to Sexual Assault	18 Pa.C.S. § 905	11	3
3124.2	Institutional sexual assault	F3	5	1
3125 (a)	Aggravated Indecent Assault	F2	10	4
3125 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault	18 Pa.C.S. § 905	10	3
3125 (b)	Aggravated Indecent Assault (child)	F1	12	4
3125 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault (child)	18 Pa.C.S. § 905	11	3
3126 (a)(1) [(-6), (8)]	Indecent Assault (without consent)	M2	4	m
3126 (a)(2)	Indecent Assault (forcible compulsion)	M1	5	1
3126 (a)(3)	Indecent Assault (threat of forcible compulsion)	M1	5	1
3126 (a)(4)	Indecent Assault (complainant unconscious)	M1	5	1
3126 (a)(5)	Indecent Assault (substantially impaired complainant)	M1	5	1
3126 (a)(6)	Indecent Assault (complainant suffers mental disability)	M1	5	1
3126 (a)(7)	Indecent Assault [(child <13 years)] (complainant less than 13 years of age)	M1	5	1
3126 (a)(7)	Indecent Assault (complainant less than 13 years of age; second/subsequent offense)	F3	6	1
3126 (a)(7)	Indecent Assault (complainant less than 13 years of age; course of conduct)	F3	6	1
3126 (a)(7)	Indecent Assault (complainant less than 13 years of age; touching of sexual/intimate parts with sexual/intimate parts)	F3	6	1

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3126 (a)(8)	Indecent Assault (complainant less than 16 years of age)	M1	5	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3129	Sexual intercourse with animal	M2	2	m
3130 (a)(1)	Conduct relating to sex offenders (withholds information)	F3	5	1
3130 (a)(2)	Conduct relating to sex offenders (harbors or attempts to harbor)	F3	5	1
3130 (a)(3)	Conduct relating to sex offenders (conceals or attempts to conceal)	F3	5	1
3130 (a)(4)	Conduct relating to sex offenders (provides false information)	F3	5	1
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	4
3301 (c)	Arson, Endangering Property	F2	6	2
3301 (d)	Arson, Reckless Burning	F3	5	1
3301 (e)	Arson, Failure to Report	M1	3	m
3301 (f)	Arson, Possess Explosive Material	F3	5	1
3301 (g)	Arson, Disclosure of True Owner	M3	1	m
3302 (a)	Catastrophe, Causing	F1	10	3
3302 (a)	Catastrophe, Recklessly Causing	F2	6	2
3302 (b)	Catastrophe, Risking	F3	4	1
3303	Failure to Prevent Catastrophe	M2	2	m
3304	Criminal Mischief (over \$5,000)	F3	5	1
3304	Criminal Mischief (over \$1,000)	M2	2	m
3304	Criminal Mischief (over \$500)	M3	1	m
3304	Criminal Mischief (over \$150 under (a)(4))	M3	1	m

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3305	Tampering w/Fire Hydrants	M3	1	m
3307	Institutional Vandalism (over \$5,000)	F3	5	1
3307	Institutional Vandalism	M2	2	m
3309	Agricultural Vandalism (over \$5,000)	F3	5	1
3309	Agricultural Vandalism (over \$1,000)	M1	3	m
3309	Agricultural Vandalism (over \$500)	M2	2	m
3309	Agricultural Vandalism (\$500 or less)	M3	1	m
3310	Agricultural crop destruction	F2	7	2
3311 (b)(1)	Ecoterrorism (if the specified offense against property is a summary offense)	M3	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an M2)	M1	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an M1)	F3	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an F3 or ungraded felony)	F2	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an F2)	F1	one point higher than object offense	See § 303.7(a)
3311 (b)(2)	Ecoterrorism (if the specified offense against property is an F1)	F1	14	4
3312 (a)(2)	Destruction of survey monument (willfully or maliciously removes any survey monument or marker in order to call into question a boundary line)	M2	3	m
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1	6	3
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2	5	2
3503 (a)(1)(ii)	Trespass, Criminal	F2	4	2
3503 (a)(1)(i)	Trespass, Criminal	F3	3	1
3503 (b)(1)(i)—(iv)	Trespass, Defiant (notice against trespass given)	M3	1	m
3503 (b)(1)(v)	Trespass, Defiant (notice given by official or law enforcement)	M1	3	m
3503 (b.2)(1)(i)	Trespass, Agricultural (posted)	M3	1	m
3503 (b.2)(1)(ii)	Trespass, Agricultural (defies order)	M2	3	m
3504 (a)	Railroad protection, railroad vandalism, etc. (damage to railroad, etc.)	M3	1	m
3504 (b)	Railroad protection, railroad vandalism, etc. (stowaways prohibited)	M3	1	m
3701 (a)(1)(i)	Robbery (inflicts serious bodily injury)	F1	12	4
3701 (a)(1)(i) INCHOATE	- Attempt/Solicitation/Conspiracy to Robbery (SBI)	18 Pa.C.S. § 905	11	3
3701 (a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	4
3701 (a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	9	4
3701 (a)(1)(iv)	Robbery (threatens or inflicts bodily injury or intentionally puts him in fear of immediate bodily injury)	F2	7	2
3701 (a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3	5	1
3702*	Robbery of 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	4
3921	Theft by Unlawful Taking or Disposition (during disaster or firearm)	F2	8	2
3921*	Theft by Unlawful Taking or Disposition (over \$100,000)	F3	8	1

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3921*	Theft By Unlawful Taking or Disposition (over \$50,000 to \$100,000)	F3	7	1
3921*	Theft By Unlawful Taking or Disposition (over \$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition (over \$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3921	Theft by Unlawful Taking or Disposition (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$200 to \$2,000)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$50 to less than \$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition (less than \$50)	M3	1	m
3922	Theft by Deception (firearm)	F2	8	2
3922*	Theft by Deception (over \$100,000)	F3	8	1
3922*	Theft By Deception (over \$50,000 to \$100,000)	F3	7	1
3922*	Theft By Deception (over \$25,000 to \$50,000)	F3	6	1
3922*	Theft by Deception (over \$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3922	Theft by Deception (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3922	Theft by Deception (\$200 to \$2,000)	M1	3	m
3922	Theft by Deception (\$50 to less than \$200)	M2	2	m
3922	Theft by Deception (less than \$50)	M3	1	m
3923	Theft by Extortion (firearm)	F2	8	2
3923*	Theft by Extortion (over \$100,000)	F3	8	1
3923*	Theft by Extortion (over \$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion (over \$25,000 to \$50,000)	F3	6	1

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3923*	Theft by Extortion (over \$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3923	Theft by Extortion (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	4	m
3923	Theft by Extortion (\$200 to \$2,000)	M1	4	m
3923	Theft by Extortion (\$50 to less than \$200)	M2	2	m
3923	Theft by Extortion (less than \$50)	M3	1	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (firearm)	F2	8	2
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$100,000)	F3	8	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$50,000 to \$100,000)	F3	7	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$25,000 to \$50,000)	F3	6	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$2,000 to \$25,000, or if the property is an 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 or firearm if receiver in business of buying/selling)	F2	8	2
3925*	Theft by Receiving Stolen Property (over \$100,000)	F3	8	1
3925*	Theft by Receiving Stolen Property (over \$50,000 to \$100,000)	F3	7	1

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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 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; firearm if receiver not in business of buying/selling)	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) ^o	M3	1	m
3926	Theft of Services (firearm)	F2	8	2
3926*	Theft of Services (over \$100,000)	F3	8	1
3926*	Theft of Services (over \$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services (over \$25,000 to \$50,000)	F3	6	1
3926*	Theft of Services (over \$2,000 to \$25,000, or if the property is an 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
3927	Theft by Failure to Make Required Disposition of Funds Received (firearm)	F2	8	2
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$100,000)	F3	8	1

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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 automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3927	Theft by Failure to Make Required Disposition of Funds Received (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$200 to \$2,000)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$50 to less than \$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received (less than \$50)	M3	1	m
3928	Unauthorized Use of Auto (during disaster)	F2	8	2
3928	Unauthorized Use of Auto	M2	2	m
3929	Theft, Retail (during disaster)	F2	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
3929.2	Unlawful possession of retail or library theft instruments	M1	3	m
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1

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3931	Theft of Unpublished Dramas and Musical Compositions (over \$2,000)	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$200 to \$2,000)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$50 to less than \$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions (less than \$50)	M3	1	m
3932	Theft by Leased Property (firearm)	F2	8	2
3932*	Theft of Leased Property (over \$100,000)	F3	8	1
3932*	Theft of Leased Property (over \$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property (over \$25,000 to \$50,000)	F3	6	1
3932*	Theft of Leased Property (over \$2,000 to \$25,000, or if property is an 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
3934 (b)(1)(i)	Theft from a motor vehicle (less than \$50)	M3	1	m
3934 (b)(1)(ii)	Theft from a motor vehicle (\$50 or more but less than \$200)	M2	2	m
3934 (b)(1)(iii)	Theft from a motor vehicle (greater than \$200)	M1	3	m
3934 (b)(2)	Theft from a motor vehicle (third/subseq. in 5 yrs.)	F3	6	1
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m

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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
4105 (c)(1)(iii)	Bad Checks (\$500 - < \$1,000)	M2	2	m
4105 (c)(1)(iv)	Bad Checks (\$1,000 - < \$75,000)	M1	3	m
4105 (c)(1)(v)	Bad Checks (\$75,000 or more)	F3	5	1
4105 (c)(2)	Bad Checks (3rd or subseq./< \$75,000)	M1	3	m
4105 (c)(2)	Bad Checks (3rd or subseq./ \$75,000 or more)	F3	5	1
4106 (c)(1)(i)	Access device fraud (\$500 or more)	F3	5	1
4106 (c)(1)(ii)	Access device fraud (\$50 or more but less than \$500)	M1	4	m
4106 (c)(1)(iii)	Access device fraud (less than \$50)	M2	3	m
4106 (c)(3)	Access device fraud (provide counterfeit device)	F3	5	1
4106 (c)(4)	Access device fraud (possess counterfeit device)	M3	2	m
4106.1 (a)(1)	Unlawful device-making equipment (produce/traffic equipment)	F3	6	1
4106.1 (a)(2)	Unlawful device-making equipment (possess equipment)	M1	4	m
4107 (a.1)(1)(i)	Deceptive or Fraudulent Business Practices (> \$2,000)	F3	5	1
4107 (a.1)(1)(ii)	Deceptive or Fraudulent Business Practices (\$200 - \$2,000)	M1	3	m
4107 (a.1)(1)(iii)	Deceptive or Fraudulent Business Practices (< \$200)	M2	2	m
4107 (a.1)(1)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained)	M2	2	m
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

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4107.1	Deception Relating to Kosher Foods	M3	1	m
4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	F3	4	1
4108	Commercial Bribery and Breach of Duty	M2	2	m
4109	Rigging Public Contest	M1	3	m
4110	Defrauding Secured Creditors	M2	2	m
4111	Fraud in Insolvency	M2	2	m
4112	Receiving Deposits; Failed Institution	M2	2	m
4113	Misapplication of Entrusted Property (over \$50)	M2	2	m
4113	Misapplication of Entrusted Property (\$50 or less)	M3	1	m
4114	Securing Execution of Documents by Deception	M2	2	m
4115	Falsely Impersonating Persons Privately Employed	M2	2	m
4116 (g)(1)	Copying; Recording Devices (100 or more motion picture devices or 1,000 or more sound recording devices)	F3	5	1
4116 (g)(1)	Copying; Recording Devices (second or subsequent conviction at time of sentencing)	F2	7	2
4116 (g)(2)	Copying; Recording Devices (any other violation)	M1	3	m
4116 (g)(2)	Copying; Recording Devices (any other violation; second or subsequent conviction at time of sentencing)	F3	5	1
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (first violation)	M1	3	m
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (second or subsequent conviction at time of sentencing)	F3	4	1
4117 (a)	Insurance Fraud	F3	4	1
4117 (b)	Insurance Fraud	M1	3	m
4118	Washing titles [vehicles]	F3	4	1
4119 (c)(1)	Trademark Counterfeiting	M1	3	m
4119 (c)(2)	Trademark Counterfeiting	F3	5	1
4119 (c)(3)	Trademark Counterfeiting	F2	7	2

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
4120 (c)(1)(i)	Identity theft (total value < \$2000)	M1	3	m
4120 (c)(1)(ii)	Identity theft (total value \$2,000 or more)	F3	5	1
4120 (c)(1)(iii)	Identity theft (criminal conspiracy, any amount)	F3	5	1
4120 (c)(1)(iv)	Identity theft (third/subsequent offense)	F2	7	2
4120 (c)(2)(i)	Identity theft (victim 60 yrs or older, total value < \$,2000)	F3	5	1
4120 (c)(2)(ii)	Identity theft (victim 60 yrs or older, total value \$2,000 or more)	F2	7	2
4120 (c)(2)(iii)	Identity theft (victim 60 yrs or older, criminal conspiracy, any amount)	F2	7	2
4120 (c)(2)(iv)	Identity theft (victim 60 yrs or older, third/subsequent offense)	F1	8	3
4301	Bigamy	M2	3	m
4302	Incest	F2	9	4
4302 INCHOATE	- Attempt/Solicitation/Conspiracy to Incest	18 Pa.C.S. § 905	9	3
4303	Concealing Death of Child	M1	3	m
4304	Endangering Welfare of Children	M1	5	1
4304	Endangering Welfare of Children (course of conduct)	F3	6	1
4305	Dealing in Infant Children	M1	4	1
4701	Bribery, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	M2	2	m
4703	Retaliation for Past Official Action	M2	2	m
4902	Perjury	F3	5	1
4903 (a)	False Swearing	M2	2	m
4903 (b)	False Swearing	M3	1	m
4904 (a)	Unsworn Falsification to Authorities	M2	2	m
4904 (b)	Unsworn Falsification to Authorities	M3	1	m
4905 (b)	False Alarms to agencies of public safety (causes a false alarm)	M1	3	m
4905 (b)	False Alarms to agencies of public safety (during a state of emergency)	F3	5	1
4906 (a)	False Reports to Law Enforcement Authorities (falsely incriminating another)	M2	2	m

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4906 (a)	False Reports to Law Enforcement Authorities (during a state of emergency)	M1	3	m
4906 (b)	False Reports to Law Enforcement Authorities (fictitious reports)	M3	1	m
4906 (b)	False Reports to Law Enforcement Authorities (fictitious reports during a state of emergency)	M2	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
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 3rd and subsequent offense)	[F3] F1	[5] 11	[1] 4
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 3rd and subsequent offense)	[F3] F1	[5] 10	[1] 3
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 2nd offense)	[M1] F1	[3] 10	[m] 3
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 2nd offense)	[M2] F2	[2] 8	[m] 2
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime)	[M2] F2	[2] 8	[m] 2
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year)	[M3] F3	[1] 6	[m] 1
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 3rd and subsequent offense)	[F3] F1	[5] 11	[1] 4
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 3rd and subsequent offense)	[F3] F1	[5] 10	[1] 3
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd offense)	[M1] F1	[3] 10	[m] 3
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd offense)	[M2] F2	[2] 8	[m] 2

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4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)	[M2] F2	[2] 8	[m] 2
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)	[M3] F3	[1] 6	[m] 1
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)	[F3] F1	[5] 10	[1] 3
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (10-year)	[F3] F2	[2] 8	[m] 2
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1	11	4
4952	Intimidation of Witnesses or Victims (listed factor(s) and most serious charged offense is F2)	F2	9	2
4952	Intimidation of Witnesses or Victims (any other case in which actor sought to influence or intimidate)	F3	7	1
4952	Intimidation of Witnesses or Victims (any other obstruction or interference)	M2	5	m
4953	Retaliation Against Witness or Victim	F3	8	1
4953	Retaliation Against Witness or Victim	M2	5	m
4953.1 (b)(1)–(5)	Retaliation against prosecutor or judicial officer (listed circumstances)	F2	9	2
4953.1 (b)	Retaliation against prosecutor or judicial officer (all other circumstances)	M1	6	m
5101	Obstructing Justice	M2	3	m
5102	Obstruction of Justice by Picketing	M2	2	m
5103	Unlawfully Listening to Jury Deliberations	M3	1	m
5104	Resisting Arrest	M2	2	m
5105	Apprehension, Hindering (if conduct liable to be charged is F1 or F2)	F3	4	1
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

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5110	Contempt of General Assembly	M3	1	m
5111	Dealing in Proceeds of Unlawful Activities	F1	8	3
5112	Obstructing emergency services	M3	1	m
5121 (d)(1)(i)(ii)(iii)*	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3	5	1
5121 (d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3	6	1
5121 (d)(2)	Escape	M2	3	m
5122 (a)(1)	Weapons or implements for escape (providing to inmate)	M1	8	m
5122 (a)(2)	Weapons or implements for escape (possessed by inmate)	M1	4	m
5123 (a)	Contraband (provide controlled substance to confined person)	F2	7	2
5123 (a.2)	Contraband (possession of controlled substance by confined person)	F2	7	2
5123 (b)	Contraband (money)	M3	1	m
5123 (c)	Contraband (other)	M1	3	m
5123 (c.1)	Contraband (telecommunication devices to inmates)	M1	5	m
5123 (c.2)	Contraband (possession of telecommunication devices by inmates)	M1	3	m
5124	Default in Required Appearance	F3	4	1
5124	Default in Required Appearance	M2	2	m
5125	Absconding Witness	M3	1	m
5126	Avoiding Apprehension	F3	5	1
5126	Avoiding Apprehension	M2	2	m
5301	Official Oppression	M2	2	m
5302	Speculating on Official Action	M2	2	m
5501	Riot	F3	4	1
5502	Failure to Disperse	M2	2	m
5503	Disorderly Conduct	M3	1	m
5506	Loitering and Prowling	M3	1	m
5507	Obstructing Highways	M3	1	m
5508	Disrupting Meetings	M3	1	m

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

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5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3	8	1
5902 (c)(2)	Promoting Prostitution	M2	3	m
5902 (e.1)(1)	Patronizing Prostitutes (first/second offense)	M3	1	m
5902 (e.1)(2)	Patronizing Prostitutes (third offense)	M2	3	m
5902 (e.1)(3)	Patronizing Prostitutes (fourth/subsequent offense)	M1	4	m
5902 (e.1)(4)	Patronizing Prostitutes (HIV/AIDS)	F3	7	1
5903	Obscene Materials	M1	3	m
5903	Obscene Materials	F3	5	1
5903	Obscene Materials	F2	7	2
5904	Public Exhibition of Insane or Deformed Person	M2	2	m
6105 (a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of felony, loaded or ammunition in possession or control of defendant)	F2	10	2
6105 (a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of felony, unloaded and ammunition not in possession or control of defendant)	F2	9	2
6105 (a.1)(2)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (failure to relinquish firearm, person subject to active PFA, loaded or ammunition in possession or control of defendant)	M1	5	1
6105 (a.1)(2)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (failure to relinquish firearm, person subject to active PFA, unloaded and ammunition not in possession or control of defendant)	M1	4	1
6105 (a.1)(3)*	Person not to possess, use, manufacture, control, sell or transfer firearms (accept firearm from person subject to active PFA, loaded or ammunition in possession or control of defendant)	M3	2	m

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6105 (a.1)(3)*	Person not to possess, use, manufacture, control, sell or transfer firearms (accept firearm from person subject to active PFA, unloaded and ammunition not in possession or control of defendant)	M3	1	m
6105 (a.1)(5)*	Person not to possess, use, manufacture, control, sell or transfer firearms (return firearm to person with active PFA, loaded or ammunition in possession or control of defendant)	M1	6	1
6105 (a.1)(5)*	Person not to possess, use, manufacture, control, sell or transfer firearms (return firearm to person with active PFA, loaded and ammunition not in possession or control of defendant)	M1	5	1
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible; loaded or ammunition in possession or control of defendant)	F3	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	7	1
6106 (a)(2)*	Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant)	M1	4	1
6106 (a)(2)*	Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant)	M1	3	1
6107	Prohibited Conduct during Emergency	M1	3	1
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
6108.5	Penalties for release of information (list of any firearm or other weapon or ammunition ordered to be relinquished)	M3	1	m
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

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6110.2*	Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)	M1	5	1
6110.2*	Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6111 (g)(1)	Sale or Transfer of Firearms	M2	2	m
6111 (g)(2)(3)(3.1)(4)	Sale or Transfer of Firearms	F3	5	1
6111 (h)	Sale or Transfer of Firearms (subsequent)	F2	7	2
6112	Retail Dealer Required to be Licensed	M1	3	1
6113	Licensing of Dealers	M1	3	1
6115	Loans, Lending, Giving Firearms Prohibited	M1	3	1
6116	False Evidence of Identity	M1	3	1
6117	Altering Marks of Identification	F2	7	2
6121	Certain Bullets Prohibited	F3	5	1
6122	Proof of License	M1	3	1
6161	Carrying Explosives	M2	3	m
6162	Shipping Explosives	M3	3	m
6301 (a)(1)*	Corruption of Minors (when of a sexual nature)	M1	5	1
6301 (a)(1)*	Corruption of Minors	M1	4	m
6301 (a)(2)	Corruption of Minors (second violation of truancy in year)	M3	1	m
6302	Sale or Lease of Weapons	M1	4	m
6303	Sale of Starter Pistols	M1	4	m
6304	Sale of Air Rifles	M3	1	m
6306	Furnish Cigarettes to Minors (3rd and subsequent offenses)	M3	1	m
6307	Misrepresentation of Age to Secure Alcohol (subsequent offense)	M3	1	m
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

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6310.3	Carrying False ID (subsequent offense)	M3	1	m
6311	Tattooing and body piercing (first offense)	M3	1	m
6311	Tattooing and body piercing (second/subsequent offense within one year)	M2	2	m
6312 (b)	Sexual Abuse of Children (photographing, etc.)	F2	7	2
6312 (c)	Sexual Abuse of Children (dissemination, etc.; first offense)	F3	6	1
6312 (c)	Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)	F2	8	2
6312 (d)	Possession of Child Pornography (first offense)	F3	5	1
6312 (d)	Possession of Child Pornography (second/subsequent offense)	F2	8	2
6318	Unlawful contact or communication with minor (if underlying offense is less than [M1] F3)	[M1] F3	[3] 6	1
6318	Unlawful contact or communication with minor (if underlying offense is [M1] F3 or greater)	same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6319 (a)	Solicitation of minors to traffic drugs (general provision)	F2	9	2
6319 (b)	Solicitation of minors to traffic drugs (drug-free school zone)	F1	10	3
6320	Sexual exploitation of children	F2	9	2
6501 (a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	m
6501 (a)(3)	Scattering Rubbish (1st. offense)	M2	2	m
6501 (a)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6504	Public Nuisances	M2	2	m
6703	Military Decorations	M3	1	m
6707	False Registration of Domestic Animals	M3	1	m
6709	Use of Union Labels	M3	1	m
6901	Extension of Water Line	M3	1	m
6910	Unauthorized Sale of Tickets	M3	1	m

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7102	Drugs to Race Horses	M1	3	m
7103	Horse Racing	M3	1	m
7104	Fortune Telling	M3	1	m
7107	Unlawful Actions by Athlete Agents	M1	3	m
7302 (a)	Sale of Solidified Alcohol	M2	2	m
7302 (b)	Labeling of Solidified Alcohol	M1	3	m
7303	Sale or Illegal Use of Solvents	M3	1	m
7306	Incendiary Devices	M1	3	m
7307	Out of State Convict Made Goods	M2	2	m
7308	Unlawful Advertising of Insurance Business	M2	2	m
7309	Unlawful Coercion in Contracting Insurance	M1	3	m
7310	Furnishing Free Insurance	M3	1	m
7311	Unlawful Collection Agency Practices	M3	1	m
7312	Debt Pooling	M3	1	m
7313	Buying Food Stamps(> \$1,000)	F3	5	1
7313	Buying Food Stamps(< \$1,000)	M1	3	m
7314	Fraudulent Traffic in Food Orders (> \$1,000)	F3	5	1
7314	Fraudulent Traffic in Food Orders (< \$1,000)	M1	3	m
7316	Keeping Bucket-Shop	M3	1	m
7317	Accessories, Bucket-Shop	M3	1	m
7318	Maintaining Bucket-Shop Premises	M3	1	m
7319	Bucket-Shop Contracts	M3	1	m
7321	Lie Detector Tests	M2	2	m
7322	Demanding Property to Secure Employment	M3	1	m
7323	Discrimination on Account of Uniform	M2	2	m
7324	Unlawful Sale of Dissertations, Thesis, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m

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7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
7507.1	Invasion of privacy (single violation)	M3	1	m
7507.1	Invasion of privacy (more than one violation)	M2	3	m
7509 (a)	Furnishing drug-free urine (unlawful sale or attempt)	M3	1	m
7509 (b)	Furnishing drug-free urine (use or attempt)	M3	1	m
7510 (b)(1)	Municipal housing code avoidance (4th conviction)	M2	2	m
7510 (b)(2)	Municipal housing code avoidance (5th or subsequent conviction)	M1	3	m
7512	Criminal use of communication facility	F3	5	1
7515	Contingent compensation	M3	1	m
7516	Greyhound racing	M1	3	m
7611	Unlawful use of a computer	F3	7	1
7612	Disruption of computer service	F3	7	1
7613	Computer theft	F3	7	1
7614 (b)(1)	Unlawful duplication (value of \$2,500 or less)	F3	5	1
7614 (b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7517	Commemorative service demonstration activities	M3	1	m
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

* = Subcategorized Offenses. See 303.3(b).
m = Other Misdemeanor Offenses. See 303.7(a)(5).
INCHOATE = Inchoates to 4 point offense. See 303.7(a).

MISCELLANEOUS OFFENSES

(Chop Shop, Crime Victims, Child Abuse Reporting, Environmental)

18 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
1.1—1.8	MOTOR VEHICLE CHOP SHOP AND ILLEGALLY OBTAINED AND ALTERED PROPERTY ACT			
1.3	Owning, operating or conducting a chop shop	F2	7	2
1.4 (a)	Altered or illegally obtained property (alteration or destruction of vehicle identification number)	F3	5	1
1.4 (b)	Altered or illegally obtained property (disposition of vehicle)	F3	5	1
11.101—11.5102	CRIME VICTIMS ACT			
11.1303	False claim for victim compensation	M3	2	m
23 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6319	Penalties for failure to report or to refer (suspected child abuse)—first violation	M3	2	m
6319	Penalties for failure to report or to refer (suspected child abuse)—second or subsequent violation	M2	3	m
35 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6018.101—6018.1002	SOLID WASTE MANAGEMENT ACT			
	Knowingly Transports, etc. Hazardous Waste Without Permit	F1	9	1
	Transports, etc. Hazardous Without Permit	F2	7	2
	Violation of Act; DER Order, etc.	M3	1	m
691.1—691.1001	CLEAN STREAMS LAW			
	Violation of Act; DER Order	M3	1	m
4001—4015	AIR POLLUTION CONTROL ACT			
	Knowingly Releases Hazardous Air Pollutant	F1	9	1
	Violation of Act; DER 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 Order	M3	1	m

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

BOATS AND BOATING

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502	Operating watercraft under influence of alcohol or controlled substance (See mandatory provision § 303.9 (i))			See § 303.7(a)
5502 (a)(1)	(incapable of safe operation; first offense)	M	1	m
5502 (a)(1)	(incapable of safe operation; second offense)	M	1	1
5502 (a)(1)	(incapable of safe operation; third/subsequent offense)	M2	3	1
5502 (a)(1)	(refuse testing; first offense)	M	1	m
5502 (a)(1)	(refuse testing; second offense)	M1	5	1
5502 (a)(1)	(refuse testing; third/subsequent offense)	M1	5	1
5502 (a)(1)	(accident; first offense)	M	1	m
5502 (a)(1)	(accident; second offense)	M	1	1
5502 (a)(1)	(accident; third offense)	M1	5	1
5502 (a)(1)	(accident; fourth/subsequent offense)	M1	5	1
5502 (a)(2)	(BAC .08 — < .10; first offense)	M	1	m
5502 (a)(2)	(BAC .08 — < .10; second offense)	M	1	1
5502 (a)(2)	(BAC .08 — < .10; third/subsequent offense)	M2	3	1
5502 (a.1)	(BAC .10 — < .16; first offense)	M	1	m
5502 (a.1)	(BAC .10 — < .16; second offense)	M	1	1
5502 (a.1)	(BAC .10 — < .16; third offense)	M1	5	1
5502 (a.1)	(BAC .10 — < .16; fourth/subsequent offense)	M1	5	1
5502 (a.2)	(BAC .16 +; first offense)	M	1	m
5502 (a.2)	(BAC .16 +; second offense)	M1	5	1
5502 (a.2)	(BAC .16 +; third/subsequent offense)	M1	5	1
5502 (a.3)	(controlled substance; first offense)	M	1	m
5502 (a.3)	(controlled substance; second offense)	M1	5	1
5502 (a.3)	(controlled substance; third/subsequent offense)	M1	5	1
5502 (a.4)	(under 21 years of age; first offense)	M	1	m
5502 (a.4)	(under 21 years of age; second offense)	M	1	1
5502 (a.4)	(under 21 years of age; third offense)	M1	5	1
5502 (a.4)	(under 21 years of age; fourth/subsequent offense)	M1	5	1
5502.1	Homicide by watercraft while operating under influence (See mandatory provision § 303.9 (i))	F3	10	1
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M1	8	1

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M1	6	1
5502.3	Aggravated assault by watercraft while operating under influence	F2	7	2

DRUG ACT OFFENSES

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

* = Subcategorized Offenses. See 303.3(b).

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

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

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

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to < 50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to < 10g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) [(> 1000 pills)] (1,000 pills or greater)	F	10	3
	MDMA (Ecstasy) (Schedule I, non-narcotic) (100 - < 1000 pills)	F	7	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (50 - < 100 pills)	F	5	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1 - < 50 pills)	F	3	2
	Narcotic Prescription Pills of Schedule II (> 100 pills) (including Oxycodone, OxyContin, Percocet)	F	10	3
	Narcotic Prescription Pills of Schedule II (51-100 pills) (including Oxycodone, OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21-50 pills) (including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1-20 pills) (including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (> 1,000 lbs. [or greater] or > 5,000 [or more] live plants)	F	10	3
	Marijuana (50 lbs. to [<] 1,000 lbs. or 51 to [<] 5,000 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
(15)	Illegal Retail Sale	M	4	m
(16)	Simple Possession	M	3	m
(17)	Dispensing of Drugs Without Label	M	4	m
(18)	Illegal Sale Container	M	4	m
(19)	Intentional Unauthorized Purchase	M	5	m
(20)	Divulging Trade Secret	M	4	m
(21)	Failure to Keep Records	M	2	m

* = Subcategorized Offenses. See 303.3(b).

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

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

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

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Narcotic Prescription Pills of Schedule II (21-50 pills) (including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1-20 pills) (including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (>1,000 lbs. [or greater] or > 5,000 [or more] live plants)	F	10	3
	Marijuana (50 lbs. to [<] 1,000 lbs. or 51 to [<] 5,000 live plants)	F	8	2
	Marijuana (10 lbs. to < 50 lbs. or 21 to < 51 live plants)	F	7	2
	Marijuana (1 lb. to < 10 lbs. or 10 to < 21 live plants)	F	5	2
	Marijuana (< 1 lb. or < 10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(31)	Small Amount of Marijuana	M	1	m
(32)	Possession of Paraphernalia	M	1	m
(33)	PWID Paraphernalia (no minor)	M	3	m
(33)	PWID Paraphernalia (minor w/Conditions)	M2	4	m
(34)	Ad for Drug Paraphernalia	M	1	m
(35)	Illegal Sale of Non-controlled Substance	F	5	2
(36)	Designer Drugs	F	5	2
(37)	Possession of Steroids	M	4	m
(38)(i)	Unlawful manufacture of methamphetamine (child under 18 years of age present)	F3	7	1
(38)(ii)	Unlawful manufacture of methamphetamine (child under 18 years of age suffers serious bodily injury)	F2	9	2
35 P. S. § 780-113.1(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas)	M	3	m
(2)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas with intent to manufacture controlled substance)	F	5	2
(3)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing red phosphorous, etc.)	F	5	2

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

JUDICIAL CODE

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

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) (See mandatory provision § 303.9 (i))	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) (See mandatory provision § 303.9 (i))	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
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident; occurs in active work zone)	F3	10	1
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident)	F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident; occurs in active work zone)	F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	F3	6	1
3733 (a.2)(1)	Fleeing or Eluding Police (willfully fails or refuses to bring vehicle to a stop)	M2	2	m
3733 (a.2)(2)	Fleeing or Eluding Police (also commits violation of Section 3802, crosses State line, or endangers by engaging in high-speed chase)	F3	5	1

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3735	Homicide by Vehicle while DUI (See mandatory provision § 303.9 (i))	F2	10	2
3735.1	Aggravated Assault by Vehicle while DUI	F2	7	2
3742 (b)(1)	Accident Involving Death or Personal Injury (failure to stop) (injury)	M1	3	m
3742 (b)(2)	Accident Involving Death or Personal Injury (failure to stop) (accident resulting in SBI) (See mandatory provision § 303.9 (i))	F3	5	1
3742 (b)(3)	Accident Involving Death or Personal Injury (failure to stop) (accident resulting in death) (See mandatory provision § 303.9 (i))	F3	6	1
3742.1 (b)(1)	Accident involving death or personal injury while not properly licensed	M2	2	m
3742.1 (b)(2)*	Accident involving death or personal injury while not properly licensed (SBI)	F3	5	1
3742.1 (b)(2)*	Accident involving death or personal injury while not properly licensed (death)	F3	6	1
3743	Accident Involving Damage to Attended Vehicle	M3	1	m
3802	Driving under influence of alcohol or controlled substance (DUI) (See mandatory provision § 303.9 (i))			See § 303.7(a)
3802 (a)(1)	DUI (incapable of safe driving; first offense)	M	1	m
3802 (a)(1)	DUI (incapable of safe driving; second offense)	M	1	1
3802 (a)(1)	DUI (incapable of safe driving; third/subsequent offense)	M2	3	1
3802 (a)(1)	DUI (refuse testing; first offense)	M	1	m
3802 (a)(1)	DUI (refuse testing; second offense)	M1	5	1
3802 (a)(1)	DUI (refuse testing; third/subsequent offense)	M1	5	1
3802 (a)(1)	DUI (accident; first offense)	M	1	m
3802 (a)(1)	DUI (accident; second offense)	M	1	1
3802 (a)(1)	DUI (accident; third offense)	M1	5	1
3802 (a)(1)	DUI (accident; fourth/subsequent offense)	M1	5	1
3802 (a)(2)	DUI (BAC .08 - < .10; first offense)	M	1	m
3802 (a)(2)	DUI (BAC .08 - < .10; second offense)	M	1	1
3802 (a)(2)	DUI (BAC .08 - < .10; third/subsequent offense)	M2	3	1
3802 (b)	DUI (BAC .10 - < .16; first offense)	M	1	m
3802 (b)	DUI (BAC .10 - < .16; second offense)	M	1	1
3802 (b)	DUI (BAC .10 - < .16; third offense)	M1	5	1
3802 (b)	DUI (BAC .10 - < .16; fourth/subsequent offense)	M1	5	1
3802 (c)	DUI (BAC .16 +; first offense)	M	1	m

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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	6	1
3802 (f)	DUI (commercial/school vehicle; fourth/subsequent offense)	M1	7	1
3808	Ignition interlock			
3808 (a)(1)	Ignition interlock (illegally operate vehicle not equipped)	M	1	m
3808 (a)(2)	Ignition interlock (illegally operate vehicle not equipped; BAC .025 or greater) (See mandatory provision § 303.9 (i))	M3	1	m
3808 (b)	Ignition interlock (tampering with ignition interlock system)	M	1	m
7102	Falsify Vehicle Identification	M1	3	m
7102	Falsify Vehicle Identification	M3	1	m
7103	Deal in Vehicles with Removed Identification	F3	5	1
7103	Deal in Vehicles with Removed Identification	M3	1	m
7111	Deal in Stolen Plates	M1	3	m
7112	False Report of Theft or Vehicle Conversion	M3	1	m
7121	False Application for Title/Registration	M1	3	m
7122	Altered or Forged Title or Plates	M1	3	m
7132	Prohibited Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7133	Permissible Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7134	Odometer Disclosure Requirement (1st or subsequent offense, subchapter D)	F3	4	1

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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

OMNIBUS SCORES

(Offenses not otherwise listed)(New offenses)

OMNIBUS ASSIGNMENTS	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
Offenses not otherwise listed and new offenses:	F1	8	3
	F2	7	2
	F3	5	1
	FELONY NOT CLASSIFIED	5	1
	M1	3	m
	M2	2	m
	M3	1	m
	MISDEMEANOR NOT CLASSIFIED	1	m

§303.16. Basic Sentencing Matrix

Level	OGS	Example Offenses	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder/SBI Rape (child <13 years)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	-/- 12
	13	Inchoate Murder/no SBI Weapons (mass destr./injury) PWID Cocaine, etc. (>1,000 gms)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape IDSI Robbery (SBI)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt (SBI) Voluntary Manslaughter Sexual Assault PWID Cocaine, etc. (100-1,000 gms)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg. Indecent. Asslt Agg Asslt (att. SBI) Arson (person inside) Hom. by veh.(DUI & work zone) PWID Cocaine, etc. (50-<100 gms)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual exploitation of children Robbery (F1/F2) Burglary (home/person) Arson (no person inside)	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8 [F1]	Agg Asslt (BI w/DW) Theft (firearm) Identity theft (60 yrs., 3rd off.) Hom. by veh.(DUI or work zone) Theft (>\$100,000) PWID Cocaine, etc. (10-<50 gms)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty/ Incar RIP trade	7 [F2]	Robbery (inflicts/threatens BI) Burglary (home/ no person) Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity theft (3rd off.) PWID Cocaine, etc. (2.5-<10 gms)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
	6	Agg Asslt (physical menace) Hom. by vehicle Burglary (not home/person) Theft (>\$25,000-\$50,000) Arson (property) PWID Cocaine, etc. (<2.5 gms)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5 [F3]	Burglary (not home/no person) Theft (>\$2000-\$25,000) DUI (M1) PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 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) Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 [M2]	Theft (\$50-<\$200) Retail Theft (1st ,2nd) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1 [M3]	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

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

Key:
 BC = boot camp
 CNTY = county
 INCAR = incarceration
 PWID = possession with intent to deliver
 REVOC = 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

THE GENERAL ASSEMBLY

§303.17. DWE/Possessed Matrix

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				
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				
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. 08-3. Filed for public inspection January 4, 2008, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART 1. GENERAL

[234 PA. CODE CH. 1]

Order Amending Rule 121; No. 360; Doc. No. 2

Order

Per Curiam:

Now, this 19th day of December, 2007, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 36 Pa.B. 4597 (August 19, 2006), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 865), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rule of Criminal Procedure 121 are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2008.

Annex A

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

PART B. Counsel

Rule 121. Waiver of Counsel.

(A) GENERALLY.

(1) The defendant may waive the right to be represented by counsel.

(2) To ensure that the defendant's waiver of the right to counsel is knowing, voluntary, and intelligent, the judge or issuing authority, at a minimum, shall elicit the following information from the defendant:

(a) that the defendant understands that he or she has the right to be represented by counsel, and the right to have free counsel appointed if the defendant is indigent;

(b) that the defendant understands the nature of the charges against the defendant and the elements of each of those charges;

(c) that the defendant is aware of the permissible range of sentences and/or fines for the offenses charged;

(d) that the defendant understands that if he or she waives the right to counsel, the defendant will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules;

(e) that the defendant understands that there are possible defenses to these charges that counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently; and

(f) that the defendant understands that, in addition to defenses, the defendant has many rights that, if not timely asserted, may be lost perma-

nently; and that if errors occur and are not timely objected to, or otherwise timely raised by the defendant, these errors may be lost permanently.

(3) The judge or issuing authority may permit the attorney for the Commonwealth or defendant's attorney to conduct the examination of the defendant pursuant to paragraph (A)(2). The judge or issuing authority shall be present during this examination.

* * * * *

Comment

Paragraph (A) recognizes that the right to self-representation is guaranteed by the sixth amendment to the Federal Constitution when a valid waiver is made, *Faretta v. California*, 422 U.S. 806 (1975).

Court decisions contain broad language in referring to the areas and matters to be encompassed in determining whether the defendant understands the full impact and consequences of his or her waiver of the right to counsel, but is nevertheless willing to waive that right. The appellate courts require, however, at a minimum, that the judge or issuing authority ask questions to elicit the information set forth in paragraph (A)(2).

Although it is advisable that the judge or issuing authority conduct the examination of the defendant, the rule does not prevent the attorney for the Commonwealth or an already-appointed or retained defense counsel from conducting all or part of the examination of the defendant as permitted by the judge or issuing authority. See *Commonwealth v. McDonough*, 571 Pa. 232, 812 A.2d 504 (2002).

On the issue of waiver of counsel in general, see, e.g., *Commonwealth v. Tyler*, 468 Pa. 193, 360 A.2d 617 (1976); *Commonwealth ex rel. Fairman v. Cavell*, 423 Pa. 138, 222 A.2d 722 (1966) (mere execution of a waiver of counsel form, without more, is insufficient to establish a valid waiver); *Commonwealth ex rel. McCray v. Rundle*, 415 Pa. 65, 202 A.2d 303 (1964); *Commonwealth ex rel. O'Lock v. Rundle*, 415 Pa. 515, 204 A.2d 439 (1964).

In referring to summary cases, paragraph (B) refers only to those summary cases in which there exists a right to counsel. See Rule 122.

While the rule continues to require a written waiver of counsel incorporating the contents specified in paragraph (B), in proceedings before an issuing authority, the form of waiver was deleted in 1985 because it is no longer necessary to control the specific form of written waiver by rule.

[In the state of the law existing at the time this rule was drafted, it is difficult to formulate a comprehensive list of questions which must be asked of the defendant in determining whether the defendant's tendered waiver of counsel is knowing, intelligent, and voluntary. Court decisions contain broad language in referring to the areas and matters to be encompassed in determining whether the defendant understands the full impact and consequences of his waiver of the right to counsel, but is nevertheless willing to waive that right. It is recom-

mended, however, that at a minimum, the judge or issuing authority ask questions to elicit the following information:

(1) That the defendant understands that he or she has the right to be represented by counsel, and the right to have free counsel appointed if the defendant is indigent.

(2) That the defendant understands the nature of the charges against the defendant and the elements of each of those charges.

(3) That the defendant is aware of the permissible range of sentences and/or fines for the offenses charged.

(4) That the defendant understands that if he or she waives the right to counsel, the defendant will still be found by all the normal rules of procedure and that counsel would be familiar with these rules.

(5) That the defendant understands that there are possible defenses to these charges which counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently.

(6) That the defendant understands that, in addition to defenses, the defendant has many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by the defendant, these errors may be lost permanently.

This area is presently one of some flux in the law; therefore, it is intended that what is set out above is only a beginning and, depending on the circumstances of the particular case, may not necessarily be sufficient to assure a valid waiver of counsel. On the issue in general, see, e.g., *Commonwealth v. Tyler*, 360 A.2d 617 (Pa. 1976); *Commonwealth ex rel. Fairman v. Cavell*, 222 A.2d 722 (Pa. 1966) (mere execution of a waiver of counsel form, without more, is insufficient to establish a valid waiver); *Commonwealth ex rel. McCray v. Rundle*, 202 A.2d 303 (Pa. 1964); *Commonwealth ex rel. O'Lock v. Rundle*, 204 A.2d 439 (1964).]

Under paragraph (C) of this rule, the colloquy relating to the defendant's attempted waiver of counsel must appear on the record. This requirement is not applicable to such waivers in proceedings under paragraph (B), because these proceedings are not in courts of record. However, the absence of such requirement is not intended to be construed as affecting the scope or nature of the inquiry to be made in a particular case.

It is intended that when the defendant has waived his or her right to counsel before the issuing authority for purposes of the preliminary hearing, such waiver shall not normally act as a waiver of the right to counsel in subsequent critical stages of the proceedings. Therefore, under paragraph (C) it is intended that a further waiver is subsequently to be taken by a judge of the court of common pleas.

[Although it is advisable that the judge or issuing authority should conduct the examination of the defendant, the rule does not prevent the attorney for the Commonwealth or an already-appointed or retained defense counsel from conducting all or part of the examination of the defendant as permitted by the judge or issuing authority.]

With respect to trials in court cases, when the defendant waives the right to counsel and elects to proceed pro se, it is generally advisable that standby counsel be appointed to attend the proceedings and be available to the defendant for consultation and advice. See *Commonwealth v. Africa*, 466 Pa. 603, 353 A.2d 855 ([Pa.] 1976). This is particularly true in cases expected to be long or complicated, or in which there are multiple defendants. See ABA Standards, The Function of the Trial Judge § 6.7 (Approved Draft 1972). The ability of standby counsel to assume control of the defense will minimize delay and disruption of the proceedings in the event that the defendant's self-representation terminates, e.g., either because such termination becomes necessary as a result of the defendant's unruly behavior, or because the defendant seeks to withdraw the waiver and be represented by counsel. With respect to pretrial proceedings or summary case trials it is intended that standby counsel may be appointed at the discretion of the presiding judicial officer.

Official Note: Rule 318 adopted October 21, 1977, effective January 1, 1978; amended November 9, 1984, effective January 2, 1985; renumbered Rule 121 and amended March 1, 2000, effective April 1, 2001[.]; **amended December 19, 2007, effective February 1, 2008.**

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the December 19, 2007 changes to paragraph (A) concerning areas of inquiry for waiver colloquy published with the Court's Order at 38 Pa.B. 62 (January 5, 2008).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 121

Waiver of Counsel Colloquy

On December 19, 2007, effective February 1, 2008, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendments to Rule 121 to emphasize the minimum areas of inquiry that are required for colloquies into waiver of counsel.

As part of the Committee's continuing review of the rules and case law, the Committee considered *Commonwealth v. Payson*, 723 A.2d 695 (Pa.Super. 1999), which held that the waiver of counsel colloquy was inadequate, in part, because the trial court did not follow the requirement to inquire into the six areas listed in the Rule 121 *Comment*. The Committee also noted that Payson is another in a long line of cases in which judges have failed to inquire into these six mandatory areas.

At the time Rule 121 was promulgated in 1977, the case law was evolving concerning waiver of counsel colloquies and the information the court must have in determining that the waiver is knowing and intelligent. In view of this, the listed areas of inquiry were placed in the *Comment* rather than the text of the Rule. The Committee at the time thought it best to allow precedent to develop rather than attempting to codify all possible areas of inquiry by rule. Subsequently, the requirements became firmer as case decisions reinforced the six areas of inquiry as minimum requirements for the colloquies.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Although the case law is clear concerning the mandatory nature of the inquiry, the Committee acknowledged the continued lack of compliance by some courts, as demonstrated in the *Payson* case, and agreed that the mandatory nature of the inquiry requirements needed to be emphasized by moving the six areas of inquiry in the Rule 121 *Comment* into paragraph (A), which is the general application provision.

To conform with these proposed changes to paragraph (A), the *Comment* is reorganized by moving to the beginning of the *Comment* the provisions that address the areas of inquiry and the conduct of the colloquy.

Additionally, the Superior Court in *Payson* narrowly interpreted the language of Rule 121(C) to require that the colloquy must be conducted by the judge. This latter point was contrasted with the Supreme Court's decision in *Commonwealth v. McDonough*, 571 Pa. 232, 812 A.2d 504 (2002) that concluded that someone other than the judge, such as the attorney for the Commonwealth or defense counsel, could actually conduct the colloquy so long as the judge was present.

Therefore, in addition to the six areas of inquiry, a provision is added making the rule clear that the attorney for the Commonwealth or the defendant's attorney may conduct the examination and that the judge must still be present. A cross-reference to the Supreme Court's decision in *Commonwealth v. McDonough*, which provides authority for a judge to permit someone else to conduct the examination of the defendant concerning the waiver, is added to the new third paragraph of the *Comment*.

[Pa.B. Doc. No. 08-4. Filed for public inspection January 4, 2008, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 5]

Proposed Amendments to Rule 510

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 510 be adopted and prescribed. The proposed modified Rule 510 sets forth the time requirement for a dispositional hearing for a non-detained juvenile. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than Thursday, Jan. 31, 2008.

*By the Juvenile Court
Procedural Rules Committee*

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 510. Prompt Dispositional Hearing.

A. *General rule.*

1) ***Juvenile is detained.*** If the juvenile is detained, the dispositional hearing shall be held no later than twenty days after the ruling on the offenses under Rule 408.

2) ***Juvenile not detained.*** If the juvenile is not detained, the dispositional hearing shall be held no later than sixty days after ruling on the offenses pursuant to Rule 408.

B. *Continuances.* The dispositional hearing may be continued, if necessary. If the juvenile is detained, each continuance shall not exceed twenty days.

Comment

Under paragraph (B), if there is a continuance, the court should review the juvenile's case every twenty days until there is a final dispositional order.

[See 42 Pa.C.S. § 6341(b).]

Official Note: Rule 510 adopted April 1, 2005, effective October 1, 2005.

EXPLANATORY REPORT

Rule 510—Prompt Dispositional Hearing

The proposed rule adds a time requirement for a hearing when a juvenile is not detained. The dispositional hearing is to be held no later than sixty days after the Court has ruled on the offenses pursuant to Rule 408.

Once it has been determined that a juvenile has committed an offense(s), the disposition should be as timely as possible to effectuate the purposes of the Juvenile Act, including development of competencies, accountability, and protection to the community.

The Committee is proposing deletion of the Juvenile Act cite in the Comment because the Juvenile Act requires a hearing for treatment, supervision, and rehabilitation within sixty days of the ruling of the offenses. The proposed rule adds an additional time requirement that will provide that the dispositional hearing shall be held within sixty days of the ruling on the offenses.

[Pa.B. Doc. No. 08-5. Filed for public inspection January 4, 2008, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Adoption of Rule 249(1); Rules Doc. No. 1 to 2007

Order of Court

And Now, to-wit, this 18th of December, 2007, pursuant to action of the Board of Judges, the within new Local Rule 249(1) affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Local Rule 249. Special Assignments Among Judges. Commerce and Complex Litigation Center. Asbestos Judge. Class Action Judge. Elections Judge. Real Estate Tax Appeals Judge. Zoning.

(1) Commerce and Complex Litigation Center

(a) Creation. Administrative Order No. 13 of 2007 (AD07-000013) established a Commerce and Complex Litigation Center. This Center is within the Civil Division of the Court.

(b) Assignment of Cases to the Center.

(i) A description of the type of cases handled by the Center and of the procedures for assignment of cases to the Center is set forth in a *Description of the Docket and Procedures of the Commerce and Complex Litigation Center* prepared by the judges assigned to the Center.

(ii) The *Description* may be obtained from the Allegheny County Court of Common Pleas website at www.alleghenycourts.us by selecting civil and then selecting commerce and complex litigation center.

Editor's Note: Adopted December 18, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*. This Local Rule 249(1) replaces Local Rule 249(1) that was adopted on October 4, 2006, effective December 4, 2006. There are no changes to Local Rule 249(2)—(8).

[Pa.B. Doc. No. 08-6. Filed for public inspection January 4, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CAMERON AND ELK COUNTIES

Promulgation of Local Rules; County Branch
Cameron Doc. No. 2007-1748; County Branch
Elk Doc. No. 2007-493

Order of Court

Now, November 7 and 8, 2007 (respectively), *It Is Ordered and Decreed* that the Local Rules of Court for the 59th Judicial District are hereby adopted and are effective 30 days after publication in the *Pennsylvania Bulletin*, excepting Rules L205.2(a), L205.2(b), L206.1(a), L206.4(c), L208.3(b), L210, L1028(c), L1034(a), and

L1035.2(a), which are effective upon publication on the UJS Portal (ujportal.pacourts.us).

The District Court Administrator is hereby ordered to:

1. File seven certified copies of this Order and the Local Rules with the Administrative Office of Pennsylvania Courts;

2. Transmit one certified copy of this Order and the Local Rules to the Civil Procedural Rules Committee, which shall then transmit a copy to the Administrative Office of Pennsylvania Courts for publication on the Pennsylvania Judiciary Web Application Portal;

3. Transmit one certified copy of this Order and the Local Rules to the Domestic Relations Procedural Rules Committee;

4. File two certified copies and a computer diskette containing this Order and the Local Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

5. Provide one copy of this Order and the Local Rules to the members of the Elk County Bar Association and the Cameron County Bar Association;

6. Keep copies of this Order and the Local Rules continuously available for public inspection and published on the Court's website www.co.elk.pa.us/judicial.

It Is Further Ordered that contemporaneously with the effective date of the within Local Rules, any previously adopted local rules of court are rescinded and vacated.

RICHARD A. MASSON,
President Judge

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA

(Composed of Elk and Cameron Counties)

LOCAL RULES OF COURT—CIVIL

Rule L205.2(a)	Pleadings and Other Legal Papers.
Rule L205.2(b)	Pleadings and Other Legal Papers. Form.
Rule L206.1(a)	Petition.
Rule L206.4(c)	Rule to Show Cause.
Rule L208.3(b)	Motion. Alternative Procedures.
Rule L210	Briefs.
Rule L212.1	Trial.
Rule L212.2	Pre-trial Statement.
Rule L212.3	Pre-trial Conference.
Rule L216	Motion for Continuance.
Rule L227.1	Post-trial Conference.
Rule L230.2	Termination of Inactive Cases.
Rule L430	Service by Publication.
Rule L1018	Notice to Defend. Form.
Rule L1028(c)	Preliminary Objections.
Rule L1034(a)	Motion for Judgment on the Pleadings.
Rule L1035.2(a)	Motion for Summary Judgment.
Rule L1042.21	Medical Professional Liability Actions. Motion for Settlement Conference or Mediation.
Rule L1301	Compulsory Arbitration.
Rule L1910.4	Support. Commencement of Action.
Rule L1910.11	Support. Office Conference. Subsequent Proceedings. Order.
Rule L1910.12	Support. Office Conference. Hearing. Record. Exceptions. Order.

- Rule L1915.3** Custody and Visitation. Commencement of Action. Complaint. Order.
- Rule L1915.4-3** Custody Conference.
- Rule L1915.15** Complaint. Caption. Order. Form.
- Rule L1915.15(a)** Order and Notice. Form.
- Rule L1920.3** Divorce. Commencement of Action.
- Rule L1920.51** Appointment of Master.
- Rule L1920.53** Hearing by Master. Report.

LOCAL RULES OF COURT—MAGISTERIAL DISTRICT JUDGE (PCPMDJ)

Rule L112. Availability and Temporary Assignment of Magisterial District Judge.

Rule L205.2(a). Pleadings and Other Legal Papers.

1. All papers and documents consisting of more than one page shall be fastened or stapled on the top.

2. The first page of any pleading filed, except a pleading requiring a Notice to Defend, shall be an identification sheet, setting forth the following information and typed according to the format presented in Appendix A.

a. In capital letters, centered from left to right margin:

“IN THE COURT OF COMMON PLEAS OF THE
FIFTY-NINTH JUDICIAL DISTRICT OF
PENNSYLVANIA.”

b. In capital letters, on the left side of center, the complete names of all parties (if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used).

c. Type on the right side of center:

i. The county branch, either Cameron or Elk.

ii. The type of action, i.e., Civil, Criminal, Orphans’ Court Division.

***Note:** The word **Division** shall not be used except for “Orphans’ Court Division.”

iii. The docket number, if assigned, beginning with the year, i.e., 2007-XXX.

iv. The name of the pleading.

v. The specific type of action in Civil cases, e.g. Divorce, Custody, etc. or in Orphans’ Court cases, e.g., Adoption

vi. The completed statement “Filed on behalf of _____ (party’s name and relationship to case).

vii. The completed statement showing the name, address, and telephone number of counsel of record.

3. The required number of photocopies and a self-addressed postage-paid mailing envelope must accompany requests for returning certified copies of pleadings to the filing party.

Rule L205.2(b). Pleadings and Other Legal Papers. Form.

**IN THE COURT OF COMMON PLEAS OF THE
FIFTY-NINTH JUDICIAL DISTRICT OF
PENNSYLVANIA**

SAMUEL HAZLET and * COUNTY BRANCH
ETHYL R. HAZLET, his wife, * (CAMERON)(ELK)
Plaintiffs * CIVIL

vs. * NO. _____

W. BARTON LEACH; * Answer to
A. JAMES CASNER, * Complaint Joining

T/D/B/A CASNER AND
LEACH REALTY, A
PARTNERSHIP,
Defendants

vs.

SUSAN SMITH,
Additional Defendant

vs.

JOHN DOE,
Additional Defendant

- * Additional Defendant
- *
- *
- *
- * Filed on behalf of:
- * SUSAN SMITH,
- * Additional Defendant
- *
- * Counsel of Record
- * for this Party:
- * Janice T. Gray, Esq.
- * Simes, Smith, Gray, &
- * Moynihan
- * Firm #123
- * 2496 Frick Building
- * Pittsburgh, PA 15219
- * (412) 555-1234

Rule L206.1(a). Petition.

1. All petitions, which allege facts not of record, must be verified and shall be endorsed with a notice to plead. Petitions shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order of court for scheduling the hearing. Personal presentment is not required. Hearing on a petition will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for hearing.

2. A petition submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any petition initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.

3. The proposed order scheduling a hearing on the petition shall include the phrase “_____ hour(s) is allotted for the hearing.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the hearing.

4. The Court, in its discretion and for good cause shown, may grant a prompt written request from counsel or self-represented party to allow testimony by telephone or videoconference. The party requesting the opportunity to participate electronically shall bear the cost thereof unless the Court provides otherwise and shall arrange for the administration of an oath at the location from which the testimony will be given.

Rule L206.4(c). Rule to Show Cause.

1. A rule to show cause must strictly comply with Pa.R.C.P. 206.4. As with all other pleadings, a petition for a rule to show cause must be filed with Prothonotary prior to being presented to the Court. Personal presentment is not required.

2. A petition for a rule to show cause submitted to the Court by facsimile or other electronic submission will not be considered except in extraordinary or emergency situations. Any petition initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.

3. A proposed order of court in the form prescribed by Pa.R.C.P. 206.5 shall be attached to the petition for a rule to show cause.

4. A proposed order of court in the form prescribed by Pa.R.C.P. 206.5 **shall not** be used to schedule an argu-

ment on general motions, preliminary objections, or a hearing on petitions that do not comply with Pa.R.C.P. 206.4.

Rule L208.3(b). Motion. Alternative Procedures.

1. All motions which request relief on matters of record shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order of court for scheduling the argument. Personal presentment is not required. Argument on a motion will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

2. Motions submitted to the Court by facsimile or other electronic submission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.

3. The Court, in its discretion, may hear any argument by telephone or videoconference provided that counsel has submitted a prompt written request to the Court to participate electronically. The party requesting the opportunity to participate electronically shall bear the cost thereof unless the Court provides otherwise.

4. A court reporter will not attend arguments unless specifically directed by the Court.

5. Emergency motions shall be governed by the above procedure except that, after filing, the moving party shall notify the Prothonotary and the Court Administrator of the emergency situation and may request that the Court immediately consider the motion. The moving party shall make notify the opposing party(ies) of the substance of the motion and the time of filing and presentation to the Court.

6. Motions to compel discovery may be considered by the Court without the necessity for briefs and argument.

7. Motions involving disputed issues of fact will be disposed of in accordance with Pa.R.C.P. 208.4.

8. Motions involving questions of law only will be disposed of by the Court on briefs without oral argument unless the moving party files a praecipe for argument simultaneously with the motion.

9. No response is required to any motion unless required by Pa. Rule of Civil Procedure or unless required by the Court in the scheduling order. (e.g., Pa.R.C.P. 1035.3)

10. The proposed order scheduling an argument on the motion shall include the phrase “_____ hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the argument.

Rule L210. Briefs.

1. Briefs shall be prepared in the form prescribed by Pa.R.C.P. 210. Briefs shall not be filed of record unless directed by the Court. Unless otherwise directed, briefs shall be submitted to the Court as follows:

a. The moving party shall submit a brief fourteen (14) days in advance of argument.

b. The responding party shall submit a brief seven (7) days in advance of argument.

Rule L212.1. Trial.

1. Trial sessions shall be held at such time as established by the annual court calendar to dispose of all trial-ready jury and non-jury cases.

2. Cases shall be placed on the civil trial list by filing a certificate of readiness and a praecipe to list with the Prothonotary, along with a certificate of service showing service on all other parties in interest or their counsel of record.

3. Any party or counsel of record filing a certificate of readiness shall certify thereon that: (1) all pleadings have been completed; (2) all pretrial discovery procedures have been completed; (3) all medical examinations have been completed and medical reports exchanged; and (4) the case is ready for trial.

4. Any party or counsel of record who is served with a copy of a certificate of readiness that has been filed by an adverse party shall have ten (10) days from the date of service in which to file exceptions thereto. A proposed order scheduling argument on the exceptions shall be submitted simultaneously with the filing of the exceptions and argument on the exceptions will be scheduled thereafter.

Rule L212.2. Pre-trial Statement.

1. No less than ten (10) days prior to the date scheduled for the pre-trial conference, each party shall file with the Prothonotary a pre-trial statement containing those items set forth in Pa.R.C.P. 212.2 and serve other counsel of record or self-represented litigant. In addition, the pre-trial statement shall set forth an estimate of the length of time which will be required to present the party’s case in chief. Amendments to a pre-trial statement may be submitted up to 30 days prior to the date trial is to begin and not thereafter unless approved by the Court.

Rule L212.3. Pre-trial Conference.

1. For the purposes of this rule, “pre-trial conference” shall mean a type of conference described in Pa.R.C.P. 212.3.

2. Except as otherwise ordered by the Court, a pre-trial conference shall be held at a date and time directed by the Court Administrator. Pre-trial conferences are extended to all jury and non-jury actions not subject to arbitration under Rule L1301.

3. Counsel attending the pre-trial conference must have actual authority to stipulate on items of evidence and admissions, and must have actual settlement authority. If counsel does not have such authority, then the person or corporation having an actual interest in the case, whether as a party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

4. The attorney who will be in charge of the handling of the trial of the case as well as any other attorney who will handle the examination or cross-examination of witnesses must attend the pre-trial conference.

5. During the pre-trial conference, a date certain will be established for jury selection.

6. Immediately following the pre-trial conference, the Court will issue a case management order covering all matters addressed at pre-trial. Following the issuance of a case management order, the Court Administrator shall

schedule active jury and non-jury cases for trial on a date certain after consultation with counsel and any self-represented party.

Rule L216. Motion for Continuance.

1. All continuance motions must be filed with the Prothonotary before being presented to the Court. Personal presentment is not required.

2. A motion for continuance shall be in writing, shall be signed by counsel or self-represented litigant, shall set forth specifically the reason for the request, and shall contain a statement that opposing counsel or any self-represented litigant either objects or does not object to the proposed continuance. In addition, any motion for continuance filed by an attorney shall include a statement that the client represented by the attorney requesting the continuance has been made aware of the motion and has consented to the continuance.

3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.

4. All motions for continuances based upon a calendar conflict due to an appearance scheduled in another court must include a copy of the scheduling order or notice issued by the other court. Since the Court of Common Pleas of the 59th Judicial District routinely schedules cases on a date certain after consultation with all counsel, absent extraordinary circumstances, a motion for continuance based upon proceedings scheduled in another court of record or appellate 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 sought.

Rule L227.1. Post-Trial Conferences.

1. In every case in which a motion for post-trial relief has been filed or, alternatively, at the Court's discretion, the Court Administrator shall schedule a post-trial conference to be held as soon as the business of the Court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before the Court on said motion and the extent of the trial record that will need to be transcribed.

a. Absent a request for transcription of a portion of the record, the Court will dispose of the motion without transcript.

b. A party filing a post-trial motion who desires a transcript shall cause the transcript or portion thereof to be prepared before the motion is argued.

c. In all cases where a transcript is requested, the party requesting the transcript must present a motion and order to the Court specifically identifying that portion of the record that is requested, and in the event that less than all of the trial is to be transcribed, the date and witnesses that are requested.

d. The court reporter shall, upon written request of counsel, provide an estimate of the cost of the transcript. Unless otherwise directed by the Court, the court reporter shall not begin transcribing notes until a deposit is made by the requesting party in an amount equal to one-half of the estimate cost of the transcription. Upon completion of the transcript, the court reporter shall invoice the party requesting the transcript. The transcript shall not be filed nor a copy delivered to any party until the invoice is paid

in full. In the discretion of the Court and upon order specially made, the transcript invoice may be taxed as costs of suit.

Rule L230.2. Termination of Inactive Cases.

1. On or before September 1 of each year, the Prothonotary shall prepare a list of all civil matters in which there has been no activity of record for two years or more prior thereto by serving a notice of proposed dismissal of court case.

2. The Prothonotary shall serve notice of proposed dismissal for each case on counsel of record, and on the parties if not represented, at least sixty (60) days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.

a. Where it would be unduly burdensome to research the captions, parties, and mailing addresses of Cameron County divorce cases that have been inactive for two years or more, such cases shall be terminated pursuant to Pa.R.C.P. 230.2, provided, however, the Cameron County Prothonotary shall serve notice of the proposed dismissal upon plaintiffs' counsel or self-represented plaintiffs, at least sixty (60) days prior to the date of the proposed termination.

b. The President Judge shall determine when the use of L230.2(a) is appropriate and shall issue an order of court authorizing the Cameron County Prothonotary to proceed under this rule.

Rule L430. Service by Publication.

1. In all actions where service by publication is permitted, publication shall be made one time in a daily newspaper published in the county in which the action is brought, as no legal journal or publication exists in the 59th Judicial District.

Rule L1018. Notice to Defend. Form.

1. The officer to be named in the notice to defend from whom information concerning legal help can be obtained is:

a. For matters filed in Elk County:

Elk County Prothonotary
Elk County Courthouse
240 Main Street
Ridgway, PA 15853
(814) 776-5344

b. For matters filed in Cameron County:

Cameron County Prothonotary
Cameron County Courthouse
20 East Fifth Street
Emporium, PA 15834
(814) 486-3349

Rule L1028(c). Preliminary Objections.

1. Preliminary objections shall be filed with Prothonotary and shall include a proposed order scheduling argument on the preliminary objections, including a provision for the time allotted for the argument. Courtesy copies for the Court are not required. Briefs shall be filed in accordance with Pa.R.C.P. 210 and Rule L210.

Rule L1034(a). Motion for Judgment on the Pleadings.

1. A motion for judgment on the pleadings shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order scheduling

argument on the motion. Personal presentment is not required. Courtesy copies of the motion for the Court are not required.

2. A brief shall be submitted contemporaneously with the motion or as directed in the scheduling order.

3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.

4. The opposing party shall file an answer or submit a reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

5. Argument on the motion shall be scheduled after filing as a matter of course and without the necessity of filing a praecipe for argument. Argument shall be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

6. The proposed order scheduling argument on the motion shall include the phrase “_____ hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the argument.

7. The Court, in its discretion, may hear any argument by telephone conference or videoconference provided counsel has submitted a prompt written request to the Court to participate electronically. The party requesting to participate electronically shall bear the cost of participating electronically unless the Court provides otherwise.

8. A court reporter will not attend the argument unless specifically directed by the Court.

Rule L1035.2(a). Motion for Summary Judgment.

1. A motion for summary judgment shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order scheduling argument on the motion. Personal presentment is not required. Courtesy copies of the motion for the Court are not required.

2. A brief shall be submitted contemporaneously with the motion or as directed in the scheduling order.

3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.

4. The opposing party shall file a response in accordance with Pa.R.C.P. 1035.3.

5. Argument on the motion shall be scheduled after filing as a matter of course and without the necessity of filing a praecipe for argument. Argument shall be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

6. The proposed order scheduling argument on the motion shall include the phrase “_____ hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the argument.

7. The Court, in its discretion, may hear any argument by telephone conference or videoconference provided counsel has submitted a prompt written request to the Court to participate electronically. The party requesting to participate electronically shall bear the cost of participating electronically unless the Court provides otherwise.

8. A court reporter will not attend the argument unless specifically directed by the Court.

Rule L1042.21. Medical Professional Liability Actions. Motion for Settlement Conference or Mediation.

1. Upon agreement of the parties that mediation would be appropriate for resolution of a case, a “stipulation for mediation” requesting a mediation conference and signed by all parties and counsel shall be filed of record and submitted to the Court. The stipulation shall specify that all parties involved agree to the mediation and believe that there is a realistic possibility of settlement. As only one judge presides in the 59th Judicial District, the Court shall request the appointment of a senior judge to act as the mediator.

2. Prior to the mediation conference,

a. All discovery must be completed.

b. A discussion of consent to settle must have taken place with all defendant doctors and health care providers.

c. The respective insurers must have completed all relevant claim evaluations.

d. All pre-trial dispositive motions, e.g., motions for summary judgment, must have been filed and resolved.

3. The date, time and place of the mediation conference shall be established by the mediator/judge.

4. Unless specifically requested by the mediator/judge, the parties shall not contact or forward documents to the mediator/judge.

5. The mediation session procedure shall be directed by the mediator/judge, but shall generally include an introduction of the parties, opening statements by counsel and any of the principals, if desired. Thereafter, caucuses will be conducted with the respective parties to permit the mediator/judge to develop and refine the parties’ positions.

6. Counsel who will actually try the case must attend the mediation conference, as must any unrepresented party. All parties, insurers and principals of parties with decision-making authority must attend the mediation conference in person unless excused by the mediator/judge. Any doctor who has not provided a signed statement indicating that he or she has discussed the case with his or her attorney of record and do or do not consent to a settlement must attend the mediator conference.

7. All mediation proceedings, including any statement made or writing submitted by a participant, shall not be disclosed to any person who is not directly involved with the mediation conference.

The parties' settlement positions and statements during mediation shall not be disclosed to the trial judge unless mutually agreed to by the parties. In the event of a non-jury trial, under no circumstances shall the parties' settlement positions and statements be disclosed to the trial judge.

No transcript or other recording may be made of the mediation conference and the mediation proceedings shall not be used by any adverse party for any reason in the litigation at issue provided, however, that a settlement agreement resulting from the mediation conference may be sought to be enforced.

8. The mediator/judge shall submit a confidential report to the trial judge indicating whether a settlement has been reached. The mediator/judge may recommend that further mediation be ordered if settlement has not been achieved.

Rule L1301. Compulsory Arbitration.

1. All civil matters where the amount in controversy, exclusive of interest and costs, does not exceed the maximum limitation prescribed by 42 Pa.C.S. 7361(b)(2) shall be tried before a Board of Arbitrators appointed from the list of available arbitrators for the 59th Judicial District.

2. The list of arbitrators shall consist of all active members of the Elk County and Cameron County Bar Associations in the 59th Judicial District, excepting only such attorney who files with the Prothonotary of each county in the district a written statement to the effect that he or she does not wish to be an arbitrator.

3. The Board of Arbitrators shall be chaired by a member of the Bar admitted to the practice of law for at least three (3) years.

4. Within ten (10) days after any party files a praecipe for arbitration, the Prothonotary shall appoint three arbitrators, with the first named to be the chairperson.

5. Appointment shall be rotated as evenly as possible among the members of the Bar, but no person shall be appointed to act as an arbitrator when another member of the same law firm has been appointed; or when an attorney is related by blood or marriage to any party involved; or when an attorney is a partner or associate of any attorney involved; or when an attorney informs the Prothonotary in writing that he or she is unable or does not wish to accept such appointment.

6. The party filing a praecipe shall immediately mail a copy of the praecipe to the adverse party or counsel.

7. If an appointed arbitrator dies or becomes incapable of acting before a hearing, the Prothonotary shall immediately appoint a substitute arbitrator.

8. A member of a Board of Arbitrators who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator; and a substitute shall be immediately appointed by the Prothonotary.

9. If any case is settled or discontinued after the arbitrators have been appointed, and before a hearing, counsel for the plaintiff shall immediately notify all appointed arbitrators at least one (1) day prior to any scheduled hearing, and upon failure to do so, counsel shall pay each appointed arbitrator \$50.00.

10. The arbitrators shall be sworn and hold all hearings at the courthouse facilities of the appropriate county unless the parties or their counsel agree to an alternate location.

11. The arbitrators shall hold a hearing within sixty (60) days after their appointment unless the time is extended by agreement of all parties or their counsel. The chairperson shall give at least thirty (30) days notice of the hearing to all parties or their counsel. No hearing shall be continued to a date more than one hundred eighty (180) days from date of appointment unless upon good cause.

12. The arbitrators shall conduct the hearing and receive evidence in accordance with Pa.R.C.P. 1304 and 1305.

13. The arbitrators shall make their award in substantially the form set forth in Pa.R.C.P. 1312 and file it with the Prothonotary within one day after the hearing, unless the time is extended by the parties. If an appointed arbitrator dies, becomes incapable of acting, or refuses to perform his duties after a hearing, but before an award is made, the case shall be decided and the award signed by the remaining arbitrators. If they cannot agree, the case shall be heard de novo by three arbitrators, two of whom shall be the original arbitrators, and one of whom shall be immediately appointed by the Prothonotary. The decision of the majority of the appointed arbitrators shall be conclusive.

14. The award shall be docketed, notice given, molded, and judgment entered as prescribed by Pa.R.C.P. 1307.

15. Within 30 days from the date of filing of an award, any party may appeal to the Court as provided by Pa.R.C.P. 1308.

16. Parties to appeal, discontinuance of appeal, and appeal procedures shall be in accordance with Pa.R.C.P. 1309, 1310, and 1311.

17. Each appointed arbitrator shall be paid \$125.00 from county funds and an additional \$10.00 for travel from one county to another within the judicial district. The chairperson of the arbitration board shall be entitled to an additional \$25.00 in compensation, or a total of \$150.00, plus \$10.00 for travel from one county to another within the judicial district. In cases requiring hearings of unusual complexity, the Court, upon petition of the appointed arbitrators, may allow additional compensation. Upon petition of any party, the Court may, for cause shown, disallow compensation to any or all of the appointed arbitrators. The arbitrators' compensation shall not be taxed as costs nor follow the award.

Rule L1910.4. Support. Commencement of Action.

1. All claims for support must be initiated in the appropriate county Domestic Relations Section of the Court of Common Pleas of the 59th Judicial District by filing a complaint for support or a certified copy of the divorce complaint containing a count for support. An application for child support services must also be completed and submitted to the appropriate county Domestic Relations Section.

2. If an agreement regarding support is reached pursuant to a divorce, the support agreement shall be specifically set forth apart from the remaining provisions of the divorce agreement and shall be filed in the appropriate county Domestic Relations Section.

3. Each complaint in divorce that contains a count for child support shall allow for a separate domestic relations number to be assigned by the Domestic Relations Section.

4. Filing fees shall be determined by the Prothonotary.

Rule L1910.11. Support. Office Conference. Subsequent Proceedings. Order.

1. In Cameron County, Pa.R.C.P. 1910.11 is hereby adopted.

Rule L1910.12. Support. Office Conference. Hearing. Record. Exceptions. Order.

1. In Elk County, the Alternative Hearing Procedure, Pa.R.C.P. 1910.12, is hereby adopted.

Rule L1915.3. Custody and Visitation. Commencement of Action.

1. All complaints for custody, partial custody and visitation are to be filed with the appropriate county Prothonotary and shall be substantially in the form prescribed in Pa.R.C.P. 1915.15 and 1915.16.

Rule L1915.4-3. Non-Record Proceedings. Trial.

1. In Elk and Cameron Counties, Pa.R.C.P. 1915.4-3 is adopted.

2. In all claims for custody, partial custody and visitation, the custody conference officer shall conduct a custody conference.

3. A conference fee of \$100.00 shall be submitted at time of filing the custody complaint or petition to modify custody unless the Court prior to the filing of a custody complaint or petition to modify custody has granted plaintiff or petitioner in forma pauperis status. The fee is payable to the custody conference officer. The custody conference officer may petition the Court for additional fees in appropriate circumstances.

4. If an agreement is reached at the custody conference, said agreement shall be noted by the custody conference officer or reduced to a written proposal signed by both parties and shall be submitted to the Court for an order.

5. If no agreement is reached at the conference, the custody conference officer shall make a recommendation for an interim custody order to the Court. A custody pretrial conference will be scheduled with the Court, following which, if necessary, a custody trial will be scheduled.

6. Prior to the custody pre-trial conference, the parties shall complete and submit a pre-trial statement to the Court and opposing party.

7. Prior to a custody trial, the parties shall complete and submit a parenting plan to the Court and opposing party.

8. Unless specifically ordered by the Court, the minor children shall not appear at the custody pre-trial conference or the custody trial.

Rule L1915.15. Complaint. Caption. Order.

1. The complaint for custody, partial custody and visitation or a petition to modify custody shall be in the form prescribed by Pa.R.C.P. 1915.15.

2. The order accompanying said complaint shall be in the form prescribed in Pa.R.C.P. 1915.16, except that the order in custody matters shall not require the children to appear at the custody conference. The order shall direct the parties to appear for a conference at the Domestic Relations Section, 2nd Floor, Elk County Courthouse Annex, 300 Center Street, Ridgway, PA (see L1915.15). Service of the hearing notices is the responsibility of the moving party.

3. The officer to be named in the order to appear from whom information concerning legal help can be obtained is:

a. For matters filed in Elk County:

Elk County Prothonotary
Elk County Courthouse
Main Street
Ridgway, PA 15853
(814) 776-5344

b. For matters filed in Cameron County:

Cameron County Prothonotary
Cameron County Courthouse
20 E. Fifth Street
Emporium, PA 15834
(814) 486-3349

Rule L1915.15(a). Order and Notice. Form.

IN THE COURT OF COMMON PLEAS OF THE
FIFTY-NINTH JUDICIAL DISTRICT OF
PENNSYLVANIA

_____	* COUNTY BRANCH
Plaintiff	* (ELK)(CAMERON)
	*
vs.	* CIVIL ACTION - CUSTODY
	*
_____	* NO.
Defendant	

ORDER AND NOTICE

You, _____, Defendant, have been sued in court to obtain or modify custody, partial custody or visitation of the child(ren): _____.

You are ordered to appear in person at the Elk County Domestic Relations Section, 2nd Floor, Elk County Courthouse Annex, 300 Center Street, Ridgway, PA, on _____ at _____ a.m./p.m. for

- _____ a conciliation or mediation conference
- _____ a pretrial conference
- _____ a hearing before the court.

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for you arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Prothonotary		Prothonotary
Elk County	OR	Cameron County
Courthouse		Courthouse
Main St.,		E. 4th Street,
Ridgway, PA 15853		Emporium, PA 15834
(814) 776-5344		(814) 486-3349

BY THE COURT:

DATE: _____

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Elk/Cameron County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Rule L1920.3. Divorce. Commencement of Action.

1. A complaint for divorce shall be filed with the appropriate county Prothonotary of the Court of Common Pleas of the 59th Judicial District.

2. The officer to be named in the notice to defend from whom legal help can be obtained is:

a. For matters filed in Elk County:

Elk County Prothonotary
Elk County Courthouse
Main Street
Ridgway, PA 15853
(814) 776-5344

b. For matters filed in Cameron County:

Cameron County Prothonotary
Cameron County Courthouse
20 E. Fifth Street
Emporium, PA 15834
(814) 486-3349

3. The request for the entry of a decree in divorce which includes the approval or incorporation of a settlement agreement shall be denied unless the claims addressed in the settlement agreement, i.e., custody, support, alimony, alimony pendente lite, counsel fees, expenses and costs, and equitable distribution of property, have been raised of record in accordance with 23 Pa.C.S.A. 3104.

Rule L1920.51. Appointment of Master.

1. The Court shall, whenever necessary, appoint a permanent master who shall be an attorney. The party requesting the appointment of a master shall file with the appropriate county Prothonotary a motion for the appointment of a master in substantially the form prescribed in Pa.R.C.P. 1920.74. The permanent master's base fee for all claims related to a divorce shall be \$500. Said fee is payable to the permanent master and shall be submitted with the motion for the appointment of a master at time of filing of the motion. The permanent master may petition the Court for additional fees in appropriate circumstances and the allocation of the permanent master's fee may be determined in the master's report and recommendation.

2. All claims for equitable distribution, alimony, alimony pendente lite, attorney's fees and costs must be raised of record before being referred to a permanent master for hearing.

3. The permanent master shall prepare a case management order and schedule the master's pre-hearing conference or hearing.

4. The permanent master shall conduct the conference/hearing in accordance with Pa.R.C.P. 1920.55-2 and the established rules of law and evidence. The permanent master shall have the general power of a court, including, but not limited to:

a. The power to issue subpoenas and the power to issue an attachment upon allowance by the court for failure to comply therewith.

b. The power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and facts of the case submitted.

c. The power to compel the production of all books, paper, and documents which shall be deemed material to the case.

5. The permanent master shall tape record the hearing for later transcription upon request by any party. The party requesting the same shall pay the cost thereof.

6. Forms and procedures with respect to a claim for custody and/or visitation incident to a divorce shall be as prescribed by Local Rule L1915.3, L1915.4-2 and L1915.15.

Rule L1920.53. Hearing by Master. Report.

1. All actions requesting a divorce pursuant to 23 Pa.C.S.A. 3301(a) or an annulment pursuant to 23 Pa.C.S.A. 3303 shall be referred to the permanent master upon the filing of a motion for the appointment of a master substantially in the form prescribed by Pa.R.C.P. 1920.74 with the appropriate county Prothonotary. The permanent master's fee shall be \$500. Said fee is payable to the permanent master and shall be submitted with the motion for the appointment of a master at time of filing. The permanent master may petition the Court for additional fees in appropriate circumstances.

2. The permanent master shall give at least ten (10) days written notice of the time and place of the hearing to both parties or their attorneys.

Rule L1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

1. In Elk and Cameron Counties, Pa.R.C.P. 1920.55-2 is hereby adopted.

MAGISTERIAL DISTRICT JUDGES**PCPMDJ Rule L112 Availability and Temporary Assignments of Magisterial District Judges**

1. The Court shall file an order of court establishing an annual on-call schedule for magisterial district judges to be available at all times to handle matters requiring immediate attention and possessory matters.

2. The on-call schedule may be amended upon cause shown by the assigned on-call magisterial district judge and the agreement of another magisterial district judge within the district to be the substitute on-call magisterial district judge.

3. The order of court establishing the annual on-call schedule and any subsequent orders amending the annual on-call schedule shall be conspicuously posted in the offices of the magisterial district courts within the judicial district and the Court Administrator shall distribute copies to all law enforcement agencies and other agencies affected.

[Pa.B. Doc. No. 08-7. Filed for public inspection January 4, 2008, 9:00 a.m.]

DAUPHIN COUNTY

Local Rule 573; No. 4-29 MD 2007

Order

And Now, this 20th day of December, 2007, Dauphin County Local Rule 573 is amended as follows:

Rule 573. Discovery of Children and Youth Records in Non-Dependency Cases

Pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, and the Child Protective Services Law, 23 Pa.C.S. § 6840, any party to litigation seeking discovery of confidential reports and records of Dauphin County Services for Children and Youth (Child Protective Service Agency) shall file a [**petition for a Show Cause Order**] motion stating with particularity the scope, necessity, and authority for the discovery sought.

The [**petition and rule**] motion shall be served on any adverse party, on the Dauphin County Children and Youth Agency, and on the guardian ad litem (if any) for the child.

Any objection must identify that portion of the reports of records sought to be withheld and state with particularity any privilege asserted thereto.

Thereafter, the court shall either a) schedule a hearing on the motion; or b) schedule an in-camera conference; or c) issue an order based on the averments in the motion and in any response filed thereto.

Comments:

Nothing in this rule shall preclude a party from filing a motion for a protective order.

Certain privileges are absolute and are not overcome by a defendant's Sixth Amendment right to cross-examine a witness or to due process of law. Examples of the foregoing are:

- Domestic Violence Advocate/Counselor: 23 Pa.C.S. § 6116; *V.B.T. v. Family Services of Western Pa.*, 705 A.2d 1325 (Pa.Super. 1998)
- Sexual Assault Counselor Privilege: 42 Pa.C.S. § 5945; *Commonwealth v. Wilson*, 602 A.2d 1290 (Pa. 1992)
- Psychotherapist Privilege: 42 Pa.C.S. § 5944; *Commonwealth v. Counterman*, 719 A.2d 284 (Pa. 1998)

Comment

[This rule was rescinded effective February 1, 2007, by passage of the amendments to the Pa. R.J.C.P.]

This rule is readopted effective February 1, 2007.]

This rule is intended to apply not only in criminal cases. This procedure should be used when such records are requested in custody cases or in any other civil case.

These amendments shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 08-8. Filed for public inspection January 4, 2008, 9:00 a.m.]

LEHIGH COUNTY

Clerk of Courts; Criminal Division—Fee Schedule;
Case No: AD-25-2007

Order

And Now, this 10th day of December, 2007, upon consideration of the within Petition for Increase of Fees, presented by Lehigh County Clerk of Courts, Andrea E. Naugle, and in accordance with Act 36 of 2000, the Criminal Fee Law,

It Is Ordered that the Fee Schedule of the Lehigh County Clerk of Courts—Criminal Division is amended,

It Is Further Ordered that the Fee Schedule of the Lehigh County Clerk of Courts—Criminal Division, as follows is approved and hereby shall become effective January 2, 2008. Filings received by the Lehigh County Clerk of Courts—Criminal Division beginning January 2, 2008 shall incur costs according to the new Fee Schedule.

By the Court

ALAN M. BLACK,
President Judge

**ANDREA E. NAUGLE, CLERK OF COURTS
LEHIGH COUNTY CLERK OF COURTS—
CRIMINAL DIVISION
FEE SCHEDULE**

<i>Current</i>		<i>Effective 1/2/2008</i>
\$169.60	for all proceedings in all cases disposed of at any time during or after trial	\$187.55
\$127.20	for all proceedings in all cases disposed of before trial	\$140.65
\$21.20	for all proceedings in summary matters	\$23.40
\$8.45	for all certifications	\$9.30
\$20.90 *	for all other matters filed in the office and for all reports prepared by the clerk	\$22.55
\$47.40 *	for filing an appeal from a summary conviction before a District Justice (additional \$17.55 for nunc pro tunc petition)	\$51.85
\$47.70	for an appeal from the Court of Common Pleas to an appellate court	\$52.75
\$58.00 *	for filing a new/renewal petition for private detective matter	\$63.60
\$7.40	for photo identification card	\$8.15

* Includes \$5.00 automation fee

POUNDAGE:

From:

A fee of 4.77¢ per dollar for the first \$1,000 and 1.59¢ per dollar for each additional \$1,000 or fraction thereof for the handling of money paid into court

Increased to:

A fee of 5.28¢ per dollar for the first \$1,000 and 1.76¢ per dollar for each additional \$1,000 or fraction thereof for the handling of money paid into court

Photo-copying and computer docket printouts by clerk
at office convenience

\$.50—	Each page requested for pick up	\$.50
\$1.00—	Mail; 1st page	\$1.00
\$.50—	Each additional page	\$.50
\$1.00—	Microfilm copy	\$1.00

[Pa.B. Doc. No. 08-9. Filed for public inspection January 4, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 15, 2007, under Pennsylvania Rules of Disciplinary Enforcement 219 which requires that every attorney admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175. The Order became effective December 15, 2007.

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

Al-Hashimi, Adnan H.
Saudi Arabia

Allen, Louis B.
Mount Holly, NJ

Anderson, Catherine S.
Manassas, VA

Anstey, Daniel
New York, NY

Badalamente, Shannon
Mount Airy, GA

Baidas, Carole A.
Fontana, CA

Becchi, Rosemary D.
Washington, DC

Begley, Kevin J.
Parlin, NJ

Bernard, Ross M.
New York, NY

Blaney, Dana M.
Bridgeton, NJ

Blumberg, Jill H.
New York, NY

Bocco Jr., Dominic G.
Cherry Hill, NJ

Boland, Mark
Washington, DC

Bradel, Dallas A.
South Hamilton, MA

Braverman, Fred R.
Cherry Hill, NJ

Britt, Anthony B.
Miami, FL

Burns, Martin
Las Vegas, NV

Cessario, Lorraine C.
Elkton, MD

Chapman, Timothy J.
New York, NY

Cherdak, Erik B.
North Potomac, MD

Cohn, Debra L. W.
New York, NY

Connor, Tracy E.
Alexandria, VA

Conway, Danielle M.
Honolulu, HI

Conway, James P.
Millsboro, DE

Croom IV, John H.
Claymont, DE

Cunningham, Tina L.
Starkville, MS

D'Amico, Theresa A.
Miami, FL

Daniel, Maria A.
Sicklerville, NJ

Dash, B. Alan
Moorestown, NJ

Dibble, Jaime S.
Arlington, VA

DiLisio, Carl A.
Chesterfield, MO

Dopkin, Matthew B.
Westmont, NJ

Dorwart, Karl A.
High Bridge, NJ

Dryden, David W.
Dover, DE

Edwards, Trevor
Akron, OH

Embert, Amy J.
Palo Alto, CA

Gaughan, Michael P.
Plainsboro, NJ

Glasser, Philip R.
Overland Park, KS

Goldman, Benjamin J.
Ann Arbor, MI

Grogan, Eric L.
Cedar Knolls, NJ

Guerin, Amy R.
Burlington, NJ

Haaf, Shannon
Stevenson, MD

Hall, Elizabeth P.
Wilmette, IL

Hamilton, Daniel J.
Somerville, NJ

Harmon, Alton A. J.
Boston, MA

Hartman, Fred W.
Charlotte, NC

Heath, Charles D.
Des Moines, IA

Hicks, William B.
Charleston, WV

Holston, Brenda W.
Menlo Park, CA

Hopper, Diane B.
Cincinnati, OH

Housel, Theodore F. L.
Mays Landing, NJ

Huddleston, Natalie B.
Phoenix, AZ

Iannozi, Thomas J.
London England

Igoe, William B.
Chicago, IL

Ivanoff, Lucy
Harrisonburg, VA

Ivery, Nicole T.
Columbia, SC

Javakov, Zara
Brooklyn, NY

Jayaraman, Mythri A.
Annandale, VA

Johnson, Mark S.
Lithonia, GA

Kang, Raymond M.
Belle Mead, NJ

Kenison, Timothy D.
Palm Beach Gardens, FL

Kim, Elizabeth H. J.
Santa Monica, CA

Kirkham, Ashley S.
New York, NY

Korber, Jeff E.
Encinitas, CA

Kozolchyk, Raphael A.
Washington, DC

Krolikowski, Joseph
Atlanta, GA

Kulikowski III, John F.
Fairfield, CT

La Barca, Anjella M.
Scarsdale, NY

Lambert, Mary-Jean
Las Vegas, NV

Lemieux, James M.
Geneva, OH

Lemire Garlic, Nicole L.
Hamilton, NJ

Mankowski, Michael B.
Hoboken, NJ

Mariano, Randy A.
Wilmington, DE

Marrone, Nicole S.
Washington, DC

Mathewson, Jessica P.
New York, NY

Maynard, Adam L.
Charleston, WV

McCartney, James W.
San Juan, Puerto Rico

McGeehan, Ann O.
Belgium

Melendez, Julia M.
Easton, MD

Mendy, Edward B.
New Orleans, LA

Mesterhazy, Paul M.
Springfield, VA

Mitchell, Kevin J.
Audubon, NJ

Mohin, Brian J.
Hartwick, NY

Morrison, Susan B.
Tampa, FL

Motta, Alison H.
Aurora, IL

Muir, Gregory R.
San Jose, CA

Muldoon, Carolyn A.
Rochester, NY

Nabipour, Lisa N.
Orlando, FL

O'Donnell, Patricia U.
New York, NY

Oliver, Yolanda R.
Bowie, MD

Orzechowski, Karen L.
Washington, DC

Paul, Jordan C.
Ellicott City, MD

Pemberton, Christian A.
Sicklerville, NJ

Pietras, Lisa J.
Wilmington, DE

Pollard, Marcia S.
Palm Beach Gardens, FL

Quay, Curtis R.
San Diego, CA

Rednor, Howard S.
Trenton, NJ

Reid, Roy M.
Raleigh, NC

Ribeiro, Traci-Leigh M.
Chicago, IL

Roberson, Gerald D.
Washington, DC

Rockefeller, Nicholas
Washington, DC

Ruffenach, David J.
Egg Harbor Township, NJ

Ruiz, Anita A.
Hamilton, NJ

Sheldon, Steven J.
Florham Park, NJ

Snock, Lesley
Avalon, NJ

Spence, Gregory K.
Stamford, CT

Suber, Elke F.
Redmond, WA

Talbot, Kathryn E.
Haddonfield, NJ

Teague, Jill L.
Haddonfield, NJ

Thoman, Todd H.
Great Meadows, NJ

Tortella, Jessica L.
Woodbury Heights, NJ

Trazzi, Damon A.
Timonium, MD

Turner, Wayne T.
Brooklyn, NY

Vaske, Brean C.
Lexington, KY

Velasco, Joseph L.
Edison, NJ

Wells, Michael
Orlando, FL

Williams, Althea J.
Lumberton, NC

Williams, William R.
Kingwood, TX

Williamson, Temperance L.
Delran, NJ

Wilson, William T.
St. Charles, IL

Woodhouse, Nicholas L.
Norfolk, VA

Yantis, Matthew A.
Fernandina, FL

Zeigler, Jason B.
Syracuse, NY

Zhang, Yi
Beijing China

Zurita, James H.
Burke, VA

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 08-10. Filed for public inspection January 4, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 338]

Interim Standards for Technical College Programs

The Department of Education (Department) is promulgating interim standards to ensure the establishment of quality Technical College Programs to read as set forth in Annex A.

Contact Person

Questions regarding these interim standards should be directed to Sandra O. Edmunds, Director, Office of Access Initiatives, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126, (717) 787-7013.

Effective Date

These interim standards will be effective upon publication in the *Pennsylvania Bulletin* as provided by section 1906-F of the Public School Code of 1949 (School Code) (24 P. S. § 19-1906-F).

Statutory Authority

The Department acts under the authority of section 1906-F of School Code. Section 1906-F of the School Code empowers the Department, to promulgate interim standards to ensure the establishment of quality Technical College Programs.

Interim standards promulgated by the Department under section 1906-F of the School Code must be published in the *Pennsylvania Bulletin* and are exempt from the following laws:

(A) Sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (71 P. S. §§ 1201—1205), known as the Commonwealth Documents Law.

(B) Section 204 of the Commonwealth Attorneys Act (71 P. S. § 732—204).

(C) The Regulatory Review Act (71 P. S. §§ 745.1—745.15).

In light of these exemptions, the Department is depositing these interim standards for publication in the *Pennsylvania Bulletin*.

Description of Process

These interim standards are promulgated by the Department to implement the Technical College Program. Within 1 year, the Department will promulgate proposed standards which will go through the regulatory review process. At that time, there will be outreach for public comments. Guidelines were initially developed in coordination with the Department of Labor and Industry to launch the program and which form the basis for these interim standards.

Background and Need for Standards

The new Technical College Program recognizes the need for college-level technical education in areas of this Commonwealth where there is a shortage of adult education, continuing education and postsecondary education opportunities. The initiation of Technical College Programs in these educationally underserved areas will provide high-quality, credit-bearing education and training targeted to high priority occupations for high-skill,

high wage jobs to a currently underserved population. It will also provide this Commonwealth's employers with a skilled work force that is needed in today's global economy.

It has long been recognized that there are areas of this Commonwealth that lack postsecondary educational opportunities. Further, programs, such as technical programs to prepare students for high priority occupations, are costly to run and often difficult to offer in underserved areas due to high equipment costs and other costs associated with offering a program of study. Pennsylvania's workforce development strategy aims to target training to high demand, high skill and high wage jobs throughout this Commonwealth. The Technical College Programs will bridge the educational gap by providing high-quality, credit bearing education and training targeted to Pennsylvania's high priority occupations in locations currently lacking the training.

Description of Standards

The interim standards ensure the establishment of quality Technical College Programs and describe the process used by the Department for granting approval and funding to institutions of higher education to operate Technical College Programs in this Commonwealth. The Technical College Program interim standards provide a reference point against which all Technical College Programs will be evaluated. The Technical College Program approval procedures describe the program approval criteria and priority in the selection process. The standards describe the role of the lead sponsor with regard to oversight, fiscal responsibility, delivery of the Technical College Programs, student support services and relationship with educational partners. Further, the standards specifically describe eligible credentials that may be awarded, eligible programs of studies, duration of approval and course requirements. The transferability of the credits, enrollment and entrance requirements are explained. The standards communicate the intent of the Technical College Programs to be affordable to students by placing limitations on tuition and fees and ensuring that financial aid is available to all students. The limitations with regard to State reimbursement or payment for purposes of State reimbursement or payment under any other appropriation for higher education are explained. The provision of equipment, needed to deliver the technical programs, is described. The reporting requirements of the institution are described.

Fiscal Impact

The Technical College Program awards grants to institutions of higher education for the purpose of providing operating funds and equipment grants for the delivery of the program. An annual budget allocation will provide the necessary funding for these programs. For 2007-2008, \$2 million was appropriated for the new Technical College Programs. The Department has added a new position to assume the responsibilities associated with the additional workload to administer the Technical College Programs. The promulgation of these standards will not result in any additional fiscal impact.

Paper Work Requirements

Because this is a new program it does not change existing reporting or other paperwork requirements. However, a new application process will be implemented. Additionally, the institutions approved for Technical Col-

lege Programs will be required to submit reports to the Department. This will require the Department to develop reporting forms, as well as provide an annual report to the Legislature regarding demographic and program data and student progress and achievement measures.

Regulatory Review

Under section 1906-F of the School Code, these standards are exempt from the Regulatory Review Act.

Findings

The Department finds that:

(1) Proposed rulemaking in advance of the promulgation of interim standards is not required under section 1906-F of the School Code, which expressly provides that the interim standards are exempt from the requirements of sections 201—205 of the Commonwealth Documents Law; section 204 of the Commonwealth Attorneys Act; and the Regulatory Review Act.

(2) The promulgation of these interim standards is necessary for compliance with Article XIX-F of School Code.

Order

The Department, acting under the authorizing statute, orders that:

(a) The interim standards of the Department regarding technical college programs, 22 Pa. Code, are adopted by adding §§ 338.1—338.11 to read as set forth in Annex A.

(b) The Secretary of Education will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon publication in the *Pennsylvania Bulletin*.

GERALD L. ZAHORCHAK, D.Ed.
Secretary

Fiscal Note: 6-309. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART XVI. STANDARDS

CHAPTER 338. INTERIM STANDARDS FOR TECHNICAL COLLEGE PROGRAMS

Sec.	
338.1.	Scope and purpose.
338.2.	Definitions.
338.3.	Program approval procedures.
338.4.	Lead sponsor responsibilities.
338.5.	Credentials and programs of study.
338.6.	Transferability of credits.
338.7.	Enrollment and entrance requirements.
338.8.	Tuition and fees.
338.9.	Prohibition.
338.10.	Equipment.
338.11.	Annual reporting.

§ 338.1. Scope and purpose.

(a) This chapter provides standards and eligibility criteria for Programs operated by institutions of higher education, as authorized by the act.

(b) This chapter applies only to programs operated under the act.

(c) Programs are established to create economic opportunity by providing postsecondary occupational education and training in educationally underserved areas of this Commonwealth. Technical College Programs shall prepare students for occupations that require a postsecondary

certificate or associate degree and that demonstrate a high level of current and projected work force demand in fields that require technical knowledge and skill.

§ 338.2. Definitions.

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

Act—The Program provisions of Article XIX-F of the School Code (24 P. S. §§ 19-1901-F—19-1907-F).

Department—The Department of Education of the Commonwealth.

Eligible applicant—Any of the following:

(i) An institution of higher education.

(ii) An institution of higher education in partnership with one or more of the following:

(A) Another institution of higher education.

(B) An area vocational-technical school or ATVS, as defined in § 4.3 (relating to definitions).

(C) A community education council or CEC, as defined under section 1901-D of the School Code of 1949 (24 P. S. § 19-1901-D).

(D) A private licensed school as the term is defined under the Private Licensed Schools Act (24 P. S. §§ 211—225.5), that is authorized to confer the degree of Associate in Specialized Technology or Associate in Specialized Business and is accredited by the Accrediting Commission of Career Schools and Colleges of Technology or the Accrediting Council for Independent Colleges and Schools.

Equipment—An instrument, machine, apparatus or set of articles that is used to teach skills or provide information directly related to the eligible Technical College Program based on Statewide and regional needs and in accordance with Department guidelines.

High-demand occupation—Job categories that are in demand by employers, have higher skill needs and are likely to provide a family-sustaining wage. These occupations require an associate degree or a certificate that may lead to an associate degree.

Institution of higher education—Any of the following:

(i) An institution of the Pennsylvania State System of Higher Education.

(ii) A Pennsylvania community college created under Article XIX-A of the School Code (24 P. S. §§ 19-1901-A—19-1918-A).

(iii) The Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University and their branch campuses.

(iv) An institution as the term is defined under 24 Pa.C.S. § 6501(a) (relating to applicability of chapter) that is accredited by the Middle States Commission on Higher Education and that is not a theological seminary or school of theology or a sectarian or denominational institution.

Lead sponsor—An institution of higher education which as an eligible applicant receives approval to establish a Program.

Program—The Pennsylvania Technical College Program authorized by the act.

School Code—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

§ 338.3. Program approval procedures.

(a) *Approval.* An eligible applicant that seeks approval to establish a Program shall comply with the policies, guidelines and standards of the Department.

(b) *Program approval criteria.* An eligible applicant shall submit an application to the Department, which must include the following:

(1) Each program of study to be offered, along with the credential or credentials associated with each.

(2) The projected enrollment for each program, both on a head count and full-time equivalent basis.

(3) Designation of the educationally underserved area the Program intends to serve.

(4) Evidence of collaboration with partners in industry, elementary and secondary education and the community.

(5) The results of a regional economic demand analysis for a 5-year period that demonstrates the projected industry need for the occupation.

(6) Evidence of planning that includes a regional needs analysis of postsecondary education and training.

(7) Evidence of local support for the Program, which may include use of building space.

(8) A proposed operating budget to include State payment as provided under section 1907-F of the School Code (24 P. S. § 19-1907-F), student tuition as provided under section 1906-F of the act and other revenue available to the eligible applicant.

(9) A description of how the program will provide support necessary to remove barriers and maximize student success, including academic support, remedial education, student services and counseling when appropriate.

(10) If applicable, status of Program accreditation or approval.

(c) *Priority criteria.* Priority in the selection process will be given to applicants that:

(1) Seek renewal of Program funding and continue to provide access in educationally underserved areas; have met program standards; and have demonstrated satisfactory implementation of the program.

(2) Demonstrate a plan for and ability to serve educationally and economically disadvantaged students, including one or more of the following groups:

(i) Students with family income equal to or less than 300% of the Federal poverty level.

(ii) Unemployed workers or displaced homemakers.

(iii) Individuals receiving or having received Temporary Assistance for Needy Families within 6 months prior to the date of initial application for enrollment in the Program.

(iv) Students who require assistance in meeting entry requirements for offered programs.

(v) Working students, including full-time and part-time workers.

(3) Provide access to remedial and developmental coursework or that provide accelerated remediation.

§ 338.4. Lead sponsor responsibilities.

(a) *Duties.* Each Program lead sponsor shall perform the following duties:

(1) Grant certificates and associate degrees to students who have completed a program of study through the Program.

(2) Provide oversight of the Program through the governance entity of the lead sponsor.

(3) Establish the student entrance requirements which adhere to standards and guidelines issued by the Department.

(4) Administer the Program on a not-for-profit basis and submit annual financial information as required by the Department.

(5) Provide for faculty, curriculum and necessary equipment to ensure consistently high quality instruction for each program of study.

(6) Offer courses to students that enables the full-time student to complete the Program in the specified amount of time or equivalency if a part-time student.

(7) Ensure that academic support services are available to students in a Program.

(8) Provide access to remedial and developmental coursework or accelerated remediation.

(9) Ensure that students who have met the entrance requirements are not required to take courses separate from the Program to complete the certificate or associate degree.

(10) Ensure that students in the Programs will be eligible for financial aid in the same manner as similarly situated students enrolled in the lead sponsor.

(11) Ensure that the opportunity exists for all students to complete the Program.

(12) Ensure that each program of study offered by a Program is designed to maximize students' ability to transfer credits earned through the Program to another institution of higher education.

(13) Submit all reports as required by the Department.

(b) *Partnerships.* A lead sponsor of a Program that enters into a partnership with another applicant shall maintain final responsibility for the duties enumerated previously.

§ 338.5 Credentials and programs of study.

(a) *Credentials.* Each Program shall award, through the lead sponsor, credit-bearing certificates and associate degrees. A Program may award no other degree or credential. Associate degrees awarded through a Program shall be limited to one of the following:

(1) An associate of arts degree.

(2) An associate of sciences degree.

(3) An associate of applied sciences degree if an articulation agreement exists to enable the bearer of the associate of applied sciences degree to transfer the degree for full credit to an institution of higher education in pursuit of a bachelor degree.

(b) *Program of study.* Each credential must be associated with an approved program of study. Programs of study shall be based on Statewide and regional work force needs and shall be selected from the list of eligible programs of study in high demand occupations issued by the Department under section 1903-F of the School Code (24 P. S. § 19-1903-F). Each program shall be designed to be completed in no more than 2 years for a full-time student or an equivalent period for a part-time student.

(c) *Duration of program approval.* The Department will grant approval for a Program to offer the program of study for 5 years. Prior to expiration of program approval, the lead sponsor may seek reapproval from the Department or may seek approval for an alternative program of study. These requests shall be made in accordance with the policies, guidelines and standards prescribed by the Department.

(d) *Courses.* Each course included in an approved program shall be offered for credit. No student that has met entrance requirements will be required to take courses separate from the Program to complete the certificate or associate degree. Courses may be offered by distance learning to the extent that distance learning is an appropriate method of delivering the content of the specific course, as described in the application of an eligible applicant.

§ 338.6. Transferability of credits.

Each program of study offered by a Program shall be designed to maximize the student's ability to transfer credits earned through a certificate or associate degree program to another institution of higher education.

§ 338.7. Enrollment and entrance requirements.

(a) Students who have earned a high school diploma or equivalent and who meet the admissions standards established by the lead sponsor and program-specific requirements that are specified as prerequisites for admission to the Program shall be eligible for enrollment if they have been residents of this Commonwealth for at least 18 months prior to enrollment.

(b) The lead sponsor shall determine the Commonwealth residency of each student in accordance with the guidelines established by the Department.

(c) Priority for enrollment shall be given to residents of the educationally underserved area the Program has been approved to serve.

(d) The full-time equivalent number of enrolled students on whose behalf the Program is eligible to receive State funding shall be limited to the number approved by the Department.

(e) Programs serve both full-time and part-time students. Full-time means that the student is carrying at least 12 credits in a semester. Part-time means that the student is carrying at least 6 credits but less than 12 credits in a semester.

(f) Students who wish to enroll in a Program but do not meet the entrance requirements shall be referred to or offered the remedial or developmental coursework necessary to meet the entrance requirements and may be granted admission upon meeting the entrance requirements as determined by the Program.

§ 338.8. Tuition and fees.

(a) *Affordability.* A Program may charge tuition and fees to enrolled students. The maximum tuition and fees that a Program may charge will be set by the Department adjusted and published annually and be limited to ensure the affordability of Programs for students in educationally underserved areas.

(b) *Limits on student charges.* A Program may not require any student charges, including application fees, lab fees and the like, beyond those approved by the Department.

(c) *Financial aid.* A student enrolled in a Program shall be eligible for publicly funded financial aid opportunities

in the same manner as similarly situated students enrolled in the lead sponsor institution.

§ 338.9. Prohibition.

A student enrolled in a Program will not count toward the enrollment of the lead sponsor or other eligible applicant for purposes of State reimbursement or payment for purposes of State reimbursement or payment under any other appropriation for higher education.

§ 338.10. Equipment.

(a) The Department will award grants for the purchase or lease of equipment that is essential to the approved program, will prepare students for jobs in the field of study and meet the requirements of the Department.

(b) Lead sponsors shall retain records of equipment purchases and use for at least 3 years after the disposition, transfer or replacement of the equipment in accordance with Department guidelines.

§ 338.11. Annual reporting.

(a) *Annual report.* The lead sponsor shall submit an annual report to the Department regarding each Program offered during the previous fiscal year. The annual report must include the following:

(1) Demographic and program data, including the following:

(i) Information on full-time and part-time faculty and student enrollments, in total and within each program of study.

(ii) Credit hours taught by faculty.

(iii) Distance learning courses offered.

(iv) Articulation and course equivalency agreements with higher education institutions.

(2) Student progress and achievement measures, including the following:

(i) Retention and completion rates.

(ii) Passing rates on certification and licensure examinations.

(iii) Number of students employed within 1 year of program completion.

(iv) Placement into additional education or employment in the student's field of study.

(b) *Disaggregation.* When available, data shall be disaggregated by categories, including eligibility for financial aid, part-time and full-time status, gender, race and age.

(c) *Submittal.* Reports required under this section shall be submitted to the Department prior to September 1, 2008, and September 1 of each year thereafter.

[Pa.B. Doc. No. 08-11. Filed for public inspection January 4, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 86]

Surface and Underground Coal Mining: General; Advance Notice of Final-Form Rulemaking

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends to be made to the proposed Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites regulations, which were published as proposed rulemaking at 36 Pa.B. 4200 (August 5, 2006).

In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department has prepared a draft final-form regulation for public comment. The draft final-form regulation contains significant changes in the following areas:

The regulations no longer eliminate the reclamation fee. The regulations retain the fee at its current level of \$100 until January 2010. Subsequently, a mechanism for adjusting the reclamation fee, to provide revenue sufficient to fund the perpetual operation and maintenance activities at primacy Alternate Bond System (ABS) sites whose bonds were forfeited and have postmining discharges, will be used to determine the annual amount of the reclamation fee. The regulations also contain guidelines and a funding mechanism that provides for the annual review of revenues and treatment expenditures, and projections for these future costs and revenues. The

revised regulations also provide for the establishment of a perpetual fund dedicated to these ABS legacy sites and will require the Department to dedicate certain identified funding sources to paying the reclamation costs for ABS legacy sites. When this funding mechanism is actuarially sound, collection of the reclamation fee will cease.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final-form rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft final-form regulations is available from the Bureau of Mining and Reclamation at (717) 787-5103. Written comments on the draft final-form regulations must be received by February 4, 2008; no fax comments will be accepted. Comments or requests for copies should be addressed or delivered to William S. Allen, Jr., Chief, Division of Monitoring and Compliance, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 400 Market Street, 5th Floor, Harrisburg, PA 17101-8461. The draft final-form regulations are also available electronically through the Department website at www.dep.state.pa.us (DEP Keywords: "Public Participation; Participate"; choose "Proposals Currently Open for Comment"). Comments may be transmitted electronically to William S. Allen, Jr. at wallen@state.pa.us and must also be received by February 4, 2008.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-12. Filed for public inspection January 4, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Farmers' Market Development Matching Grant Program

The application period for grants under the Farmers' Market Development Matching Grant Program (Program) administered by the Department of Agriculture (Department) has commenced. For the 2008 Matching Grant Project Year, the application period is January 7, 2008, to February 6, 2008. Information about the Program and application forms can be accessed at www.agriculture.state.pa.us or by contacting the Bureau of Food Distribution at (800) 468-2433.

The Program provides matching funds to Pennsylvania based businesses that manage or operate farmers' markets, nonprofit organizations, farmers and local governments for projects intended to promote new or existing farmers' markets. The maximum grant amount per farmers' market location is \$10,000. Each applicant shall provide at least 10% of the approved Grant amount in matching funds or in-kind goods or services. The anticipated date for the award of grants and notice thereof is expected to be on or before March 1, 2008. The application, work plan and budget should reflect March 1, 2008, as the project start date and the project completion date will be May 31, 2008.

Applications for the Program will be accepted by the Department beginning Monday, January 7, 2008, and continue through Wednesday, February 6, 2008. Applications that are hand-delivered must be received by 4 p.m. in the Bureau of Food Distribution on Wednesday, February 6, 2008, the closing date. Applications that are mailed must be postmarked no later than February 6, 2008, and received no later than February 9, 2008. Completed applications should be addressed to or delivered to Geoffrey Dunaway, Director, Bureau of Food Distribution, Department of Agriculture, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 08-13. Filed for public inspection January 4, 2008, 9:00 a.m.]

Partial Revocation of Plum Pox Virus Nursery Quarantine

Recitals

A. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted to the Department under section 21 of the act include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

C. Plum Pox Virus (PPV) is a serious plant pest, indigenous to Europe. It injures and damages stone fruits such as peaches, nectarines, plums and apricots by

drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point that it is unmarketable.

D. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth. It is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas. There is no known control for PPV other than destruction of infected trees.

E. As a result of the presence of PPV in several townships and boroughs, the Department has issued a series of quarantine orders establishing and adjusting a quarantine area. This series of orders included a January 5, 2005, order published at 35 Pa.B. 552 (January 22, 2005) establishing a PPV Nursery Quarantine Area.

F. The Department has determined that it is appropriate to release the PPV Nursery Quarantine with respect to those areas where testing has failed to detect the presence of PPV within the last 6 years.

Order

Under authority of section 21 of the act, the Department hereby orders the following:

1. The following local government units are hereby released from the PPV Nursery Quarantine Area established by Order of January 5, 2005, published at 35 Pa.B. 552 (January 22, 2005) as there has been no detected presence of PPV in these areas for at least 3 years after more expansive PPV-related quarantine restrictions have been rescinded:

In Cumberland County

- Southampton Township, except for the eastern corner of that township that lies within an 11.5 kilometer radius of Menallen Township (Adams County), where PPV has been detected within the preceding 3 years

In Franklin County

- Quincy Township
- The Borough of Mont Alto

In York County

- Washington Township

2. Nursery owners may do the following, without restriction, within the local government units listed in Paragraph No. 1:

- a. propagate and grow nursery stock;
- b. use *Prunus* as a source of propagative material; and
- c. plant *Prunus* nursery stock in the ground, to be dug and sold.

Propagators are advised to contact the Department for testing of *Prunus* before it is used for propagation.

3. The following local government units remain subject to the Order described in Paragraph No. 1:

In Adams County

- Huntington Township
- Latimore Township
- That portion of Menallen Township as designated by the Order published in 35 Pa.B. 6543 (December 3, 2005)

- That portion of Franklin Township as designated by the Order published in 36 Pa.B. 6108 (October 7, 2006)
- That portion of Butler Township as designated by the Order published in 33 Pa.B. 5087 (October 11, 2003)
- That portion of Tyrone Township located to the north of Cranberry Road.
- The Borough of York Springs

In Cumberland County

- Dickinson Township
- South Middleton Township
- The eastern corner of Southampton Township that that lies within an 11.5 kilometer radius of Menallen Township (Adams County)
- The Borough of Mt. Holly Springs

In York County

- Conewago Township
- Franklin Township
- Monaghan Township

Any area within 11.5 kilometers (7.15 miles) of any location from which a PPV-positive sample has been detected within the preceding 3 years. These PPV-positive locations and the 11.5-kilometer radius from these loca-

tions are identified on maps that are available from the Department upon request. The 11.5-kilometer radius is determined using location readings received from global positioning satellites (GPS) and the computer-assisted calculations of a geographical information system. The Department shall, upon request, visit any site to take GPS readings and determine whether that site is within the quarantine area.

4. The conditions of the Quarantine established in the Orders referenced in Paragraph Nos. 1 and 3 shall remain in effect in a given local government unit for at least 3 years after a primary quarantine is rescinded, and until the Department issues an Order releasing that local government unit from quarantine.

5. The Department will continue to consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate PPV, and may, if warranted, reconsider the need for quarantine restrictions.

6. This Order is effective as of December 19, 2007.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 08-14. Filed for public inspection January 4, 2008, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending December 18, 2007.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-14-07	Toronto-Dominion Bank, Toronto, Canada, and its subsidiaries TD US P & C Holdings ULC, Calgary, Canada, Cardinal Top Co., New York, NY, and Cardinal Intermediate Co., New York, NY, to acquire 100% of Commerce Bancorp, Inc., Cherry Hill, NJ, and thereby indirectly acquire Commerce Bank, National Association, Philadelphia, PA	Toronto, Canada	Filed

Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-14-07	Boston Private Financial Holdings, Inc., Boston, MA, to acquire 80.1% of Davidson Trust Company, Devon, PA	Boston, MA	Filed

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-14-07	Toronto-Dominion Bank, Toronto, Canada, and its subsidiaries TD US P & C Holdings ULC, Calgary, Canada, Cardinal Top Co., New York, NY, and Cardinal Intermediate Co., New York, NY, to acquire up to 14.82% of Pennsylvania Commerce Bancorp, Inc., Harrisburg, PA, and thereby indirectly acquire an interest in Commerce Bank/Harrisburg, National Association, Harrisburg, PA	Toronto, Canada	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-1-07	Abington Savings Bank Jenkintown Montgomery County	800 Bethlehem Pike Springhouse Montgomery County	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-14-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 229 North West End Boulevard, Suite D-1 Quakertown Montgomery County <i>From:</i> 255 North West End Boulevard Quakertown Montgomery County	Approved
12-14-07	Reliance Savings Bank Altoona Blair County	<i>To:</i> 401 Logan Boulevard Altoona Blair County <i>From:</i> 109 Logan Boulevard Altoona Blair County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-16-07	Susquehanna Bank PA Lititz Lancaster County	Lititz	Effective
	Susquehanna Bank PA discontinued the following six branch offices due to purchase of assets/assumption of liabilities by Susquehanna Bank, Hagerstown, MD:		
	4501 Hanover Pike Manchester Carroll County, MD	275 Clifton Boulevard Westminster Carroll County, MD	
	10455 Mill Run Circle Owings Mills Baltimore County, MD	10802 Red Run Boulevard Owings Mills Baltimore County, MD	
	8620 Snowden River Parkway Columbia Howard County, MD	8801 Columbia 100 Parkway Columbia Howard County, MD	

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-17-07	Pennsylvania State Employees Credit Union, Harrisburg, and GF Employees Credit Union, Camp Hill Surviving Institution— Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
12-13-07	Pittsburgh Teachers Credit Union Pittsburgh Allegheny County	Amendment to the 1st Article of the Articles of Incorporation	Approved and Effective

Amendment to the 1st Article of the Articles of Incorporation provides for a change in the name of the credit union to "Riverset Credit Union."

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-15. Filed for public inspection January 4, 2008, 9:00 a.m.]

Actions on Applications

The Department of Banking (Department) under to 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending December 25, 2007.

BANKING INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-8-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1600 Sumneytown Pike Lansdale Montgomery County	Opened
12-19-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Chew and Wister Streets Philadelphia Philadelphia County	Filed
12-19-07	MoreBank Philadelphia Philadelphia County	1222 North Welsh Road North Wales Montgomery County	Filed
12-19-07	Asian Bank Philadelphia Philadelphia County	815—837 Arch Street Philadelphia Philadelphia County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-19-07	Susquehanna Bank DV Bryn Mawr Montgomery County	500 Shiloh Pike Bridgeton Cumberland County, NJ	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-19-07	White Rose Credit Union, York and ACCO York Federal Credit Union, York Surviving Institution— White Rose Credit Union, York	York	Filed

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-16. Filed for public inspection January 4, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, January 24, 2008, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to John Quigley at (717) 787-9632.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-17. Filed for public inspection January 4, 2008, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061310	Marian High School 166 Marian Avenue Tamaqua, PA 18252-9789	Schuylkill County Rush Township	Little Schuylkill River Watershed 3A CWF	Y
PA0044920	Lehighon Electronics, Inc. P. O. Box 328 208 Memorial Drive Lehighon, PA 18235-0328	Mahoning Township Carbon County	Mahoning Creek 02B	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0115312 (Municipal)	Loyalsock Township Board of Supervisors 2501 East Third Street Williamsport, PA 17701-4096	Lycoming County Loyalsock Township	UNT to Grafius Run SWP 10B	Y

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

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

PA0050865, Industrial Waste, **Gessner Products Company, Inc.**, 241 North Main Street, P. O. Box 389, Ambler, PA 19002-0389. This existing facility is located in Ambler Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge noncontact cooling water from a plastics manufacturing facility.

The receiving stream, Rose Valley Creek, is in the State Water Plan Watershed 3F and is classified for: TSE, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 14 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0695 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (° F)					110
pH (Standard Units)			6.0, minimum		9.0

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

1. Remedial Measures if Public Nuisance.
2. Temperature Requirement.
3. No Chemical Addition.
4. Change in Ownership.

NPDES Permit No. PA0244295, Sewage, SIC 4952, **Franconia Sewer Authority Wastewater Treatment Plant**, 671 Allentown Road, Franconia, PA 18924.

Description of Proposed Activity: A new sewage treatment plant's NPDES permit to discharge effluent to Skippack Creek.

The receiving water, Skippack Creek, is in the State Water Plan Watershed 3E—Perkiomen and is classified for: TSF. The nearest downstream public water supply intake is located on the Schuylkill River and is approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 0.150 mgd.

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10	15		20
Total Suspended Solids	10	15		20
Ammonia as N				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Phosphorus as P	0.1			0.2
Total Nitrogen	6.0			
Total Dissolved Solids	Monitor and Report			
Fecal Coliform	200 lbs/100 ml			1,000 lbs/100 ml
Dissolved Oxygen	6.0 (Minimum)			
pH (Standard Units)	6.0 (Minimum)			9.0 (Maximum)

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

1. Small Stream Discharge.
2. Proper Sludge Disposal.
3. Certified Operator.
4. No Stormwater into Sanitary Sewers.
5. Operations and Maintenance Plan.
6. Ultraviolet Disinfection System.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0205443, Industrial Waste, SIC 1442, **Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Lower Burrell Facility in Lower Burrell Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Oakmont Borough Municipal Authority, located at Oakmont, PA, 4.6 miles below the discharge point.

Outfall 001: existing discharge, design flow varies.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			60		110
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0217107, Industrial Waste, SIC 5093, **EMF Development Corp.**, 365 Bassett Road, Hooversville, PA 15936-7608. This application is for renewal of an NPDES permit to discharge treated and untreated stormwater from the Franklin Facility in Franklin Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Conemaugh River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at Freeport, 82 miles below the discharge point.

Outfall 101: existing discharge, design flow varies (mgd).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum aily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 122: existing discharge, design flow varies (mgd)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Oil and Grease			15	30	
Total Suspended Solids			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0097411, Sewage, **Glendale School District**, 1466 Beaver Valley Road, Flinton, PA 16640-8900. This application is for renewal of an NPDES permit to discharge treated sewage from Glendale School District STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Dutch Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company on West Branch Susquehanna River near Milton.

Outfall 001: existing discharge, design flow of 0.01 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.15			0.35
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217824, Sewage, **YMCA Camp Kon-O-Kwee**, 126 Nagel Road, Fombell, PA 16123-1198. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Kon-O-Kwee Sewage Treatment Plant in Marion Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Connoquenessing Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority on the Beaver River.

Outfall 001: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Phosphorus	2			4
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0240044, Sewage, **Brookdale Family Campground**, 25164 State Highway 27, Meadville, PA 16335. This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the General Authority of Franklin intake from French Creek, located in Franklin, PA and is approximately 30 miles below point of discharge.

The receiving stream, the Little Sugar Creek, is in Watershed 16-D and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.010 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	10		21
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		
Total Residual Chlorine	1.2		2.8
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 1507418, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is located East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction of a sanitary sewer extension to serve the Whiteland Village.

WQM Permit No. 1507419, Sewerage, **Whiteland Village, LLC**, 800 Springdale Drive, Suite 100, Exton, PA 19341. This proposed facility is located East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction of a sanitary sewer extension.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 3005402-A2, Sewerage, **Dana Mining Company of PA, LLC**, 308 Dents Run Road, Morgantown, WV 26501. This existing facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Application for 4 West Deep Mine STP expansion.

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

WQM Permit No. 2507406, Sewage, **Washington Township Sewer Authority**, 11800 Edinboro Road, Edinboro, PA 16412. This proposed facility is located in the Edinboro Borough, **Erie County**.

Description of Proposed Action/Activity: This project involves converting the existing Angling Road Sewage Treatment Plant to a lift station which will convey sewage to the Edinboro Borough Sewage Treatment Plant.

WQM Permit No. 1092202, Industrial Waste, Amendment No. 1, **Waste Management Disposal Services of PA, Inc.**, 1436 West Sunbury Road, West Sunbury, PA 16061. This proposed facility is located in the Clay Borough, **Butler County**.

Description of Proposed Action/Activity: This project modifies its current sludge treatment and handling process to remove excess moisture from the sludge cake, which is then disposed of in the landfill.

WQM Permit No. WQG018599, Sewage, **Walter Dittmer**, 219 Cooper Road, Slippery Rock, PA 16067-4519. This proposed facility is located in Worth Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G538R	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan	Pickering Creek HQ-TSF
PAI011507057	The Devereux Foundation 444 Devereux Drive Villanova, PA 19085-1932	Chester	Willistown Township	UNT Crum Creek HQ-CWF
PAI011507058	West Chester Area School District 1181 McDermott Drive West Chester, PA 19380	Chester	West Goshen Township	UNT Goose Creek TSF, MF
PAI011507059	Roosevelt Hairston, LLC 385 Conestoga Road Malvern, PA 19355	Chester	West Vincent Township	Pickering Creek HQ-TSF
PAI014607005	Federal Highway Administration 21400 Ridgetop Circle Sterling, VA 20166	Montgomery	Upper Merion Township	Valley Creek EV

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

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507013	Brick City Associates, LLC 140 Dilley Street Forty Fort, PA 18704	Monroe	Coolbaugh and Tobyhanna Townships	Indian Run EV
PAI024507014	Noor E. Abdel-All R. R. 1 Box 1684 Cresco, PA 18326	Monroe	Paradise Township	Tributary to Paradise Creek HQ-CWF

Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907030	Robert Sperling Allentown School District 1301 Sumner Avenue Allentown, PA 18102	Lehigh	City of Allentown	Trout Creek HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030607002	American One Homes P. O. Box 20 Oley, PA 19547	Berks	Rockland Township	Bieber Creek EV

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 Concentrated Animal Feeding Operations (CAFOs)
 PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3607517, Public Water Supply.

Applicant **Columbia Water Company**
 Municipality West Hempfield Township
 County **Lancaster**
 Responsible Official Columbia Water Company
 General Manager
 220 Locust Street
 Columbia, PA 17512
 Type of Facility Public Water Supply
 Consulting Engineer David T. Lewis, P. E.
 Columbia Water Company
 220 Locust Street
 Columbia, PA 17512
 Application Received: November 13, 2007

Description of Action Construction of a new booster pumping station.
Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Application No. 1507507, Public Water Supply.

Applicant **Michael C. Dellaquila, Sr.**
 Township Schuylkill Township
 County **Chester**
 Responsible official Michael C. Dellaquila
 1330 Charlestown Road
 Phoenixville, PA 19460
 Type of Facility PWS
 Consulting Engineer RT Environmental Service, Inc.
 215 West Church Road
 King of Prussia, PA 19406

Application Received Date November 7, 2007

Description of Action Modify water treatment system. Change from using soda ash to MnO2 for corrosion and pH control.

Application No. 0907522, Public Water Supply.

Applicant **Harrow Station, LLC**
 Township Nockamixon Township
 County **Bucks**
 Responsible official Glenn Neebe
 265 Frogtown Road
 Kintnersville, PA 18930
 Type of Facility PWS
 Consulting Engineer Erwiler & Walter, Inc.
 7036 Easton Road
 Unit B
 Pipersville, PA 18947

Applicatoin Received Date December 5, 2007

Description of Action Community water system to serve existing commercial/retail center and proposed 36-unit adult community.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA48-1000B, Water Allocation, **Lower Saucon Authority**, 3706 Old Philadelphia Pike, Bethlehem, PA 18015-5426, Lower Saucon Township, **Northampton County**. The applicant is requesting the renewal of an allocation for purchase of water from the City of Bethlehem system with a quantity of allocation of 1,125,000 gpd. Lower Saucon Authority is currently a reseller of treated water purchased from the City of Bethlehem.

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.

Coventry House Incorporation, Cheltenham Township, **Montgomery County**. Brain Evans, B & B Diversified Enterprises, Inc., P. O. Box 188, Gwynedd, PA 19436 on behalf of Marvin Schuman, Coventry House, Inc., 7301 Coventry Avenue, Melrose Park, PA 19027 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of No. 2 fuel oil. It is anticipated that the site will continue to be utilized for commercial/residential uses. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Chronicle/Glenside News* on October 31, 2007.

Multifamily Residence, City of Philadelphia, **Philadelphia County**. Robert Marion, GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602 on behalf of Daniel J. Lasdon, 1700-002 North 5th LLP, 700 East Erie Avenue, PA 19134-1211 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of No. 6 fuel oil. The property will remain residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on November 8, 2007.

Brasalind Property, City of Philadelphia, **Philadelphia County**. Michael Welsh, P. E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of James Moretti, Brasalind Properties, Inc., 201 East Gay Street, West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 6 fuel oil. The property is currently a commercial business; however, future use of the property may be residential.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Canal Commons, LLC, Lebanon City, **Lebanon County**. WC Environmental, LLC, 1085C Andrew Drive, West Chester, PA 19380-4266, on behalf of Canal Commons, LLC, 411 Chestnut Street, Lebanon, PA 17042-6142, submitted a Notice of Intent to Remediate site soils contaminated with arsenic from a former iron ore processing plant. The future use of the property is residential. The applicant is seeking to remediate to the Site-Specific Standard.

350 North Duke Street/Sovereign Bank Stadium, York City, **York County**. Spotts, Stevens, and McCoy, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19601, on behalf of Redevelopment Authority of the County of York, 144 Roosevelt Avenue, Suite 100, York, PA 17404-3333, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated by No. 2 fuel oil from removed underground storage tanks. The property is part of the York Outdoor Recreation Complex. The applicant is seeking to remediate to a combination of Statewide Health and Site-Specific Standards.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit 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. 100955. Clinton County Solid Waste Authority, 264 Landfill Lane, P. O. Box 209, McElhattan,

PA 17748-0209, located in Wayne Township, **Clinton County**. The Major permit modification for the expansion of the Wayne Township Landfill was received by the Williamsport Regional Office on November 30, 2007.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office at (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service at (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05007F: Carpenter Technologies Corp. (P. O. Box 14662, Reading, PA 19612-4662) for construction of two natural gas fired heating furnaces at their specialty steel facility in the City of Reading and Muhlenberg Township, **Berks County**. The facility is a Title V facility.

31-05018A: Texas Eastern Transmission, Inc.—Entriiken Compressor Station (2601 Market Place, Suite 400, Harrisburg, PA 17110) for modification to a redundant continuous emissions monitoring requirement in the existing synthetic minor operating permit in Todd Township, **Huntingdon County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

65-983A: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for operation of natural gas pipelines, compressor station and measuring and regulating station at their Rock Spring Compressor Station in Salem Township, **Westmoreland 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0164A: Haines and Kibblehouse, Inc. (300 Skunk Hollow Road, Chalfont, PA 18914) for the replacement of two crushers as well as the reconfiguration of the existing equipment within the secondary and tertiary circuits of their crushing plant in Hilltown Township, **Bucks County**. This facility is a non-Title V facility. The proposed modification/reconfiguration will not result in a net increase of PM emissions. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

23-0026A: Glasgow, Inc.—Freeborn Asphalt Plant (531 Eagle Road, Springfield, PA 19064) for the replacement of the rotary drum on the Asphalt Plant Dryer in Springfield Township, **Delaware County**. The installation of the replacement drum is occurring because the existing drum has reached the end of its useful life. No emissions increase will occur since the production rate of asphalt will remain at the current maximum level of 150 tons per hour. PM will continue to be controlled by the existing knock-out box and baghouse, which are limited to emissions of 0.02 gr/dscf. The company shall continue to comply with existing limits of NO_x, VOC, PM, SO₂ and CO in its current State-only operating Permit. A stack test shall be conducted, after the replacement of the

drum, to confirm compliance with the emissions limits. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

15-0067E: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362-0300) for installation of a new Cheese Curl Production Line at their facility in West Nottingham Township, **Chester County**. Herr Foods, Inc. is a Synthetic Minor facility, operating under SMOP 15-00067. The new cheese curl oven will increase the facilities PM emissions by less than 0.25 tpy. The slight increase in emissions still allows Herr Foods to remain a Synthetic Minor Operating Permit. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Neal Elko, New Source Review Chief, (570) 826-2531.

40-313-047: Alcoa KAMA Corp. (600 Dietrich Avenue, Hazleton, PA 18201) for re-activation and operation of their polystyrene polymerization plant 2 which will be controlled by the use of a thermal oxidizer at their facility in Hazleton, **Luzerne County**. Plant 2 will have VOC emissions of less than 1.0 tpy. The plant will have NOx emissions of 1.3 tpy. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

39-309-071: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for replacement/installation of the induced draft fan for the No. 2 cement kiln at their Whitehall Plant in Whitehall Township, **Lehigh County**. The facility currently has a Title V Operating Permit No. 39-00011. 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 cement kiln can be fired by either a combination of coke and bituminous coal; or a combination of coke and bituminous coal with tire-derived fuel (TDF) and/or plastic-derived fuel (PDF). The emissions will not exceed the following emission limits (unchanged from the issued Plan Approval No. 39-309-063 for PDF, the issued Plan Approval No. 39-309-064 for the Cadence mixing fan, the issued Plan Approval No. 39-309-067 for the relocation of the TDF feed chute and the installation of a "dust curtain," and the current Title V operating permit) listed:

Pollutant	Lbs/Hour
Arsenic	0.00151
Cadmium	0.00525
Hexavalent Chromium	0.00135
Lead	0.07
Mercury	0.00744
Nickel	0.0189
Zinc	0.38689
Total VOCs	5.4
SO ₂	362.0 (3-hr Block Average)
NOx (with TDF/PDF)	260.5 (30-day Rolling Average)
NOx (No TDF/PDF)	297.7 (30-day Rolling Average)
Particulates	14.8
HCl	2.23
HCN	0.059
Chlorine	0.077

The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to continue to operate and maintain a Continuous Emission Monitoring System, which is certified by the Department of Environmental Protection, for opacity, SO₂ and NOx. In addition, the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs, PM, CO, HCl, HCN and chlorine due to the kiln being fired by PDF and/or TDF.

48-304-034: Victaulic Co. (4901 Kesslersville Road, Easton, PA 18040) for replacement/installation of an air cleaning device (fabric collector) for the melt department at their Forks Facility in Forks Township, **Northampton County**. The PM emissions from the fabric collector will not exceed the BAT standard of 0.01 grain/dscf and will result in a maximum PM emission rate of 25.7 tpy. The Plan Approval and Operating Permit will contain testing, monitoring, recordkeeping, reporting and work practice requirements and emission restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00009. 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

36-05120A: Nessco Ent, LLC—t/b/a Meridian Products (124 Earland Drive, New Holland, PA 17557) for construction of two spray booths with filters for control of PM emissions and two drying tunnels at their wood working facility in East Earl Township, **Lancaster County**. VOC, PM and HAP emissions are estimated to be 25, 0.13 and 12 tpy, respectively. The plan approval will have appropriate conditions designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

PA-65-00981A: Solar Power Industries, Inc. (440 Jonathan Willey Road, Belle Vernon, PA 15012) to allow the construction and operation of a solar cell and panel manufacturing facility at their existing facility in Rostraver Township, **Westmoreland County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Solar Power Industries, Inc. (440 Jonathan Willey Road, Belle Vernon, PA 15012) to allow the construction and operation of a solar cell and panel manufacturing facility at their existing facility located in Rostraver Township, Westmoreland County. The facility will produce up to 200 MW of solar cell and panel capacity annually, and have the potential to emit 34.9 tons of NOx, 8.6 tons of CO, 4.0 tons of VOC, 0.3 ton of SOx, 1.4 tons of PM10, 1.7 tons of TSP and 2.7 tons of HAP per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address.

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

The Department assures compliance with all applicable standards, the Department proposes to place the following General and Special Conditions on the Plan Approval:

General Conditions

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (Act) (35 P. S. § 4003) and 25 Pa. Code § 121.1 (25 Pa. Code § 121.1).

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Act, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority (25 Pa. Code § 127.12b(a)(b)).

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shake-down of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or Subchapter G (relating to operating permit requirements; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a).

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required (25 Pa. Code § 127.12b).

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department (25 Pa. Code § 127.12(a)(10)).

5. (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act (25 Pa. Code § 127.12(c) and (d) and 35 P. S. § 4013.2).

6. (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in 25 Pa. Code §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

(i) A justification for the extension,

(ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E shall be submitted (25 Pa. Code § 127.13).

7. (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application (25 Pa. Code § 127.32).

8. (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the Act.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Act and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency to inspect or enter the premises of the permittee in accordance with Section 114 or other applicable provisions of the CAA (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and section 114 of the CAA).

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The Environmental Protection Agency determines that this plan approval is not in compliance with the CAA or the regulations thereunder (25 Pa. Code § 127.13a).

10. (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the Act or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors (25 Pa. Code §§ 121.9 and 127.216).

11. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection
(At the address given on the plan approval transmittal letter or otherwise notified.) (25 Pa. Code § 127.12c)

12. (a) If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA,

40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the Environmental Protection Agency according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the Environmental Protection Agency no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the Environmental Protection Agency concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process (25 Pa. Code § 127.12(9) and 40 CFR Part 68).

Special Conditions

1. This Plan Approval is to allow the construction and operation of a solar cell and panel manufacturing facility by Solar Power Industries, Inc. at their Belle Vernon Plant located in Rostraver Township, Westmoreland County (25 Pa. Code § 127.12b).

2. Air contamination sources covered by this plan approval include the following (25 Pa. Code § 127.12b):

- Texturization Lines (2 RENA Intex Lines) each rated at 2,400 wafers per hour.

- Duffision Lines (5 POCL₃ Lines) each rated at 1,600 cells per hour.

- HF Falcon Benches (2) each rated at 2,400 cells per hour.

- Intralab HF Wetbench (1) rated at 2,400 cells per hour.

- Anti Reflective Coating Lines:

- OTB Lines (3) each rated at 1,440 cells per hour.

- Twyn Line (1) rated at 800 cells per hour.

- Coyote Lines (3) each rated at 1,440 cells per hour.

- Sola Line (1) rated at 1,440 cells per hour.

- Baccini Lines (4) each rated at 1,410 cells per hour.
- Above Ground Storage Tanks (4); 500 gal. diesel fuel, 25 gal. waste HCL/HF, 6,500 gal. waste HNO₃/HF, 6,500 gal. waste water.
- Boilers (3) each rated at 2.0 mmBtu/hr.
- No. 2 Diesel Fired Emergency Generator (1) rated at 335 bhp.
- Hot Water Heater (1) rated at 0.3 mmBtu/hr.
- VOC Fugitive Emissions.
- Paved Roads.

3. Air pollution control equipment at the Facility includes the following (25 Pa. Code § 127.12b):

- Scrubber 1; 2,800 scfm design inlet volume 2-Stage Counterflow Scrubber controlling the RENA Intex Lines (2) and Intralab HF Wetbench (1).
- Scrubber 2; 10,200 scfm design inlet volume 2-Stage Counterflow Scrubber controlling the POCL₃ Lines (5), HF Falcon Benches (2), OTB Lines (3), Twyn Line (1), Coyote Lines (3) and Sola Line (1).
- Regenerative thermal oxidizer; 15,000 scfm design inlet volume natural gas-fired thermal oxidizer controlling the Baccini Lines (4).

4. Visible emissions from each stack at the facility shall not equal or exceed 20% opacity for a period or periods aggregating more than 3 minutes in any one hour or equal or exceed 60% opacity at any time (25 Pa. Code § 123.41).

5. The Owner/Operator shall not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the facility (25 Pa. Code § 123.31).

6. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

7. The Scrubber 1 liquid recirculation flow rate shall be maintained at 130 GPM or greater and Scrubber 1 liquid pH shall be maintained at 12 or greater (25 Pa. Code § 127.12b).

8. The Scrubber 2 liquid recirculation flow rate shall be maintained at 130 gpm or greater and Scrubber 2 liquid pH range shall be maintained between 6—8 (25 Pa. Code § 127.12b).

9. Equipment to continuously monitor and record the temperature maintained in the regenerative thermal oxidizer combustion chambers shall be installed. The minimum temperature maintained in the combustion chambers during normal operation and during exhaust bed switch shall be maintained at 1,500° F or greater (25 Pa. Code § 127.12b).

10. The Owner/Operator may perform stack testing for VOC (as propane) on the regenerative thermal oxidizer to demonstrate the temperatures at which a minimum of 98% overall VOC control efficiency or a maximum of 20 ppmv VOC and proper operation of the regenerative thermal oxidizer is achieved. Stack testing shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual by the Environmental Protection Agency (EPA) Method 25A or an alternative Method approved by the Department. The regenerative thermal oxidizer shall be retested a minimum of once every 5 years thereafter (25 Pa. Code § 127.12b):

a. The Owner/Operator shall submit a pretest protocol for review at least 60 days prior to performance of stack tests.

b. The Owner/Operator shall notify the Department at least 2 weeks prior to stack tests so an observer may be present at the time of the tests.

c. The Owner/Operator shall submit two copies of the stack test report to the Department within 60 days of testing.

d. The Owner/Operator may apply to the Department to modify the minimum temperature maintained in the combustion chambers requirement based on the results of the test.

11. The Owner/Operator shall maintain to each scrubber and the regenerative thermal oxidizer by the manufacturer's recommendation. The maintenance schedule for each unit and records of all maintenance activities performed on for each unit shall be maintained in a log (25 Pa. Code § 127.12(b)).

12. Hours of operation in any consecutive 12-month period of the No. 2 Diesel Fired Emergency Generator shall not exceed 500 hours (25 Pa. Code § 127.12b).

13. At a minimum, the Owner/Operator shall perform a weekly Facility-Wide inspection for the presence of visible stack emissions, fugitive emissions and malodorous emissions. Records of the inspections shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

14. At a minimum, the Owner/Operator shall maintain records of the following (25 Pa. Code § 129.52):

- a. Daily production rates.
- b. Daily liquid pH reading for each scrubber.
- c. Daily liquid recirculation flow rates for each scrubber.
- d. Regenerative thermal oxidizer chamber temperature.
- e. Weekly Facility-Wide visible stack emission, fugitive emission and malodorous emission inspection.
- f. Monthly operating hours of the No. 2 Diesel Fired Emergency Generator.
- g. Monthly cleanup solvent usage.

h. The maintenance schedule for, and records of, all maintenance activities performed on each scrubber and the regenerative thermal oxidizer.

15. Logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

16. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit,

or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the written Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are operating in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an application for a State-only Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described.

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.
Regional Air Quality Program Manager
Commonwealth of Pennsylvania

Department of Environmental Protection
Southwest Region—Field Operation
400 Waterfront Drive
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Mark R. Gorog, P. E.
Environmental Engineer Manager
(412) 442-4163

11-00521A: Fuel Recovery, Inc. (2593 Wexford-Bayne Road, Suite 100, Sewickley, PA 15143) to allow construction and operation of a coal refuse processing plant in Washington Township, **Cambria County**. The facility will process up to 200,000 tons of coal refuse annually, and have the potential to emit 5.4 tons of PM10 per year.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Fuel Recovery, Inc. (2593 Wexford-Bayne Road, Suite 100, Sewickley, PA 15143) to allow the construction and operation of a coal refuse processing plant located in Washington Township, Cambria County. The facility will process up to 200,000 tons of coal refuse annually, and have the potential to emit 5.4 tons of PM10 per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address shown.

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

In order for the Department to assure compliance with all applicable standards, the Department proposes to place the following Conditions on the Plan Approval:

General Conditions:

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (Act) (35 P. S. § 4003) and 25 Pa. Code § 121.1 (25 Pa. Code § 121.1).
2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Act, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority (25 Pa. Code § 127.12b(a)(b)).
3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or re-activation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shake-down of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25

Pa. Code Chapter 127, Subchapter F or G (relating to operating permit requirements; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a).

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required (25 Pa. Code § 127.12b).

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department (25 Pa. Code § 127.12(a)(10)).

5. (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with §§ 112(d) and 114(c) of the act (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act (25 Pa. Code §§ 127.12(c) and (d) and 35 P.S. § 4013.2).

6. (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

(i) A justification for the extension,

(ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted (25 Pa. Code § 127.13).

7. (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application (25 Pa. Code § 127.32).

8. (a) Under 35 P.S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the act.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Act and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA (25 Pa. Code § 127.12(4) and 35 P.S. § 4008 and § 114 of the CAA).

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder (25 Pa. Code § 127.13a).

10. (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the Act or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors (25 Pa. Code §§ 121.9 and 127.216).

11. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection
(At the address given on the plan approval transmittal letter or otherwise notified.) (25 Pa. Code § 127.12c)

12. (a) If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, han-

dling or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located that a regulated substance could be involved in a potential release, shall be considered a single process (25 Pa. Code § 127.12(9) and 40 CFR Part 68).

Special Conditions:

1. This Plan Approval is to allow the construction and operation of a Coal Preparation Plant by Fuel Recovery, Inc. at their Lilly Coal Refuse Site located in Washington Township, Cambria County (25 Pa. Code § 127.12b).

2. Air contamination sources at the facility are as follows: (25 Pa. Code § 127.12b)

- Trucking raw and product coal (unpaved roads).
- Refuse coal screen and conveyors:
 - Screen, Finlay 790 Trommel, 200 tph or equivalent.
 - Feed, oversize and product conveyors.
- Oversize refuse stockpile.
- Product stockpile.
- Truck loadout by front-end loaders.
- Site preparation and grading.
- Roadways.

3. Air pollution prevention equipment at the facility includes the following: (25 Pa. Code § 127.12b)

- Pressurized water truck with pressurized spray gun; stockpile and roadway control.
- Paving or periodic chipping and truck tarping; roadway control.
- Partial enclosures of conveyors, full enclosure of screen; transfer point and screen control.
- Truck loadout by front-end loaders; coal moisture greater than 5% for fugitive emission control.

4. The throughput at the facility shall be limited to 200,000 tons of raw coal in any consecutive 12-month period (25 Pa. Code § 127.12b).

5. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

6. There shall be no malodors from the facility in accordance 25 Pa. Code § 123.31.

7. A pressurized water truck shall be maintained onsite and shall be used for dust suppression purposes (25 Pa. Code § 127.12b).

8. Coal shall be stockpiled in such a manner that it may be adequately wetted by the onsite pressurized water truck to control fugitive emissions. All coal shall be adequately wetted prior to, during and after processing, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

9. All conveying equipment and front-end loaders used to stockpile, transfer and load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

10. The Owner/Operator shall employ the use of existing vegetation as wind barriers around coal storage piles (25 Pa. Code § 127.12b).

11. The plant access roads shall be paved or periodically delineated with gravel or crushed stone, as neces-

sary to prevent fugitive emissions from crossing the property line (25 Pa. Code § 127.12b).

12. In-plant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

13. Road watering and sweeping shall be performed, as needed, and earth or other material transported from the site shall be removed promptly, as needed, on the paved public road (T-417 or Memorial Drive) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

14. Truck loadout from the facility may be by front-end loader (25 Pa. Code § 127.12b).

15. The Owner/Operator shall post the following: (25 Pa. Code § 127.12b).

a. A requirement stating, "All loaded trucks entering or exiting the plant property shall be properly tarpaulin covered."

b. A speed limit of 15 mph or less on all plant access roads.

16. The Owner/Operator shall perform a daily inspection of the facility for the presence of fugitive emissions and malodors during daylight hours. Records each inspection shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

17. The Owner/Operator shall maintain records of the amount of coal refuse processed at the facility in tons on a 12-month rolling basis (25 Pa. Code § 127.12b).

18. Logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department of Environmental Protection (Department) upon request (25 Pa. Code § 127.12b).

19. The facility is subject to New Source Performance Standards for Coal Preparation Plants (40 CFR Part 60, Subpart Y). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted.

Director
Air Toxics and Radiation
US EPA, Region III
1650 Arch Street
Philadelphia PA 19103-2029

Department of Environmental Protection
Bureau of Air Quality
400 Waterfront Drive
Pittsburgh, PA 15222-4745

20. Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

a. The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b. Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c. Upon receipt of the Notice of the Completion of Construction from the Owner/Operator, the Department shall authorize a 180-day Period of Temporary Operation of the sources starting on the date of commencement of operation. This Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit (SOOP) application, at least 60 days prior to the expiration date of the Plan Approval.

f. The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

g. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operation
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

For additional information you may contact the following at the same address:

Sharene Shealey
Air Quality Engineering Specialist
(412) 442-5807

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

25-951B: American Enterprises MPT, LP (1802 Cranberry Street, Erie, PA 16502-1551) for installation of two baghouses, as described in the applicant's application of September 14, 2007 in the City of Erie, **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the City of Erie, Erie County. This plan approval will authorize the applicant to install two baghouses, as described in the applicant's application of September 14, 2007. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The two baghouses are being installed to control fugitive emissions from the torch cutting operation. Based on the information provided by the applicant and the Department's own analysis, the two baghouses will reduce the emissions from the torch cutting operation to 0.01 ton of PM per year.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-951B.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager,

Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05071: Sealed Air Corp. (450 Riverfront Drive, Reading, PA 19602-2600) for operation of a recycled paper manufacturing plant in the City of Reading, **Berks County**. One of the boilers at the plant is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources. This action is a renewal of the Title V operating permit issued in 2003.

22-05014: Ames True Temper, Inc. (1500 South Cameron Street, Harrisburg, PA 17104) for operation of their steel tub wheelbarrow manufacturing facility in the City of Harrisburg, **Dauphin County**. This is a renewal of the Title V permit issued to the facility in 2003.

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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

23-00094: CCL Label, LLC (1515 Garnet Mine Road, Boothwyn, PA 19061) for operation of the rotogravure printing press and automated parts washer equipment at their plant located in Boothwyn Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The proposed permit will incorporate conditions from the previously issued Plan Approval Nos. 23-0094 and 23-0094A. It will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00027: 3M—Dyneon, LLC (50 Milton Drive, Aston, PA 19014) for a renewal non-Title V Facility, State-only, Synthetic Minor Permit in Chester Township, **Delaware County**. 3M—Dyneon, LLC are a manufacturing custom compound purchased resins facility. The facility has taken a site level restriction of 10 tpy of VOC's on a 12-month rolling period. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

23-00058: Haverford College (370 Lancaster Avenue, Haverford, PA 19041) for renewal of the State-only Operating Permit in Haverford Township, **Delaware County**. The original SOOP was issued February 24, 2003. The air pollutant emission sources at the campus includes three-1,000 kilowatt (kW) Peak Shaving Generators and five boilers that have the capacity to combust natural gas only or either natural gas or No. 2 fuel. The generators can use either diesel oil and/or No. 2 oil as fuel. The boilers are used to provide heat and hot water for the academic and residential buildings and the generators are used to generate power for lighting and communication.

15-00092: Mainline Hospital, Inc.—d/b/a Paoli Hospital (255 West Lancaster Avenue, Paoli, PA 19301) for a renewal non-Title V Facility, State-only, Synthetic Minor Permit in Willistown Township, **Chester County**. Mainline Hospital provides general medical and surgical ser-

vices. The facility has taken a site level restriction of 24.9 tpy of NO_x, on a 12-month rolling basis. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

29-03008: Lafarge North America (300 East Joppa Road, Suite 200, Towson, MD 21286) for operation of a limestone crushing plant in Bethel Township, **Fulton County**. The plant includes equipment subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This action is a property transfer from the previous owners, H. B. Mellott Estate, Inc.

36-03061: IFS Industries, Inc. (400 Orrton Avenue, P. O. Box 1053, Reading, PA 19603) for operation of an adhesives manufacturing facility in the City of Reading, **Berks County**. This is for renewal of the existing permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05090: The Hershey Company, Y & S Candies, Inc. (400 Running Pump Road, Lancaster, PA 17603) for operation of their candy manufacturing facility in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in 2003.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

65-00932: C-K Composites, Inc. (361 Bridgeport Street, Mount Pleasant, PA 15666) for manufacture of resin-impregnated wood, filament-wound tubes and cast and molded epoxy resin at their facility in Mount Pleasant Township, **Westmoreland County**. Emissions from this facility shall not exceed 100 tons SO₂, 100 tons NO_x, 100 tons PM₁₀, 50 tons VOCs, 10 tons of a single HAP and/or 25 tons of all HAPs combined. This is a State-only Operating Permit Renewal.

30-00109: Equitrans (200 Allegheny Center Mall, Pittsburgh, PA 15212) for operation of a natural gas transmission station at their facility in Center Township, **Greene County**. Emissions from this facility shall not exceed 100 tons SO₂, 100 tons NO_x, 100 tons PM₁₀, 50 tons VOCs, 10 tons of a single HAP and/or 25 tons of all HAPs combined. This is a State-only Operating Permit Application.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.

10-00047: BASF Corp. (1424 Mars-Evans City Road, Evans City, PA 16033) for re-issuance of the Natural Minor Permit to operate an industrial inorganic chemicals manufacturing facility. The facility's major emission sources include boilers, miscellaneous natural gas combustion, super oxide process, MDEB and TEB process, batch borane chemical synthesis, drum cleaning and lab hoods, borane derivatives, bag filling station, hydrogen production, heated T-butanol storage tanks, alkali metals oxide production, dryer/pack off system, pilot plant, diesel generator, potassium production, vacuum cylinder cleaning, dust loading packoff, tank farm and truck loading and miscellaneous emergency generators. The facility is located in Forward Township, **Butler County**. The facil-

ity is natural minor because the emission of pollutants from the facility is less than Title V threshold limit.

42-00111: Ethan Allen, Inc.—Eldred Division (3289 Route 446, Eldred, PA 16731) a Natural Minor Operating Permit for the operation of the facility's air contamination sources consisting of: wood working operation, six (0.5 mmBtu/hr) ovens, seven spray booths and an emergency generator for the manufacturing of wood household furniture in the Borough of Eldred, **McKean County**.

43-00259: Grove City Medical Center (631 North Broad Street Extension, Grove City, PA 16127) for a re-issuance Natural Minor Permit to operate a general medical hospital with surgical facilities in Township of Pine, **Mercer County**. Emissions sources associated with this facility include dual fuel steam boilers, natural gas fired hot water boilers, hot water heaters and one emergency generator. The facility is natural minor because the emission of pollutants from the facility is less than the Title V threshold limits. The previous name of this facility was United Community Hospital.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a

particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and

telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (total)	2.0mg/l	4.0mg/l	5.0mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0;	less than 9.0
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

Permit Number 32951301 and NPDES Permit No. PA0215821, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the Toms Run Mine in Burrell Township, **Indiana County** from Penn American Coal, LP and change the operation name from Burrell Mine. No additional discharges. Application received November 13, 2007.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11970106. Laurel Sand & Stone, Inc., (P. O. Box 556, Ligonier, PA 15658-0556), permit renewal for reclamation only of a bituminous surface mine in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving streams: UNT to South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 3, 2007.

56920106. Sherpa Mining Contractors, Inc., (337 Benny Road, Hooversville, PA 15936), transfer of an existing bituminous surface mine from Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, located in Shade Township, **Somerset County**, affecting 276 acres. Receiving streams: UNTs to Hinson Run, Shade Creek and Stonycreek River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 6, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

02070105 and NPDES Permit No. PA0251275. Neiswonger Construction, Inc. (17592 Route 322,

Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 51.7 acres. Receiving streams: UNTs to Monongahela River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 27, 2007.

03030106 and NPDES Permit No. PA0250431. Thomas J. Smith, Inc. (2340 Smith Road, Sheloceta, PA 15774). Renewal application for reclamation only of an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 66 acres. Receiving streams: UNTs to Sugar Camp Run. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received December 13, 2007.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

24960101 and NPDES Permit No. PA0227120. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Transfer of an existing bituminous surface strip, auger and use of coproduct operation in Horton Township, **Elk County** affecting 235.0 acres. Receiving streams: Mead Run and UNTs to Mead Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Energy Resources, Inc. Application received December 17, 2007.

24990101 and NPDES Permit No. PA0241491. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Transfer of an existing bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 588.0 acres. Receiving streams: UNTs of Mead Run and Mead Run; UNTs of Little Toby Creek and Little Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Energy Resources, Inc. Application received December 17, 2007.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17070117 and NPDES No. PA0256676. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801),

commencement, operation and restoration of a bituminous surface and auger mine in Knox Township, **Clearfield County**, affecting 180.8 acres. Receiving stream: Potts Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 30, 2007.

17970112 and NPDES No. PA0220680. Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651), permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Bigler Township, **Clearfield County**, affecting 212.4 acres. Receiving stream: UNT to Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 14, 2007.

17663136 and NPDES No. PA0126870. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858), revision of an existing bituminous surface mine to change land use in Graham Township, **Clearfield County**, affecting 202.0 acres. Receiving streams: Flat Run and Mons Run to Alder Run to West Branch Susquehanna to Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2007.

17010110 and NPDES No. PA0243132. River Hill Coal Company, Inc. (Memorial Street, P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued

operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 320.0 acres. Receiving streams: Upper Morgan Run and tributaries to Upper Morgan Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 7, 2007.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

54683043C11. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine operation to include coal refuse reprocessing in Mahanoy Township, **Schuylkill County**, affecting 1,328.0 acres, receiving stream: none. Application received December 6, 2007.

54850201T. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation from Ginther Coal Company in Blythe Township, **Schuylkill County** affecting 31.1 acres, receiving stream: none. Application received December 7, 2007.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03052001 and NPDES Permit No. PA0250651. M & M Lime Co., Inc. (215 Nichola Road, Worthington, PA 16262). Application received to revise permit to add 60.6 acres of underground mining to an existing noncoal surface mining site located in West Franklin Township, **Armstrong County**, affecting 77.4 surface mining acres. Receiving streams: UNT to Buffalo Creek, classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream of the point of discharge. Application received December 14, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the

involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the

specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-226. Philadelphia Water Department, 1101 Market Street, Aramark Tower, 2nd Floor, Philadelphia, PA 19107-2994, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities within Venice Island which is situated between the Schuylkill River (WWF, MF) and the Manayunk Canal:

- a. To construct and maintain a 3 million gallon off line storage tank to capture combined sewer overflows.
- b. To place fill within the 100-year floodway at two locations, 12,781 and 11,850 cubic yards respectively, to facilitate construction of two proposed buildings. Work will also involve the removal of 931 cubic yards of fill in the floodway in the general vicinity.
- c. To construct and maintain two stormwater outfalls to the Schuylkill River.

This project is located approximately 1,000 feet east of the intersection Main Street and Shurs Ave Avenue (Delaware Avenue) (Germantown, PA USGS Quadrangle N: 4.15 inches; W: 13.4 inches).

E15-768 and E15-778. Heritage Building Group, Inc., 2500 York Road, Furlong, PA 18929, South Coventry Township, **Chester County**, ACOE Philadelphia District.

To re-open the permit file E15-768. To perform the following water obstruction and encroachments activities associated with the proposed Symons Farm Subdivision and Land Development, a combination commercial and residential development. The project is located on the west side of PA Route 100 approximately 1,900 feet south of PA Route 23 (Pottstown, PA Quadrangle N: 5.6 inches; W: 8.1 inches).

1. To relocate 306 linear feet of a UNT of French Creek (EV) and to place fill within the abandoned channel to facilitate construction of Road A, an access to the proposed development from SR 0100.
2. To construct and maintain a 30-foot span bridge across the relocated channel noted previously.
3. To install and maintain utility line crossings; 12-inch diameter water line, an 8-inch diameter sanitary sewer lines and 2-inch diameter sanitary force main, within the footprint of the bridge.

4. To install and maintain outfalls EW5, EW8 and EW9 along the relocated channel.

The project will also include the extension of the existing box culvert under SR 0100 by Department of Transportation and permit No E15-778 was assigned to this activity.

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-484. Horizon Builders and Development, LLC, N. Thomas Papay, 4145 Friedens Road, Slatington, PA 18080-3810, in Slatington Borough, Washington Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 2.0 acres of wetland/abandoned quarry pit for the purpose of a residential development. The project is located at approximately 300 yards north of the intersection of 7th and West Church Streets (Cementon, PA Quadrangle N: 22.74 inches; W: 16.25 inches).

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

E38-158: North Cornwall Township, 320 South 18th Street, Lebanon, PA 17042, North Cornwall Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain one softball field and two Little League baseball fields each with a 35-foot wide backstop, four pavilions, two volleyball courts and a parking lot all completely located in the floodplain, and a 16.0-foot wide by 650-foot long grass lined swale for the conveyance of stormwater, 8 foot wide by 2,625 linear feet long of walking path located in the floodway and 8 foot wide by 3,071 linear feet long walking path located in the floodplain, and two soccer fields partially located in the floodplain and partially located in the floodway of Snitz Creek (TSF) (Lebanon, PA Quadrangle N: 13.39"; W: 10.54", Latitude: 40° 19' 23"; Longitude: 76° 27' 2.5" W) located just off of Oak Street in North Cornwall Township, Lebanon County. The purpose of the project is to create a recreational area for the public to utilize. No impacts to wetlands are proposed.

E06-632: Metropolitan Edison Co.—Schuylkill River Crossing, Kathryn Kunkel, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001, Cumru Township and Reading Borough, **Berks County**, ACOE Baltimore District.

To construct and maintain an aerial electric line consisting of two single steel poles and four wires, all having a span of 644.0 feet and underclearances of 36.10 feet, 46.70 feet, 57.30 feet and 69.30 feet, over the Schuylkill River (WWF) (Reading, PA Quadrangle N: 16.0 inches; W: 8.5 inches, Latitude: 40° 19' 25"; Longitude: 75° 55' 17") Cumru Township and the Borough of Reading, Berks County.

E22-527: Cedar-Clock Tower, LLC, Blue Mountain Commons, Chris Fencel, 3307 Trindle Road, Camp Hill, PA 17011, Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To fill a 1.089 acre pond and a 0.184 acre stormwater detention facility for the purpose of constructing a commercial building and related parking areas. The proposed impacts are associated with a UNT to the Paxton Creek (WWF). The project is located 2300 Linglestown Road (Harrisburg East, PA Quadrangle N: 15.10; W: 15.30, Latitude: 40° 20' 0"; Longitude: 76° 51' 36") in Susquehanna Township, Dauphin County.

E22-528: Steelton Terminals Corporation, Steve Carten, P. O. Box 2621, Harrisburg, PA 17105, Steelton Borough, Swatara Township, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To install and maintain six 12-inch steel pipes encased in concrete in a UNT to Laurel Run (WWF) and in Laurel

Run (WWF). The project is located north of SR 230 approximately 1 1/4 miles south of its intersection with I-76 (Steelton, PA Quadrangle N: 18.1 inches; W: 7.1 inches, Latitude: 40° 13' 29"; Longitude: 76° 48' 2") in Steelton Borough, Swatara and Lower Swatara Townships, Dauphin County. The project purpose is to convey petroleum from an existing facility to proposed storage tanks.

E01-278: Porto Vecchio Properties, LLC, 113 Westminster Road, Suite 200, Reisterstown, MD 21136, Hampton Village, Reading Township, **Adams County**, ACOE Baltimore District.

To construct and maintain: (1) a 6.0-foot by 2.5-foot by 74.0-foot long box culvert and its associated rip-rap and a 2-inch diameter sanitary sewer force main in a UNT to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 10.1 inches; W: 7.0 inches, Latitude: 39° 55' 50"; Longitude: 77° 3' 00"); (2) a 12.0-foot by 5.0-foot by 58.0-foot long box culvert and its associated rip-rap and a 8-inch diameter sanitary sewer line in a UNT to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 9.7 inches; W: 7.4 inches, Latitude: 39° 55' 41"; Longitude: 77° 3' 13"); (3) a 6.0-foot diameter by 87-foot long RCP and its associated rip-rap in a UNT to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 9.2 inches; W: 7.2 inches, Latitude: 39° 55' 28"; Longitude: 77° 3' 6"); and (4) a 6.0-foot wide pedestrian bridge with a single span of 50 feet with an underclearance of 6.0 feet across a UNT to Conewago Creek (WWF) and a 8.0-inch diameter sanitary sewer line strapped at the downstream end of the bridge (Hampton, PA Quadrangle N: 9.3 inches; W: 6.8 inches, Latitude: 39° 55' 33"; Longitude: 77° 2' 55"), all for the purpose of constructing a residential development called Shemon Property located about 2,000 feet southeast of the PA 394 and PA 94 intersection in Hampton Village, Reading Township, Adams County.

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

E16-135: Equitable Gas Company, 225 North Shore Drive, Pittsburgh, PA 15212-5861. Limestone Compressor Station and Pipeline in Limestone Township, **Clarion County**, ACOE Pittsburgh District (Strattanville, PA Quadrangle N: 41° 7' 37.5"; W: 79° 18' 58.2").

To conduct the following activities associated with the construction of a natural gas compressor station:

1. To place fill and construct structures within the 100-year flood plain of Piney Creek for the construction of a natural gas compressor station southwest of the intersection of Limestone and Kossman Roads.

2. To install and maintain a natural gas pipeline across Piney Creek southwest of the intersection of Limestone and Kossman Roads.

3. To install and maintain an 8-inch natural gas pipeline across three tributaries to Piney Creek within an existing abandoned railroad grade embankment north of Piney Creek between Kossman Road and Forest Drive, a total distance of approximately 1.6 miles.

E20-565: Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301. SR 0089, Segment 0060, Offset 1165 over Church Run, in Oil Creek Township, **Crawford County**, ACOE Pittsburgh District (Titusville North, PA Quadrangle N: 41° 39' 2.69"; W: 79° 39' 20.5").

To remove the existing 96 inch CMP and to construct and maintain a 100-foot long, 121 inch by 77 inch

elliptical reinforced concrete culvert and to realign approximately 0.5 mile of SR 0089 and to relocate 280 feet of Church Run, approximately 1.5 miles NE of Titusville and to place and maintain fill in 0.037 acre of PEM/PSS wetlands.

The 0.037 acre of wetland impacts will be deducted from the Department of Transportation, District 1-0 wetland banking site at the Polk Wetland Replacement Area.

E33-229: P C Exploration, Inc., 502 Keystone Drive, Warrendale, PA 15086. Calvin Shaffer Road across Rose Run in Perry Township, **Jefferson County**, ACOE Pittsburgh District (Valier, PA Quadrangle N: 40° 57' 17"; W: 79° 2' 42.6").

To install and maintain a 30-foot long, 48-inch arch culvert and a natural gas pipeline across Rose Run and de minimis impact to adjacent wetland on a driveway to serve as access for well plugging and a private access to property extending east from Harper Road approximately 0.4 mile south of SR 536.

E42-338: Paul Wittenbrink, 434 Hammock Drive, Orchard Park, NY 14127. Wittenbrink Residence Small Flow Treatment Facility Outfall to Chandler Run, in Corydon Township, **McKean County**, ACOE Pittsburgh District (Stickney, PA-NY Quadrangle N: 41° 58' 55.8"; W: 78° 49' 7.4").

To construct and maintain a 4-inch diameter PVC outfall pipe from a small flow treatment facility along the left side of Chandler Run (HQ-CWF) at a private residence along the east side of Wolf Run Road approximately 4.5 miles north of SR 346.

E61-282: Donald E. Hall, Department of Transportation Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. Cooperstown Bridge Replacement SR 0427 Section B01 over Sugar Creek (CWF), in Cooperstown Borough, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 41° 29' 55.5"; W: 79° 52' 12.5").

To remove the existing steel multi-girder bridge having two spans of 61.42' each, a minimum underclearance of 11.42' and a 90° skew and to re-align the roadway approaches and to construct and maintain a concrete spread box beam bridge having two equal spans of 65.175' a minimum underclearance of 11.42' and a 75° skew.

E61-283: Venango County Conservation District, 1793 Cherrytree Road, Franklin, PA 16323-7539. Sugar Creek Stream Protection, in Sugar Creek Borough, **Venango County**, ACOE Pittsburgh District (Utica, PA Quadrangle N: 41° 27' 15"; W: 79° 53' 31").

The applicant proposes to construct and maintain a stream stabilization and habitat improvement project for a length of approximately 500 feet of Sugar Creek utilizing log vanes, log sills, habitat rocks, native rock riprap, plantings and a bankfull bench. Project includes construction of a fishing access ramp. Sugar Creek is a perennial stream classified as a CWF.

ENVIRONMENTAL ASSESSMENTS

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

EA56-004. Shade Creek Watershed Association, 314 Central Avenue, Suite 205, Central City, PA 15926. To place limestone sand along several watercourses in Shade Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to place approximately 23 or 46 tons of limestone sand annually in and/or along several headwater watercourses, within the Dark Shade Creek Watershed, to improve water quality and aquatic life, in the upper portion of this basin, which is affected by acid mine drainage and acid deposition. In the initial year of application, the dosage of limestone sand will be 2 to 3 times greater than the aforementioned dosage, in order to prime the watershed. The watercourses selected to receive dosage applications include Coal Run (CWF), Panther Run (local name), Shingle Run (CWF), Snoden Run (local name), Beaverdam Run (HQ/CWF), Berkebile Run (local name), Laurel Run (CWF), Miller Run (CWF) and the main stem of Dark Shade Creek (CWF). Except for the Miller Run sites, applications will be located above the confluence of Dark Shade Creek and Laurel Run (Central City, PA Quadrangle Latitude: 40° 7' 7.5"; Longitude: 78°

48' 38.2"). This was originally published in the 37 Pa.B. 5829 (October 27, 2007), under Environmental Assessment application.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D45-220. William M. Balliet, Jr., 3210 North Second Street, Whitehall, PA 18052. To construct, operate and maintain the Lake Jamie Dam across the Leavitt Branch Brodhead Creek (HQ-CWF), impacting 175 linear feet of the stream channel, for the purpose of reconstructing the previously breached dam (Buck Hill Falls, PA Quadrangle N: 21.5 inches; W: 4.45 inches) in Barrett Township, **Monroe County**.

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 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 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP

<i>Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07016	Emil Rarick Fuel Delivery 250 Tremont Road Pine Grove, PA 17963 Attn: Emil Rarick	Schuylkill	Pine Grove Township	4 ASTs storing regulated substances	60,000 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061328 (Minor Sewage)	Lake Wynonah Municipal Authority 686 Berne Drive Auburn, PA 17922	South Manheim Township Schuylkill County	Plum Creek 03A	Y
PA0062529 (Minor Industrial Waste)	Schuylkill County Municipal Authority (Broad Mountain Water Treatment Plant) 221 South Centre Street Pottsville, PA 17901	Blythe Township Schuylkill County	Wolf Creek 03A	Y
PA0028908	Department of Agriculture Region III P. O. Box C Tunkhannock, PA 18657-0318	Tunkhannock Township Wyoming County	North Branch Susquehanna River 4G	Y
PA0070246	Parkland School District Kernsville Elementary School 2219 North Cedar Crest Boulevard Allentown, PA 18104	Lehigh County North Whitehall Township	Jordan Creek 02C	Y
PA0062243	Borough of Nesquehoning 114 West Catawissa Street Nesquehoning, PA 18240-1511	Nesquehoning Borough Carbon County	Nesquehoning Creek 2B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032964 (SEW)	Department of Conservation and Natural Resources Bureau of State Parks P. O. Box 8551 Harrisburg, PA 17105-8551	Fulton County Todd Township	South Branch Little Aughwick Creek 12-C	Y
PA0246620 (IW)	Norfolk Southern Railway Company 110 Franklin Road S.E. Box 13 Roanoke, VA 24042-0013	Dauphin County Swatara Township	UNT to Spring Creek 7-C	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS224801 IW	Patterson Lumber Co., Inc. P. O. Box 57 Wellsboro, PA 16901	West Branch Township Potter County	West Branch Pine Creek 9A	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0219134 Industrial Waste	Allegheny Energy Units 3—5, LLC 800 Cabin Hill Drive Greensburg, PA 15601	Allegheny County Springdale Township	Allegheny River	Y
PA0095044 Sewage	Northgate Townhouses Condo Association 380 Z Northgate Drive Apollo, PA 15613	Westmoreland County Washington Township	UNT of Pine Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103713	Scrubgrass Generating Company, LP	Scrubgrass Township Venango County	Allegheny River (Outfall 001) Falling Spring Run (Out fall 002) and the UNT to the Allegheny River (Outfall 003) 16-G	Y

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

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

NPDES Permit No. PA0082015, Amendment No. 1, Sewage, Meadows Sewer Company, 2846 Main Street, 12A, Morgantown, PA 19543-9490. This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0055328, Amendment No. 06-1, Industrial Waste, New Morgan Landfill Company, Inc., 420 Quarry Road, Morgantown, PA 19543. This proposed facility is located in New Morgan Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conestoga River in Watershed 7-J.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E10-437, G. L. McKnight, Inc., P. O. Box 774, 600 Centreville Pike, Slippery Rock, PA 16057. Weathervane Hill Pedestrian Bridge, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 41° 02' 57"; W: 80° 01' 48").

To construct and maintain 4-foot wide timber bridge having for spans for a total of 83 feet and a maximum underclearance of about 10 feet across a tributary to Slippery Rock Creek (CWF) and adjoining wetlands for a scenic walkway connecting Phases 1 and 2 to Phase 3 of the Weathervane Hill residential development along Harmony Road (T-376) approximately 1,500 feet north of SR 173.

E25-513A, Lauderdale Estates Improvement Association, P. O. Box 5241, Conneaut Lake, PA 16316. Marina 1 and 2 Upgrade, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonsborg, PA Quadrangle N: 3.2 inches; W: 7.75 inches).

The applicant is proposing to amend Permit E25-513 which authorized the Lauderdale Estates Improvement Association to repair, operate and maintain walls, bulkheads, docks and other appurtenant structures, including maintenance dredging, associated with three boat docking areas for Lauderdale Estates located along the east side of a canal tributary to the north end of Conneaut Lake west of East Canal Drive (Harmonsborg, PA Quadrangle N: 3.2 inches; W: 7.75 inches) in Summit Township, Crawford County.

The applicant is proposing to amend Permit E25-513 to authorize the Lauderdale Estates Improvement Association to conduct the following activities in Lauderdale Estates ports 1—3 located along the east side of a canal tributary to the north end of Conneaut Lake west of East Canal Drive (Harmonsborg, PA Quadrangle N: 3.2 inches; W: 7.75 inches) in Summit Township, Crawford County: 1) replace the existing walls, bulkheads, and docks in ports 1 and 2 with vinyl sheet piling and floating docks; 2) to repair, operate and maintain the bulkheads, walls and docks in ports 1—3 and 3) to

conduct dredging of ports 1 and 2 (approximately 1,000 cubic yards of material). Project includes construction of a temporary dewatering area for the dredged material located within the 100-year floodplain of Conneaut Lake on the Lauderdale Estates beach.

E25-712, Michael J. Bray, 8223 Mill Street, Girard, PA 16417-9301. Michael Bray Bridge, in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 41° 51' 30"; W: 80° 03' 35").

The applicant proposes to construct a private residence including a 2,400-foot long driveway approximately 1.5 miles NE of the intersection of Krietz Road and SR 1027 involving to construct and maintain: 1) a bridge over Little Conneauttee Creek having a clear span of approximately 60 feet and an underclearance of approximately 10 feet; 2) a 16-foot long, 3-foot diameter culvert pipe crossing of a UNT to Little Conneauttee Creek; 3) five driveway wetland crossings having lengths of 118 feet, 490 feet, 15 feet, 20 feet and 580 feet respectively; and 4) 0.26 acre of mitigation wetland onsite. Little Conneauttee Creek and the tributary are perennial streams classified as a CWF. The project proposes to directly impact approximately 60 feet of stream and 0.26 acre of wetland.

E33-228, Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. SR 0028 Sec 510 Game School Road 3R, in Warsaw Township, **Jefferson County**, ACOE Pittsburgh District (Hazen and Falls Creek, PA Quadrangle N: 41° 14' 10"; W: 78° 53' 45").

To place and maintain fill in 0.29 acre of PEM wetlands and to remove/replace and maintain five culverts having a combined existing length of 286 feet and a combined proposed length of 400' in UNTs to Mill Creek (CWF) as a part of a 3R roadway project located on SR 0028 Section 510.

The applicant is required to provide 0.29 acre of wetland banking as compensation for this project.

E42-334, Tuna Valley Trail Association, 20 Russell Boulevard, Bradford, PA 16701. Tuna Valley North Trail—Crook Farm Loop, in Foster Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41° 59' 00"; W: 78° 37' 30").

To construct and maintain approximately 7,500 feet of pedestrian/bicycle trail measuring approximately 10 feet wide and constructed at grade along the east bank and within the 100-year floodway of Tunungwant Creek extending upstream from SR 356 to Tuna Cross Road including a steel beam bridge having a span of 75 feet and an underclearance of 12.6 feet across Foster Brook approximately 100 feet upstream of its confluence with Tunungwant Creek.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 6707411, Sewage, **Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17019. This proposed facility is located in Monroe Township, **Cumberland County** and Carroll Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of approximately 3,060 LF of 12-inch and 15-inch diameters from Berkshire Hills crossing Yellow Breeches Creek and a wetland to connect with existing interceptor for conveyance to Yellow Breeches pump station.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. WQG01410702, Sewerage, SIC 4952, **Jason C. Harris**, 597 White Church Road, Muncy, PA 17756. This proposed facility is located in Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: A permit has been issued authorizing the design of a Small Flow Treatment Facility serving the Harris Residence. The facility consists of a 1,050 gallon dual compartment septic tank, a 648 square foot subsurface sand filter, an erosion chlorinator and chlorine contact tank. Approximately 400 gpd will be discharged to a UNT to Twin Run, a WWF.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0307203, Industrial Waste, **Dominion Transmission, Inc.**, DL Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA 15212. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for precipitation and filtration of dissolved iron from groundwater infiltrate.

WQM Permit No. 0407401, Sewerage, **Janice Polito**, 256 Park Lane, Darlington, PA 16115. This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

WQM Permit No. 6505412, Sewerage, **Hempfield Township Municipal Authority**, R. D. 6, Box 501, Greensburg, PA 15601. This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers and pump stations to serve the Andrew Run Area of Hempfield Township.

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

WQM Permit No. WQG018580, Sewerage, **Richard and Heidi Warner**, 110 Hobart Boulevard, Slippery Rock, PA 16057. This proposed facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018583, Sewerage, **Josephine C. Altman**, 821 Shenango Stop Road, New Castle, PA 16101. This proposed facility is located in Shenango Township, **Lawrence County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

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

WQM Permit No. 1507414, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pump station to serve 25 units of a proposed subdivision.

WQM Permit No. 2307201, Sewerage, **Cott Beverage, Inc.**, 1 Aldan Avenue, P. O. Box 626, Concordville, PA 19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Addition of a 100,000 gallon equalization tank at the head of the wastewater treatment plant expandable to 177,000.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G524R	Baker Residential of PA, LLC d/b/a Iacobucci Homes 2 EF Raymond Drive Havertown, PA 19083	Chester	Penn Township	East Branch Big Elk Creek HQ
PAI011507005	Pond Works c/o Bucholtz Associates, Inc. 2263 Romig Road Pottstown, PA 19464	Chester	Wallace Township	East Branch Brandywine Creek HQ-TSF-MF
PAI011507011	AMCC Properties III, Inc. P. O. Box 549 Norristown, PA 19404	Chester	East Coventry Township	UNT Pigeon Creek and Schuylkill River HQ-TSF
PAI011507043	WaWa, Inc. 260 Baltimore Pike Red Roof Office WaWa, PA 19063	Chester	Westtown Township	Chester and Ridley Creeks TSF-MF-HQ-TSF
PAI012303009	Gray Creighton 475 Highland Avenue Media, PA 19063	Delaware	Upper Providence Township	Ridley Creek HQ-TSF
PAI011506082	Whiteland Village, LLC 850 Springdale Drive Exton, PA 19341	Chester	East and West Whiteland Townships	West Branch Valley and Valley Creeks CWF-EV
PAI015107005	WV Group Holdings, LLC 120 West Germantown Pike Plymouth Meeting, PA 19462	Philadelphia	City of Philadelphia	Frankford and Tacony Creeks and Delaware River WWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032807001	Briarpatch, LLC Arnie Shank 730 Norland Avenue Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Creek HQ-CWF
PAI032107001	Traditions of America-Anderson 1233 Locust Street 4th Floor Philadelphia, PA 19107	Cumberland	South Middleton Township	Letort Spring 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).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of 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	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Chester Borough Chester County	PAG2001507065	University Student Housing, LLC 101 Filano Hall 628 South High Street West Chester, PA 19383	Plum Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG2001507062	PECO Energy Company 1040 West Swedesford Road Berwyn, PA 19312	West Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Caln Township Chester County	PAG2001507047	Moher Madarst and Maroun Abriand 1571 Caln Meetinghouse Road Downingtown, PA 19335	West Branch Brandywine Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107050	Philadelphia Regional Port Authority 3460 North Delaware River Philadelphia, PA 19134	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG2000907116	Draper DBS, Inc. 1803 North Fifth Street Perkasie, PA 18944	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Salford Township Montgomery County	PAG2004607123	Hiram and Mary Jane Hershey 1191 Sumneytown Pike Route 63 Harleysville, PA 19438	Vauhn Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004607116	Providence Business Park, LLC 1030 West Germantown Pike East Norriton, PA 19403	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Gwynedd Township Montgomery County	PAG2004607136	Gwynedd Mercy College 1325 Summeytown Pike Gwynedd Valley, PA 19437	Trewellyn Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Pottsgrove Township Montgomery County	PAG2004607017	Rich Mingy 63 Chestnut Road Paoli, PA 19301	Sprogels Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004607125	Montgomery Square United Methodist Church P. O. Box 1294 918 Bethlehem Pike North Wales, PA 19454	Little Neshaminy Creek MF, WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Mahantongo Township Schuylkill County	PAG2005407006	J. Randall Blick 1479 Westbranch Highway Winfield, PA 17889	Mahantongo Creek CWF	Schuylkill County Conservation District (570) 622-3742
Lenox Township Susquehanna County	PAG2005807002	Jens C. Sorensen R. R. 1 Box 1151 Nicholson, PA 18446	Tributary to Tunkhannock Creek CWF	Susquehanna County Conservation District (570) 278-4600
Upper Allen Township Cumberland County	PAG2002107040	James Macdonald II Cottage Brook 202 North Baltimore Street Dillsburg, PA 17019	Yellow Breeches Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Cumru Township Berks County	PAG2000607078	Allen Henn Williams Group, LLC 1 High Meadow Lane Leesport, PA 19533	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Centre Township Centerport Borough Berks County	PAG2000605077	William T. Fitzgerald Patriot Professionals Inc. P. O. Box 203 Temple, PA 19560	Irish Creek and Schuylkill Rivers WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Bedford Township Bedford County	PAG2000507009	WalMart Food Distribution 2001 SE 10th Street SWDC Beytonville, AR 72716	Dunning Creek CWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522
New Buffalo Borough Perry County	PAG2035007005	New Buffalo Borough P. O. Box 245 New Buffalo, PA 17069	Buffalo Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119

NOTICES

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hamilton Township Adams County	PAR100155R	Saleta Stewart Pine Run, Inc. 1880 Pine Run Road Abbottstown, PA 17301	UNT to Conewago Creek (Pine Run) WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamiltonban Township Adams County	PAG2000107031	Joseph A. Wagerman 2744 Iron Springs Road Fairfield, PA 17320	Miney Branch CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAG2000107038	William S. Shipley III Real Places, LLC 415 Norway Street P. O. Box 946 York, PA 17405 and Andrew Brough Conewago Enterprises 610 Edgegrove Road Hanover, PA 17331	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Armstrong County Plumcreek, Burrell, Kittanning, Manor and Bethel Townships	PAG2000307009	Reliant Energy Northeast Management Company 121 Champion Way Suite 200 Canonsburg, PA 15327-5817	UNT to Crooked Creek, UNT to Sugar Run, UNT to Fagley Run, UNT to Pine Run, Horney Camp Run and UNTs, UNT to Elbow Run, Campbell Run and UNTs, Crooked Creek and UNTs, Allegheny River and UNTs WWF Cherry Run and UNTs and North Branch of Cherry Run and UNTs CWF	Armstrong County CD (724) 548-3425
Butler County Cranberry Township	PAG2001007023	Mine Safety Appliances Company P. O. Box 426 Pittsburgh, PA 15230	Brush Creek WWF	Butler Conservation District (724) 284-5515
Erie County Millcreek Township	PAR10K206R	Maleno Developers Inc. 2340 West Grandview Avenue Erie, PA 16506	UNT to Millcreek WWF	Erie Conservation District (814) 825-6403
Mercer County Pine Township	PAG2004307012	Donald Duerring Mallard Lake Development, LLC P. O. Box 286 Portersville, PA 16051	Swamp Run CWF	Mercer Conservation District (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Somerset Township Somerset County	PAR806135	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Oil Creek Township Crawford County	PAR608346	Salvage Direct P. O. Box 306 Titusville, PA 16354	Oil Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Karns City Butler County	PAR808321	Superior Carriers, Inc. 711 Jorie Boulevard Suite 101 North Oakbrook, IL 60523	South Branch Bear Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County West Cocalico Township	PAG043629	Timothy J. and Pamela L. Boronow 25 Railroad Street Denver, PA 17517	Little Cocalico Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lycoming County Fairfield Township	PAG045247	Jason C. Harris 597 White Church Road Muncy, PA 17756	UNT to Twin Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Vernon Township Crawford County	PAG048542	Marvin N. Hamilton 13860 Hickory Lane Conneaut Lake, PA 16316	Watson Run 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Brady Township Butler County	PAG049380	Richard and Heidi Warner 110 Hobart Boulevard Slippery Rock, PA 16057	UNT to Slippery Rock Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Lawrence County	PAG049383	Josephine C. Altman 821 Shenango Stop Road New Castle, PA 16101	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG048882	Michael Blank 551 Watters Station Road Evans City, PA 16033	Glade Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County West Lampeter Township	PAG123641	Randall Andrews Spring Maple Farm 421 Penn Grant Avenue Lancaster, PA 17602	7J	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Warwick Township	PAG123639	Mark Will Lexington Farm, LLC 400 North Cedar Street Lititz, PA 17543	7F	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Strasburg Township	PAG123644	Duane Martin 46 Refton Road Refton, PA 17568	7K	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Strasburg Township	PAG123638	John Good Lime Valley Farms, Inc. 1307 Lime Valley Road Lancaster, PA 17602	7K	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Berks County Upper Tulpehocken Creek	PAG123649	Michael Werner Joe Jurgielewicz & Son, Ltd. P. O. Box 257 Shartlesville, PA 19554	7J	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Manor Township	PAG123637	Jay Bleacher 1173 Breneman Road Conestoga, PA 17516	7J	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
York County Conewago Township	PAG123645	John Sloat 170 Daugherty Road York, PA 17404	7F	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Dauphin County Londonderry Township	PAG123640	Melvin Nissley 1621 Pecks Road Middletown, PA 17057	7G	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County East Donegal Township	PAG123632	Robert Shearer 806 Anderson Ferry Road Mount Joy, PA 17552	7G	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County East Donegal Township	PAG123634	Robert Hess 686 Rock Point Road Mount Joy, PA 17552	7G	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County West Lampeter Township	PAG123633	Douglas Rohrer 1728 Bridge Road Lancaster, PA 17602	7K	DEP—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the

Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0907517, Public Water Supply.

Applicant	Sellersville Borough
Township	Sellersville Borough
County	Bucks
Type of Facility	PWS
Consulting Engineer	Cowan Associates 120 Penn-Am Drive P. O. Box 949 Quakertown, PA 18951
Permit to Construct Issued	December 3, 2007

Permit No. 1507510, Public Water Supply.

Applicant	Warwick Land Development, Inc.
Township	Warwick
County	Chester
Type of Facility	PWS
Consulting Engineer	The Arrow Group 270 Granite Run Drive Lancaster, PA 17601
Permit to Construct Issued	December 14, 2007

Permit No. 0907516, Public Water Supply.

Applicant	Plumstead Township
Township	Plumstead
County	Bucks
Type of Facility	PWS

Consulting Engineer	Ebert Engineering 4092 Skippack Pike Skippack, PA 19474
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Permit to Construct Issued	December 19, 2007
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4592506MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033 Hamilton Township
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County	Monroe
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Type of Facility	PWS
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Consulting Engineer	Scott Thomas, P. E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
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Permit to Construct Issued	December 17, 2007
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Permit No. 4086503MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033 Conyngham Township
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County	Luzerne
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Type of Facility	PWS
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Consulting Engineer	Scott Thomas, P. E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
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Permit to Construct Issued	December 17, 2007
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Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 4607508, Public Water Supply.

Applicant	Schwenksville Borough Authority
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Township	Schwenksville Borough
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County	Montgomery
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Type of Facility	PWS
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Consulting Engineer	Arro Consulting, Inc. 649 North Lewis Road Limerick, PA 19468
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Permit to Construct Issued	November 27, 2007
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Permit No. 0907517, Public Water Supply.

Applicant	Sellersville Borough
Township	Sellersville Borough

County	Bucks
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Type of Facility	PWS
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Consulting Engineer	Cowan Associates 120 Penn-Am Drive P. O. Box 949 Quakertown, PA 18951
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Permit to Construct Issued December 3, 2007

Permit No. 1507510, Public Water Supply.

Applicant **Warwick Land Development, Inc.**

Township Warwick

County **Chester**

Type of Facility PWS

Consulting Engineer The Arrow Group
270 Granite Run Drive
Lancaster, PA 17601

Permit to Construct Issued December 14, 2007

Permit No. 0907516, Public Water Supply.

Applicant **Plumstead Township**

Township Plumstead

County **Bucks**

Type of Facility PWS

Consulting Engineer Ebert Engineering
4092 Skippack Pike
Skippack, PA 19474

Permit to Construct Issued December 19, 2007

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0107508, Public Water Supply.

Applicant **Chesapeake Estates Mobile Home Park**

Municipality Mt. Pleasant Township

County **Adams**

Type of Facility Construction of a new storage tank and booster pump station.

Consulting Engineer Janet R. McNally, P. E.
William F. Hill & Assoc., Inc.
207 Baltimore Street
Gettysburg, PA 17325

Permit to Construct Issued December 17, 2007

Operations Permit issued to **Greenfield Township Municipal Authority**, Greenfield, **Blair County** on December 17, 2007, for the operation of facilities approved under Construction Permit No. 0701503 MA.

Operations Permit issued to **R.P.R. Recreation Limited Partnership**, 4310821, Lincoln Township, **Huntingdon County** on November 28, 2007, for the operation of facilities approved under Construction Permit No. 3105502.

Operations Permit issued to **Dutchman's Country Market, Inc., d/b/a Dutch-Way Farm Market**, 7380337, Heidelberg Township, **Lebanon County** on December 10, 2007, for the operation of facilities approved under Construction Permit No. 3807503.

Operations Permit issued to **Crazy Horse Steakhouse**, 7010930, Berwick Township, **Adams County** on December 10, 2007, for the operation of facilities approved under Construction Permit No. 0107511.

Operations Permit issued to **United Water Pennsylvania**, 7210054, Upper Allen Township, **Cumberland County** on November 16, 2007, for the operation of facilities approved under Construction Permit No. 2107504 MA.

Operations Permit issued to **West Manchester Township Authority**, 7670101, West Manchester Township, **York County** on November 8, 2007, for the operation of facilities approved under Construction Permit No. 6707506 MA.

Operations Permit issued to **Glen Rock Water Authority**, 7670050, Glen Rock Borough, **York County** on September 28, 2007, for the operation of facilities approved under Construction Permit No. 6707507.

Operations Permit issued to **Splashes Swim Club**, 7360660, Bart Township, **Lancaster County** on August 13, 2007, for the operation of facilities approved under Construction Permit No. 3607505.

Operations Permit issued to **United Water Pennsylvania**, 7210054, Upper Allen Township, **Cumberland County** on October 24, 2007, for the operation of facilities approved under Construction Permit No. 2107503 MA.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. M.A.—Operation, Public Water Supply.

Applicant **PA American Water Company**

Township or Borough Bradford Township

County **Clearfield**

Responsible Official Dave Kaufman
PA American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water Supply—Operation

Consulting Engineer Jasun Stanton
PA-American Water Company
300 Galley Road
McMurray, PA 15317

Permit Issued Date December 17, 2007

Description of Action Replacement of the existing Emigh Run Run Booster Station.

Permit No. 4107502—Construction, Public Water Supply.

Applicant **Collomsville Mutual Waterworks Association**

Township or Borough Limestone Township

County **Lycoming**

Responsible Official Dale Winter, Trustee
Collomsville Mutual Waterworks Association
342 Wells Road
Williamsport, PA 17701

Type of Facility Public Water Supply—Construction

Consulting Engineer Britt Bassett, P. E.
Bassett Engineering, Inc.
1440 Broad Street
Montoursville, PA 17754

Permit Issued Date December 19, 2007

Description of Action Construction of Well No. 2, treatment of Well No. 2 and a transmission line.

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

Operations Permit issued to **Volant Borough**, PWSID No. 6370042, Volant Borough, **Lawrence County**, Permit No. 3279-MA1, issued December 5, 2007, for the operation of the new 100,000 gallon potable water storage tank to be utilized as a filter backwash holding tank for the currently under design water treatment plant.

Operations Permit issued to **Bucholz Mobile Home Park**, PWSID No. 6610009, Frenchcreek Township, **Venango County**, issued November 30, 2007, for the operation of the public water supply system at Bucholz Mobile Home Park, according to specifications approved by construction permit No. 6106502, issued May 16, 2007.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sandy Lake Township	3086 Sandy Lake-Grove City Road P. O. Box 205 Sandy Lake, PA 16145	Mercer

Plan Description: The approved plan provides for a sewer extension tributary to the Lakeview Joint Sewer Authority to service areas of existing need along PA Route 845 and US Route 62. The Department of Environmental Protection'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>
Butler Township, City of Butler Summit, Oakland and Center Townships, East Butler Borough and Connoquenessing Township	Butler Area Sewer Authority (BASA) 100 Litman Road Butler, PA 16001	Butler

Plan Description: The seven special studies were prepared to assist the Butler Area Sewer Authority (BASA) estimate the future sewage needs of all the tributary municipalities. This will allow BASA to prepare a comprehensive 537 Plan to eliminate wet weather overflows as well as assuring adequate capacity for future growth in surrounding communities.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location: Located on the south side of Swartz Valley Road (SR 2018), .5 mile east of the Village of Laschs in Monroe Township, Juniata County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	P. O. Box 126 Richfield, PA 17086	Juniata

Plan Description: The planning module, entitled John S. Rothrock Subdivision, proposing four residential lots using onlot sewage disposal systems, was disapproved because it was unclear whether or not the onlot sewage disposal systems were individual or community systems. According to Department Regulations, Component 1 planning modules are strictly used for individual residential onlot sewage disposal systems. In addition, the lot density was greater than one EDU per acre and the municipality did not provide adequately for the long term sewage disposal needs of this subdivision due to this marginal condition.

Plan Location: Located on the east side of Chicken Plant Road (SR 3005), 1.2 miles north of the Port Royal bridge in Walker Township, Juniata County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Walker Township	R. R. 2, Box 193-W Thompsontown, PA 17094	Juniata

Plan Description: The planning module, entitled Gerald H. Clark Subdivision, proposing one residential lot using an individual onlot sewage disposal system, was disapproved because the quality of water supplies within 1/4 mile of the proposed site exceeds five parts per million nitrate-nitrogen and a preliminary hydrogeologic study is required under 25 Pa. Code § 71.62(c)(2)(iii). The preliminary hydrogeologic study must be done in concert with a Component 2 planning module.

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, documenta-

tion supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Blue Grass Plaza, City of Philadelphia, **Philadelphia County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 on behalf of Lennard Katz, Blue Gras Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Penflex, Inc., East Whiteland Township, **Chester County**. Dennis Libenson, 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Ray Brown, 271 LP, 1404 Thrush Lane, West Chester, PA 19382 has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Commercial Property, Whitmarsh Township, **Montgomery County**. Karl M. Pfizenmayer, Strob Environmental, Inc., 410 North Eaton Road, Willow Grove, PA 19090 on behalf of Meryle and Robert Solomon, 716 North Third Street, Philadelphia, PA 19123 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

John Barry Elementary School, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder East, Inc., 800 East Washington, West Chester, PA 19380 on behalf of Francine Locke, School District, of Philadelphia, 440 North Broad, Philadelphia, PA 19130 has submitted a Final Report concerning

remediation of site soil contaminated with release of organic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lyman Witmer Residence, Pine Grove Township, **Schuylkill County**. Ryan C. Winnan, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090 has submitted a Final Report (on behalf of his client, Lyman Witmer, 212 Tremont Road, Pine Grove, PA 17963) concerning the remediation of soils found to have been impacted as a result of an accidental release of No. 2 fuel oil. The report was submitted in order to document attainment of the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate and a public notice regarding the submittal of the Final Report were simultaneously published in *The Citizen-Standard* on April 4, 2007.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Good Residence, West Cornwall Township, **Lebanon County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Clifford Good, 300 Horseshoe Pike, Lebanon, PA 17042-8905 and Response Environmental, Inc. representing Senn Freight Lines, 912 Spring Circle, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a truck accident. The report is intended to document remediation of the site to the Statewide Health Standard and was submitted within 90 days of the release which occurred on October 24, 2007. The property is and will remain a private residence.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Eldred Check (P-94), Eldred Township, **McKean County**. PPL Services Corporation, Two North Ninth Street, GENTW17, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate and a Final Report concerning remediation of site soil contaminated with mercury. The Notice of Intent to Remediate was published in *The Bradford Era* on October 10, 2007. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

Kane Gas—Hazelhurst (P-86), Hamlin Township, **McKean County**. PPL Services Corporation, Two North Ninth Street, GENTW17, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate and a Final Report concerning remediation of site soil contaminated with mercury. The Notice of Intent to Remediate was published in *The Bradford Era* on October 10, 2007. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

Norton Check (P-16), Annin Township, **McKean County**. PPL Services Corporation, Two North Ninth Street, GENTW17, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate and a Final Report concerning remediation of site soil contaminated with mercury. The Notice of Intent to Remediate was published in *The Bradford Era* on October 10, 2007. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

US Steel Fairless Works 71—Acre Parcel, Falls Township, **Bucks County**. Jeffery Smith, Langan Engineering and Env. Svc., Inc., 30 South 17th Street, Suite

1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Remedial Investigation/Final report was approved by the Department of Environmental Protection on December 14, 2007.

PECO Doylestown Former MGP, Doylestown Township, **Bucks County**. Bruce Middleman, Jacques Whitford Company, Inc., 450 South Graves Road, Suite 105, Plymouth Meeting, PA 19462, Ben Henry, Peco Energy Company, 2301 Market Street, S9-1, Philadelphia, PA 19101 on behalf of Jack Stein, Keystone Motors, 235 South Main Street, Doylestown, PA 18901, Irv Stein, Keystone Motors, 235 South Main Street, Doylestown, PA 18901 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, inorganics, Paks and other inorganics. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on December 12, 2007.

500 Easton Road, Lot A, Warrington Township, **Bucks County**. Toby Kessler, Gimlore & Associates, Inc., 350 East Butler Avenue, New Britain, PA 18901 on behalf of Richard Gallivan, Restaurant Sites, 28 Somers Road, Hampden, MA 01036 has submitted a Final Report concerning the remediation of site soil contaminated pesticides. The Final Report demonstrated attainment of the Statewide Health Standards and was disapproved by the Department of Environmental Protection on December 14, 2007.

Nicolet & Reading Parcels, Norristown Borough, **Montgomery County**. Steve Brower, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of Darryl Burrell, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with Paks. The Remedial Investigation/Cleanup Plan was approved by the Department of Environmental Protection on November 19, 2007.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Altoona Metro Transit Authority/Glucroft Corporation, former Roaring River Mills Property, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Glucroft Corporation, Sixth Avenue and 35th Street, Altoona, PA 16602, submitted a Baseline Remedial Investigation Work Plan concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, PCBs and metals. The site is being remediated as a Special Industrial Area. The Work Plan was approved on December 18, 2007.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Susquehanna Trailways Rt. 15S. Accident Cleanup Site, East Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Susquehanna Trailways, P. O. Box U and Avis, PA 17721 has submitted a Final Report. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 14, 2007.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Andres Estate Property, Sugarcreek Borough, **Venango County**. Moody & Associates, Inc., Foxpointe Centre, 199 Johnson Road, Building No. 2, Suite 101, Houston, PA 15342 on behalf of the Estate of Edward Andres, 403 Grant Street, Franklin, PA 16323 has submitted a Baseline Environmental Study Work Plan concerning the remediation of site soil and groundwater contaminated with heavy metals, petroleum hydrocarbons, VOCs and polyaromatic hydrocarbons. The Baseline Environmental Study Work Plan was approved by the Department of Environmental Protection on November 14, 2007.

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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-310-075GP: J.D.M. Materials Co., Inc. (851 County Line Road, Huntington Valley, PA 19006) on December 13, 2007, to operate a portable nonmetallic mineral in Langhorne Borough, **Bucks County**.

09-329-006GP: J.D.M. Materials Co., Inc. (851 County Line Road, Huntington Valley, PA 19006) on December 13, 2007, to operate a fuel-fired internal combustion in Langhorne Borough, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Neal Elko, New Source Review Chief, (570) 826-2531.

58-399-002GP5: Cabot Oil & Gas Corp. (900 Lee Street East, Charleston, WV 25301) on December 18, 2007, to construct and operate a Natural Gas Compressor Station at their Teel Compressor Station site in Springville Township, **Susquehanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

GP3-44-03018: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 13, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Armagh Township, **Mifflin County**.

GP11-07-03054: Fiberblade, LLC (400 Gamesa Drive, Fairless Hills, PA 19030) on December 12, 2007, for Nonroad Engines under GP11 in Logan Township, **Blair County**.

GP11-44-03018: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 13, 2007, for Nonroad Engines under GP11 in Armagh Township, **Mifflin County**.

GP14-07-03053: Keystone Cremation Center, LLC (R. D. 3, Old 220 North, Tyrone, PA 16686) on December 14, 2007, for Human or Animal Crematories under GP14 in Snyder Township, **Blair County**.

GP14-38-03053: Kreamer Funeral Home, Inc. (618 East Main Street, Annville, PA 17003-1597) on December 13, 2007, for Human or Animal Crematories under GP14 in Union Township, **Lebanon 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-0032C: SPS Technologies, LLC (301 Highland Avenue, Jenkintown, PA 19046) on December 19, 2007, for re-evaluation of limitations for the vapor degreaser on trichloroethylene in Abington Township, **Montgomery County**. The limitation was changed from a 12-ton trichloroethylene per year throughput limit to a 12-ton trichloroethylene per year emission limit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05007E: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) on December 17, 2007, to transfer emission reduction credits to offset the cumulative net increased emissions of NOx and VOC at their facility in the City of Reading, **Berks County**.

06-05085B: New Morgan Landfill Co., Inc. (P. O. Box 128, Mineview Road, Morgantown, PA 19543-0128) on December 14, 2007, for expansion of the existing municipal solid waste landfill controlled by a gas collection system and three ground flares in New Morgan Borough, **Berks County**.

67-03043A: Envirite of PA, Inc. (730 Vogelsong Road, York, PA 17404-6707) on December 17, 2007, to install a filter cake dryer at their facility in the City of York, **York County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

25-066G: Accuride Corp. (1015 East 12th Street, Erie, PA 16503) on December 13, 2007, for submittal of a plan approval to install two new aluminum wheel pressing lines and a Venturi Scrubber for emission controls at the Erie Facility in the City of Erie, **Erie County**.

25-648D: NEPA Energy, LP (South Lake Street, North East, PA 16428) on December 17, 2007, a plan approval to modify of an existing Zurn Boiler at the North East Plant, in the Borough of North East, **Erie 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

15-0009B: AGA Chemical Americans, Inc. (255 South Bailey Road, Downingtown, PA 19335) on December 17, 2007, to operate a fluid bed dryer Caln Township, **Chester County**.

15-0098B: Cephalon, Inc. (145 Brandywine Parkway, West Chester, PA 19380) on December 18, 2007, to operate a 100-gallon reactor in Charlestown Township, **Chester County**.

46-0248: Pottstown Borough Authority (100 East High Street, Pottstown, PA 19464) on December 19, 2007, a thermal fluid dryer in Pottstown Borough, **Montgomery County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on December 18, 2007, to authorize the use of a 9 mmBtu/hr natural gas-fired burner instead of a 13 mmBtu/hr burner on the second stage dryers of two paper machines and to authorize the second stage dryer of one of these paper machines (No. 2 paper machine) to be exhausted into the machine's first stage dryer instead of directly to atmosphere in Castanea Township, **Clinton County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

16-132E: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254) on November 30, 2007, to install a finishing line in Paint Township, **Clarion County**.

24-083E: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on December 31, 2007, to construct a scrubber in St. Marys City, **Elk County**. This is a Title V facility.

24-083F: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on December 31, 2007, to construct a Carbon Baking Kiln No. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. The mixers will be controlled by the existing scrubber. This is a Title V facility.

24-083G: Carbone of America Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on November 30, 2007, to construct a CBH Kiln in Benzinger Township, **Elk County**.

24-083H: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on December 31, 2007, to construct four additional mixers, two mills and a pulverizer in St. Marys City, **Elk County**. The mixers will be controlled by the existing scrubber. This is a Title V facility.

24-083I: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on November 30, 2007, for Scrubber A emission limits in Benzinger Township, **Elk County**.

25-069K: BASF Catalyst, LLC (1729 East Avenue, Erie, PA 16503) November 30, 2007, for the permanent operation of a Palladium Acetate Process with a Wet Scrubber control device for NOx emissions in Erie City, **Erie County**.

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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00019: McAvoy Vitrified Brick Co. (75 McAvoy Lane, Phoenixville, PA 19640) on December 18, 2007, for renewal of Title V Operating Permit Number, 15-00091 in Schuylkill Township, **Chester County**. The original Title V Operating Permit was issued on June 4, 2002, and became effective on July 1, 2002. The facility's major

emission points include brick kilns, drying ovens and a crusher. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. No sources at this facility are subject to CAM (40 CFR Part 64).

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

34-05001: Armstrong Cabinet Products (R. R. 2, Box 171C, Thompsontown, PA 17094-9735) on December 7, 2007, to construct an offline spray booth in Delaware Township, **Juniata County**. This Title V Operating Permit was administratively amended to incorporate plan approval 34-05001C. This is revision No. 2.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

16-00124: The Peoples Natural Gas Co.—Truittsburg Station (5093 Truittsburg Road, Fairmont City, PA 16224) on December 17, 2007, to re-issue the Title V Operating Permit, for operation of the facility's air contamination sources consisting of: three Clark HRA-6 engines, miscellaneous combustion sources, emergency generator, Glycol dehydrator, 65 hp air compressor, storage tanks and a parts washer in Fairmont City, **Clarion**. The facility is a Title V facility based on the potential to emit NOx and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00251: Anders Detweiler Funeral Home (130 East Broad Street, Souderton, PA 18964) on December 18, 2007, for a human crematory in Souderton Borough, **Montgomery County**. The initial operating permit is for a non-Title V (State-only) facility. The source of emissions is a dual chamber crematory unit fired by natural gas and designed with BAT. The permit contains emission restrictions on visible emissions, odors and PM. Anders Detweiler will follow good air pollution control practices, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

36-05073: Bollman Hat Co. (110 East Main Street, Adamstown, PA 19501) on December 12, 2007, for operation of a hat manufacturing plant in Adamstown Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

36-05086: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368-0040) on December 12, 2007, for operation of their grey and ductile iron foundry in Mount Joy Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

04-00724: DCP Midstream, LP (370 17th Street, Suite 2500, Denver, CO 80202) on December 11, 2007, for its new propane storage and delivery terminal the Midland Terminal Facility in Industry Borough, **Beaver County**. This is a State-only Operating Permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

20-00262: Generant Co., Inc. (18254 Technology Drive, Meadville, PA 16335) on December 18, 2007, to re-issue a Natural Minor Permit to operate a valves and pipe fittings manufacturing facility in the City of Meadville, **Crawford County**. The significant sources included: 1) Passivation and Brass bright dip line; 2) Lubrication booth; 3) Miscellaneous degreaser units (2). This facility is a natural minor because the emission levels for the affected pollutants are lower than the Title V threshold limits.

20-00272: Universal Stainless & Alloy Products (121 Caldwell Street, Titusville, PA 16354) on December 18, 2007, to re-issue a Natural Minor Permit to operate cold rolling steel mill facility in the City of Titusville, **Crawford County**. The significant sources are included 1) Rolling mill; 2) Annealing furnace; 3) Dip tank heater; 4) Vacuum pumps; 5) Grinding room; 6) Mold cleaning unit; 7) Miscellaneous natural gas usage and 8) Degreaser units (4).

25-00958 Ridg-U-Rak—State Line Plant (12340 Gay Road, North East, PA 16428) on December 18, 2007, to re-issue a State-only, Natural Minor Operating Permit to operate a Metal Shelving Manufacturing Facility, in North East Township, **Erie County**. The emissions from this facility have been reduced to well below major source levels.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

56-00167: North American Hoganas, Inc. (111 Hoganas Way, Hollsopple, PA 15935) the list of de minimis increases authorized by 25 Pa. Code § 127.449 for the Stony Creek Plant located in Quemahoning Township, **Somerset County** is as follows: 1. Oxfuel Burner Installation.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S.

§§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

Permit Number 03061301 and NPDES Permit No. PA0235687, TJS Mining, Inc., (2340 Smith Road, Shelota, PA 15774), to operate the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County**, a new underground mine and related NPDES permit. Surface Acres Proposed: 25.5, Underground Acres Proposed: 1,530.5, Subsidence Control Plan Acres Proposed: 1,502.8. Receiving stream: Plum Creek, classified for the following use: TSF. Application received August 7, 2006. Permit issued December 13, 2007.

Permit Number 32061301 and NPDES Permit No. PA0235679, Parkwood Resources, Inc., (P. O. Box 552, Somerset, PA 15501-0552), to operate the Starford Mine in Green and Cherryhill Townships, **Indiana County**, a new underground mine and related NPDES permit. Receiving stream: Pompey Run, classified for the following use: CWF. Application received January 6, 2006. Permit issued December 18, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03020102. D. J. & W. Mining, Inc. (P. O. Box 425, Indiana, PA 15701). Permit renewal issued for reclamation activities only at a bituminous surface mining operation located in North Buffalo Township, **Armstrong County**, affecting 48.9 acres. Receiving streams: UNTs to Allegheny River. Application received November 8, 2007. Renewal issued December 19, 2007.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

33850118 and NPDES Permit No. PA0106682. Alvin Gearhart (307 Treasure Lake, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 220.0 acres. Receiving streams: Three UNTs to Soldier Run. Application received June 15, 2007. Permit issued December 17, 2007.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17860140 and NPDES No. PA0115673. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), permit renewal for reclamation only of a bituminous surface mine in Beccaria Township, **Clearfield County**, affecting 323.0 acres. Receiving streams: UNT to Cofinan Run and UNT to Muddy Run. There are no potable water supply intakes within 10 miles downstream. Application received November 1, 2007. Permit issued December 3, 2007.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

22851601R3. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite breaker operation for reclamation activities only in Wiconisco Township, **Dauphin County** affecting 13.0 acres, receiving stream: none. Application received January 3, 2002. Renewal issued December 19, 2007.

22851601T2. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite breaker operation in Wiconisco Township,

Dauphin County affecting 13.0 acres, receiving stream: none. Application received December 5, 2005. Renewal issued December 19, 2007.

22851601R4. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite breaker operation for reclamation activities only in Wiconisco Township, **Dauphin County** affecting 13.0 acres, receiving stream: none. Application received January 22, 2007. Renewal issued December 19, 2007.

54763013R4. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation for reclamation activities only in Hegins, Frailey and Porter Townships, **Schuylkill County** affecting 658.0 acres, receiving stream: none. Application received November 21, 2005. Renewal issued December 19, 2007.

54763013T2. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation in Hegins, Frailey and Porter Townships, **Schuylkill County** affecting 658.0 acres, receiving stream: none. Application received December 9, 2005. Renewal issued December 19, 2007.

54713018T and R3. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation for reclamation activities only in Tremont Township, **Schuylkill County** affecting 600.0 acres, receiving stream: none. Applications received December 9, 2005. Transfer and Renewal issued December 19, 2007.

54841304T. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite underground mine operation in Hegins Township, **Schuylkill County** affecting 57.2 acres, receiving stream: none. Application received October 29, 2004. Transfer issued December 19, 2007.

54841304R3. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite underground mine operation for reclamation activities only in Hegins Township, **Schuylkill County** affecting 57.2 acres, receiving stream: none. Application received December 9, 2005. Renewal issued December 19, 2007.

54841304R4. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite underground mine operation for reclamation activities in Hegins Township, **Schuylkill County** affecting 57.2 acres, receiving stream: none. Application received January 22, 2007. Renewal issued December 19, 2007.

54820203T2, R4 and NPDES Permit No. PA0612286. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Hegins and Porter Townships, **Schuylkill County** affecting 200.0 acres, receiving stream: East Branch Rausch Creek. Applications received December 9, 2005. Transfer and Renewal issued December 19, 2007.

54970103T and R. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation for reclamation activities only in Porter Township, **Schuylkill County** affecting 213.0 acres, receiving stream: none. Applications received December 5, 2005. Transfer and Renewal issued December 19, 2007.

Noncoal Permits Actions

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

08062808. Robert J. Johnson (R. R. 4, Box 4055, Wyalusing, PA 18853), commencement, operation and restoration of a flagstone/bluestone quarry in Stevens Township, **Bradford County**, affecting 2.0 acres. Receiving streams: Rockwell Creek, tributary to Wyalusing Creek. Application received October 23, 2006. Permit issued December 5, 2007.

55072801. Dave Gutelius Excavating, Inc. (291 North Eighth Street, Mifflinburg, PA 17844), commencement, operation and restoration of a shale/fill dirt quarry in Monroe Township, **Snyder County**, affecting 4.5 acres. Receiving streams: UNT to Susquehanna River. Application received July 27, 2007. Permit issued December 4, 2007.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

8275SM5C7 and NPDES Permit No. PA0595381. Martin Limestone, Inc., (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Cocalico Township, **Lancaster County**, receiving stream: Stoney Run. Application received October 31, 2007. Renewal issued December 17, 2007.

40070301 and NPDES Permit No. PA0224596. Earth Conservancy, (101 Main Street, Ashley, PA 18706), commencement, operation and restoration of a quarry operation in the City of Nanticoke, **Luzerne County** affecting 74.0 acres, receiving stream: Susquehanna River. Application received May 9, 2007. Permit issued December 18, 2007.

66060810. Shawn L. Adams, (R. R. 1, Box 152, Sugar Run, PA 18846-9767), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received August 28, 2006. Permit issued December 18, 2007.

64070821. Timothy B. Kenyon, Sr., (178 Duran Road, Equinunk, PA 18417), commencement, operation and restoration of a quarry operation in Manchester Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received September 28, 2007. Permit issued December 18, 2007.

64070822. Timothy B. Kenyon, Sr., (178 Duran Road, Equinunk, PA 18417), commencement, operation and restoration of a quarry operation in Manchester Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received September 28, 2007. Permit issued December 18, 2007.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 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.

Blasting Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

28074159. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for residential development in Washington Township, **Franklin County**. Blasting activity permit end date is June 4, 2009. Permit issued December 10, 2007.

21074173. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for residential development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is December 12, 2008. Permit issued December 14, 2007.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

22074126. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for South Point Meadows in Derry Township, **Dauphin County** with an expiration date of December 1, 2008. Permit issued December 13, 2007.

35074140. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Taylor Commons in Taylor Borough, **Lackawanna County** with an expiration date of December 5, 2008. Permit issued December 13, 2007.

360741130. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Lincoln Meadows in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued December 13, 2007.

40074139. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Mericle Lot 19 in the City of Wilkes-Barre, **Luzerne County** with an expiration date of December 8, 2008. Permit issued December 13, 2007.

45074163. Ed Wean Drilling & Blasting, Inc., (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Penn Estates in Stroud Township, **Monroe County** with an expiration date of December 7, 2008. Permit issued December 13, 2007.

48074118. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Weyerhaeuser Warehouse in Forks Township, **Northampton County** with an expiration date of December 31, 2008. Permit issued December 13, 2007.

06074133. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Stonecroft Village in Marion Township, **Berks County** with an expiration date of December 1, 2008. Permit issued December 14, 2007.

360741129. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Stauffer's of Kissel Hill stormwater management system in East Hempfield Township, **Lancaster County** with an expiration date of December 31, 2008. Permit issued December 14, 2007.

67074154. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Blossom Hill in York Township, **York County** with an expiration date of December 1, 2008. Permit issued December 14, 2007.

67074155. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Sage Hill in York Township, **York County** with an expiration date of December 1, 2008. Permit issued December 14, 2008.

67074156. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Eagle View in Manchester Township, **York County** with an expiration date of December 30, 2008. Permit issued December 14, 2007.

36074005. Explosives Experts, Inc., (P. O. Box 879, Sparks, MD 21152), construction blasting for the New Home Depot in West Earl Township, **Lancaster County** with an expiration date of August 30, 2007. Permit issued December 19, 2007.

15074124. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Applecross Golf Course in East Brandywine Township, **Chester County** with an expiration date of December 31, 2008. Permit issued December 18, 2007.

23074105. Allan A. Myers, Inc. d/b/a Independence Construction Materials, (P. O. Box 98, Worcester, PA 19490), construction blasting for Haverford Reserve in Haverford Township, **Delaware County** with an expiration date of December 1, 2008. Permit issued December 18, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-459. Gray Creighton, 475 Highland Avenue, Media, PA 19063, Upper Providence Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Creighton Tract subdivision:

1. To excavate soils within the assumed floodway of a UNT to Ridley Creek (HQ-TSF) associated with the construction of a proposed stormwater management facility.
2. To install and maintain two stormwater outfalls (Endwall No. 59 and Basin 3A) to a UNT to Ridley Creek (HQ, TSF) for associated stormwater drainage.

This permit also includes an Environmental Assessment approval for impacts associated with the construction of a nonjurisdictional dam within the headwaters of a UNT to Ridley Creek (HQ, TSF) associated with the construction of a proposed stormwater management facility.

The proposed project is located adjacent to the intersection of Kirk Lane and Highland Avenue, PA (Media, PA Quadrangle N: 8.5 inches; W: 3.7 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-762. Whiteland Village, LLC, 740 Springdale Drive, Exton, PA 19341, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform a sanitary sewer extension associated with the Whiteland Village Project. Work will consist of nine utility line crossings; eight will cross/traverse a UNT to

Valley Creek (EV) and one will cross an adjacent wetland. All impacts will be temporary. The work will follow along the Chester County Trail from the East and West Whiteland Townships' line to the Mill Lane Pump Station. This project is situated approximately 2,000 feet northwest of the intersection of the intersection SR 202 and SR 30 (Malvern, PA USGS Quadrangle N: 7 inches; W: 12.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

E67-821: Codorus Creek Watershed Association, P. O. Box 2881, York, PA 17405, Heidelberg Township, **York County**, ACOE Baltimore District

To construct and maintain a 2,700 linear foot stream restoration project on Oil Creek (WWF) using rock vanes, J-hooks, cross rock vanes, bank grading, rock toe protection, floodplain restoration, stormwater bmps, invasive plant removal and riparian planting to stabilize streambanks and improve sediment transport and aquatic habitat and to construct and maintain three agricultural crossings at the center and ends of the project and streambank fencing around the restored reach. The project is located on the Earl Fuhrman Farm (beginning at Hanover, PA Quadrangle N: 12.2"; W: 9.9", 39° 49' 4.21" N; 76° 56' 35.94" W and ending at Hanover, PA Quadrangle N: 13.0"; W: 9.8", 39° 49' 20.94" N; 76° 56' 35.94" W) in Heidelberg Township, York County. There is 0.01 acre of PEM wetland impact associated with the project. The applicant has agreed to provide 0.11 acre of wetland replacement adjacent to the stream channel on site.

E21-389: Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, Lower Mifflin, Upper Mifflin, Upper Frankford and West Pennsboro Townships, **Cumberland County**, ACOE Baltimore District

The project consists of total reconstruction of the Turnpike from milepost 211 to milepost 215 involving the following activities in Lower Mifflin, Upper Mifflin, Upper Frankford and West Pennsboro Townships, Cumberland County. The project will result in 3,073 linear feet of perennial stream impact and 0.63 acre permanent wetland impact. The permittee is required to replace a minimum of 0.63 acre wetland.

<i>ACTIVITY</i>	<i>Impact Detail with Location</i>	<i>Resource</i>
1. Culvert	To extend and maintain a 30-inch by 60-foot long RCP by 25 feet and scour protection for a cumulative impact of 125 feet (Newville, PA Quad N: 11.96"; W: 9.68", 40° 11' 27" N; 77° 26' 40" W).	UNT to Conodoguinet Creek WWF
2. Wetland fill	48 SF (0.001 ac) permanent fill (Newville, PA Quad N: 12.19"; W: 9.01", 40° 11' 31" N; 77° 26' 18" W).	PEM wetland
3. Stream enclosure	To extend and maintain a 75-foot long RCP with an additional 36-inch by 50-foot long RCP for a cumulative impact of 125 feet (Newville, PA Quad N: 12.15"; W: 8.98", 40° 11' 31" N; 77° 26' 18" W).	UNT to Conodoguinet Creek CWF
4. Stream enclosure	To extend and maintain a 125-foot long RCP with an 18-inch by 30-foot long RCP and scour protection for a cumulative impact of 165 feet (Newville, PA Quad N: 12.15"; W: 8.98", 40° 11' 31" N; 77° 26' 18" W).	UNT to Conodoguinet Creek CWF

<i>ACTIVITY</i>	<i>Impact Detail with Location</i>	<i>Resource</i>
5. Stream enclosure	To extend and maintain an 8-foot by 7-foot by 120-foot concrete arch culvert with a precast concrete culvert extension of 80 feet to the north of Asper Road and between Asper and the Turnpike and 40 feet to the south of the Turnpike, with scour protection for a cumulative impact of 250 feet (Newville, PA Quad N: 12.24"; W: 8.40", 40° 11' 32" N; 77° 26' 06" W).	UNT to Conodoguinet Creek WWF
6. Wetland fill	2,004 SF (0.05 ac) permanent fill (Newville, PA Quad N: 12.34; W: 8.48, 40° 11' 33" N; 77° 26' 07" W).	PEM wetland
7. Wetland fill	1,315 SF (0.03 ac) permanent fill (Newville, PA Quad N: 12.24"; W: 8.34", 40° 11' 32" N; 77° 26' 04" W).	PEM wetland
8. Stream enclosure	To extend and maintain a 36-inch by 125-foot long RCP with an additional 20 feet and scour protection for a cumulative impact of 155 feet (Newville, PA Quad N: 12.33"; W: 7.77", 40° 11' 34" N; 77° 25' 51" W).	UNT to Conodoguinet Creek WWF
9. Stream enclosure	To extend and maintain a 36-inch by 120-foot long RCP with an additional 6 feet and scour protection for a cumulative impact of 141 feet (Newville, PA Quad N: 12.44"; W: 7.44", 40° 11' 37" N; 77° 25' 42" W).	UNT to Conodoguinet Creek WWF
10. Wetland fill	555 SF (0.01 ac) permanent fill (Newville, PA Quad N: 12.65"; W: 6.90", 40° 11' 40" N; 77° 25' 28" W)	PEM Wetland
11. Channel change	To relocate 70 linear feet of perennial stream channel due to roadway widening (Newville, PA Quad N: 12.59", W: 6.86"; 40° 11' 39" N, 77° 25' 27" W).	Back Creek WWF
12. Stream enclosure	To extend and maintain a 30-foot by 15-foot by 172-foot long concrete arch culvert with an additional 35 feet and scour protection for a cumulative impact of 242 feet (Newville, PA Quad N: 12.59"; W: 6.86", 40° 11' 39" N; 77° 25' 27" W).	Back Creek WWF
13. Fill	To remove a pipe and permanently fill 75 feet of a mill race adjacent to Doubling Gap Creek for roadway widening (Newville, PA Quad N: 12.80"; W: 5.89", 40° 11' 43" N; 77° 25' 06" W).	Doubling Gap Creek WWF
14. Wetland fill	1,528 SF (0.04 ac) permanent fill (Newville, PA Quad N: 12.76"; W: 5.88", 40° 11' 42" N; 77° 25' 04" W).	PEM wetland
15. Wetland fill	1,415 SF (0.03 ac) permanent fill (Newville, PA Quad N: 12.76", W: 5.83"; 40° 11' 42" N, 77° 25' 00" W).	PEM wetland
16. Wetland fill	1,014 SF (0.02 ac) permanent fill (Newville, PA Quad N: 12.89", W: 5.88"; 40° 11' 46" N, 77° 25' 02" W).	PEM wetland
17. Stream enclosure	To extend and maintain a 42-foot by 17-foot by 135-foot long concrete arch twin cell culvert with an additional 35 feet and scour protection for a cumulative impact of 205 feet (Newville, PA Quad N: 12.83"; W: 5.73", 40° 11' 44" N; 77° 24' 58" W).	Doubling Gap Creek WWF
18. Wetland fill	150 SF (0.003 ac) permanent fill (Newville, PA Quad N: 12.87"; W: 5.33", 40° 11' 46" N; 77° 24' 42" W).	PFO Wetland
19. Wetland fill	4,623 SF (0.11 ac) permanent fill (Newville, PA Quad N: 13.19"; W: 4.14", 40° 11' 52" N; 77° 24' 16" W).	PEM Wetland
20. Stream enclosure	To remove a 10-foot by 7-foot by 100-foot long concrete arch culvert and replace and maintain it with a 10-foot by 7-foot by 192-foot long box culvert and scour protection for a cumulative impact of 242 feet (Newville, PA Quad N: 13.20"; W: 3.93", 40° 11' 52" N; 77° 24' 12" W).	UNT to Conodoguinet Creek WWF
21. Stream enclosure	To extend and maintain a 36-inch by 170-foot long RCP with an additional 25 feet and scour protection for a cumulative impact of 205 feet (Newville, PA Quad N: 13.52"; W: 2.73", 40° 11' 54" N; 77° 23' 52" W).	UNT to Conodoguinet Creek WWF
22. Wetland fill	1,917 SF (0.04 ac) permanent fill (Newville, PA Quad N: 13.77"; W: 3.24", 40° 11' 55" N; 77° 23' 53" W).	PEM Wetland
23. Wetland fill	20 SF (0.001 ac) permanent fill (Newville, PA Quad N: 13.44"; W: 2.76", 40° 11' 56" N; 77° 23' 42" W).	PEM Wetland
24. Stream enclosure	To extend and maintain a 54-inch by 154-foot long CMP with an additional 30 feet upstream and 27 feet downstream and scour protection for a cumulative impact of 221 feet (Newville, PA Quad N: 13.47"; W: 2.32", 40° 11' 57" N; 77° 23' 41" W).	UNT to Conodoguinet Creek WWF

<i>ACTIVITY</i>	<i>Impact Detail with Location</i>	<i>Resource</i>
25. Stream enclosure	To remove a 48-inch by 160-foot long CMP and replace and maintain it with a 48-inch by 200-foot long CMP with scour protection for a cumulative impact of 257 feet (Newville, PA Quad N: 13.60"; W: 2.33", 40° 12' 02" N; 77° 23' 11" W).	UNT to Conodoguinet Creek WWF
26. Wetland fill	930 SF (0.02 ac) permanent fill (Newville, PA Quad N: 13.60"; W: 2.30", 40° 12' 01" N; 77° 23' 11" W).	PEM Wetland
27. Stream enclosure	To extend and maintain a 36-inch by 150-foot long PCP with an additional 30 feet and scour protection for a cumulative impact of 190 feet (Newville, PA Quad N: 13.74"; W: 1.62", 40° 12' 02" N; 77° 23' 11" W).	UNT to Conodoguinet Creek WWF
28. Wetland fill	490 SF (0.01 ac) permanent fill (Plainville, PA Quad N: 14.23"; W: 16.77", 40° 12' 12" N; 77° 22' 15" W).	PEM Wetland
29. Wetland fill	10 SF (0.001 ac) permanent fill (Plainville, PA Quad N: 14.23"; W: 16.73", 40° 12' 12" N; 77° 22' 14" W).	PEM Wetland
30. Wetland fill	340 SF (0.01 ac) permanent fill (Plainville, PA Quad N: 14.17"; W: 16.67", 40° 12' 10" N; 77° 22' 12" W).	PEM Wetland
31. Stream enclosure	To extend and maintain a 24-foot wide by 10-foot high concrete arch culvert 135-feet long with an additional 35 feet and scour protection for a cumulative impact of 205 feet (Plainville, PA Quad N: 14.20"; W: 16.70", 40° 12' 11" N; 77° 22' 14" W).	Rock Run WWF
32. Wetland fill	3,975 SF (0.09 ac) permanent fill (Plainville, PA Quad N: 14.16"; W: 15.70", 40° 12' 12" N; 77° 21' 48" W).	PEM Wetland
33. Wetland fill	130 SF (0.03 ac) permanent fill (Plainville, PA Quad N: 14.29"; W: 15.70", 40° 12' 13" N; 77° 21' 50" W).	PEM Wetland
34. Bridge	To remove an existing 3-span steel girder bridge having a clear span of 198.0 feet, a width of 84 feet and an underclearance of 17.7-feet and to construct and maintain a two span steel girder bridge, having a clear span of 238.5-feet, a width of 120 feet and an underclearance of 16.7-feet, utilizing a temporary causeway and cofferdams resulting in a cumulative impact of 200 feet (Plainville, PA Quad N: 14.26"; W: 15.60", 40° 12' 12" N; 77° 21' 44" W).	Conodoguinet Creek WWF
35. Wetland fill	1,560 SF (0.04 ac) permanent fill (Plainville, PA Quad N: 14.23"; W: 15.52", 40° 12' 12" N; 77° 21' 42" W).	PEM Wetland
36. Wetland fill	3,945 SF (0.09 ac) permanent fill (Plainville, PA Quad N: 14.28"; W: 15.52", 40° 12' 13" N, 77° 21' 42" W).	PEM Wetland

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E19-265. H. H. Knoebel and Sons Inc., P. O. Box 317, Route 487, Elysburg, PA 17824. Bridge and roadway construction, in Cleveland and Ralpho Townships, **Columbia County**, Northumberland County, ACOE Baltimore District (Danville, PA Quadrangle N: 40° 52' 37"; W: 76° 30' 23").

To construct and maintain a bridge and access roadway. The bridge will be a prestressed adjacent box beam bridge with a single clear span of 53.3 feet, a curb to curb width of 22 feet, a centerline underclearance of 3.96 feet and a skew of 62°. The bridge will have pile abutments with a reinforced concrete pile cap located outside the stream channel. The stream channel banks and abutments will be protected with R-6 Rip-Rap. The access road will be located in the floodway of the South Branch of Roaring Creek. The access road will lead from Knoebels Boulevard to the Knoebels Campground. The access road will cross a small UNT to the South Branch of Roaring Creek, which will utilize four 24 inch reinforced concrete pipes to maintain drainage flow. The South Branch of Roaring Creek is a HQ-CWF (Danville, PA Quadrangle N: 40° 52' 37"; W: 76° 30' 23") Cleveland Township, Columbia County and Ralpho Township, Northumberland County. This permit also includes 401 Water Quality Certification.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1554. Win-Pinocreek, LTD (P.W. Campbell), 115 Federal Street, Suite 200, Pittsburgh, PA 15212. To construct a bank in floodway in McCandless Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 6.25 inches; W: 15.8 inches, Latitude: 40° 32' 03"; Longitude: 80° 06' 49"). To remove the existing structures and to construct and maintain a First Commonwealth Bank and an adjacent coffee shop and its associated fill in the floodway on the left bank of Pine Creek (CWF). The project is located on the east side of Perry Highway (SR 19), just northeast from the intersection of Perry Highway (SR 19) and Pine Creek Road.

E11-328. Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. To construct and maintain stream bank in Lilly Borough, **Cambria County**, Pittsburgh ACOE District. (Cresson, PA Quadrangle N: 9.0 inches; W: 16.0 inches, Latitude: 40° 25' 31"; Longitude: 78° 36' 50"). To construct and maintain approximately 175-ft of stabilized stream bank, along the southern bank of Bear Rock Run (CWF), using R-7 rock riprap for a 7-ft high base and live stacking above this base. The southern stream bank will be cut back to a 2:1 side slope and the channel will be reshaped. The project site is located behind the residences along Jones Street, approximately 1,100-ft from the intersection of this road with SR 53.

E63-590. David P. Hapchuk, 226 Rankin Road, Washington, PA 15301. To operate and maintain stream enclosures in South Strabane Township, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle N: 7.5 inches; W: 4.6 inches, Latitude: 40° 9' 50"; Longitude: 80° 9' 14"). To operate and maintain stream enclosures on a UNT to Little Chartiers Creek (HQ-WWF) as follows: 103' of 18" pipe, 72' of 18" pipe, 95' of 24" pipe, for a total of 270' of pipe, to regrade approximately 600' of stream channel and remove existing stream enclosures, by plugging and abandoning in place approximately 152' of 18" pipe and relocating the channel around the pipe; and to operate and maintain four drainage channels from Rankin Road (LR 62088) to said tributary, as follows: approximately 261' of 15" diameter pipe, approximately 265' of 15" diameter pipe, approximately 270' of 15" diameter pipe and approximately 240' of 15" diameter pipe to convey roadway drainage from Rankin Road (LR 62088) to said tributary, all for the purpose of maintaining access to fields.

**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 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-62-003	United Refining Company 15 Bradley Street Warren, PA 16365-3299 Attn: Timothy D. Ruth	Warren	City of Warren	1 AST storing Naphtha	3,627,081 gallons
				1 AST storing Sulfuric Acid	31,093 gallons

SPECIAL NOTICES

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

Notice of Projects under the Environmental Good Samaritan Act

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the: Department of Environmental Protection, Moshannon District Office, 186 Enterprise Road, Philipsburg, PA 16866, Attention: Watershed Manager.

The following project proposals have been received by the Department of Environmental Protection (Department). A copy of the proposals is available for inspection at the office indicated. Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address listed previously within 30 days of this publication. Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Environmental Good Samaritan Project Proposals Received

EGS17001. Clearfield County Conservation District, 650 Leonard Street, Clearfield, PA. A Growing Greener bond fund project to construct the MR TUFF

passive treatment system to treat Acid Mine Drainage pollution from abandoned mines in the headwaters of Morgan Run. Decatur Township, **Clearfield County**, affecting acres 3. Project proposal received October 24, 2007.

EGS17002. Clearfield County Conservation District, 650 Leonard Street, Clearfield, PA. A Growing Greener bond fund project to construct the MR FROG passive treatment system to treat Acid Mine Drainage pollution from abandoned mines in the headwaters of Morgan Run. Decatur Township, **Clearfield County**, affecting acres 3. Project proposal received October 24, 2007.

Bureau of Mine Safety; Request for Variance

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau), has received a request for variance from Rosebud Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn, (724) 439-7469 or from the BMS web site at www.depweb.state.pa.us/deepminesafety/site/default.asp

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (act) (52 P. S. § 701-702), provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 290(d) of the act states that every gassy mine shall have at least four main entries, two of which shall lead from the main opening and two from the second opening into the body of the mine.

Summary of the Request: Rosebud Mining Company requests a variance to reduce the number of main entries in the D Mains Section at the Dutch Run Mine.

[Pa.B. Doc. No. 08-18. Filed for public inspection January 4, 2008, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale

Westmoreland County

The Department of General Services (Department) will accept bids for the purchase of 2.86-acres of land and building formerly known as the Ligonier National Guard Armory located at 358 West Main Street, Borough of Ligonier, Westmoreland County. Bids are due Thursday, February 14, 2008. Interested parties wishing to receive a copy of Solicitation No. 94158 should view the Department's website at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 08-19. Filed for public inspection January 4, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a telephone conference meeting on Wednesday, January 9, 2008, from 10 a.m. to 11:30 a.m.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA at (717) 787-5251.

The meeting will be a meeting by means of telephone conference. Persons wishing to attend this telephone conference or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Kathleen A. Zitka at (717) 787-5251 or V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

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

[Pa.B. Doc. No. 08-20. Filed for public inspection January 4, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Biagio and Kimberly Iannuzzi, of 920 Armstrong Road, Carlisle, PA 17013.

Seeking to lease highway right-of-way located at 6617 Carlisle Pike, Mechanicsburg, PA 17050, Silver Spring Township, Cumberland County, formerly a part of tax parcel No. 38-18-1332-048, 8,873.84 square feet (0.2027 acre) adjacent to SR 0011 LR 34 section 13, for parking purposes only.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Barry G. Hoffman, P. E., District Engineer, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Questions regarding this application or the proposed use may be directed to Paulette Broody Alexander, Right-of-Way Representative, 2140 Herr Street, Harrisburg, PA 17103-1699, (717) 787-1419.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-21. Filed for public inspection January 4, 2008, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings: Wednesday, January 9, 2008, Audit Committee—9 a.m.; Data Systems Committee—10 a.m.; Education Committee—1 p.m.; Mandated Benefits Review Committee—3 p.m.; Executive Committee meeting—4 p.m.; Thursday, January 10, 2008, Council Meeting—10 a.m. and Payment Data Advisory Group—1 p.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodations due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 08-22. Filed for public inspection January 4, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, December 20, 2007, and announced the following:

Regulation Approved:

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-699: Licensure Technical Amendments (amends 49 Pa. Code Chapters 47 and 49).

Approval Order

Public Meeting held
December 20, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson;
David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Social Workers,
Marriage and Family Therapists and
Professional Counselors—
Licensure Technical Amendments;
Regulation No. 16A-699 (#2493)*

On September 26, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapters 47 and 49. The proposed regulation was published in the October 8, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 7, 2007.

This final-form rulemaking amends licensure requirements for social workers and makes editorial changes to the Board's regulations.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1906(2)) 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.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-23. Filed for public inspection January 4, 2008, 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>
16A-5318	State Board of Osteopathic Medicine Prescriptive Privileges for Physician Assistants 37 Pa.B. 5598 (October 20, 2007)	11/19/07	12/19/07
7-407	Environmental Quality Board Safe Drinking Water; Public Notification Revisions 37 Pa.B. 5158 (September 22, 2007)	11/21/07	12/21/07

State Board of Osteopathic Medicine Regulation #16A-5318 (IRRC #2644)

Prescriptive Privileges for Physician Assistants

December 19, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the October 20, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Osteopathic Medicine (Board) to respond to all comments received from us or any other source.

1. Possible conflict with existing regulations.

This regulation will allow osteopathic physicians to delegate the prescribing, dispensing and administering of drugs and therapeutic devices to physician assistants. Under current regulations of the State Board of Medicine found at 49 Pa. Code §§ 18.158 and 18.159, medical doctors can delegate this authority to physician assistants. As noted by the Board, this situation has caused confusion in health care settings.

Commentators have stressed the importance of aligning this proposed rulemaking exactly with the existing regulations of the State Board of Medicine. This would eliminate any confusion that two different sets of regulations would create amongst the regulated community. We

agree and urge the Board to amend the following sections of the proposed rulemaking to be consistent with the State Board of Medicine's regulations: § 25.177(a)(3); § 25.177(c); § 25.177(d)(1); § 25.177(d)(4); and § 25.178.

2. Written agreement.—Clarity.

The phrase "written agreement" is used in §§ 25.177(a)(4) and 25.177(d)(5). This phrase is not defined in 49 Pa. Code Chapter 25. We note that the phrase is defined in § 18.122 of the State Board of Medicine's regulations on physician assistants. We suggest that a definition of "written agreement" be added to this rulemaking.

Environmental Quality Board Regulation #7-407 (IRRC #2637)

Safe Drinking Water; Public Notification Revisions December 21, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the September 22, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. General—Fiscal impact; Protection of public health and safety; Reasonableness; Consistency or conflict with other regulations; Implementation procedures; Feasibility; Need; Clarity.

The following paragraphs identify issues, concerns or questions relating to more than one section in the proposed regulation.

Fiscal impact, need, feasibility, implementation procedure

In item No. 24 on page 7 of the Regulatory Analysis Form (RAF) for this proposed regulation, the RAF states: "All the provisions are more stringent than federal regulations." Both the RAF and Preamble indicate that the proposed regulation will impose additional costs on water systems. Some water systems claim it is not feasible for them to quickly comply with the regulation. They will need time to generate funding, and develop and implement components of the proposed regulation. There are two areas of related questions and concerns.

First, what negative impacts on public health and safety occurred due to shortcomings in the current notification system under the existing regulations in Pennsylvania? What were the economic impacts? This information should accompany the final-form regulation submittal.

Second, why does this regulation need to be effective immediately upon final publication in the *Pennsylvania Bulletin*? When new regulations require significant change, promulgating agencies often give existing facilities a specific time period in which they can bring their operations into compliance. The Board should consider amending the final-form regulation to include a grace period or additional time for water systems to upgrade their notification programs. In addition, the Board should fully investigate all methods or alternatives that reduce the proposed regulation's fiscal impact.

Probable

In the existing regulations, the term "probable emergency situations" is used only in Section 109.707(a)(1) relating to emergency response plans. The proposed regu-

lation adds the word "probable" to the words "emergency situation" in §§ 109.407(a)(6), 109.408(a)(7) and 109.701(a)(3)(iii), all of which pertain to responses to emergencies. Preparing for "probable" emergencies in developing an emergency response plan as required by Section 109.707 is understandable.

Commentators expressed concern that other language in the proposed regulation expands what constitutes an emergency situation and unduly increases the frequency of reporting and public notices. The insertion of the word "probable" may further expand what constitutes an emergency and require additional reporting and notices. What is the intent? Is the Board asking water systems to report situations that **may** become emergencies as well as actual emergencies? How do water system operators determine the level of probability that would require reporting? Existing language already describes Tier 1 emergencies as events with "significant potential to have serious adverse effects on human health." Is the word "probable" necessary in other sections beyond Section 109.707?

Coordination with other state agencies

In addition to the Board, another agency is proposing revisions to its notification requirements for water utilities. On October 14, 2006, the Pennsylvania Public Utility Commission (PUC) published a notice of proposed rulemaking to amend notification requirements specifically for water utilities. Not every water system is subject to oversight by the PUC. However, commentators encouraged the Board and Department of Environmental Protection (DEP) to work with the PUC to develop consistent notification procedures and reduce confusion and conflicts that may place duplicative and unnecessary burdens on the regulated community. We agree.

Furthermore, to assist water systems during disruptions caused by natural disasters or similar emergencies, the Board and DEP should consider consulting the Pennsylvania Emergency Management Agency (PEMA) in order to coordinate water systems' emergency response plans with PEMA as well as local emergency management agencies. PEMA and local emergency management agencies may already have contact networks in place which would assist water systems in notifying the public and with other contingencies related to emergencies.

2. Section 109.407. General public notification requirements.—Clarity.

In Subsection (c)(4), the proposed regulation directs water systems to notify "additional recipients" identified in its "emergency response plan under § 109.707(a)." The required contacts are listed in Section 109.707(a)(2). The citation in Section 109.407(c)(4) should be specific and refer to Section 109.707(a)(2).

3. Section 109.408. Tier 1 public notice—categories, timing and delivery of notice.—Implementation procedure; Clarity.

Subsection (c) contains new options for delivery of Tier 1 public notices including hand delivery, electronic mail and "automatic telephone dialing systems or other best available technology." In the existing regulations, Section 109.411 sets forth content requirements for the public notice and also includes provisions in Section 109.411(c)(2) for public notices in languages other than English. However, it is unclear how these multilingual provisions would apply to new delivery options such as electronic mail or "automatic telephone dialing systems." In addition, it is unclear what steps a water system may need to take in delivering notices to persons with disabilities. The final-form regulation should provide direction

for the new delivery options to address the needs of consumers for whom English is a second language and consumers with disabilities.

The second sentence of Subsection (c) begins with the phrase: "To reach all persons served . . ." Commentators suggested that the word "served" be replaced with "affected." This would direct public notice of emergency to the consumers that would be affected rather than all the consumers served by the water supplier. There is no need to contact consumers who are not affected and such a contact would only cause unnecessary confusion. This change should be included in the final-form regulation.

Subsections (c)(1)(i)(C), (c)(1)(ii)(C), (c)(1)(iv)(C), (c)(2)(ii), and (c)(4) provide that alternative forms or methods for delivery of public notification may be approved in writing by DEP. Is there an application process that water systems use for this approval? What standards or criteria will DEP use in evaluating the applications? If the application process and review standards or criteria are set forth elsewhere in existing regulations, cross-references to those provisions should be included in this subsection. If not, then the process and criteria or standards should be included in the final-form regulation.

4. Section 109.411. Content of a public notice.— Feasibility; Implementation procedure; Clarity.

Subsection (b)(4) requires that a water system's abbreviated notice include "a telephone number or website address, or both, where consumers can obtain the entire notice." In its comments, the Office of Consumer Advocate suggested that the first "or" should be changed to "and," and the phrase "or both" should be changed to "if available" because not everyone has access to the internet. Hence, a telephone number should always be provided. We agree.

5. Section 109.701. Reporting and recordkeeping.— Fiscal impact; Reasonableness; Feasibility; Need; Implementation procedures; Clarity.

In Subsection (a)(3) relating to one-hour reporting requirements, commentators suggested that the phrase "within 1 hour of discovery" should be changed to reflect language used by the PUC in its existing regulations at 52 Pa. Code § 67.1(c). The PUC provision requires telephone reporting "within one hour after preliminary assessment of conditions." In many situations, water systems may get an alarm from an unmanned facility indicating an event that may be an emergency situation. However, an operator must travel to the unmanned facility to verify whether the alarm is valid. Commentators are concerned that this existing language, combined with the new conditions defining emergency situations, will force water systems to make unnecessary calls to DEP and take other required steps before assessing whether a real emergency exists. The final-form regulation should address this concern.

Commentators questioned the need for the new language in Subsections (a)(3)(iii)(F) and (G) relating to one-hour reporting for "an overfeed" of a chemical or "negative water pressure in any portion of the distribution system." Commentators claim there is no conclusive evidence to demonstrate that such events are a threat to public health and safety. In addition, commentators indicate that incidents involving negative water pressure and chemical overfeeds occur frequently (in excess of 20,000 times annually across the state). However, almost every incident is managed and corrected in ways that pose no threat to the water system consumers. Hence, mandating reporting and public notices in these situations is unnec-

essary, would cause undue alarm and confusion among consumers, and would erode public confidence in public water systems. The Board and DEP should work with all segments of the regulated community and the DEP's Technical Assistance Center for Small Systems Advisory Board to refine these provisions in the final-form regulation to precisely target events that pose serious threats and will adversely affect the quality or quantity of drinking water.

Finally, commentators referred to a guidance document or a "draft policy document" that DEP is developing in conjunction with this proposed regulation. Under the section labeled as "Section E. Summary of Regulatory Requirements" in the Preamble, it states that DEP "will be developing guidance to provide additional information about situations that require 1-hour reporting." What types of situations will the guidance address? Any provisions in a guidance document that create a binding norm or impose a standard on water systems should be included in a regulation rather than a policy statement or guidance document.

6. Section 109.707. Emergency response plan.— Reasonableness; Implementation procedures; Clarity.

In Subsection (a)(2)(i) relating to communication procedures and contact information, water systems are required to have contact persons and phone numbers for "local emergency management agencies" within their systems' jurisdiction. There are two questions.

First, does the term "local emergency management agencies" apply only to county and larger city emergency management agencies, or does it also include "local emergency coordinators" in each municipality (e.g., townships and boroughs)? This should be clarified in the final-form regulation.

Second, what is the process for contacting other local officials? As a result of the fluoride overfeed that affected parts of Cumberland and York counties in December 2005, press reports indicated that local government officials did not receive satisfactory notice. Under the proposed regulation, would water systems be responsible for contacting local government officials in the affected areas? An alternative would be to see if the "local emergency management agencies" already have contact networks in place for all the municipalities in their regions.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-24. Filed for public inspection January 4, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Herlen C. Porterfield, III; Doc. No. SC07-12-006

Notice is hereby given of the Order to Show Cause issued on December 18, 2007, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violation of the following is alleged: 40 P. S. §§ 310.11 and 310.78-A.

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with the 2 Pa.C.S. §§ 510—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 51 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing contact Kathryn J. Culbertson, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-25. Filed for public inspection January 4, 2008, 9:00 a.m.]

Leanne C. Cardelli; Prehearing

Under Section 64 of the PA Assigned Risk Plan; 75 Pa.C.S. § 1741; Doc. No. P07-12-004

Under the Pennsylvania Assigned Risk Plan (Plan), Section 64, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741 (relating to establishment), notice is hereby given that Leanne C. Cardelli has requested a hearing on the decision by the Pennsylvania Assigned Risk Plan Governing Committee concerning the suspension of her certification by the Plan. The suspension imposed by the Pennsylvania Assigned Risk Governing Committee is stayed pending further order.

A prehearing telephone conference initiated by this office is scheduled for January 8, 2008, at 10:30 a.m. Each party shall provide the Hearings Office on or before January 4, 2008, a telephone number to be used for the telephone conference. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 15, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before January 22, 2008.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-26. Filed for public inspection January 4, 2008, 9:00 a.m.]

Harold J. Davis, M. D.; Prehearing

Appeal of Harold J. Davis, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-12-005

On or before January 11, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 30, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 17, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 4, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 14, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 24, 2008.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-27. Filed for public inspection January 4, 2008, 9:00 a.m.]

Life Investors Insurance Company; 25% Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Life Investors Insurance Company is requesting approval to increase the premium 25% on several long-term care policy forms issued in this Commonwealth. The increase will only affect policies with a benefit period of 4 years or more.

The company is requesting a 25% increase on the following forms which were originally issued by Life Investors: KLTCP 1 (PA) 490, LI-LTCP (PA) 192, LI-LTCP (PA) 195, LI-LTCP (PA-FR) 195, LI-LTCP TQ (PA) 898, LI-LTCP TQ (PA-FR) 898, GP001 796, GC001 NH (PA) 796, GC001 LTC (PA) 796 and GC001 HHC (PA) 796. The company is also requesting a 25% increase on the following forms which were originally issued by Bankers United Life: GCPLUS 1290 (PA), GCPLUS 2 1290 (PA), GCPRO (PA) 193, GCPRO (PA-FR) 193, GCPRO (PA) 995, GCPRO (PA-FR) 995, GCPRO-II (PA) 794, GCPRO-II (PA-FR) 794, GCPRO-II (PA) 995 and GCPRO-II (PA-FR) 995. A total of 224 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to March 20, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next, scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-28. Filed for public inspection January 4, 2008, 9:00 a.m.]

Osmalia's Shell; Hearing

Appeal of Osmalia's Shell under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 07-0073(S); Doc. No. UT07-12-003

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on February 5, 2008. A hearing shall occur on February 25, 2008, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before February 1, 2008. Answers to petitions to intervene, if any, shall be filed on or before February 11, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-29. Filed for public inspection January 4, 2008, 9:00 a.m.]

Transamerica Life Insurance Company; 25% Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Transamerica Life Insurance Company is requesting approval to increase the premium 25% on several long-term care policy forms issued in this Commonwealth. The company is requesting a 25% increase on the following forms: IP-70-PA-494, IP-71-PA-494, FP-70-PA-494, FP-71-PA-494, 6222 (PA) 289, LTC 2 (PA) 1290, LTC 3 (PA) 1091, LTC 3 (PA) 1091 (GR194), LTC 3 (PA) 1091 (GR195), LTC 3 (PA) 1091 (REV195), LTC 5 TQ NH (PA) 1096, LTC 5 TQ COM (PA) 1096, LTC 5 TQ NH (PA-FR)

1096 and LTC 5 TQ COM (PA-FR) 1096. A total of 230 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to March 20, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next, scroll down to "General Information," located in the middle of the page and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-30. Filed for public inspection January 4, 2008, 9:00 a.m.]

Susan Triggiani; Prehearing

Under Section 64 of the PA Assigned Risk Plan; 75 Pa.C.S. § 1741; Doc. No. P07-12-002

Under the Pennsylvania Assigned Risk Plan (Plan), Section 64, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741 (relating to establishment), notice is hereby given that Susan Triggiani has requested a hearing on the decision by the Pennsylvania Assigned Risk Plan Governing Committee concerning the suspension of her certification by the Plan. The suspension imposed by the Pennsylvania Assigned Risk Governing Committee is stayed pending further order.

A prehearing telephone conference initiated by this office is scheduled for January 8, 2008, at 10 a.m. Each party shall provide the Hearings Office on or before January 4, 2008, a telephone number to be used for the telephone conference. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 15, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before January 22, 2008.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-31. Filed for public inspection January 4, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on March 13, 2008, commencing at 9:30 a.m. in the Pennsylvania Room, Farm Show Complex and Expo Center, 2300 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the establishment of a Class I over-order price or pricing formula for milk produced in this Commonwealth, processed in this Commonwealth and that is utilized in this Commonwealth or in a contiguous state with a state-mandated over-order price.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on January 23, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on January 23, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits.

1. By 4 p.m. on January 25, 2008, the petitioners shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on February 15, 2008, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on March 6, 2008, the petitioner shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on February 25, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-32. Filed for public inspection January 4, 2008, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 1; General Price Hearing

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on February 11, 2008, commencing at 9:30 a.m. in Room 309 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive evidence to establish minimum wholesale and minimum retail prices in Milk Marketing Area No. 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on January 10, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on January 10, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on January 11, 2008, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on January 25, 2008, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on February 6, 2008, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other

proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on January 31, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-33. Filed for public inspection January 4, 2008, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's Board of Directors on Tuesday, January 8, 2008, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 08-34. Filed for public inspection January 4, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rate Stabilization Plan

TN 100. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for approval of a Rate Stabilization Plan.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before January 25, 2008. The documents filed in support of the petition 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 petitioner's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: David B. MacGregor, Michael W. Hassell, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

Notice

A prehearing conference on the previously-captioned case will be held as follows:

Type: Initial Prehearing Conference

Date: Wednesday, January 30, 2008

Time: 10 a.m.

Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge David A. Salapa
P. O. Box 3265
Harrisburg, PA 17105-3265

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-35. Filed for public inspection January 4, 2008, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission), held a regular business meeting on December 5, 2007, in Lancaster, PA, the Commission: 1) recognized former Pennsylvania State Senator Noah Wenger and outgoing New York Alternate Member Scott Foti; 2) heard a report on hydrologic conditions in the basin; 3) adopted a final rule making action and a companion resolution regarding agricultural consumptive use; 4) approved a new aquifer testing guidance for project sponsors proposing groundwater withdrawals; 5) accepted the Fiscal Year 2007 audit report; and 6) approved a grant and three contracts. The Commission also conducted a public hearing to approve certain water resources projects, to accept three settlement agreements, to deny a request for an administrative hearing, to extend two emergency water withdrawal certificates, and to adopt a revised project fee schedule. See the Supplementary Information section that follows for more details on these actions.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0422, Ext. 301, fax (717) 238-2436; ddickey@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information: The final rulemaking action amends the consumptive use provisions of 18 CFR Part 806 relating to agricultural water use and Part 808 relating to an erroneous authority citation, and a companion resolution determines that certain projects supported by the Commission's member states provide sufficient mitigation for agricultural consumptive use. Also, the Commission approved a grant for Chesapeake Bay nutri-

ent monitoring and contracts for the development of a Yield Analysis Tool, the production of New York State inundation maps, and the commencement of a comprehensive water resources study for the Morrison Cove area of the Juniata Subbasin.

The Commission also convened a public hearing and took the following actions:

Public Hearing—Projects Approved

1. Project Sponsor and Facility: Village of Waverly (Well 4), Tioga County, NY. Modification of groundwater approval (Doc. No. 20030207).

2. Project Sponsor and Facility: Sno Mountain, LLC, Scranton City, Lackawanna County, PA. Application to transfer approvals for surface water withdrawal of 7.300 mgd and consumptive water use of up to 1.600 mgd (Doc. No. 20030405).

3. Project Sponsor: Graymont (PA), Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Modification of consumptive water use approval (Doc. No. 20050306).

4. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Modification of consumptive water use approval (Doc. No. 20050307).

5. Project Sponsor: Parkwood Resources, Inc. Project Facility: Cherry Tree Mine, Burnside Township, Indiana and Clearfield Counties, PA. Application for consumptive water use of up to 0.225 mgd.

6. Project Sponsor and Facility: Mountainview Thoroughbred Racing Association, Inc., East Hanover Township, Dauphin County, PA. Modification of consumptive water use approval (Doc. No. 20020819).

7. Project Sponsor and Facility: King Drive Corp., Middle Paxton Township, Dauphin County, PA. Modification of consumptive water use approval (Doc. No. 20020615).

8. Project Sponsor and Facility: York Plant Holding, LLC, Springettsbury Township, York County, PA. Application for consumptive water use of up to 0.575 mgd.

Public Hearing—Enforcement Actions Approved:

Settlement agreements were accepted for the following projects:

1. Project Sponsor and Facility: Cooperstown Dreams Park, Inc. (Doc. No. 20060602), Town of Hartwick, Otsego County, NY.

2. Project Sponsor: Sand Springs Development Corp. (Doc. No. 20030406). Project Facility: Sand Springs Golf Community, Butler Township, Luzerne County, PA.

3. Project Sponsor and Facility: BC Natural Chicken, LLC (Doc. No. 20040305), Bethel Township, Lebanon County, PA.

Public Hearing—Denial of Request for Administrative Hearing:

Under section 808.2 of the Commission's Regulation relating to administrative appeals, the Commission denied a request for an administrative hearing concerning the following project: Project Sponsor—PPL Susquehanna, LLC; Project Facility—Susquehanna Steam Electric Station, Salem Township, Luzerne County, PA (Doc. No. 19950301).

Public Hearing—Extension of Emergency Water Withdrawal Certificates:

Emergency water withdrawal certificates were extended for the following projects:

1. Project Sponsor and Facility: City of Lock Haven, Wayne Township, Clinton County, PA.

2. Project Sponsor and Facility: Houtzdale Municipal Authority (Doc. No. 19950101), Rush Township, Centre County, PA.

Public Hearing—Fee Schedule Revision

The Commission adopted a revised project fee schedule that includes categorical fee adjustments for inflation and the addition of a fee category for withdrawals of less than 100,000 gpd involving a consumptive use. The revised schedule takes effect on January 1, 2008 and remains in effect until December 31, 2008.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: December 13, 2007.

Paul O. Swartz,
Executive Director

[Pa.B. Doc. No. 08-36. Filed for public inspection January 4, 2008, 9:00 a.m.]