

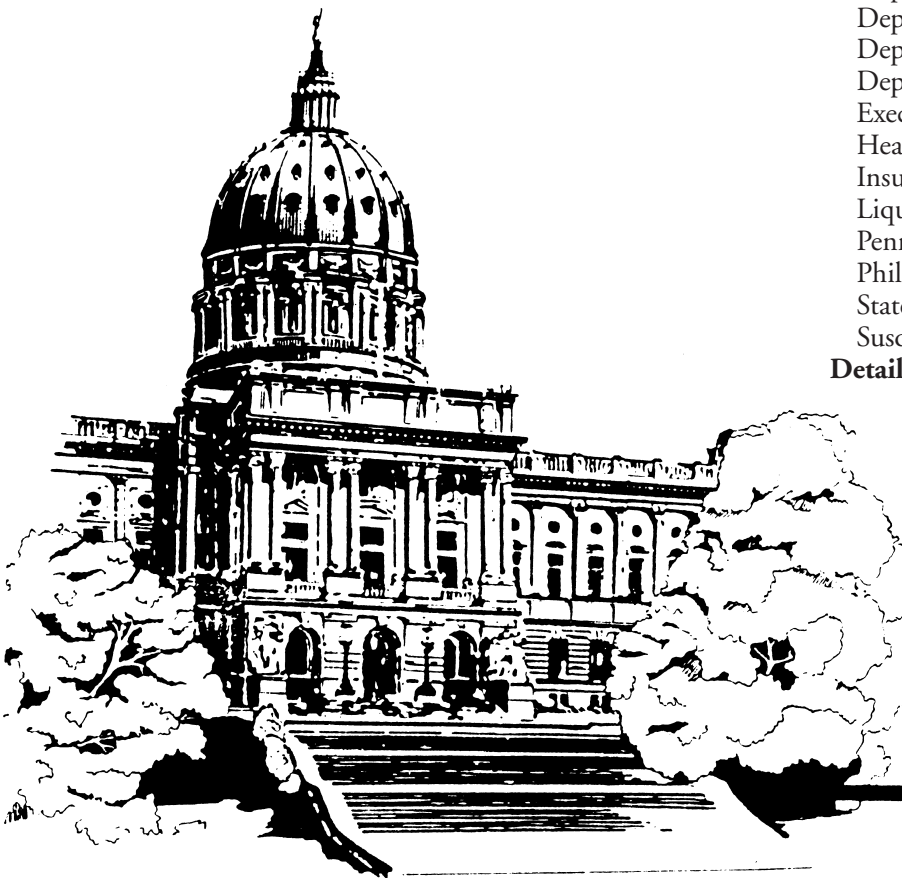
PENNSYLVANIA BULLETIN

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Agencies in this issue

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Transportation
Executive Board
Health Care Cost Containment Council
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Conservation Commission
Susquehanna River Basin Commission

Detailed list of contents appears inside.



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No. 454, September 2012

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CONTENTS

THE GENERAL ASSEMBLY

JUDICIAL SYSTEM GENERAL PROVISIONS

- Commission on Sentencing**
Adoption of sentencing guidelines 6072

THE COURTS

LOCAL COURT RULES

Bucks County

- Protection From Abuse actions; administrative order no. 19 6131

Erie County

- Revision and restatement of the rules of civil procedure; civil division; no. 90021-2012 6132

Susquehanna County

- Legal journal; no. 2012-57 MD 6135

Venango County

- Promulgation of local rules of juvenile court procedure; MD. no. 81-2008 6135

RULES OF CIVIL PROCEDURE

- Proposed amendment of Rules 3111, 3129.3 and 3135 governing sheriff's sales; proposed recommendation no. 255 6130

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

- Referendum order on the Pennsylvania Vegetable Marketing and Research Program 6143

DEPARTMENT OF BANKING

Notices

- Actions on applications 6143

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

- Air Quality Technical Advisory Committee meeting change 6208
Applications, actions and special notices 6145
Availability of technical guidance 6208
2013 Environmental Education Grants Program; application announcement 6209

DEPARTMENT OF HEALTH

Notices

- Renal Disease Advisory Committee meeting 6210
Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); maximum allowable prices and competitive prices 6210
Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); minimum technology standards 2012-2013 6217
Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC minimum inventory requirements 6218

- Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC 2012-2013 food list 6218

DEPARTMENT OF LABOR AND INDUSTRY

Notices

- Uniform Construction Code Review and Advisory Council meeting 6221

DEPARTMENT OF PUBLIC WELFARE

Notices

- Alternative cost sharing for families of children with disabilities with incomes over 200% of the Federal poverty income guidelines 6222
Nursing Facility Assessment Program 6223

DEPARTMENT OF TRANSPORTATION

Notices

- Application for lease of right-of-way 6224

EXECUTIVE BOARD

Statements of Policy

- Reorganization of the Department of Drug and Alcohol Programs 6140
Reorganization of the Department of Health 6140

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

- Data submission and collection 6224

INSURANCE DEPARTMENT

Notices

- Application for approval to redomesticate to the Commonwealth by Radian Mortgage Insurance, Inc. 6225
Capital BlueCross and Capital Advantage Insurance Company; individual direct pay comprehensive major medical benefit contract for HIPAA/HCTC eligible individuals; rate filing 6225
Celtic Insurance Company; policy forms G5-543-00145 (CeltiCare 3.0/3.1), G5-592-00192 (CeltiCare II), G5-543-00145 (HSA), I5-544-00159-PA (CeltiCare preferred 5.0/5.1), I5-544-00159-PA (Celtic Basic 1.0/2.1/2.2), G5-592-00192 (HSA 2.0/2.1), G5-555-00223-PA-HDHP (HSA 3.0); rate filing 6225
Insurance Services Office, Inc.; homeowners loss cost revision; rate filing 6225
Keystone Health Plan Central; small group base rate filing 6226
Mutual of Omaha Insurance Company; rate increase filing for several LTC forms 6226
Notice to medical malpractice insurance carriers and self-insured health care providers 6226

LIQUOR CONTROL BOARD

Proposed Rulemakings

- Prize limits for events, tournaments and contests . 6138

Now Available Online at <http://www.pabulletin.com>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Implementation of the Alternative Energy Portfolio Standards Act of 2004: standards for the participation of demand side management resources—technical reference manual 2013 update; doc. no. M-2012-2313373 6227

Service of notice of motor carrier applications 6227

Telecommunications 6229

PHILADELPHIA PARKING AUTHORITY

Notices

Public hearing and extension of comment period concerning wheelchair accessible vehicles taxicab provisions of Act 119 6229

STATE CONSERVATION COMMISSION

Notices

Action on odor management plans for concentrated animal operations and concentrated animal feeding operations and volunteers complying with the Commonwealth’s Facility Odor Management Program 6230

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Projects approved for consumptive uses of water .. 6231

Projects rescinded for consumptive uses of water .. 6232

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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

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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 2012.

4 Pa. Code (Administration)	401	1861		
Adopted Rules	403	1861		
1		1631	40 Pa. Code (Liquor)	
5	3559, 3561, 5146		Adopted Rules	
6	1633, 3199, 3559, 3561, 3563, 5146		3	388
7	5148		11	4465
7a	3566, 5148			
Statements of Policy			Proposed Rules	
1	5506		5	6138
9	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371, 5747, 6140		15	1504
68	5242			
7 Pa. Code (Agriculture)			49 Pa. Code (Professional and Vocational Standards)	
Proposed Rules			Adopted Rules	
46	5218		7	5736
76	5218		16	2955, 5484
143	1378		17	5484
			18	2955
22 Pa. Code (Education)			21	5486
Adopted Rules			27	5182
4	1859		33	769, 5736
10	4574		35	1376
			43b	5493
Proposed Rules			Proposed Rules	
73	5872		16	1122, 2469, 3597
			18	2469, 3597
Statements of Policy			25	2474, 3607
731	5752		27	5353
			41	5355
25 Pa. Code (Environmental Protection)			43b	5742
Adopted Rules			47	5744
121	4459		48	5744
126	4459		49	5744
128	4462			
130	4463		52 Pa. Code (Public Utilities)	
806	2193		Adopted Rules	
			54	5185
Proposed Rules			57	9
77	553		59	9, 5967
86	1228		62	2159
93	4367		63	3728
105	553		65	9
121	779, 3596, 4363		67	9, 5969
123	3596		1055	777
129	779			
130	779		Proposed Rules	
139	3596, 4363		54	796, 3458
			59	3454
Statements of Policy			62	2034, 3458
16	4187		69	3458, 3458
			72	3458
31 Pa. Code (Insurance)			1005	2746
Proposed Rules				
161	5629		Statements of Policy	
163	5628		69	1034, 1044
34 Pa. Code (Labor and Industry)			55 Pa. Code (Public Welfare)	
Adopted Rules			Adopted Rules	
231	2273		51	3230
			52	2730
Proposed Rules			165	1992
65	2378		168	2000
225	4468		299	2007

6070

1101	2010
1121	2015
1163	2023
1187	673, 3733
1189	3733
3041	2000, 2029
6211	3261

Statements of Policy

1187	3748
3270	675
3280	675
3290	675

58 Pa. Code (Recreation)

Adopted Rules

65	3445
69	1502
71	1859
131	5213
135	3581
139	3581
141	3588, 3590, 3591, 3592, 3593, 5214
143	5215
147	3594, 4305, 5216
401a	2585, 5857
423a	5857
427a	5857
433a	5857
435a	5857
436a	5857
461a	2585, 4305
465a	2585
467a	2585
513a	5857
521	2585, 2629
523	2649
524	2675, 4305
525	2585
526	2629
527	2629
528	2675, 4305
529	2675, 4305
531	2877
533	2877
535	2886
537	2886
539	2886
541	2906
543	2906
545	2906
549	2922, 4320
551	2686
553	2686
555	4320, 4584
557	4333
559	4333
561	2922, 4320
563	4320, 4584
565	4333
567	2877
569	4333
571	2686
573	2686
577	4697
579	5865
601a	2629
603a	2649
605a	2675, 4305
609a	2629

611a	2629
613a	2675, 4305
615a	2675, 4305
617a	2877
619a	2877
621a	2886
623a	2886
625a	2886
627a	2906
629a	2906
631a	2906
633a	2922, 4320
635a	2686
637a	2686
639a	4320, 4584
641a	4333
643a	4333
645a	2922, 4320
647a	4320, 4584
649a	4333
651a	2877
653a	4333
655a	2686
657a	2686

Proposed Rules

29	4720
61	1862
65	3449
75	3449
93	3446
99	3446
105	3446
109	3446
115	4472
131	3268, 5236
133	5238
135	1238, 5235
139	1238, 1864
141	1231, 1232, 1233, 1235, 1236, 3268, 5234
143	3267
147	1244, 3270, 5236
401a	2962
435a	2962
437a	2962
441a	2962

Statements of Policy

436b	5875
------	------

61 Pa. Code (Revenue)

Proposed Rules

7	1222
117	2381
119	2381
121	2381
901	1222

67 Pa. Code (Transportation)

Adopted Rules

231	25
-----	----

Proposed Rules

17	5627
84	3746
175	4704
441	5497
443	4702

Statements of Policy

190	2481
-----	------

101 Pa. Code (General Assembly)
Statements of Policy
 31 29

201 Pa. Code (Rules of Judicial Administration)
Adopted Rules
 2 4907
 5 4907

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 29 5854, 5855
 81 1637, 2186, 3127, 3431
 82 1638
 83 1637, 1639, 2186, 3127, 3431
 85 5156
 87 5156
 89 5156
 91 5156
 93 5156
 303 6072

Proposed Rules
 213 658
 303 1798, 4846

210 Pa. Code (Appellate Procedure)
Adopted Rules
 1 2269
 3 374, 4693
 9 2269
 11 2269
 15 2269
 37 3569
 67 1642, 4450
 69 4450

Proposed Rules
 1 1640
 3 1360
 15 1360
 19 1986
 21 1640
 37 659

225 Pa. Code (Rules of Evidence)
Adopted Rules
 Article VI 1858

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 377, 1363
 1700 2954
 1910 379, 545, 930
 3000 4907
 4000 3574
 Part II 4908

Proposed Rules
 200 377
 1900 3722
 1910 1642, 3722, 3724, 3726
 1915 1660
 3000 6130
 Part II 5730

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 1 1364, 4140, 5333
 5 2465, 4140, 5333
 6 545, 4140
 9 4140, 5347
 10 4140, 5333

Proposed Rules
 1 380, 5164
 5 1369, 4568, 5732
 6 380, 1369, 4568, 5732
 8 4568

237 Pa. Code (Juvenile Rules)
Adopted Rules
 1 547, 3203, 5734
 2 4908, 4909, 5350
 3 3203, 4909, 5350
 4 664, 4909, 5350
 5 1214, 4909
 6 1214
 8 4909

Proposed Rules
 1 5470, 5480, 5734
 11 5470, 5480, 5734
 18 5470, 5734

246 Pa. Code (Minor Court Civil Rules)
Adopted Rules
 1000 4913

Proposed Rules
 200 1116
 300 1116

249 Pa. Code (Philadelphia Rules)
 Unclassified ... 1217, 1372, 2186, 2188, 2467, 3130, 4160, 5965

252 Pa. Code (Allegheny County Rules)
 Unclassified 930, 2727, 3436, 3437, 3438, 3439, 3440

255 Pa. Code (Local Court Rules)
 Unclassified 8, 203, 550, 551, 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375, 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271, 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440, 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913, 4914, 5167, 5179, 5180, 5482, 5622, 5625, 5626, 5855, 6131, 6132, 6135

THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Adoption of Sentencing Guidelines

On April 7, 2012, the Pennsylvania Commission on Sentencing published proposed 7th Edition Sentencing Guidelines in the *Pennsylvania Bulletin*, in accordance with 42 Pa.C.S.A. § 2155(a)(1), and held public hearings on the following dates: May 17, 2012 (Reading); May 21, 2012 (Carlisle and State College); May 23, 2012 (Philadelphia); and June 1, 2012 (Pittsburgh).

Based on submitted testimony and feedback, the Commission considered several modifications to the proposed 7th Edition Sentencing Guidelines. The Commission published a revised proposed 7th Edition Sentencing Guidelines on August 4, 2012 in the *Pennsylvania Bulletin* and held a public hearing on September 12, 2012 (Harrisburg).

On September 13, 2012, the Commission on Sentencing adopted the 7th Edition Sentencing Guidelines, which are published in Annex A pursuant to 42 Pa.C.S.A. § 2155(a)(2).

Revisions to Sentencing Guidelines

Pennsylvania's initial sentencing guidelines became effective June 2, 1982 and were subsequently amended on ten occasions, most recently in 2008. The current sentencing guidelines (6th Edition, Revised) became effective December 5, 2008, and apply to all offenses committed on or after that date.

The Commission has adopted the proposed revisions to the 6th Edition, Revised sentencing guidelines summarized below and included in Annex A.

303.1—Sentencing guideline standards

State Identification Number will be included as part of the record in Guideline Sentence Forms effective January 1, 2014.

303.3—Offense gravity score (general)

Clarification regarding the assignment of an offense gravity score.

303.7—Prior record score (guideline points scoring)

Technical edits that address increases in the grading of two offenses.

303.9—Guideline sentence recommendations (general)

The Youth/School Sentencing Enhancement was modified to correlate with established mandatory minimum sentences. It was subdivided into three parts: Youth, School, and Youth and School.

303.10—Guideline sentence recommendations (enhancements)

The Youth/School Sentencing Enhancement was modified to correlate with established mandatory minimum sentences. It was subdivided into three parts: Youth,

School, and Youth and School. The school zone in the Youth/School Enhancement was reduced from 1,000 feet to 250 feet.

303.11—Guideline sentence recommendations (sentencing levels)

Changes in the place of confinement, effective November 24, 2011 in accordance with Act 2008-81, were incorporated into the descriptions of sentencing levels.

303.12—Guideline sentence recommendations (sentencing programs)

Technical edits to provide updated citations and to address format changes in sentencing matrix.

303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)

The Youth/School Sentencing Enhancement was modified to correlate with established mandatory minimum sentences. It was subdivided into three parts: Youth, School, and Youth and School.

303.14—Guideline sentence recommendations (economic sanctions)

Technical edits.

303.15—Offense listing

Offense gravity scores assigned to new offenses and to offenses for which the grade or definition was amended. Technical edits removed listing of inchoate offenses. OGS assignments were not changed. Statutory grade changes made. Definitions of existing offenses modified due to changes in statute. Offense gravity score assignment 'floor' created for any sex offense falling under Megan's Law as modified under Act 111 of 2011 (Adam Walsh Act). Megan's law registration offenses expiring December 2012 removed. Drug violation offenses 18 Pa.C.S. § 7508 / 35 P. S. § 780-113(a)(12), (14), and (30) modified. Sentencing enhancements created per legislative mandate.

303.16—Basic sentencing matrix

Technical edits.

303.17—Deadly weapon enhancement/possessed matrix

Technical corrective edits.

303.19—Youth/school enhancement matrices.

The matrices for the Youth/School Enhancement were added. One matrix applies to youth, one matrix applies to the school, and the third matrix applies to youth and school enhancements.

Resource Utilization

In accordance with 42 Pa.C.S.A. § 2153(a)(15), the Commission determined resources required under current guidelines (6th Edition Revised, effective December 5, 2008) and resources that would be required to carry out any proposed changes to the guidelines. The resource utilization analysis primarily focuses on changes initiated by the Commission. With the exception of the selected offenses identified in the resource utilization chart, the impact of legislation enacted by the General Assembly since the previous set of sentencing guidelines were adopted (December 5, 2008) is not included in this analysis.

The resource impact is based upon the disposition and duration of sentences reported to the Commission for calendar year 2010. The metrics were calculated for

current guidelines and for proposed guidelines. The impact represents the difference between the two and is presented as an increase or reduction in the utilization of institutional and community correctional resources on an annual basis. This simulation is based on holding all other factors and conformity to the guidelines constant except the change being analyzed. It does not take into account time served prior to parole or release. Sentencing data unit of analysis is most serious offense per offender.

Overall, the proposed guideline revisions as noted below will increase utilization of state incarceration by 61

beds per year. This increase is largely due to modifications of offense gravity score assignments for Megan's Law offenses and is consistent with changes addressed in the Adam Walsh Act (Act 111 of 2011).

At the county level, the proposed revisions will decrease utilization of county incarceration by 271 beds per year and decrease utilization of county intermediate punishment by 14 offenders per year, while increasing the number of offenders on probation by 27 per year. This shift is largely driven by changes in OGS assignments for drug offenses and related enhancements.

**Impact of Proposed Sentencing Guideline Changes
Annual Increase or Decrease of Resource Utilization**

	State Incarceration	County Incarceration	County Intermediate Punishment	Probation
Youth/School Enhancements				
School	-5	<-1	-5	0
Youth	0	<-1	-1	0
Youth and School	0	0	0	0
All Youth/School Enhancements*	-5 beds	-1 bed	-6 offenders	0 offenders
Drug Categories				
Cocaine	-293	-183	-76	113
MDMA/Ecstasy	53	0	10	-39
Pills of Schedule I and II	185	-52	18	-53
Other Schedule I and II Narcotics	20	-9	37	5
All Drug Categories*	-35 beds	-245 beds	-12 offenders	27 offenders

Note: 127 cases with enhancement were removed from this analysis due to overlap with Youth/School Enhancement

Office Gravity Score Assignment Changes for Selected Offenses

18 § 2903, False Imprisonment (OGS 7 to 8)	0	-	-	-
18 § 2904, Interference with Custody of Children (OGS 2 to 3)	-	0	-	0
18 § 2904, Interference with Custody of Children (OGS 4 to 6)	5	-1	-	0
18§ 2904, Interference with Custody of Children (OGS 6 to 8)	2	-	-	0
18 § 3122.1, Statutory Sexual Assault (OGS 7 to 8)	66	-25	0	0
18 § 3124.2, Institutional Sexual Assault (OGS 5 to 6)	-	0	0	0
18 § 5902, Promoting Prostitution of minor (OGS 5 to 6)	4	-	-	0
18 § 5903, Obscene Materials minor included/depicted (OGS 3 to 4)	2	1	-	0
18 § 5903, Obscene Materials minor included/depicted (OGS 5 to 6)	3	-1	0	0
18 § 6312, Possession of Child Pornography (OGS 5 to 6)	14	7	3	0
18 § 6312, Sexual Abuse of Children (OGS 7 to 8)	5	-3	-	0

	State Incarceration	County Incarceration	County Intermediate Punishment	Probation
18 § 7507.1, Invasion of privacy (OGS 1 to 2)	-	0	-	0
All OGS Changes for Selected Offenses*	101 beds	-25 beds	4 offenders	0 offenders
Total	61 beds	-271 beds	-14 offenders	27 offenders

Effective Date

The 7th Edition Sentencing Guidelines shall become effective 90 days after publication in the *Pennsylvania Bulletin* unless disapproved by the General Assembly, pursuant to 42 Pa.C.S.A. § 2155(b). If not disapproved, the 7th Edition Sentencing Guidelines will be effective December 28, 2012 and shall apply to all sentences for offenses committed on or after that date.

SENATOR MARY JO WHITE,
Chair

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES

§ 303.1. Sentencing guidelines standards.

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

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

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

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

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

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

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

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

§ 303.2. Procedure for determining the guideline sentence.

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

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

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

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including Deadly Weapon Enhancement and Youth/School Enhancement (§ 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**] For violations of 35 P.S. § 780-113(a)(12), (a)(14), and (a)(30) [**when**] involving 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], when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

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

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

Misdemeanor 3	1
Misdemeanors not subclassified by the General Assembly	1

§ 303.4. Prior Record Score—categories.

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

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

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

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

§ 303.5. Prior Record Score—prior convictions.

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

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

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

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

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

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

§ 303.6. Prior Record Score—prior juvenile adjudications.

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

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

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

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

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

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

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

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

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

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

§ 303.7. Prior Record Score—guideline points scoring.

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

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

Murder, and attempt, solicitation or conspiracy to commit Murder

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

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

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

Ethnic Intimidation to any Felony 1 offense

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

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

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

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

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

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

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

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

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

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

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

Involuntary Manslaughter

Simple Assault (against child under 12 years of age by adult 21 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 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 court shall consider the applicable matrix in 303.19, related to Youth, School, or Youth and School Enhancements. When applying the Youth Enhancement, 6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the School Enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When the Youth and School Enhancement is applied, 18 months are added to the bottom of the standard range and 36 months are added to the upper limit of the standard range.** The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

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

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

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

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

(h) *Mandatory sentences.* The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a manda-

tory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

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

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17). 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 1000 feet of the real property on which is located a public or private elementary or secondary school**], the court shall consider the range of sentences described in § 303.9(c).

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

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

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

[(3)] (5) 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. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

(1) *Level 1*—Level 1 provides sentence recommendations for the least serious offenders with no more than

one prior misdemeanor conviction, such that the standard range is limited to Restorative Sanctions (RS). The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. The following sentencing option is available:

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

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

Total confinement in a county facility [**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 **or less** applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

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

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

Total confinement in a county facility [**under a state or county sentence (see 61 P. S. § 331.17).**] **pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)**

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

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

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility **pursuant to 42 Pa.C.S. § 9762(b)**. The standard range is defined as having a lower limit of incarceration

of [**greater than**] 12 months **or greater** but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, **pursuant to 42 Pa.C.S. § 9762(b)**, and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

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

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

Total confinement in a county facility [**as a state offender (see 61 P. S. § 331.17).**] **pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)**

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

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

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

Total confinement in a state facility[.]

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

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

Total confinement in a county facility [**as a state offender. (see 61 P. S. § 331.17).**] **pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)**

Partial confinement in a county facility[.] **pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is**

subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

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

§ 303.12. Guideline sentence recommendations: sentencing programs.

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

(1) *Eligibility.*

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

37 Pa. Code § 451.1 et seq.

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

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

(i) Restrictive Intermediate Punishments (RIP) either:

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

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

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

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

authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the Bureau of Drug and Alcohol Programs.

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

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

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

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

(i) Restorative sanction programs:

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

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

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

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

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

(A) if the defendant is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance;

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

4. any combination of Qualified Restrictive Intermediate Punishment programs.

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

1. house arrest with electronic surveillance; or
2. partial confinement programs such as work release, a work camp or a halfway facility; or
3. any combination of Qualified Restrictive Intermediate Punishment programs.

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

(1) *Eligibility*.

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: [**61 P. S. § 1121—§ 1129**] **61 Pa.C.S. Chapter 39**.

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

(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**] **61 Pa.C.S. Chapter 41**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 303.14. Guideline sentence recommendations—economic sanctions.

(a) *Fines*.

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

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

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

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

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

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

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

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

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

[(a)] (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)] (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)] (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)] (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)] (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)

<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>
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 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 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 >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
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 to First Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder (No SBI)	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 to Second Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(c)	Murder, Third Degree	F1	14	4
2502(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2503	Manslaughter, Voluntary	F1	11	4

<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>
[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 or Operating a Watercraft Under the Influence arising from the same INCIDENT)	M1	8	1
2504*	Manslaughter, Involuntary (when there is not a conviction for DUI or Operating a Watercraft Under the Influence 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]
2507(a)	Murder, First Degree, law enforcement officer	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2507(a) INCHOATE	—Attempt/solicitation/conspiracy to First Degree Murder of law enforcement officer (SBI)	18 Pa.C.S. 1102(c)	14	4
2507(a) INCHOATE	—Attempt/solicitation/conspiracy to First Degree Murder of law enforcement officer (no SBI)	18 Pa.C.S. 1102(c)	13	4
2507(b)	Murder, Second Degree, law enforcement officer	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2507(b) INCHOATE	—Attempt/solicitation/conspiracy to Second Degree Murder of law enforcement officer (SBI)	18 Pa.C.S. 1102(c)	14	4
2507(b) INCHOATE	—Attempt/solicitation/conspiracy to Second Degree Murder of law enforcement officer (no SBI)	18 Pa.C.S. 1102(c)	13	4
2507(c)	Manslaughter, First Degree, law enforcement officer	F1	14	4
2507(d)	Manslaughter, Second Degree, law enforcement officer	F2	9	2
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 to First Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(b)	Murder, Second Degree, Unborn Child	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2604(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(c)	Murder, Third Degree, Unborn Child	F1	14	4
2604(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4

<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(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder of Unborn Child (No SBI)	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(a)(1)	Simple Assault: attempt or cause BI	M2	3	m
2701[(b)(1)](a)(1)	Simple Assault: attempt or cause BI (mutual consent)	M3	1	m
2701[(b)(2)](a)(1)	Simple Assault: attempt or cause BI (against child by adult)	M1	4	1
2701(a)(2)	Simple Assault: negligently cause BI with deadly weapon	M2	3	m
2701(a)(2)	Simple Assault: negligently cause BI with deadly weapon (mutual consent)	M3	1	m
2701(a)(2)	Simple Assault: negligently cause BI with deadly weapon (against child by adult)	M1	4	1
2701(a)(3)	Simple Assault: fear SBI	M2	3	m
2701(a)(3)	Simple Assault: fear SBI (mutual consent)	M3	1	m
2701(a)(3)	Simple Assault: fear SBI (against child by adult)	M1	4	1
2701(a)(4)	Simple Assault: hypodermic needle penetrates	M2	3	m
2701(a)(4)	Simple Assault: hypodermic needle penetrates (mutual consent)	M3	1	m
2701(a)(4)	Simple Assault: hypodermic needle penetrates (against child by adult)	M1	4	1
2702(a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	11	4
[2702(a)(1)* INCHOATE]	[—Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI)]	[18 Pa.C.S. § 905]	[10]	[3]
2702(a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)	F1	10	3
2702(a)(2)*	Aggravated Assault (causes serious bodily injury police, etc.)	F1	11	4
[2702(a)(2)* INCHOATE]	[—Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI to police, etc.)]	[18 Pa.C.S. § 905]	[10]	[3]
2702(a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	3
2702(a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2
2702(a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2	8	2
2702(a)(5)	Aggravated Assault (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
2702.1	Assault of law enforcement officer (discharging firearm)	F1	13	4

<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>
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 to Assault by Life Prisoner (no SBI)	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] 4	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
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/results in death)	Life	Life	4
2716(b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1	13	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 F2)	F1	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 M1)	F3	one point higher than object 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>
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 M3 or ungraded misdemeanor)	M2	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 (victim 18 yrs. or older)	F1	10	4
[2901* INCHOATE]	[—Attempt/Solicitation/Conspiracy to Kidnapping (victim 18 yrs. or older)]	[18 Pa.C.S. § 905]	[9]	[3]
[2901*]	[Kidnapping (victim under 18 years of age)]	[F1]	[10]	[4]
[2901* INCHOATE]	[—Attempt/Solicitation/Conspiracy to Kidnapping (victim under 18 years of age)]	[18 Pa.C.S. § 905]	[9]	[3]
2901(a.1)(1)*	Kidnapping of a minor: ransom/reward/shield (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(1)*	Kidnapping of a minor: ransom/reward/shield (victim <14 yrs.)	F1	10	4
2901(a.1)(2)*	Kidnapping of a minor: facilitate commission of felony (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(2)*	Kidnapping of a minor: facilitate commission of felony (victim <14 yrs.)	F1	10	4
2901(a.1)(3)*	Kidnapping of a minor: inflict BI, terrorize (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(3)*	Kidnapping of a minor: inflict BI, terrorize (victim <14 yrs.)	F1	10	4
2901(a.1)(4)*	Kidnapping of a minor: interfere gov. official/function (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(4)*	Kidnapping of a minor: interfere gov. official/function (victim <14 yrs.)	F1	10	4
2902(b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1	3	m
2902(b)(1)	Unlawful restraint of minor: risk of SBI (victim <18 yrs.)	F2	8	2
2902(b)(2)	Unlawful restraint by parent (victim under 18 years of age)	F2	8	2
2902(b)(2)	Unlawful restraint of minor: invol. servitude (victim <18 yrs.)	F2	8	2
2903[(b)(1)](a)	False imprisonment (victim 18 yrs. or older)	M2	2	m
2903(b)	False imprisonment of minor (victim <18 yrs.)	F2	[7] 8	2
2903[(b)(2)](c)	False imprisonment by parent (victim under 18 years of age)	F2	7	2
2904[(c)](a)	Interference with the Custody of Children	F3	[4] 6	1
2904[(c)(1)](a)	Interference with the Custody of Children by non-parent	F2	[6] 8	2
2904[(c)(2)](a)	Interference with the Custody of Children, good cause/partial custody	M2	[2] 3	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

<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>
2909	Concealment of Whereabouts of a Child	F3	4	1
2910(a)	Luring a Child into a Motor Vehicle or structure	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)(1)	Rape by forcible compulsion	F1	12	4
[3121(a) INCHOATE]	[—Attempt/Solicitation/Conspiracy to Rape]	[18 Pa.C.S. § 905]	[11]	[3]
3121 [(b)] (a)(1)	Rape by forcible compulsion (uses substance to impair victim)	F1	13	4
3121(a)(2)	Rape by threat of forcible compulsion	F1	12	4
3121(a)(2)	Rape by threat of forcible compulsion (uses substance to impair victim)	F1	13	4
3121(a)(3)	Rape and victim unconscious/unaware	F1	12	4
3121(a)(3)	Rape and victim unconscious/unaware (uses substance to impair victim)	F1	13	4
3121(a)(4)	Rape and victim substantially impaired	F1	12	4
3121(a)(4)	Rape and victim substantially impaired (uses substance to impair victim)	F1	13	4
3121(a)(5)	Rape and victim has mental disability	F1	12	4
3121(a)(5)	Rape and victim has mental disability (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(a)(1)	Statutory Sexual Assault (victim <16 yrs./offender 4 to <8 yrs. older)	F2	7	2
3122.1(a)(2)	Statutory sexual assault (victim <16 yrs./offender 8 to <11 yrs. older)	F2	[7] 8	2
3122.1(b)	Statutory sexual assault (victim <16 yrs./offender 11 yrs. or older)	F1	9	3
3123(a)(1)	Involuntary Deviate Sexual Intercourse by forcible compulsion	F1	12	4
3123(a)(2)	Involuntary deviate sexual intercourse by threat of forcible compulsion	F1	12	4
3123(a)(3)	Involuntary deviate sexual intercourse and victim unconscious/unaware	F1	12	4
3123(a)(4)	Involuntary deviate sexual intercourse and victim substantially impaired	F1	12	4
3123(a)(5)	Involuntary deviate sexual intercourse and victim has mental disability	F1	12	4

<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(a)(7)	Involuntary deviate sexual intercourse: victim <16 yrs. and offender 4 yrs. or older and not married to each other	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 with a child (child <13 yrs.)	F1	14	4
[3123(b) INCHOATE]	[—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse]	[18 Pa.C.S. § 905]	[13]	[3]
3123(c)	Involuntary Deviate Sexual Intercourse with a child (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(a)	Institutional sexual assault (victim 18 yrs. or older)	F3	[5] 6	1
3124.2(a.1)	Institutional sexual assault of a minor (victim <18 yrs.)	F3	[5] 6	1
3124.2(a.2)	Institutional sexual assault by school volunteer or employee	F3	6	1
3124.2(a.3)	Institutional sexual assault by child care volunteer or employee	F3	6	1
3125(a)(1)	Aggravated Indecent Assault without consent	F2	10	4
3125[(b)](a)(1)	Aggravated Indecent Assault of a child without consent (child <13 yrs.)	F1	12	4
[3125(a) INCHOATE]	[—Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault]	[18 Pa.C.S. § 905]	[10]	[3]
3125(a)(2)	Aggravated indecent assault by forcible compulsion	F2	10	4
3125(a)(2)	Aggravated indecent assault of a child by forcible compulsion (child <13 yrs.)	F1	12	4
3125(a)(3)	Aggravated indecent assault by threat of forcible compulsion	F2	10	4
3125(a)(3)	Aggravated indecent assault of a child by threat of forcible compulsion (child <13 yrs.)	F1	12	4
3125(a)(4)	Aggravated indecent assault and victim unconscious/unaware	F2	10	4
3125(a)(4)	Aggravated indecent assault of a child and victim unconscious/unaware (child <13 yrs.)	F1	12	4
3125(a)(5)	Aggravated indecent assault and victim substantially impaired	F2	10	4
3125(a)(5)	Aggravated indecent assault of a child and victim substantially impaired (child <13 yrs.)	F1	12	4
3125(a)(6)	Aggravated indecent assault and victim has mental disability	F2	10	4
3125(a)(6)	Aggravated indecent assault of a child and victim has mental disability (child <13 yrs.)	F1	12	4

<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>
3125(a)(7)	Aggravated indecent assault and victim <13 yrs	F2	10	4
3125(a)(8)	Aggravated indecent assault and victim <16 yrs. and offender 4 yrs. or more older and not married to each other	F2	10	4
[3125(b) INCHOATE]	[—Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault (child)]	[18 Pa.C.S. § 905]	[11]	[3]
3126(a)(1)	Indecent Assault (without consent)	M2	4	m
3126(a)(2)	Indecent Assault (forcible compulsion)	M1	5	m
3126(a)(3)	Indecent Assault (threat of forcible compulsion)	M1	5	m
3126(a)(4)	Indecent Assault (complainant unconscious)	M1	5	m
3126(a)(5)	Indecent Assault (substantially impaired complainant)	M1	5	m
3126(a)(6)	Indecent Assault (complainant suffers mental disability)	M1	5	m
3126(a)(7)	Indecent Assault (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 complainant's sexual/intimate parts with sexual/intimate parts of the person)	F3	6	1
3126(a)(7)	Indecent Assault (complainant less than 13 years of age; touching the person's sexual/intimate parts with sexual/intimate parts of the complainant)	F3	6	1
3126(a)(8)	Indecent Assault (complainant less than 16 years of age)	M2	4	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
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 other than the actor is inside the building or occupied structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	10	4

<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>
[3301(a)* INCHOATE]	[—Attempt/Solicitation/Conspiracy to 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)]	[18 Pa.C.S. § 905]	[9]	[3]
3301(a)*	Arson Endangering Persons (where no person other than the actor is inside the building or occupied 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(a)* INCHOATE]	[—Attempt/Solicitation/Conspiracy to 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)]	[18 Pa.C.S. § 905]	[8]	[3]
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 (>\$5,000)	F3	5	1
3304	Criminal Mischief (>\$1,000)	M2	2	m
3304	Criminal Mischief (>\$500)	M3	1	m
3304	Criminal Mischief (>\$150 under (a)(4))	M3	1	m
3305	Tampering w/Fire Hydrants	M3	1	m
3307	Institutional Vandalism (>\$5,000)	F3	5	1
3307	Institutional Vandalism	M2	2	m
3309	Agricultural Vandalism (>\$5,000)	F3	5	1
3309	Agricultural Vandalism (>\$1,000)	M1	3	m
3309	Agricultural Vandalism (>\$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 F1)	F1	14	4
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 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 M1)	F3	one point higher than object 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>
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 M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
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
3313(a)	Illegal dumping of methamphetamine waste	F3	5	1
3502[*](a)(1)	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[*](a)(2)	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1	7	3
3502[*](a)(3)	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(a)(4)	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)(i)	Trespass, Criminal	F3	3	1
3503(a)(1)(ii)	Trespass, Criminal	F2	4	2
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
3503(b.3)(1)(i)	Agricultural biosecurity area trespasser (enters biosecurity area, not licensed or privileged)	M3	1	m
3503(b.3)(1)(iii)	Agricultural biosecurity area trespasser (causes damage or death to animal or plant)	M1	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

<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>
3701(a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3	5	1
3701(a)(1)(vi)	Robbery (takes from financial institution without permission)	F2	7	2
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 (>\$100,000)	F3	8	1
3921*	Theft by Unlawful Taking or Disposition (>\$50,000 to \$100,000)	F3	7	1
3921*	Theft by Unlawful Taking or Disposition (>\$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition (>\$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 <\$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition (<\$50)	M3	1	m
3922	Theft by Deception (firearm)	F2	8	2
3922*	Theft by Deception (>\$100,000)	F3	8	1
3922*	Theft by Deception (>\$50,000 to \$100,000)	F3	7	1
3922*	Theft by Deception (>\$25,000 to \$50,000)	F3	6	1
3922*	Theft by Deception (>\$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 (>\$100,000)	F3	8	1
3923*	Theft by Extortion (>\$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion (>\$25,000 to \$50,000)	F3	6	1
3923*	Theft by Extortion (>\$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

<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>
3923	Theft by Extortion (\$50 to <\$200)	M2	2	m
3923	Theft by Extortion (<\$50)	M3	1	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (firearm)	F2	8	2
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake (>\$100,000)	F3	8	1
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake (>\$50,000 to \$100,000)	F3	7	1
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake (>\$25,000 to \$50,000)	F3	6	1
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake (>\$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 by 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 by Property Lost, Mislaid, or Delivered by Mistake (\$200 to \$2,000)	M1	3	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (\$50 to <\$200)	M2	2	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (<\$50)	M3	1	m
3925	Theft by receiving stolen property (firearm) and receiver is in the business of buying or selling stolen property	F1	8	3
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 (>\$100,000)	F3	8	1
3925*	Theft by Receiving Stolen Property (>\$50,000 to \$100,000)	F3	7	1
3925*	Theft by Receiving Stolen Property (>\$25,000 to \$50,000)	F3	6	1
3925*	Theft by Receiving Stolen Property (>\$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 <\$200)	M2	2	m
3925	Theft by Receiving Stolen Property (<\$50)	M3	1	m
3926	Theft of Services (firearm)	F2	8	2
3926*	Theft of Services (>\$100,000)	F3	8	1
3926*	Theft of Services (>\$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services (>\$25,000 to \$50,000)	F3	6	1

<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>
3926*	Theft of Services (>\$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 (<\$50)	M3	1	m
3926(e)	Theft of Services (sale ransfer 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 (>\$100,000)	F3	8	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (>\$50,000 to \$100,000)	F3	7	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (>\$25,000 to \$50,000)	F3	6	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (>\$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 <\$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received (<\$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 vehicle)	F3	5	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	Theft, Retail (third or subsequent conviction)	F3	3	1
3929.1	Library Theft (1st; 2nd over \$150)	M1	3	m
3929.1	Library Theft (2nd; less than \$150)	M2	2	m
3929.1	Library Theft (3rd; subsequent offense)	F3	5	1
3929.2	Unlawful possession of retail or library theft instruments	M1	3	m
3929.3	Organized retail theft (merchandise value \$20,000 or more)	F2	7	2
3929.3	Organized retail theft (merchandise value \$5,000 to \$19,999)	F3	6	1
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1

<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>
3931	Theft of Unpublished Dramas and Musical Compositions (>\$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 <\$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions (<\$50)	M3	1	m
3932	Theft by Leased Property (firearm)	F2	8	2
3932*	Theft of Leased Property (>\$100,000)	F3	8	1
3932*	Theft of Leased Property (>\$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property (>\$25,000 to \$50,000)	F3	6	1
3932*	Theft of Leased Property (>\$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 to 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 <\$200)	M2	2	m
3932	Theft of Leased Property (<\$50)	M3	1	m
3934(b)(1)(i)	Theft from a motor vehicle (<\$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 (>\$200)	M1	3	m
3934(b)(2)	Theft from a motor vehicle (third/subseq. in 5 yrs.)	F3	6	1
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m
4102	Simulating Antiques	M1	3	m
4103	Fraudulent Destruction of Recordable Instruments	F3	5	1
4104(a)	Tampering with Records or Identification	M1	3	m
4105(c)(1)(ii)	Bad Checks (\$200—<\$500)	M3	1	m
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 or more)	F3	5	1
4105(c)(2)	Bad Checks (3rd or subseq./<\$75,000)	M1	3	m
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 (<\$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

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

<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>
4119(c)(1)	Trademark Counterfeiting	M1	3	m
4119(c)(2)	Trademark Counterfeiting	F3	5	1
4119(c)(3)	Trademark Counterfeiting	F2	7	2
4120(c)(1)(i)	Identity theft (total value <\$2000)	M1	3	m
4120(c)(1)(ii)	Identity theft (total value \$2000 or more)	F3	5	1
4120(c)(1)(iii)	Identity theft (criminal conspiracy, any amount)	F3	5	1
4120(c)(1)(iv)	Identity theft (third/subsequent offense)	F2	7	2
4120(c)(2)(i)	Identity theft (victim 60 yrs. or older, total value <\$2000)	F3	5	1
4120(c)(2)(ii)	Identity theft (victim 60 yrs. or older, total value \$2000 or more)	F2	7	2
4120(c)(2)(iii)	Identity theft (victim 60 yrs. or older, criminal conspiracy, any amount)	F2	7	2
4120(c)(2)(iv)	Identity theft (victim 60 yrs. or older, third/subsequent offense)	F1	8	3
4301	Bigamy	M2	3	m
4302(a)	Incest [(victim 18 yrs. or older)]	F2	9	4
[4302 INCHOATE]	[—Attempt/Solicitation/Conspiracy to Incest (victim 18 yrs. or older)]	[18 Pa.C.S. § 905]	[9]	[3]
4302(b)(1)	Incest [(victim 12 years of age or older but under 18 years of age)] of a minor (victim <13 yrs.)	F2	9	4
[4302 INCHOATE]	[—Attempt/Solicitation/Conspiracy to Incest (victim 12 years of age or older but under 18 years of age)]	[18 Pa.C.S. § 905]	[9]	[3]
4302(b)(2)	Incest [(victim under 12 years of age)] of a minor (victim 13 yrs. to 18 yrs. and offender 4 yrs. or more older)	F2	9	4
[4302 INCHOATE]	[—Attempt/Solicitation/Conspiracy to Incest (victim under 12 years of age)]	[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

<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>
4906(a)	False Reports to Law Enforcement Authorities (falsely incriminating another)	M2	2	m
4906(a)	False Reports to Law Enforcement Authorities of theft or loss of firearm (falsely incriminating another)	M1	3	m
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 of theft or loss of firearm (fictitious reports)	M1	3	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
4913(a)	Impersonating a notary public or holder of professional occupational license	M2	2	m
4913(a)	Impersonating a notary public or holder of professional occupational license (harm, defraud, injury)	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 offenses)]	[F1]	[11]	[4]
[4915(a)(1)]	[Failure to Register, Sexual Offender Registration (10-year, 3rd and subsequent offenses)]	[F1]	[10]	[3]
[4915(a)(1)]	[Failure to Register, Sexual Offender Registration (Lifetime, 2nd offense)]	[F1]	[10]	[3]
[4915(a)(1)]	[Failure to Register, Sexual Offender Registration (10-year, 2nd offense)]	[F2]	[8]	[2]
[4915(a)(1)]	[Failure to Register, Sexual Offender Registration (Lifetime)]	[F2]	[8]	[2]
[4915(a)(1)]	[Failure to Register, Sexual Offender Registration (10-year)]	[F3]	[6]	[1]
[4915(a)(2)]	[Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 3rd and subsequent offenses)]	[F1]	[11]	[4]
[4915(a)(2)]	[Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 3rd and subsequent offenses)]	[F1]	[10]	[3]
[4915(a)(2)]	[Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd offenses)]	[F1]	[10]	[3]

<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>
[4915(a)(2)]	[Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd offenses)]	[F2]	[8]	[2]
[4915(a)(2)]	[Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)]	[F2]	[8]	[2]
[4915(a)(2)]	[Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)]	[F3]	[6]	[1]
[4915(a)(3)]	[Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)]	[F1]	[10]	[3]
[4915(a)(3)]	[Failure to Provide Accurate Information, Sexual Offender Registration (10-year)]	[F2]	[8]	[2]
4915.1(a)(1)	Failure to register/15 yr. registration (1st offense)	F3	6	1
4915.1(a)(1)	Failure to register/15 yr. registration (2nd/subsequent offense)	F2	8	2
4915.1(a)(1)	Failure to register/25 yr registration (1st offense)	F2	8	2
4915.1(a)(1)	Failure to register/25 yr. registration (2nd/subsequent offense)	F1	10	3
4915.1(a)(1)	Failure to register/ lifetime registration (1st offense)	F2	8	2
4915.1(a)(1)	Failure to register/ lifetime registration (2nd/subsequent offense)	F1	10	3
4915.1(a)(2)	Failure to verify address, be photographed/15 yr. registration (1st offense)	F3	6	1
4915.1(a)(2)	Failure to verify address, be photographed /15 yr. registration (2nd/subsequent offense)	F2	8	2
4915.1(a)(2)	Failure to verify address, be photographed /25 yr. registration (1st offense)	F2	8	2
4915.1(a)(2)	Failure to verify address, be photographed /25 yr. registration (2nd/subsequent offense)	F1	10	3
4915.1(a)(2)	Failure to verify address, be photographed /lifetime registration (1st offense)	F2	8	2
4915.1(a)(2)	Failure to verify address, be photographed /lifetime registration (2nd/subsequent offense)	F1	10	3
4915.1(a)(3)	Failure to provide accurate information/15 yr. registration	F2	8	2
4915.1(a)(3)	Failure to provide accurate information /25 yr. registration	F1	10	3
4915.1(a)(3)	Failure to provide accurate information /lifetime registration	F1	10	3
4915.1(a.1)(1)	Failure to register/15 yr. registration, transient (1st offense)	F3	6	1
4915.1(a.1)(1)	Failure to register/15 yr. registration, transient (2nd/subsequent offense)	F2	8	2
4915.1(a.1)(1)	Failure to register/25 yr. registration, transient (1st offense)	F2	8	2
4915.1(a.1)(1)	Failure to register/25 yr. registration, transient (2nd/subsequent offense)	F1	10	3

<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>
4915.1(a.1)(1)	Failure to register/lifetime registration, transient (1st offense)	F2	8	2
4915.1(a.1)(1)	Failure to register/lifetime registration, transient (2nd/subsequent offense)	F1	10	3
4915.1(a.1)(2)	Failure to verify address, be photographed/15 yr. registration, transient (1st offense)	F3	6	1
4915.1(a.1)(2)	Failure to verify address, be photographed/15 yr. registration, transient (2nd/subsequent offense)	F2	8	2
4915.1(a.1)(2)	Failure to verify address, be photographed/25 yr. registration, transient (1st offense)	F2	8	2
4915.1(a.1)(2)	Failure to verify address, be photographed/25 yr. registration, transient (2nd/subsequent offense)	F1	10	3
4915.1(a.1)(2)	Failure to verify address, be photographed/lifetime registration, transient (1st offense)	F2	8	2
4915.1(a.1)(2)	Failure to verify address, be photographed/lifetime registration, transient (2nd/subsequent offense)	F1	10	3
4915.1(a.1)(3)	Failure to provide accurate information/15 yr. registration, transient	F2	8	2
4915.1(a.1)(3)	Failure to provide accurate information /25 yr. registration, transient	F1	10	3
4915.1(a.1)(3)	Failure to provide accurate information /lifetime registration, transient	F1	10	3
4915.1(a.2)(1)	Failure to comply with counseling (SVP)	M1	5	m
4915.1(a.2)(2)	Failure to comply with counseling (other jurisdiction requires)	M1	5	m
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
5104.1	Disarming Law Enforcement Officer	F3	5	1
5105	Apprehension, Hindering (if conduct liable to be charged is F1 or F2)	F3	4	1

<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>
5105	Apprehension, Hindering	M2	2	m
5107	Aiding Consummation of Crime (of F1/F2)	F3	5	1
5107	Aiding Consummation of Crime	M2	2	m
5108	Compounding	M2	2	m
5109	Barratry	M3	1	m
5110	Contempt of General Assembly	M3	1	m
5111	Dealing in Proceeds of Unlawful Activities	F1	8	3
5112	Obstructing emergency services	M3	1	m
5121(d)(1)(i)(ii)(iii)*	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3	5	1
5121(d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3	6	1
5121(d)(2)	Escape	M2	3	m
5122(a)(1)	Weapons or implements for escape (providing to inmate)	M1	8	m
5122(a)(2)	Weapons or implements for escape (possessed by inmate)	M1	4	m
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
5509(a)	Desecration, theft , or sale of Venerated Objects	M2	2	m
5509(a.1)	Desecration, theft, or sale of venerated objects (historical burial lots and burial places)	M1	3	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

<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>
5511(a)(2.1)(ii)	Cruelty to Animals	F3	5	1
5511(a.1)	Cruelty to Animals (kill, maim, disfigure a guide/service dog)	M3	1	m
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
5513(a.1)	Electronic video monitor	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(b.1)(1)*	Promoting Prostitution of minor: business (minor <16 yrs.)	F3	8	1
5902(b.1)(1)*	Promoting Prostitution of minor: business (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(2)*	Promoting Prostitution of minor: procure for business (minor <16 yrs.)	F3	8	1
5902(b.1)(2)*	Promoting Prostitution of minor: procure for business (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(3)*	Promoting Prostitution of minor: encourage or cause (minor <16 yrs.)	F3	8	1
5902(b.1)(3)*	Promoting Prostitution of minor: encourage or cause (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(4)*	Promoting Prostitution of minor: solicit prostitute who is minor (minor <16 yrs.)	F3	8	1
5902(b.1)(4)*	Promoting Prostitution of minor: solicit prostitute who is minor (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(5)*	Promoting Prostitution of minor: procure prostitute who is minor for patron (minor <16 yrs.)	F3	8	1

<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>
5902(b.1)(5)*	Promoting Prostitution of minor: procure prostitute who is minor for patron (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(6)*	Promoting Prostitution of minor: transport prostitute who is minor (minor <16 yrs.)	F3	8	1
5902(b.1)(6)*	Promoting Prostitution of minor: transport prostitute who is minor (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(7)*	Promoting Prostitution of minor: provide place for prostitution (minor <16 yrs.)	F3	8	1
5902(b.1)(7)*	Promoting Prostitution of minor: provide place for prostitution (minor 16 to <18 yrs.)	F3	[5] 6	1
5902(b.1)(8)*	Promoting Prostitution of minor: receive benefit (minor <16 yrs.)	F3	8	1
5902(b.1)(8)*	Promoting Prostitution of minor: receive benefit (minor 16 to <18 yrs.)	F3	[5] 6	1
[5902(c)(1)(i), (ii), (iv), (v)*]	[Promoting Prostitution (person 18 years of age or older)]	[F3]	[5]	[1]
[5902(c)(1)(i), (ii), (iv), (v)*]	[Promoting Prostitution (child 16 years of age or older but under 18 years of age)]	[F3]	[5]	[1]
[5902(c)(1)(iii)]	[Prostitution Involving Minors Promoting Prostitution (child under 16 years of age)]	[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(a)(1)	Obscene Materials	F3	5	1
5903(a)(1)	Obscene Materials	M1	3	m
5903(a)(2)	Obscene Materials	F3	5	1
5903(a)(2)	Obscene Materials	M1	3	m
5903(a)(3)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(3)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(3)(ii)*	Obscene Materials minor depicted (victim under 18 years of age) (1st offense)	M1	[3] 4	m
5903(a)(3)(ii)*	Obscene Materials minor depicted (victim under 18 years of age) (2nd offense)	F3	[5] 6	1
5903(a)(4)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(4)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(4)(ii)*	Obscene Materials minor included (victim under 18 years of age) (1st offense)	M1	[3] 4	m
5903(a)(4)(ii)*	Obscene Materials minor included (victim under 18 years of age) (2nd offense)	F3	[5] 6	1
5903(a)(5)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(5)*	Obscene Materials (victim 18 years of age or older)	F3	5	1

<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>
5903(a)(5)(ii)*	Obscene Materials minor included (victim under 18 years of age) (1st offense)	M1	[3] 4	m
5903(a)(5)(ii)*	Obscene Materials minor included (victim under 18 years of age) (2nd offense)	F3	[5] 6	1
[5903(a)(6)*]	[Obscene Materials (victim 18 years of age or older)]	[M1]	[3]	[m]
[5903(a)(6)*]	[Obscene Materials (victim 18 years of age or older)]	[F3]	[5]	[1]
5903(a)(6)*	Obscene Materials hire/use minor (victim under 18 years of age) (1st offense)	M1	[3] 4	m
5903(a)(6)*	Obscene Materials hire/use minor (victim under 18 years of age) (2nd offense)	F3	[5] 6	1
5903(a)(7)	Obscene Materials	F3	5	1
5903(a)(7)	Obscene Materials	M1	3	m
5903(a)(8)	Obscene Materials	F3	5	1
5903(a)(8)	Obscene Materials	M1	3	m
5903(a)(9)	Obscene Materials	F3	5	1
5903(a)(9)	Obscene Materials	M1	3	m
5903(a.1)	Obscene Materials	M1	3	m
5903(c)	Obscene Materials	F2	7	2
5903(c)	Obscene Materials	F3	5	1
5903(d)	Obscene Materials	F2	7	2
5903(d)	Obscene Materials	F3	5	1
5903(f)	Obscene Materials	M1	3	m
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 enumerated felony, loaded or ammunition in possession or control of defendant). See § 303.3(b)	F2	10	2
6105(a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of enumerated felony, unloaded and ammunition not in possession or control of defendant). See § 303.3(b)	F2	9	2
6105(a.1)(1)*	Persons not to possess, use, manufacture, control, sell or transfer firearms (convicted of enumerated misdemeanor, loaded or ammunition in possession or control of defendant)	M1	3	1
6105(a.1)(1)*	Persons not to possess, use, manufacture, control, sell or transfer firearms (convicted of enumerated misdemeanor, unloaded and ammunition not in possession or control of defendant)	M1	3	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, loaded or ammunition in possession or control of defendant)	M1	5	1

<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>
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)*	Persons 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
6105(a.1)(3)*	Persons 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)*	Persons 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] unloaded 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 and ammunition in possession or control of defendant; with other criminal activity)	F3	9	1
6106(a)(2)*	Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant; with other criminal activity)	F3	7	1
6106(a)(2)*	Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant; no other criminal activity)	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; no other criminal activity)	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

<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>
6110.1(c)	Possession of Firearms by Minor (responsibility of adult)	F3	7	1
6110.2*	Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)	[M1] F2	[5] 10	[1] 2
6110.2*	Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)	[M1] F2	[4] 9	[1] 2
6111(g)(1)	Sale or Transfer of Firearms	M2	2	m
6111(g)(2)	Sale or Transfer of Firearms	F3	8	1
6111(g)(3)(3.1)	Sale or Transfer of Firearms	F3	5	1
6111(g)(4)	Sale or Transfer of Firearms	F3	8	1
6111(h)	Sale or Transfer of Firearms (subsequent)	F2	9	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)(i)[*]	Corruption of Minors	M1	4	m
6301(a)(1)(ii)[*]	Corruption of Minors through course of conduct (when of a sexual nature)	[M1] F3	[5] 6	1
6301(a)(2)	Corruption of Minors (second violation of truancy in year)	M3	1	m
6302	Sale or Lease of Weapons	M1	4	m
6303	Sale of Starter Pistols	M1	4	m
6304	Sale of Air Rifles	M3	1	m
6306	Furnish Cigarettes to Minors (3rd and subsequent offenses)	M3	1	m
6307	Misrepresentation of Age to Secure Alcohol (subsequent offense)	M3	1	m
6309	Representing that Minor is of Age	M3	1	m
6310	Inducement of Minors to Buy Liquor	M3	1	m
6310.1	Selling Liquor to Minors	M3	1	m
6310.2	Manufacture or Sale of False ID	M2	2	m
6310.3	Carrying False ID (subsequent offense)	M3	1	m
6311	Tattooing 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; victim age 13 to < 18 yrs. (photographing, etc.)	F2	[7] 8	2
6312(b)*	Sexual Abuse of Children; victim younger than 13 yrs. (photographing, etc.)	F2	[7] 9	2
6312(c)*	Sexual Abuse of Children; victim age 13 to < 18 yrs. (dissemination, etc.; first offense)	F3	6	1

<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>
6312(c)*	Sexual Abuse of Children; victim younger than 13 yrs. (dissemination, etc., first offense)	F3	[6] 7	1
6312(c)*	Sexual Abuse of Children; victim age 13 to < 18 yrs. (dissemination, etc.; second/subsequent offense)	F2	8	2
6312(c)*	Sexual Abuse of Children; victim younger than age 13 yrs. (dissemination, etc.; second/subsequent offense)	F2	[8] 9	2
6312(d)*	Possession of Child Pornography; victim age 13 to < 18 yrs. (first offense)	F3	[5] 6	1
6312(d)*	Possession of Child Pornography; victim younger than age 13 yrs. (first offense)	F3	[5] 7	1
6312(d)*	Possession of Child Pornography; victim age 13 to < 18 yrs. (second/subsequent offense)	F2	8	2
6312(d)*	Possession of Child Pornography; victim younger than age 13 yrs. (second/subsequent offense)	F2	[8] 9	2
6318	Unlawful contact or communication with minor (if underlying offense is less than F3)	F3	6	1
6318	Unlawful contact or communication with minor (if underlying offense is 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)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6501(a)(3)	Scattering Rubbish (1st offense)	M2	2	m
6501(a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	m
6504	Public Nuisances	M2	2	m
6703	Military Decorations	M3	1	m
6707	False Registration of Domestic Animals	M3	1	m
6709	Use of Union Labels	M3	1	m
6901	Extension of Water Line	M3	1	m
6910	Unauthorized Sale of Tickets	M3	1	m
7102	Drugs to Race Horses	M1	3	m
7103	Horse Racing	M3	1	m
7104	Fortune Telling	M3	1	m
7107	Unlawful Actions by Athlete Agents	M1	3	m
7302(a)	Sale of Solidified Alcohol	M2	2	m
7302(b)	Labeling of Solidified Alcohol	M1	3	m
7303	Sale or Illegal Use of Solvents	M3	1	m
7306	Incendiary Devices	M1	3	m
7307	Out of State Convict Made Goods	M2	2	m
7308	Unlawful Advertising of Insurance Business	M2	2	m
7309	Unlawful Coercion in Contracting Insurance	M1	3	m
7310	Furnishing Free Insurance	M3	1	m

<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>
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, Theses, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m
7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
7507.1(a)(1)	Invasion of privacy, view photograph, etc., person without consent (single violation)	M3	[1] 2	m
7507.1(a)(1)	Invasion of privacy, view photograph, etc., person without consent (more than one violation)	M2	3	m
7507.1(a)(2)	Invasion of privacy, photograph, view, intimate parts of a person (single violation)	M3	[1] 2	m
7507.1(a)(2)	Invasion of privacy, photograph, view, intimate parts of a person (more than one violation)	M2	3	m
7507.1(a)(3)	Invasion of privacy, transfer image by telephone, email, internet, etc. (single violation)	M3	[1] 2	m
7507.1(a)(3)	Invasion of privacy photograph, transfer image by telephone, email, internet, etc. (more than one violation)	M2	3	m
7508.2(b)(1)	Operation of methamphetamine laboratory (knowingly causes a chemical reaction)	F2	8	2
7508.2(b)(2)	Operation of methamphetamine laboratory (knowingly causes a chemical reaction within 1,000 feet of a school)	F1	9	3
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

<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>
7516	Greyhound racing	M1	3	m
7517	Commemorative service demonstration activities	M3	1	m
7611	Unlawful use of a computer	F3	7	1
7612	Disruption of computer service	F3	7	1
7613	Computer theft	F3	7	1
7614(b)(1)	Unlawful duplication (value of \$2,500 or less)	F3	5	1
7614(b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7624(1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624(2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624(3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1
7661(b)(1)	Unlawful transmission of electronic mail (value of less than \$2,500)	M3	1	m
7661(b)(2)	Unlawful transmission of electronic mail (damage/reckless disregard, value of \$2,500 or greater)	M1	5	m
7661(b)(3)	Unlawful transmission of electronic mail (damage/malicious act, value of \$2,500 or greater)	F3	7	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See §§ 303.7(c) and 303.8(b) for all other inchoates.

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

<i>18 P. S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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

<i>23 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>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M3	1	m
6319	Penalties for failure to report or to refer (suspected child abuse)—first violation	M3	2	m

<i>23 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>
6319	Penalties for failure to report or to refer (suspected child abuse)—second or subsequent violation	M2	3	m

* = Subcategorized Offenses. See 303.3(b).

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

BOATS AND BOATING

<i>30 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>
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] F2	10	2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M1	8	1

<i>30 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>
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

* = Subcategorized Offenses. See 303.3(b).

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

DRUG ACT OFFENSES

<i>35 P. S. § 780-113(a)</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
(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, Other Narcotics of Schedule I and II (>1,000 g or >1,000 pills)	F	13	3
	Heroin, Other Narcotics of Schedule I and II (100 g to 1,000 g or 100 to 1,000 pills)	F	11	3
	Heroin, Other Narcotics of Schedule I and II (50 g to <100 g or 50 to <100 pills)	F	10	3
	Heroin, Other Narcotics of Schedule I and II (10 g to <50 g or 10 to <50 pills)	F	8	2
	Heroin, Other Narcotics of Schedule I and II (1 g to <10 g or 1 to <10 pills)	F	7	2
	Heroin, Other Narcotics of Schedule I and II (<1 g)	F	6	2
	[Other Narcotics of Schedule I and II,] Cocaine[, PCP, Methamphetamine] (>1,000 g)	F	13	3
	[Other Narcotics of Schedule I and II,] Cocaine[, PCP, Methamphetamine] (100 g to 1,000 g)	F	11	3
	[Other Narcotics of Schedule I and II,] Cocaine[, PCP, Methamphetamine] (50 g to <100 g)	F	10	3
	[Other Narcotics of Schedule I and II,] Cocaine[, PCP, Methamphetamine] (10 g to <50 g)	F	8	2
	[Other Narcotics of Schedule I and II,] Cocaine[, PCP, Methamphetamine (2.5)] (5 g to <10 g)	F	7	2

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

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

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

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

<i>35 P. S. § 780-113(a)</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
	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
(39)	Possession of ephedrine, pseudoephedrine, etc. with intent to manufacture methamphetamine	M	2	m
(40)	Sale at retail of any product containing ephedrine (1st offense)	M	2	m
(40)	Sale at retail of any product containing ephedrine (2nd/subsequent offense)	M	2	m

<i>35 P. S. § 780-113.1(a)</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
(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

<i>35 P. S. § 780-113.4</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
(a)(1)	Operating a methamphetamine lab and illegal dumping of methamphetamine waste	F2	7	2
(a)(3)	Operating a methamphetamine lab and illegal dumping of methamphetamine waste within 1,000 feet of a school	F1	8	3
(b)(1)	Stores or disposes of substance used in manufacture of methamphetamine	F3	5	1

<i>35 P. S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
6018.101— 6018.1002	SOLID WASTE MANAGEMENT ACT			
	Knowingly Transports, etc. Hazardous Waste Without Permit	F1	9	1
	Transports, etc. Hazardous Waste 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

* = Subcategorized Offenses. See 303.3(b).

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

JUDICIAL CODE

<i>42 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>
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

* = Subcategorized Offenses. See 303.3(b).

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

PROFESSIONS AND OCCUPATIONS CODE

<i>63 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>
1607	Professions and occupations (state licensed) violations	F3	5	1

TRADE AND COMMERCE

<i>73 P. S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
517.8(a)(1)	Home improvement fraud; false or misleading statements(\$2,000 or less)	M1	3	m
517.8(a)(1)	Home improvement fraud; false or misleading statements(>\$2,000)	F3	5	1
517.8(a)(1)	Home improvement fraud; false or misleading statements and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(1)	Home improvement fraud; false or misleading statements and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(1)	Home improvement fraud; false or misleading statements (2nd or subsequent offense)	F2	7	2
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide (\$2,000 or less)	M1	3	m
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide (>\$2,000)	F3	5	1
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide (2nd or subsequent offense)	F2	7	2
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (\$2,000 or less)	M1	3	m
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (>\$2,000)	F3	5	1
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (2nd or subsequent offense)	F2	7	2
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (\$2,000 or less)	M1	3	m
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (>\$2,000)	F3	5	1
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (2nd or subsequent offense)	F2	7	2

<i>73 P. S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (\$2,000 or less)	M1	3	m
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (>\$2,000)	F3	5	1
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government and older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government and older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (2nd or subsequent offense)	F2	7	2
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (\$2,000 or less)	M1	3	m
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (>\$2,000)	F3	5	1
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (2nd or subsequent offense)	F2	7	2
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (\$2,000 or less)	M1	3	m
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (>\$2,000)	F3	5	1
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (2nd or subsequent offense)	F2	7	2
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (\$2,000 or less)	M1	3	m
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (>\$2,000)	F3	5	1
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (2nd or subsequent offense)	F2	7	2

<i>73 P. S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
2330.3(2)	Computer spyware prohibitions—collect through deceptive means	F2	7	2
2330.4(1)(i)(ii)(iii)	Computer spyware—control or modification (take control of computer)	F2	7	2
2330.4(2)	Computer spyware—control or modification (modify settings related to computer access)	F2	7	2

* = Subcategorized Offenses. See 303.3(b).

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

VEHICLE LAW OFFENSES

<i>75 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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 ¹	10	1
3732*	Homicide by vehicle (when there is also a conviction for DUI arising from the same incident and in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area)	F3¹	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 ¹	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	F3	6	1
3732(1.1)	Homicide by vehicle (when there is not a conviction for DUI arising from the same incident and in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area)	F3¹	8	1

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

<i>75 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>
3732.1*	Aggravated assault by vehicle (when there is a conviction for DUI arising from the same incident and when occurs in active work zone)	F3 ²	9	1
3732.1*	Aggravated assault by vehicle (when there is a conviction for DUI arising from the same incident and when in violation of § 3325 or § 3327-duty of driver on approach of emergency vehicle or in emergency response area- SBI)	F3 ²	9	1
3732.1*	Aggravated assault by vehicle (when there is a conviction for DUI arising from the same)	F3	7	1
3732.1*	Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same incident and when occurs in active work zone) (See mandatory provision § 303.9(i))	F3 ²	7	1
3732.1*	Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same incident and when in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area) (SBI)	F3 ²	7	1
3732.1*	Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same)	F3	5	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
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] 9	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] F2	[6] 8	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 (death)	F3	6	1
3742.1(b)(2)*	Accident involving death or personal injury while not properly licensed (SBI)	F3	5	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

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

<i>75 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>
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 (incapable of safe driving; minor <18 yrs. occupant)	M1	5	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 (refuse testing; minor <18 yrs. occupant)	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)(1)	DUI (accident; minor <18 yrs. occupant)	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(a)(2)	DUI (BAC .08- <.10; minor <18 yrs. occupant)	M1	5	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(b)	DUI (BAC .10- <.16; minor <18 yrs. occupant)	M1	5	1
3802(c)	DUI (BAC .16+; first offense)	M	1	m
3802(c)	DUI (BAC .16+; second offense)	M1	5	1
3802(c)	DUI (BAC .16+; third/subsequent offense)	M1	5	1
3802(c)	DUI (BAC .16+; minor <18 yrs. occupant)	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(d)	DUI (controlled substance; minor <18 yrs. occupant)	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(e)	DUI (under 21 years of age; minor <18 yrs. occupant)	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

<i>75 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>
3802(f)	DUI (commercial/school vehicle; minor <18 yrs. occupant)	M1	5	1
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
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

* = Subcategorized Offenses. See 303.3(b).

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

<i>OMNIBUS ASSIGNMENTS</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
Offenses not otherwise listed and new offenses:	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

* = Subcategorized Offenses. See 303.3(b).

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

§ 303.16. Basic Sentencing Matrix.

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

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

Key:

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

§ 303.17. DWE/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Possessed	81-SL	93-SL	105-SL	129-SL	177-SL	201-SL	213-SL	240	~/- 12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
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] 15-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

§ 303.18. DWE/Used Matrix.

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

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

§ 303.19. Youth/School Enhancement Matrices.

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

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

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

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	72-102	78-108	84-114	90-120	96-126	108-138	120-150	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	48-78	54-84	60-90	66-96	72-102	84-114	96-120	120	+/-12
	10	34-60	42-66	48-72	54-78	60-84	72-96	84-108	120	+/-12
4	9	24-48	30-54	36-60	42-66	48-72	60-84	72-96	120	+/-12
	8	21-40	24-42	27-45	30-48	33-51	39-57	52-76	NA	+/-9
	7	18-38	21-40	24-42	27-45	30-48	36-54	47-69	NA	+/-6
	6	15-36	18-38	21-40	24-42	27-45	33-51	39-64	NA	+/-6
	5	12-33	13-36	15-38	18-40	21-40	24-42	36-60	NA	+/-3
	4	12-27	12-33	12-<36	15-38	18-40	21-40	33-54	NA	+/-3
	3	12-25	12-30	12-33	12-<36	15-38	18-40	24-42	NA	+/-3

Basic Sentencing Matrix with Youth/School Enhancement: Youth and School Enhancement.

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

[Pa.B. Doc. No. 12-1894. Filed for public inspection September 28, 2012, 9:00 a.m.]



THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 3000]

Proposed Amendment of Rules 3111, 3129.3 and 3135 Governing Sheriff's Sales; Proposed Recommendation No. 255

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 3111, 3129.3 and 3135 governing sheriff's sales be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania. All communications in reference to the proposed recommendation should be sent no later than November 2, 2012 to:

Karla M. Shultz
Counsel

Civil Procedural Rules Committee
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Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3111. Service of the writ on garnishee; effect.

* * * * *

(c)(1) If a garnishment has not been acted upon within one year of the filing of the garnishment, the garnishee or the defendant may file a petition to terminate the garnishment. The petition shall include a notice that the plaintiff has twenty days to respond to the filing of the petition and that upon failure to do so, the garnishment may be terminated.

(2) Any response to the petition shall be filed within twenty days of the filing of the petition and set forth the reasons not to terminate the garnishment.

(3) If no response to the petition is filed, upon praecipe, the writ of garnishment shall be terminated.

Official Note: If a response is filed to the petition to terminate the garnishment, it shall be resolved pursuant to motion and answer practice. See Rule 208.1 et seq.

[(c)] (d) Service of the writ upon the garnishee shall also subject the garnishee to the mandate and injunctive orders of the writ restraining the garnishee from paying any debt to or for the account of the defendant and from delivering any property of the defendant which may be attached under these rules to anyone except the sheriff or

otherwise disposing thereof until further order of the court or discontinuance or termination of the attachment.

[(d)] (e) Violation of the mandate and injunctive orders of the writ may be punished as a contempt.

Rule 3129.3. Postponement of Sale. New Notice. Failure of Plaintiff to Attend Sale.

(a) Except as provided by subdivision (b) or special order of court, new notice shall be given as provided by Rule 3129.2 if a sale of real property is stayed, continued, postponed or adjourned.

(b)(1) If the sale is stayed, continued, postponed or adjourned to a date certain within one hundred thirty days of the scheduled sale, notice of which sale was given as provided by Rule 3129.2, and public announcement thereof, including the new date, is made to the bidders assembled at the time and place fixed for the sale, no new notice as provided by Rule 3129.2 shall be required, but there may be only two such stays, continuances, postponements or adjournments within the one hundred thirty day period without new notice.

(2) When the sale is stayed, continued, postponed or adjourned as provided by subdivision (b)(1), the plaintiff shall file with the prothonotary a notice of continued sheriff's sale at least fifteen days before the continued sale date. A copy of the notice of continued sheriff's sale shall also be filed with the sheriff's office with a certificate of service confirming the filing of the notice. The sheriff shall continue the sale to the next available sale date if the notice of continued sheriff's sale has not been timely filed. Non-compliance with this subdivision is not a basis for setting aside the sheriff's sale unless raised prior to the delivery of the sheriff's deed. The sale shall be set aside only upon a showing of prejudice.

Official Note: This subdivision supersedes other provisions of these rules limiting the number of times a sale may be continued.

(3)(i) The notice required by subdivision (b)(2) shall be substantially in the following form:

(Caption)

Notice of Continued Sheriff's Sale

The Sheriff's Sale scheduled for _____, __ at __: __ M. in the above-captioned matter has been continued until _____, __ at __: __ M.

Date: _____ By: _____
(Attorney for Plaintiff)

(Address)

(Phone)

(ii) The certificate of service required by subdivision (b)(2) shall be in substantially the following form:

(Caption)

Certificate of Service

On this date, I mailed or delivered to the Sheriff's Office of _____ County a copy of the Notice of Continued Sheriff's Sale in the above-captioned matter.

Date: _____ By: _____
 (Attorney for Plaintiff)

 (Address)

 (Phone)

(c) If the plaintiff or a representative of the plaintiff is not present at the sale, the real property shall not be sold. The sheriff shall return the writ of execution to the prothonotary and file a return pursuant to Rule 3139 indicating that the real property was not sold because the plaintiff or a representative of the plaintiff was not present at the sale. Thereafter, the writ may be reissued pursuant to Rule 3106.

Rule 3135. Sheriff's deed to real property. Correction of deed.

* * * * *

(b) If the sheriff has made a defective return of the execution proceeding or has executed a defective deed, including the erroneous description of the real estate, the court upon petition of the purchaser or the purchaser's successors in title may correct the return or deed or order that a new return or deed be executed.

(c) If the plaintiff has failed to give notice to a lienholder, junior in lien priority to the mortgage being foreclosed upon or the judgment being executed, the plaintiff, or its assigns, or the purchaser at the sheriff's sale may file a petition with rule to show cause requesting that:

- (1) the lien held by the junior lienholder be divested, or
- (2) if the plaintiff, or its assigns, is the purchaser at the sheriff's sale, another sheriff's sale be held in which only the junior lienholder specified in the petition may be the only bidder allowed other than the senior lienholder who acquired the property at the sheriff's sale, or
- (3) such relief as may be approved by order of court.

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rules 3111, 3129.3 and 3135 governing sheriff's sales.

Current Rule 3111 governing the service of the writ on the garnishee provides for a continuing garnishment of defendant's property until the underlying judgment is satisfied. Because the garnishments can languish indefinitely without any action taken on them, the proposed amendment introduces a procedure that would allow a defendant or a third-party garnishee to petition the court for termination of the garnishment provided that there has been no activity on the garnishment for at least one year. The plaintiff has the opportunity to respond to the petition and set forth the reasons the garnishment should not be terminated.

Current Rule 3129.3 governs the procedures for postponing or continuing a sheriff's sale. The rule, however, is silent as to providing notice to the defendant when a sheriff's sale has been postponed to a date certain within 130 days of a scheduled sale. There has been an increasing problem with defendants not being notified that a sheriff's sale has been continued. To remedy this, the proposed amendment to Rule 3129.3 would require the plaintiff to file a notice of continued sheriff's sale with the

prothonotary at least 15 days before the continued sale date. A copy of the notice must also be filed in the sheriff's office along with a certificate of service confirming the filing of the notice.

The failure to timely file the notice results in the sheriff continuing the sale until the next available sale date. However, noncompliance is not a basis for setting aside the sale unless it is raised prior to the delivery of the sheriff's deed. A sale will only be set aside upon a showing of prejudice.

The proposed amendment to Rule 3135, which governs the correction of the sheriff's deed to real property, addresses the situation when a junior lienholder has failed to receive notice of mortgage foreclosure and has not been divested of its interest. Currently, the plaintiff is required to hold the sheriff's sale again even though the junior lienholder typically has no interest in purchasing the mortgage. To remedy this duplication of effort and resources, the proposed amendment would allow for a plaintiff, its assigns, or the purchaser at the previously held sheriff's sale to file a petition with a rule to show cause requesting that (1) the lien held by the junior lienholder be divested, (2) another sheriff's sale be held in which only the junior lienholder specified in the petition may be the only other bidder allowed other than the senior lienholder who acquired the property at the previously held sheriff's sale, or (3) other relief approved by the court.

By the Civil Procedural Rules Committee

DIANE W. PERER,
 Chair

[Pa.B. Doc. No. 12-1895. Filed for public inspection September 28, 2012, 9:00 a.m.]

**Title 25—LOCAL
 COURT RULES**

BUCKS COUNTY

Protection From Abuse Actions; Administrative Order No. 19

Amended Administrative Order No. 19

And Now, this 13th day of September, 2012, Administrative Order No. 19, promulgated on October 5, 1984 and amended July 11, 1985, is hereby amended as follows:

In order to implement the Protection From Abuse Act of December 19, 1990, P. L. 1240, 23 Pa.C.S.A. Section 6101 et seq, as amended, the following policies, practices and procedures are hereby approved.

- 1. Actions for Protection From Abuse shall be commenced and prosecuted in accordance with the provisions of Pa.R.C.P. 1901, et seq. and 23 Pa.C.S.A. Section 6101 et seq.
- 2. Actions seeking emergency relief under the Protection From Abuse Act shall be commenced and prosecuted pursuant to the provisions of Pa.R.C.P.M.D.J. No. 1201 et seq. and 23 Pa.C.S.A. Section 6110 et seq.
- 3. If an emergency order for Protection From Abuse has issued, the plaintiff and, if available, the defendant, shall be informed of the following:

(a) that the magisterial district judge's order will expire at the close of business the next day the Courts are open, and that a further order may be issued only by the Common Pleas Court;

(b) that a certification of the magisterial district judge's record will be made immediately to the Common Pleas Court and will have the effect of commencing Common Pleas Court proceedings under the Act;

(c) that the plaintiff must complete a petition or a verified statement setting forth the abuse by the defendant, as required in 23 Pa.C.S. § 6110(c), which shall accompany the certified emergency order forwarded to the Common Pleas Court to as a basis for the extension of the emergency order, if granted by the Common Pleas Court, and also serve as a record for a hearing;

(d) that a hearing will be held in the Court of Common Pleas within the next ten business days;

(e) that plaintiff may obtain counsel as set forth above in paragraph 5; and

(f) that if plaintiff fails to appear at the hearing, the petition may be dismissed.

If practicable, notice of the time and place of the hearing shall be hand-delivered to the parties and each shall sign a receipt.

In cases in which defendant is not present, he shall be served with the information contained in this paragraph and notice of the hearing in the same manner and at the same time as service of the prohibition order under Rule 1209 of the Rules of Civil Procedure for District Magistrate Judges.

4. Actions for contempt of an order for Protection From Abuse shall be commenced in accordance with 23 Pa.C.S.A. Section 6113 et seq. and Pa.R.C.P. No. 1901.5 et seq. If a defendant is arrested for a violation of a Protection From Abuse Order issued by a Court of Common Pleas Judge, an emergency order issued by a Magisterial District Judge, or a duly registered foreign protection order, the defendant forthwith shall be preliminarily arraigned before a Magisterial District Judge.

5. At the preliminary arraignment, a defendant arrested for violation of a Protection From Abuse Order shall be notified of the following:

(a) that he is charged with criminal contempt for violation of the Protection From Abuse Order;

(b) that a hearing will be held in the Court of Common Pleas of Bucks County within the next ten business days;

(c) that defendant is entitled to be represented by counsel, and, if unable to afford counsel, free counsel will be appointed; and

(d) that if defendant fails to appear at the hearing, a bench warrant may be issued for defendant's arrest.

Bail shall be set to insure defendant's presence at the contempt hearing in accordance with Pa.R.Crim.P. 4004 including, without limitation, the condition that defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, in the meantime.

Notice of the time and place of the hearing shall be hand-delivered to the parties and each shall sign a receipt. The office of the magisterial district judge shall notify an unrepresented plaintiff that a lawyer may be obtained from Legal Aid of Southeastern PA (1-877-429-5994) and/or the Bucks County Bar Association Lawyer Referral Service (1-888-991-9922).

The Administrative Order shall be effective thirty days after publication in the *Pennsylvania Bulletin* and shall be applicable to all pending actions.

By the Court

SUSAN DEVLIN SCOTT,
President Judge

[Pa.B. Doc. No. 12-1896. Filed for public inspection September 28, 2012, 9:00 a.m.]

ERIE COUNTY

Revision and Restatement of the Rules of Civil Procedure; Civil Division; No. 90021-2012

Order

And Now, this 13th day of September, 2012, Rules 1920.16(1), 1920.51, 1920.53, 1920.55, 1920.73, and 1920.74 of the Local Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are amended in the following form and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

Rules 1920.16(1) and 1920.55 have been renumbered to 1920.31 and 1920.55-2 respectively, to correspond with the Pennsylvania Rules of Civil Procedure.

Rule 1920.75 of the Local Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania is deleted and rescinded effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

ERNEST J. DiSANTIS, Jr.,
President Judge

Local Rule 1920.31. Claims for Child And/Or Spousal Support.

(a) A claim for child and/or spousal support raised in an action for divorce by complaint, counterclaim or petition shall be substantially in the form set forth in Pa. R.C.P. 1910.27.

(b) Where a claim for child and/or spousal support is raised in an action for divorce, a true and correct copy of the complaint, counterclaim, or petition by which the claim for child and/or spousal support is raised shall be filed with the Non-Support Intake Office. The claim for child support shall be docketed in the Non-Support Intake Office and shall thereafter proceed in accordance with Pa. R.C.P. 1910.1 et seq. and local rules governing proceedings for child support. The docket entry in the Non-Support Intake Office shall include a reference to the appearance docket number of the divorce action.

Local Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a) Upon Motion of either party or upon its own Motion, the Court may appoint a Master to hear testimony and return the record together with the Report and Recommendation to Court. The Motion shall be filed with the Office of the Prothonotary. If the Motion is filed by a party, then the Motion must be accompanied by the appropriate fee, as established by the Court. The moving party shall certify that all the parties have complied with the requirement of Pa.R.C.P. 1920.31, Pa.R.C.P. 1920.33 and Pa.R.C.P. 1920.46. The Motion and proposed Order requesting the appointment of a Master shall be in conformity with L.R.C.P. 1920.74.

(1) Masters shall be appointed in rotation from the list of permanent part-time Masters appointed as such by the Court to determine issues of divorce, equitable distribution of property, permanent alimony and all other issues relevant thereto. If all Court appointed Masters are conflicted out of serving, the Court may appoint a one-time Master for the hearing.

(2) A Master shall be appointed to hear a claim of child and/or spousal support only upon presentation of an Affidavit of the party supplementing the Motion for appointment of a Master showing special circumstances which justify a departure from the procedure of Erie L.R. 1920.16. Should it later appear that special circumstances justifying referral of a claim for child and/or spousal support do not exist, either party or the Master may petition the Court to refer the claim to the Non-Support Intake Office.

(3) Upon appointment of a Master to hear issues which require expedited disposition (including, but not limited to, alimony pendente lite, child and/or spousal support when referred to a Master, occupancy of the marital residence, maintenance of insurance policies, and Counsel fees and expenses), a preliminary record hearing will be held before the Master within thirty (30) days of the entry of the Order appointing a Master. Where discovery has not been completed or where all documents required to be filed by Pa.R.C.P. 1920.31 have not been filed prior to the preliminary hearing, the Master may, in his or her discretion, proceed with the hearing and filing of a report and recommendations (which may include recommended sanctions for failure to comply with Pa.R.C.P. 1920.31) or continue the hearing until said documents have been filed.

(b) *Pre-hearing Status Conference*

In actions where expedited disposition is not required,

(1) The Master shall within fifteen days after receiving notice of the Master's appointment schedule a date for a pre-hearing status conference to be held prior to the date of the Master's hearing and shall give notice of the time and place of the pre-hearing status conference by First Class Mail to counsel for represented parties and directly to any unrepresented party. Said notice shall be mailed at least five business days prior to the scheduled date of the conference. The conference shall be attended by Counsel of Record, only, if all parties are represented by counsel.

(2) At the pre-hearing status conference, the Master shall review:

(A) The positions of the parties on each Claim, including those issues on which settlement has been reached;

(B) Discovery which has been completed, including the inventory and pretrial statements pursuant to Pa.R.C.P. 1920.33;

(C) Any documentary evidence to be presented at the hearing;

(D) The names and addresses of each witness any party proposes to call at the hearing;

(E) All matters which may be stipulated by the parties at the hearing;

(F) Establish a schedule for filing of Pretrial Narrative Statements, completion of discovery and any other relevant matters; and

(G) Such other relevant matters as should be raised by either of the parties or the Master.

(c) *Post-Status Conference*

(1) After the pre-hearing status conference the Master shall:

(A) Prepare a summary of the discussions and action taken at the pre-hearing status conference, including a statement of any stipulations, and of any matters which have been settled between the parties and which will not be raised at the hearing before the Master;

(B) Establish a schedule for the filing or service of any additional pleadings or discovery which may be deemed necessary and set hearing date(s);

(C) Serve a copy of the summary and filing schedule on counsel for the parties, or on any unrepresented party; and

(D) Indicate the amount of additional master's fees to be paid by the litigants prior to hearing.

(d) *Master's Hearing*

(1) The Master shall establish a hearing date or dates at the pre-hearing status conference. These dates shall be included in the summary prepared pursuant to Section c (post status conference), as well as in the formal notice of Master's hearing as required by Pa.R.C.P. 1920.51(b). At least twenty (20) days written notice of the time and place of any Master's hearing shall be given to the attorneys of record (or the parties where no attorney has appeared in the case) by the Master by ordinary mail.

(2) Counsel and parties will be expected to be present and participate during the entirety of the Master's hearing; otherwise they shall be subject to sanctions or other remedies deemed appropriate by the Court.

(e) *Continuances*

(1) A request shall be granted by the Master if both parties consent in writing.

(2) All other requests for continuance shall be at the discretion of the Master, unless otherwise ordered by the Court.

(f) *Settlement*

(1) In the event the parties reach a negotiated settlement, then both parties must notify the Master of such agreement in writing, and both parties must request a postponement or cancellation of the Master's hearing, in order to postpone or cancel the Master's hearing.

(2) The parties may attend the scheduled Master's hearing at the time scheduled for the purpose of entering the substance of their agreement on the record.

(g) *Fees and Costs*

(1) The initial fees, costs and compensation of the Master shall be in accordance with Administrative Order In Re Divorce Masters Miscellaneous Docket No. 90001-07 and any amendments thereto.

(2) The Master shall determine additional fees due in accordance with the rate set by the Court and shall require an advance deposit of said amount prior to scheduling any further hearing. The Master shall have the authority to apportion the additional fees and advance deposits between the parties prior to trial, and the Master may reapportion such fees in the Master's Report.

(3) The Master shall receive compensation for a minimum of four hours for each day of a scheduled hearing that is not either:

(A) Continued in accordance with Erie L.R. 1920.51(e); or

(B) Cancelled with notice to the master in writing at least fourteen (14) days prior to the scheduled hearing date for the reason either that the case has been resolved or withdrawn.

(4) In the event the Master fails to grant the continuance, the parties may petition the Court for a continuance. The Court may grant a continuance and will determine the amount of additional master's fees, if appropriate.

(5) At the conclusion of the case, the Master shall prepare a certification indicating the amount of Master's fees paid the disposition thereof.

Local Rule 1920.53. Hearing By Master. Report.

If the issues of divorce or annulment are raised for determination by the Master, then these issues shall be first determined prior to a trial on the economic issues.

(a) Where the Master concludes that a recommendation to grant the divorce or annulment should be filed, the Master shall notify the parties of this conclusion in writing (a copy of which shall be attached to the Master's report) subsequent to the termination of the hearing(s). The Master shall forthwith proceed to hear testimony and take evidence on all other matters at issue in the action prior to the filing of a report and recommendation.

(b) Where the Master concludes that a recommendation to deny the divorce or annulment should be filed, the Master shall file a report and recommendation in accordance with the terms of Pa.R.C.P. 1920.53(A). No evidence or testimony shall be taken on any other matter at issue unless and until the Court determines that a divorce or annulment should be granted.

Local Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

(a) In the event exceptions are not timely filed by either party, either party may praecipe the Court for the entry of a final order.

(b) Where the parties stipulate on the record that additional documentary evidence shall be submitted subsequent to the hearing(s), the Master shall file the report and recommendation within thirty (30) days of receipt of that evidence or in accordance with Pa.R.C.P. 1920.53(a)(1), whichever date is later.

(c) Exceptions must be timely filed at the Office of the Prothonotary, and shall be served on the opposing party or their counsel of record. Only matters raised on exceptions will be considered by the Court, and any matters not raised on exceptions shall be deemed to be waived.

(1) Within twenty (20) days of filing the exceptions, the moving party shall file their request for argument and proposed Order with the Court Administrator.

(2) Both parties shall file their briefs no later than ten (10) days prior to the scheduled argument. If the briefs are not timely filed, then the Court may dismiss the exceptions, refuse or limit argument on the exceptions, or enter any other relief deemed appropriate by the Court.

(3) Copies of exceptions and briefs shall be provided to all counsel of record (or to a party directly if unrepresented by counsel) the Master and to the Judge.

Local Rule 1920.73. Praecipe to Transmit Record.

(a) The Praecipe to Transmit Record shall follow the form set forth in Pennsylvania Rules of Civil Procedure 1920.73(b).

(b) If the parties have dependent children 18 years or under, a copy of the parties' completion certification form or waiver of the "Children Cope with Divorce" program may be attached to the Praecipe to Transmit Divorce, if completed by the parties. Although, in accordance with 23 Pa.C.S. § 5332, the Court may require the parties to attend the program, the failure of a party to attend the program shall not impede the transmittal of the record. As such, upon proper praecipe, a final decree may be issued even if one or both parties have not attended the Children Cope with Divorce" program. Notwithstanding the above, parties who are otherwise obliged to attend the program by Court Order, must still attend the program.

Local Rule 1920.74. Motion for Appointment of Master.

MOTION FOR APPOINTMENT OF MASTER

_____ (Plaintiff) (Defendant), moves the Court to appoint a Master with respect to the following claims:

- _____ Divorce
- _____ Annulment
- _____ Alimony
- _____ Alimony Pendente Lite
- _____ Distribution of Property
- _____ Counsel Fees
- _____ Costs & Expenses
- _____ Support

1. Discovery is complete as to the claim(s) for which the appointment of a Master is requested.

(a) Plaintiff's Inventory filed: _____ .

(b) Defendant's Inventory filed: _____ .

(c) Plaintiff's Income & Expense statement filed: _____ .

(d) Defendant's Income & Expense statement filed: _____ .

If no Inventory and/or Income and Expense Statement has been filed, a copy of the Court Order allowing appointment of a Master must accompany this Motion.

2. The non-moving party (has) (has not) appeared in the action (personally) (by his attorney, _____, Esquire).

3. The Statutory ground(s) for divorce (is)(are) _____ .

4. Delete the inapplicable paragraph(s):

(a) The action is not contested.

(b) An agreement has been reached with respect to the following claims: _____ .

(c) The action is contested with respect to the following claims: _____ .

5. The action (involves) (does not involve) complex issues of law or fact.

6. The hearing is expected to take _____ (hours) (days).

7. The full name, address and telephone number of the non-moving party (or their attorney, if represented) is _____ .

8. Additional information, if any, relevant to the Motion: _____ .

As the moving party or attorney for the moving party, I certify that all parties have complied with the requirements of Pa.R.C.P. 1930.50 (Discovery), 1920.31 (Filing of Income & Expense Statement), 1920.33 (Filing of Inventory), and 1920.46 (Military Service).

DATE: _____

 Signature of moving counsel or party
 Typed Name, Address and Phone

 () _____

ORDER:

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

PLAINTIFF,)
 Plaintiff)
 v.) No. 11390 - 2005
 DEFENDANT,)
 Defendant)

ORDER APPOINTING MASTER

AND NOW, this ___ day of _____, 20___, upon consideration of the foregoing Motion for Appointment of Master, it is hereby Ordered, Adjudged and Decreed that _____, Esquire, is hereby appointed Master with respect to all claims of record as of the time of the Master’s hearing and all issues otherwise raised or preserved by the pleadings.

BY THE COURT:

[Pa.B. Doc. No. 12-1897. Filed for public inspection September 28, 2012, 9:00 a.m.]

SUSQUEHANNA COUNTY Legal Journal; No. 2012-57 MD

Administrative Order

And Now, this the 17th day of April 2012, the Court hereby designates the *Susquehanna County Legal Journal* as the legal publication for Susquehanna County and all notices and special service required by Rule or Statute to appear in a legal journal of the County shall be published by the *Susquehanna County Legal Journal*.

By the Court

KENNETH W. SEAMANS,
President Judge

[Pa.B. Doc. No. 12-1898. Filed for public inspection September 28, 2012, 9:00 a.m.]

VENANGO COUNTY Promulgation of Local Rules of Juvenile Court Procedure; MD. No. 81-2008

Order of the Court

And Now, 24th day of August, 2012, it is hereby Ordered and Decreed that Venango County Court of

Common Pleas Local Rules of Juvenile Court Procedure 1101, 1102, 1105, 1242, 1242(A)(2), 1242E, 1242F, 1390, 1391, 1392, 1393, 1394, 1395, and 1396, are adopted. These rules shall be continuously available for public inspection and copying in the office of the prothonotary/clerk of courts. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary/clerk shall furnish to any person a copy of any local rule. The said local rules shall become effective and enforceable thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

OLIVER J. LOBAUGH,
President Judge

V.C.R.J.C.P. 1101. Construction.

These rules shall be construed using the same rules of construction used in construing the Pennsylvania Rules of Juvenile Court Procedure.

V.C.R.J.C.P. 1102. Citing the Local Rules of Juvenile Court Procedure.

These rules shall be cited as “V.C.R.J.C. P. _____.”

V.C.R.J.C.P. 1105. Local Rules. Noncompliance.

No case shall be dismissed nor request for relief granted or denied because of failure to comply with one or more of these local rules. In any case of noncompliance, the Court will alert the party to the specific provision at issue and will provide a reasonable time for subsequent compliance.

V.C.R.J.C.P. 1242. General Conduct of Shelter Care Hearing.

The Court shall make a determination if the subject child is in need of Shelter Care. At the Shelter Hearing the Court shall determine if and where the child shall be placed, what services the child requires and determine an appropriate visitation schedule.

V.C.R.J.C.P. 1242A(2). Appointment of Counsel for Parents.

In all Dependency Cases an attorney will be provided to the parents and or custodians to represent them during the pendency of the case.

V.C.R.J.C.P. 1242E. Parents’ Rights Video.

The parties shall view the parents’ rights video at the Shelter Review Hearing if the child is in placement. In the event that there is no shelter placement, the parties shall view the video prior to the Facilitation. This video is mandatory for parents and guardians and the video is available for anyone else who wants to view the video.

V.C.R.J.C.P. 1242F. Additional Shelter Hearing Provisions.

In addition the Court may also:

Determine whether the child and/or the parent, guardian, and/or custodian should be referred for appropriate services; and,

The Agency/Petitioner shall provide a copy of the shelter application to the parties prior to the commencement of the hearing. The Agency/Petitioner may serve the attorneys via e-mail or fax in addition to the other methods of service.

Chapter 13
Part F. Facilitation

V.C.R.J.C.P. 1390. Facilitation.

Immediately preceding the Dependency Hearing on a petition to adjudicate a child to be dependent, or at a time otherwise directed by the Court, Facilitation may be conducted.

V.C.R.J.C.P. 1391. Facilitation defined.

Facilitation is a confidential process in which a neutral third person, appointed by the court, acts to encourage and to assist the parties in achieving a non-adversarial resolution to the allegations set forth in the petition alleging the child to be dependent. The Facilitator assists the parties in problem identification and resolution. During the facilitation process, the parties may agree to orally amend the allegations of the petition and the terms of the proposed plan for parent participation. The Facilitator will assist the parties in resolving issues regarding the child's placement; the plan for visitation by the parent, guardian, and/or custodian; the responsibilities, duties and requisite services for the family's care and treatment; the roles of other individuals in the family's service plan; and other matters relative to insuring the child's safety and best interests.

V.C.R.J.C.P. 1392. Participants to the Facilitation.

The parent, guardian, and/or custodian; the attorney representing the parent, guardian, and/or custodian; the guardian ad litem; court appointed special advocate (CASA); and the Agency may participate in the facilitation process. If Facilitation occurs, the child shall attend the Facilitation, unless the child has been excused pursuant to Pa. R. J.C.P. 1128(B). The child's relatives; the foster parent; persons providing support for the parent, guardian or custodian; and/or other persons who have significant or caretaking relationships to the child may be in attendance at the Facilitation unless excluded by the court. Facilitations are not otherwise open to the public except as may be approved by the Court for the purposes of training or research.

V.C.R.J.C.P. 1393. Facilitation Procedure.

All cases pending a Dependency Hearing may first be submitted for facilitation.

a. All parties are required to attend the Facilitation and each party shall be permitted to participate in the Facilitation to the extent each party desires to do so and, if participating in the Facilitation Process, shall mediate the issues in good faith. The parties are not compelled to reach any agreement.

b. The Facilitator shall first determine whether the parties named in the petition have been apprised of their rights and if they are represented by Counsel. The Facilitator shall explain the process and identify the issues that are to be discussed in Facilitation any party attending the Facilitation must have Counsel present unless the right to Counsel is affirmatively waived

c. Each allegation of the petition alleging the child to be Dependent shall be reviewed. The parties shall be given an opportunity to explain their position with regard to each allegation, however, no party shall be compelled to speak concerning the Dependency Allegations, but may always be permitted to participate in the discussions and potential agreements with regard to the parent participation plan, family service plan, or other proposed services. Where appropriate and, by agreement of the parties, each allegation may be modified.

d. Once the petition is facilitated, the Facilitator shall assist the participants in determining the nature and types of services in which the child or parent, guardian, custodian, or other person should be required to participate. Agreements reported to the Court following facilitation must be based on the autonomous decisions of the parties and not the decisions of the Facilitator.

e. The Facilitator shall orally present the results of the facilitation to the Court at the Dependency Hearing and, if appropriate, the Dispositional Hearing. The report shall include a recitation of the parties' respective admissions and denials to the allegations of the petition, the parties' agreement as to the proposed provisions of the parent participation plan, family service plan, and proposed services. Any allegation which is denied by a party shall simply be reported by the Facilitator to the Court as being denied without further explanation.

f. At the Dependency Hearing, the Court will review the stipulations of fact that have been agreed upon at the Facilitation by the parties in the form of allegations that have been admitted as alleged or admitted as modified. The Court will then determine if the stipulations of fact are sufficient for the Court to enter a finding of dependency and/or whether a further fact-finding hearing will be necessary. With regard to any agreement reached by the parties with respect to the Parent Participation Plan, Family Service Plan or proposed services, the Court may adopt the parties' agreement as an order of the Court if it determines the agreement is in the best interests of the child. Any issues that are not resolved through facilitation or not adopted as an order of the Court may be referred back by the Court for additional facilitation, may be resolved by order of the court based on a summary presentation, or may be scheduled by the Court for subsequent hearing.

g. The rules of evidence do not apply in facilitation.

V.C.R.J.C.P. 1394. Termination of Facilitation.

The Facilitator may terminate facilitation whenever the Facilitator believes that continuation of the process would harm or prejudice the child or one or more of the parties. The Facilitator may bifurcate the process whenever the Facilitator determines that a party's prior history of domestic violence would impede another party's ability to openly discuss issues should the other person be present.

V.C.R.J.C.P. 1395. Confidentiality.

Statements and issues discussed in Facilitation are confidential and may not be used as statements against interest or otherwise against a party in any Dependency Hearing, fact finding, or in any civil or criminal proceeding unless consent by the declarant is given. Facilitators shall not be subject to process requiring the disclosure of any matter discussed during the Facilitation, but rather, such matters shall be considered confidential and privileged in nature. The confidentiality requirement may not be waived by the parties, and a successful objection to the obtaining of testimony or physical evidence from Facilitation may be made by any party or by the facilitators. Nothing in this rule shall prevent persons subject to Mandated Reporting Requirements from complying with said laws and they shall be permitted to make all disclosures and reports required by law and the Facilitator shall inform the parties accordingly.

V.C.R.J.C.P. 1396. Qualification of Facilitators.

All Facilitators shall be appointed by the Court. In determining the appointment of a Facilitator, the Court may require any of the following training to be completed:

a. A series of court-approved classes or seminars on the principles of Family Group Decision Making and/or dependency mediation as offered by the Court,

b. Classes or seminars offered by American Humane Association,

c. Classes or seminars offered by model courts designated by the National Council of Juvenile and Family Court Judges;

d. Dependency mediation courses that may be offered by the Association of Family and Conciliation Courts;

e. Classes or seminars on the law governing dependent children;

f. Classes or seminars on issues related to poverty, racial and cultural diversity, strength based practices, and positive youth development;

g. In addition to the foregoing, the Court may require a Facilitator to complete such other training as the Court determines to be necessary and appropriate.

[Pa.B. Doc. No. 12-1899. Filed for public inspection September 28, 2012, 9:00 a.m.]

PROPOSED RULEMAKINGS

LICQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Prize Limits for Events, Tournaments and Contests

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), proposes to amend § 5.32 (relating to restrictions/exceptions) to read as set forth in Annex A.

Summary

Under the Board's regulations, hotel, restaurant, club, privately-owned public golf course, privately-owned private golf course, municipal golf course, brewery pub and eating place retail dispenser licensees (collectively referred to as retail licensees) may not conduct events, tournaments or contests, nor award or permit the award of trophies, prizes or premiums on the licensed premises. Section 5.30 (relating to definitions) defines an "event/tournament/contest" as "[a] competitive endeavor involving skill, speed, strength or endurance. The term includes a competitive endeavor involving physical attributes of contestants."

There are exceptions to the prohibitions, one of which allows a retail licensee to have a self-sponsored event, tournament or contest and to award prizes in conjunction with an event, tournament or contest. However, a retail licensee may not award more than \$500 worth of prizes for a given event, tournament or contest, nor more than \$5,000 worth of prizes per week under § 5.32(e)(7).

Section 5.32(d)(4) also creates an exception for those events conducted under the authority of the Local Option Small Games of Chance Act (act) (10 P. S. §§ 328.101—328.707) and the Bingo Law (law) (10 P. S. §§ 301—308.1). Events conducted under the act and the law are subject to the prize limits found in those acts, not the limits in § 5.32(e)(7).

Section 5.32(e)(7), which sets forth the prize limits for self-sponsored events, tournaments and contests conducted by retail licensees, was promulgated by the Board in 1996. Between 1988, when the current small games of chance (SGOC) prize limits were set, and 1996, the Board's regulations did not permit retail licensees to have a financial interest in an event, tournament or contest. In 1996, the Board amended § 5.32 to remove the financial interest prohibition and to extend the then-existing SGOC prize limitations, applicable only to licensed clubs holding an SGOC license, to retail licensees, thereby creating a more level playing field between private clubs which could acquire SGOC licenses and retail licensees which could not acquire SGOC licenses.

In the rulemaking process, the Board intended to tie the prize limits afforded under § 5.32(e)(7) with the prize limits afforded under the act. This intent was made evident in the proposed rulemaking published at 26 Pa.B. 31 (January 6, 1996) in which the Board did not include specific individual or weekly prize limits, but rather incorporated the SGOC prize limitations by reference: "The total value of the prizes for a given event, tournament or contest may not exceed the limits as established by the Local Option Small Games of Chance Act (10 P. S. §§ 311—327)."

In addressing concerns raised by the Independent Regulatory Review Commission (IRRC) regarding clarity,

the Board amended the final-form rulemaking published at 26 Pa.B. 2209 (May 11, 1996) to include the specific monetary prize limitations in the current regulation. The current prize limitations for events, tournaments and contests by retail licensees were established based upon the principal prize limits for clubs conducting small games of chance under the authority of their SGOC licenses.

The act of February 2, 2012 (P. L. 7, No. 2) (Act 2) significantly amended the act. Among other changes involving SGOC, Act 2 renumbered and amended section 5 of the act (10 P. S. § 328.302) to increase the maximum prize for a single game of chance from \$500 to \$1,000 and increased the maximum weekly prize limit for games of chance from \$5,000 to \$25,000. Thus, the correlation that had existed since 1996 has now been severed by Act 2, which has created a significant disparity in the amounts of prizes that may be awarded by private clubs which may acquire an SGOC license and other retail licensees which cannot acquire SGOC licenses.

The proposed amendment to § 5.32(e)(7) would increase the prize limits for self-sponsored events, tournaments and contests that occur on retail licensed premises to approximate the increased prize limits afforded to club licensees which also hold an SGOC license. Accordingly, the maximum value of prizes that may be awarded for a given event, tournament or contest would be increased from \$500 to \$1,000 and the maximum value of prizes awarded in a given week would be increased from \$5,000 to \$25,000. The proposed rulemaking would re-establish the historical parity and "level the playing field" for retail licensees relative to conducting events, tournaments and contests.

Finally, a sentence is proposed to be added to § 5.32(e)(7) to clarify that events, tournaments and contests conducted under the authority of the act or the law are subject to the prize limits in the act and the law rather than the prize limits in § 5.32(e)(7). This is consistent with how the Board has been interpreting the regulation.

Affected Parties

Those affected by this proposed amendment include holders of restaurant, hotel, club, privately-owned public golf courses, privately-owned private golf courses, municipal golf courses, brewery pubs and eating place retail dispenser licenses issued by the Board that conduct self-sponsored events, tournaments and contests at their licensed premises. An increase in the current prize limits may be viewed as a boon to many retail licensees wishing to increase attendance and participation at various events, tournaments and contests (for example, games, costume contests, and the like) with the prospect of higher prizes which may be awarded to participants at the licensed premises.

The Board has preliminarily reached out to two industry groups, the Pennsylvania Tavern Association and the Pennsylvania Restaurant Association, both of which have indicated that they are generally supportive of the proposed rulemaking.

Paperwork Requirements

The Board does not anticipate that this proposed rulemaking will affect the amount of paperwork or administrative costs of the regulated community.

Fiscal Impact

This proposed rulemaking is not expected to have adverse fiscal impact on the regulated community. Since it is discretionary for a retail licensee to take advantage of the increased prize limits, additional costs are not associated with compliance with the proposed rulemaking. In fact, this proposed rulemaking is expected to have a positive fiscal impact for certain retail licensees who may be able to increase the draw to their establishments by offering prizes of higher monetary value at various events, tournaments and contests. However, the potential positive fiscal impact upon those retail licensees which choose to take advantage of the proposed rulemaking cannot be quantified.

This proposed rulemaking is not expected to have adverse fiscal impact on State or local governments.

Effective Date

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

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be addressed to Norina Blynn, Assistant Counsel, or Christopher Herrington, Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 13, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objec-

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

JOSEPH E. BRION,
Chairperson

Fiscal Note: 54-72. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 40. LIQUOR
PART I. LIQUOR CONTROL BOARD
CHAPTER 5. DUTIES AND RIGHTS OF
LICENSEES
Subchapter C. AMUSEMENT AND
ENTERTAINMENT

§ 5.32. Restrictions/exceptions.

* * * * *

(e) For an activity conducted under this subchapter, the following apply:

* * * * *

(7) The total value of all prizes for any given event, tournament or contest may not exceed [\$500] \$1,000. The total value of all prizes awarded in any 7-day period may not exceed [\$5,000] \$25,000. **An event, tournament or contest conducted under the authority of the Local Option Small Games of Chance Act (10 P. S. §§ 328.101—328.707) or the Bingo Law (10 P. S. §§ 301—308.1) is subject to the prize limits in these acts.**

* * * * *

[Pa.B. Doc. No. 12-1900. Filed for public inspection September 28, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the Department of Drug and Alcohol Programs

The Executive Board approved a reorganization of the Department of Drug and Alcohol Programs effective September 7, 2012.

The organization chart at 42 Pa.B. 6141 (September 29, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 12-1901. Filed for public inspection September 28, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the Department of Health

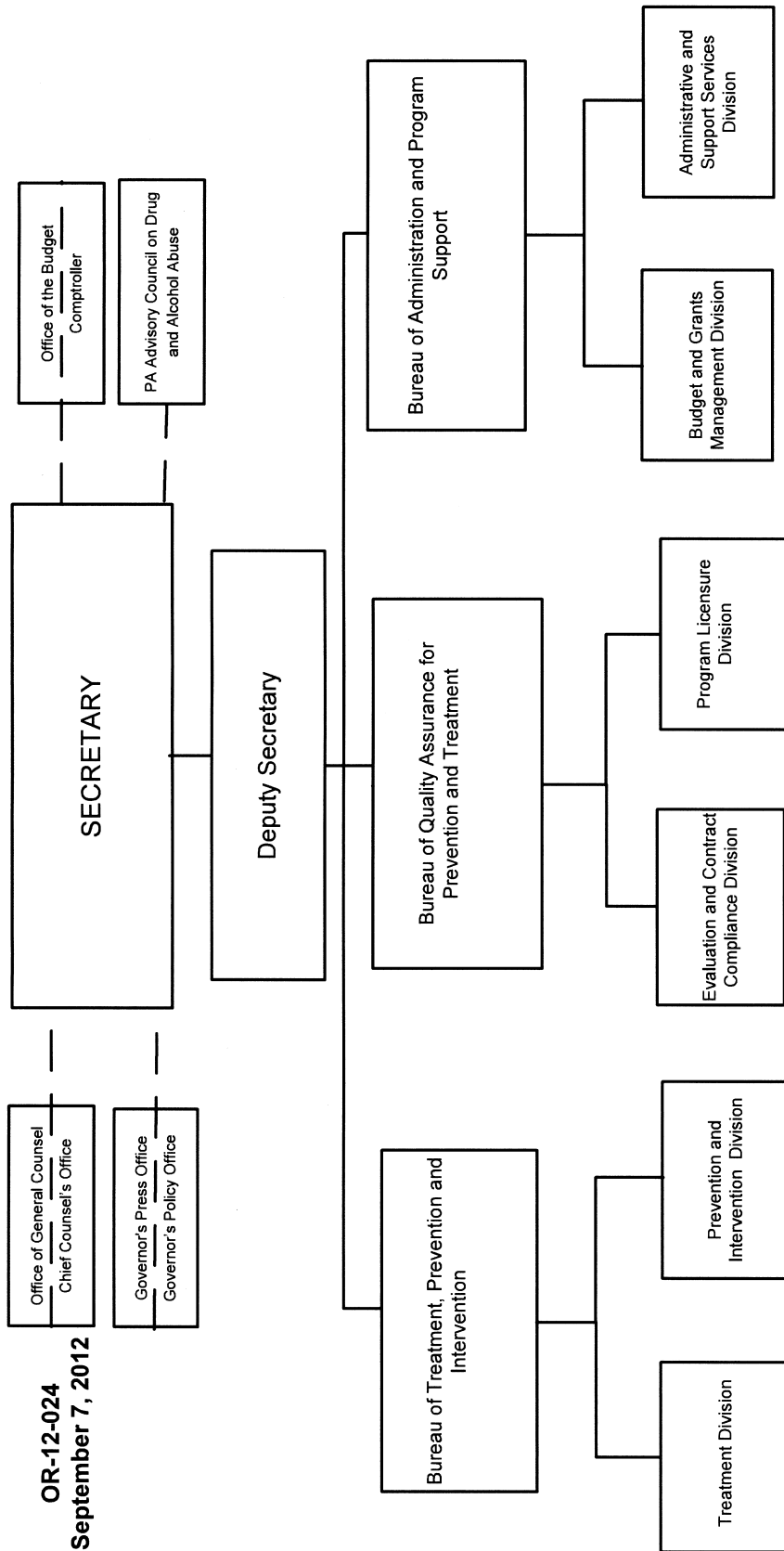
The Executive Board approved a reorganization of the Department of Health effective September 7, 2012.

The organization chart at 42 Pa.B. 6142 (September 29, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

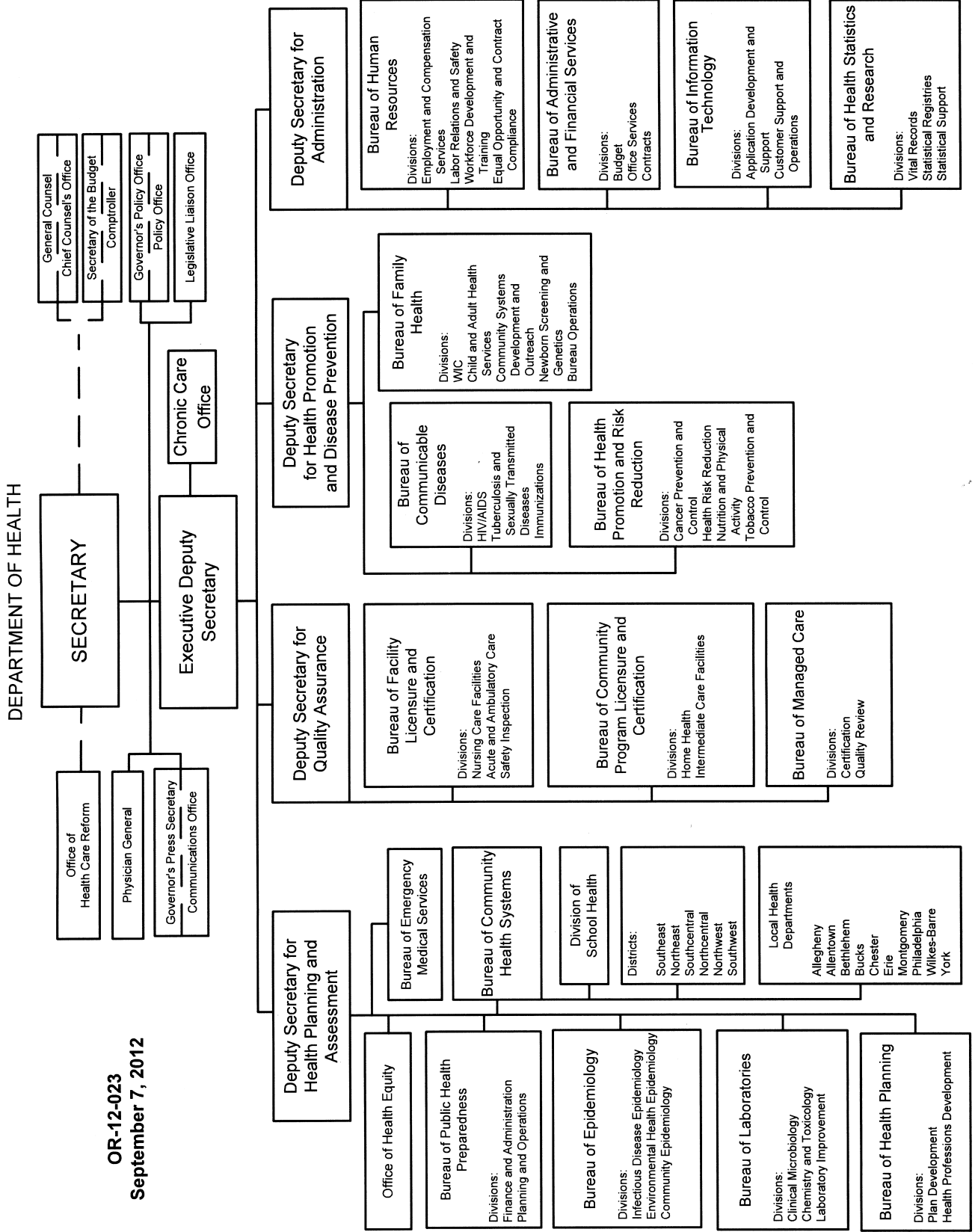
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 12-1902. Filed for public inspection September 28, 2012, 9:00 a.m.]

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS



OR-12-024
September 7, 2012



OR-12-023
September 7, 2012

NOTICES

DEPARTMENT OF AGRICULTURE

Referendum Order on the Pennsylvania Vegetable Marketing and Research Program

A referendum will be held to vote on recommended changes to the Pennsylvania Vegetable Marketing and Research Program. In summary, the proposed amendments would: (1) expand the definition of a "producer" to include persons who grow \$2,000 or more worth of vegetables in a single marketing season; (2) expand the definition of "greenhouse" to include both traditional greenhouses and high tunnels; (3) change the period with respect to which producer charges are assessed under the Program to a January 1-through-December 31 "marketing season"; (4) afford producers the option to pay a producer charge equal to 1.25% of gross sales, rather than an acreage-based or square-footage-based fee; and (5) equate an acre of field production with 1,000 square feet of greenhouse production, for purposes of calculating producer charges due with respect to that production. In accordance with the requirements of the Agricultural Commodities Marketing Act, a public hearing was held on August 30, 2012, to hear testimony and consider evidence on the proposed amendments and related matters. By Order of September 5, 2012, this office determined that the proposed amendments tend to effectuate the purposes of the Agricultural Commodities Marketing Act.

I. The Pennsylvania Vegetable Marketing and Research Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum of affected producers any time there is a proposed change to the program order. The referendum to be held for the Pennsylvania Vegetable Marketing and Research Program will determine whether a majority of those voting desire the requested changes.

II. *Referendum Period:* The referendum period shall be from October 22, 2012, until 4 p.m. on November 5, 2012. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on November

5, 2012. Ballots that are mailed must be postmarked no later than November 5, 2012, and received no later than November 9, 2012.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than October 15, 2012, to all affected producers whose names appear on the list of Pennsylvania vegetable growers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is October 15, 2012. All vegetable producers within the Commonwealth who grow one or more acres of vegetables for sale or who grow greenhouse vegetables for sale in 1,000 square feet of greenhouse area or who grow and sell \$2,000 worth of vegetables in the Commonwealth during the growing season from October 15, 2011 to October 14, 2012 are eligible to vote.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Thursday, November 15, 2012, at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*, and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 12-1903. Filed for public inspection September 28, 2012, 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 11, 2012.

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

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-6-2012	<p><i>From:</i> The Union National Bank of Mount Carmel Mount Carmel Northumberland County</p> <p><i>To:</i> UNB Bank Mount Carmel Northumberland County</p> <p>Application for approval to convert from a National bank to a Pennsylvania State-chartered bank.</p>	Filed
9-7-2012	<p><i>From:</i> Polonia Bank Huntingdon Valley Montgomery County</p> <p><i>To:</i> Polonia Bank Huntingdon Valley Montgomery County</p> <p>Application for approval to convert from a Federal savings bank to a Pennsylvania State-chartered savings bank.</p>	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-5-2012	QNB Bank Quakertown Bucks County	1410 West Street Road Warminster Bucks County	Filed
9-6-2012	Clearfield Bank & Trust Company Clearfield Clearfield County	North Woodbury Township Martinsburg Blair County	Approved
9-7-2012	Northwest Savings Bank Warren Warren	1 West Chocolate Avenue Hershey Dauphin County	Filed
9-11-2012	Susquehanna Bank Lititz Lancaster County	215 Key Highway Baltimore Baltimore City, MD	Filed
9-11-2012	Susquehanna Bank Lititz Lancaster County	Route 140 and Englar Road Westminster Carroll County, MD	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-30-2012	First Keystone Community Bank Berwick Columbia County	<p><i>To:</i> 299 Wyoming Avenue Kingston Luzerne County</p> <p><i>From:</i> 179 Wyoming Avenue Kingston Luzerne County</p>	Effective
9-11-2012	Susquehanna Bank Lititz Lancaster County	<p><i>To:</i> 2900 Whiteford Road York York County</p> <p><i>From:</i> 2951 Whiteford Road York York County</p>	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-6-2012	VIST Bank Wyomissing Berks County	36 North 3rd Street Philadelphia Philadelphia County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-11-2012	Susquehanna Bank Lititz Lancaster County	22 Light Street Baltimore Baltimore City, MD	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-11-2012	TruMark Financial Credit Union Trevose Bucks County Application for approval to merge BC3 Employees Federal Credit Union, Newtown, with and into TruMark Financial Credit Union, Trevose.	Approved

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-1904. Filed for public inspection September 28, 2012, 9:00 a.m.]

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

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915. Phone: 570-826-2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070084 (Stormwater & Hydrostatic Testing)	Buckeye Macungie Terminal 5198 Buckeye Road Macungie, PA 18062	Lehigh County Lower Macungie Township	Unnamed Tributary to Swabia Creek (2-C)	Y

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081329 (Sew)	South Londonderry Township Municipal Authority PO Box 3 Campbelltown, PA 17010-0003	Lebanon County / South Londonderry Township	Little Conewago Creek / 7-G	Y
PA0246433 (Sew)	Broad Top Township Hess MHP 187 Municipal Road PO Box 57 Defiance, PA 16633-0057	Bedford County / Broad Top Township	UNT to Sherman Valley Run / 11-D	Y
PA0084492 (Sew)	Janet A., Carl E. & Mary E. Strohecker—Strohecker MHP 615-A Dunkle School Road Halifax, PA 17032	Dauphin County / Halifax Township	UNT Susquehanna River / 6-C	Y

Northwest Region: Clean Water 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>
PA0028941 (Sewage)	Evans City Borough STP, 204-B South Jackson Street, Evans City, PA 16033	Butler County Evans City Borough	Breakneck Creek (20-C)	Y
PA0103209 (Sewage)	Wattsburg Area School District Campus-STP 10770 Wattsburg Road Erie, PA 16509-5422	Erie County Greene Township	Unnamed Tributary of LeBoeuf Creek (16-A)	Y
PA0035513 (Sewage)	PA DOT Rest Area E I-80 Eastbound, Mercer, PA 16137	Mercer County Shenango Township	Unnamed Tributary to the Shenango River	Y

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

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

PA0058599. SIC Code 8811, **Quartuccio Associates, LLC.**, P. O. Box 430, Pipersville, PA 18947. Facility Name: Quartuccio Associates STP. This existing facility is located in Bedminster Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Cabin Run, is located in State Water Plan watershed 2-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Instant. Minimum	Average Monthly	Instant. Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	10
Total Suspended Solids	XXX	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	10	20
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	XXX	1.5	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	6.0
Total Phosphorus	XXX	XXX	XXX	1.0	2.0

In addition, the permit contains the following major special conditions:

- Abandon STP
- Remedial Measures
- No Stormwater
- Necessary Property Rights
- Dry Stream Discharge
- Change in Ownership
- Sludge Disposal
- I-max limits
- I-max Reporting for Fecal Coliform

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915. Phone: 570-826-2511.

PA0026042 A-1, Sewage, SIC Code 4952, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. Facility Name: City of Bethlehem Wastewater Treatment Plant. This existing facility is located in Bethlehem City, **Northampton County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Sewage.

The receiving streams, Lehigh River and Saucon Creek, are located in State Water Plan watershed 2-C. The Lehigh River is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. Saucon Creek is classified for Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The current permit was issued on November 10, 2008, became effective on December 1, 2008 and expires on November 30, 2013. The effluent limits are based on a design annual average effluent discharge rate of 20.0 MGD. The purpose of the amendment is to authorize the relocation of the existing combined sewer overflow (CSO) 004, which discharges to Saucon Creek, to a new location to be known as CSO 012, to discharge to the Lehigh River. The relocation of the CSO is in accordance with the permittee's approved CSO Long Term Control Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0087190, Sewage, SIC Code 4952, **Saint Thomas Township Municipal Authority**, 175 Saint Thomas Edenville Road, Saint Thomas, PA 17252-9743. Facility Name: St Thomas Township Edenville STP. This existing facility is located in Saint Thomas Township, **Franklin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Wilson Run, is located in State Water Plan watershed 13-C and is classified for Trout Stocking, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	12.5	20	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	15	22	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Ammonia-Nitrogen						
May 1 - Sep 30	2.8	XXX	XXX	5.5	XXX	11
Oct 1 - Apr 30	8.2	XXX	XXX	16.5	XXX	33
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0203742, Sewage, SIC Code 6512, **Schenley Industrial Park**, P. O. Box 62, 192 Railroad Street, Schenley, PA 15682. Facility Name: Schenley Industrial Park STP. This existing facility is located in Gilpin Township, **Armstrong County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), the Allegheny River, is located in State Water Plan watershed 18-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0175 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.0175	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0026417, Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235-3494. Facility Name: Plum Creek STP. This existing facility is located in Municipality of Penn Hills, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Allegheny River, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.9 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	813.6	1,220.5	XXX	25	37.5	50
		Wkly Avg				
BOD ₅	Report	Report	XXX	Report	XXX	XXX
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	976.4	1,464.5	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		

The EPA Waiver is not in effect.

PA0218723, Sewage, **Blacklick Valley Municipal Authority**, PO Box 272, Twin Rocks, PA 15960. Facility Name: Blacklick Valley Municipal Authority STP. This existing facility is located in Buffington Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Blacklick Creek, is located in State Water Plan Watershed 18-D, and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	41.7	62.6	XXX	25	37.5	50
		Wkly Avg				
BOD ₅	Report	Report	XXX	Report	XXX	XXX
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	50.1	75.1	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		

The EPA Waiver is in effect.

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilke-Barre, PA 18711-1915. Phone: 570-826-2511.

WQM Permit No. 3912401, Sewerage, **Upper Saucon Township Municipal Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034.

This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: This project involves construction of approximately 2,000 feet of 12-inch-diameter sanitary sewer along the east side of PA Route 309, starting at West Hopewell Road and extending north. The project is known as the Route 309 Bypass Sewer Project.

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

WQM Permit No. 1008201, Industrial Waste **Amendment No. 3**, **Seneca Landfill, Inc.**, 121 Brickyard Road, Mars, PA 16046.

This existing facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: Application for a permit amendment to increase ammonia treatment capacity.

IV. NPDES Applications for Stormwater Discharges from MS4

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAI133506	Borough of Wyomissing 22 Reading Blvd. Wyomissing, PA 19610	Berks	Borough of Wyomissing	Tulpehocken Creek / WWF, MF	Y

V. Applications for NPDES Waiver Stormwater Discharges from 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 Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01091207	Rebecca River Road, LLC 3625 Quakerbridge Road Hamilton, NJ 08618	Bucks	New Hope Borough	Aquetong Creek/ Delaware River (HQ-CWF-MF)

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023912021	Allentown DPP VII, LLC Austin Rogers 9010 Overlook Blvd. Brentwood, TN 37027	Lehigh	City of Allentown	Little Lehigh Creek, HQ-CWF, MF
PAI023906028R	Posocco Equities David Posocco 2610 Walbert Ave. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek, HQ-CWF, MF

Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024812011	PFC Bethlehem, LLC Barbara Hendricks PO Box 4595 Gettysburg, PA 17325	Northampton	Hanover Twp.	UNT to Monocacy Creek, HQ-CWF, MF

Luzerne County Conservation District: 325 Smiths Pond Road, Shavertown, PA 18708, 570-674-7991.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024012003	Mark Luchi 120 Klingers Road Drums, PA 18222	Luzerne	Rice Twp.	Big Wapwallopen Creek, HQ-CWF, MF; Wapwallopen Creek, CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032112007	Dickinson College 5 North Orange Street Carlisle, PA 17013	Cumberland	Carlisle Borough	LeTort Spring Run (HQ-CWF)
PAI033612009	Welsh Mountain Home 567 Springville Road New Holland, PA 17557	Lancaster	Salisbury Township	UNT to Richardson Run (HQ-CWF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041812002	Dept of Transportation 1924 Daisy St Ext Clearfield PA 16830	Clinton	Lamar Township	Fishing Creek HQ-CWF, MF

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI045912003	Shawn Stille Oregon Hill Grace Chapel Ch PO Box 100 Liberty PA 16930	Tioga	Liberty Township	Little Fall Creek EV

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

PAG-12 CAFOs

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/ New
Darvin Weaver 170 Old Route 22 Jonestown, PA 17038	Lebanon	97	149.31	Poultry & Dairy	NA	New
Roy Diem 3409 Smoketown Rd. Spring Grove, PA 17362	York	15.1	285.06	Layers	None	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 1512511, Public Water Supply

Applicant	Downingtown Municipal Water Authority
Borough	Downingtown
County	Chester
Responsible Official	John Lichman 100 Water Plant Way Downingtown, PA 19335
Type of Facility	PWS
Consulting Engineer	Charlie Liu, P.E. BCM Engineers 920 Germantown Pike Suite 200 Plymouth Meeting, PA 19462
Application Received Date	August 2, 2012
Description of Action	Development of a back-up/emergency well to provide a redundantly reliable public water supply to the service area.

Permit No. 4612516, Public Water Supply

Applicant	North Penn Water Authority
Township	Franconia
County	Montgomery
Responsible Official	Daniel C. Preston, P.E. 300 Forty Foot Road POB 1659 Landsdale, PA 19446
Type of Facility	PWS
Consulting Engineer	Entech Engineering, Inc. POB 32 4 South 4th Street Reading, PA 19603
Application Received Date	August 22, 2012
Description of Action	Construction of a 3.0 MG elevated composite drinking water storage tank and tank site construction. The project also includes interior and exterior tank painting, a rechlorination system feeding sodium hypochlorite, a hydrodynamic tank mixing system, a chlorine analyzer and all associated plumbing.

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

Permit No. 0612510, Public Water Supply.

Applicant	Big Spring, Inc.
Municipality	Lower Heidelberg Township
County	Berks
Responsible Official	David Weaver 49 Big Spring Rd. Robesonia, PA 19551
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received:	8/31/2012
Description of Action	Construction project to install sodium hypochlorite addition facilities to switch from ozone to chlorine disinfection at existing vended water system.

Application No. 3612524 MA, Minor Amendment, Public Water Supply.

Applicant	Ephrata Area Joint Authority
Municipality	Ephrata Borough
County	Lancaster
Responsible Official	Stephen Bonner, Supertintendent of Water & Sewer 124 South State Street Ephrata, PA 17522
Type of Facility	Public Water Supply

Consulting Engineer Timothy J Glessner, P.E.
Gannett Fleming, Inc.
207 Senate Avenue
Camp Hill, PA 17011

Application Received: 8/30/2012

Description of Action Installation of a SolarBee tank
mixing system for Pine Street
Reservoir.

*Central Office: Bureau Director, Safe Drinking Water,
PO Box 8467, Harrisburg, PA 17105-8467*

Permit No. [9996576], Public Water Supply.

Applicant **[Ice River Springs Water
Company, Inc.]**

[Township or
Borough] [Pittsfield, Massachusetts]

Responsible Official [John Fudge, Director Quality
Assurance]

Type of Facility [Out of State Bottled Water
System]

Application Received [September 12, 2012]
Date

Description of Action [Applicant requesting Department
approval to sell a new bottled
water product in Pennsylvania
under the brand name: Member's
Mark Purified Water.]

WATER ALLOCATIONS

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

*Southwest Region: Water Supply Management Program
Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-
4745*

WA26-846C, Water Allocations. (Republish) Pleasant Valley Water Authority, 2320 Moyer Road, Connellyville, PA 15425, **Fayette County**. The applicant is requesting the right to increase their subsidiary allocation, from the Municipal Authority of Westmoreland County, from 250,000 gpd to 600,000 gpd.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to

Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program
Manager, 2 East Main Street, Norristown, PA 19401*

Choice One Property Sharon Hill LP, Sharon Hill Borough, **Delaware County**. Richard S. Werner, Environmental Consulting, Inc., 202 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Michael Milone, Choice One Property Sharon Hill, LP, 147 Pennsylvania Avenue, Malvern PA 19355 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organic. The subject property is currently under construction. The intended future use of the subject property is a dialysis center. A Notice of Intent to Remediate was to have been reported it *The New* of Delaware County on August 9, 2012.

Fairmount Gardens, City of Philadelphia, **Philadelphia County**. Paul White, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Christine Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, 1415 Fairmount Limited Partnership, 1415 Fairmount Avenue, Philadelphia, PA 19130 on behalf of Rev. Herbert H. Lusk, II, greater Exodus Baptist Church, 800 North broad Street, Philadelphia, PA 19130 has submitted a Notice of Intent

to Remediate. Soil at the site has been impacted with the release of lead. The future use the site will be redeveloped with a multi-story structure and asphalt parking lot, which will serve as institutional/engineering control to attain the Site Specific Standard for soil via pathway elimination.

Willowbend Townhouses, West Goshen Township, **Chester County**. Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Paul O'Conner, Apt Management LLC, 112 North Swarthmore Avenue Suite 2, Ridley Park, PA 19078, has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been published in the *Daily Local News* on July 25, 2012.

Pine Courts Apartments, City of Philadelphia, **Philadelphia County**. Tom Brady, PT Consultants, Inc. 629 Creek Road, Bellmawr, NJ 08031 on behalf of Michael Greenzang, Pine Court Apartments, LLC, 2015 Locust Street, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of no.2 fuel oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been published in *The Philadelphia Daily News* on August 6, 2012.

Gwynedd Mercy College, Lower Gwynedd Township, **Montgomery County**. Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Kevin O'Flaherty, Gwynedd Mercy College, 1325 Sumneytown Pike, Gwynedd Valley, PA 19437 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 4 fuel oil. The future use of the site will remain an educational facility. A Notice of Intent to Remediate was to have been published in *The Ambler Gazette* on July 216, 2012.

Presidential City Apartments-Madison Building, City of Philadelphia, **Philadelphia County**. Stephan Brower, Environmental Standards, Inc. 1140 Valley Forge, Road, PO Box 810, Valley Forge, PA 19482 on behalf of Scott Zecher, BLDG Philadelphia, L.P., 417 Fifth Avenue, New York, PA 10016 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 6 heating oil. The future use of the site will remain the same.

Fedena Residence, Aston Township, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Paul Coppadge, All State Insurance, 1200 Atwater Drive, Suite 110, Malvern PA 19355 on behalf of Charles Fedena, 4339 Park Lane, Aston, PA 19014 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been published in the *Delaware County Daily Times* on July 27, 2012.

Vincent Schultz Residence, Upper Moreland Township, **Montgomery County**. John C. Lydzinski, P. G. Marshall Miller & Associates, Inc. 2 Gunpowder Road, Mechanicsburg, PA 17050, John Asta, Big Oak Landscape and Supplies Inc. Fuel Oil Division, 2 Viaduct Lane, Levittown, PA 19054 on behalf of Vincent Schultz, 2025 Richard Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Wayne Manor Apartments, Radnor Township, **Delaware County**. Staci Cottone, J&J Environmental, PO

Box 370, Blue Bell, PA 19422 on behalf of Paul O'Conner, Principal Partners Wayne Manor, LLP, 105 Runnymede Avenue, Wayne, PA 19087 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with release of no. 2 fuel oil. The future use of the site will remain the same.

Reddy Mart, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Shawn Beichler, Bottom Dollar Food Northeast, LLC, P. O. Box 1330, Salisbury, North Carolina, 28145 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of petroleum related compounds. The site proposed for commercial redevelopment with a Bottom Dollar Foods store. A Notice of Intent to Remediate was to have been published in the *Weekly Press* on July 18, 2012

Jiffy Lube #945, Montgomery Township, **Montgomery County**. William Kramer, Sovereign Consulting Inc. 111 A North Gold Drive, Robbinsville, NJ 08691, Rob Rule, Jiffy Lube, Inc. 3139 Village Drive, Waynesboro, VA 22980, on behalf of Richard P. Cerbone, P.G., 111-A North Gold Drive, Robbinsville, NJ 08691 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of unleaded gasoline. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been published in *The Reporter* on August 6, 2012.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Steinig Property, 4854 Londonderry Road, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. B.L. Companies, 4242 Carlisle Pike, Camp Hill, PA 17011, on behalf of Clifford N. Steinig 1500 Appletree Road, Harrisburg, PA 17110, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard and be used for commercial purposes.

Young Residence, 30 East James Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Allstate Insurance Company, 1200 Atwater Drive, Suite 10, Malvern, PA 19355, and Nadine Young, 30 East James Street, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil. The site will be remediated to the Residential Statewide Health standard and remain residential.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Drake Well Museum, Cherrytree Township, **Venango County**. Letterle & Associates, LLC., 191 Howard Street, Franklin, PA 16232 on behalf of Drake Well Museum, 202 Museum Lane, Titusville, PA 16354 and PA Department of General Services—Bureau of Real Estate, 503 North Office Building, Harrisburg, PA 17125 has submitted a Notice of Intent to Remediate. A release of cylinder (lubricating) oil was discovered during remodeling activities on the museum grounds. The release was discovered when the holding tank was excavated. The proposed future use of the property will be non-residential. The proposed cleanup standard for the site is Statewide Health. The Notice of Intent to Remediate was published in *The Titusville Herald* on August 24, 2012.

AIR QUALITY
PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS NEW SOURCES AND
MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

62-150D: Superior Tire & Rubber Corporation (1818 Pennsylvania Avenue W, PO Box 308, Warren, PA

16365) for construction of a new adhesive spray booth in Warren City, **Warren County**. This is a State Only facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0030A: Brightsmith LLC. (120 Enterprise Avenue Morrisville, PA 19067) for a plan approval application for a new NO_x lb/hr emission limit on the two Oxidizers in Falls Township, **Bucks County**. The new limit will not increase the current facility wide NO_x limit. Brightsmith is a Title V Facility. 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.

46-0037AC: Global Advanced Metals USA, Inc. (650 County Line Road, Boyertown, PA 19512) for the installation of a sodium flame synthesis process and associated air cleaning device at its Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**. This facility is a Title V facility. The installation will result in particulate matter emissions of 0.0032 tons per year. 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

38-05003H: Carmeuse Lime Inc. (3 Clear Spring Road, Annville, PA 17003) for authorization to combust Engineered Fuel in the facility's No. 5 Kiln in North Londonderry Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the above mentioned company for the above mentioned project.

The use of the Engineered Fuel in the No. 5 Kiln has the potential to emit 13 tpy of CO and 24.0 tpy of NO_x. All other criteria pollutants will be reduced in emissions when using this type of fuel. The plan approval will contain additional recordkeeping, operating restrictions, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written

comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Tom Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issues to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00084A: Moxie Patriot, LLC (612 Center Street South, Suite 200, Vienna, VA 22180) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a natural gas-fired combined-cycle power plant to produce 944 MW or less of electricity in Clinton Township, **Lycoming County**. The project consists of two identical 1 x 1 power blocks, and each block includes a combustion gas turbine and a steam turbine. Each combined-cycle process involves the combustion turbine and a heat recovery steam generator with duct burner firing capabilities. Additionally, one diesel-fired emergency generator, one diesel-fired fire water-pump, two diesel-fuel storage tanks, two lube oil storage tanks, and one aqueous ammonia storage tank were proposed to be constructed and operated. Each combined-cycle process will be rated at 472 MW or less. The heat input rating of each combustion gas turbine is 2890 MMBtu/hr (HHV) or less, and the heat input rating of each supplemental duct burner is equal to 387 MMBtu/hr (HHV) or less. This application is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21, the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201–27.217, and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility's particulate matter less than 10 microns and particulate matter less than 2.5 microns, nitrogen dioxide, carbon monoxide, volatile organic compounds, and greenhouse gas emissions are subject to the PSD requirements. The facility's nitrogen oxides and volatile organic compounds emissions are also subject to the NNSR requirements. The Department has determined that the proposed levels of the air contaminants emissions satisfy best available control technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements as well as the Department's BAT requirements.

The facility is also subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines codified in 40 CFR

60.4300 through 60.4420; and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines codified in 40 CFR 60.4200 through 60.4219. The proposed project is also subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines codified 40 CFR 63.6580 through 63.6675 as applicable to the proposed diesel-fired engines. The Department has determined that this facility satisfies all applicable requirements of these subparts including Maximum Achievable Control Technology (MACT) requirements.

Pursuant to the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, Moxie Patriot has performed an air quality analysis which utilizes dispersion modeling. The Moxie Patriot air quality analysis satisfies the requirements of the PSD regulations and is consistent with the U.S. Environmental Protection Agency's (EPA) "Guideline on Air Quality Models," codified in Appendix W to 40 CFR Part 51, and EPA modeling policy and guidance. The Moxie Patriot air quality analysis adequately demonstrates that Moxie Patriot's proposed emissions will not cause or significantly contribute to air pollution in violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter less than or equal to 2.5 micrometers in diameter (PM-2.5), and particulate matter less than or equal to 10 micrometers in diameter (PM-10), and the PSD increment standards for NO₂, PM-2.5, and PM-10. In addition, the analysis adequately demonstrates that Moxie Patriot's proposed emissions, in conjunction with anticipated emissions due to general commercial, residential, industrial, and other growth associated with the Moxie Patriot facility, will not impair visibility, soils, and vegetation. Furthermore, the analysis adequately demonstrates that Moxie Patriot's proposed emissions will not adversely affect air quality related values (AQRVs), including visibility, in Federal Class I areas.

In accordance with 40 CFR 52.21(l)(2), where an air quality model specified in 40 CFR Part 51, Appendix W (EPA's Guideline on Air Quality Models) is inappropriate, the model may be modified on a case-by-case basis. Written approval of the EPA Regional Administrator must be obtained for the use of a modified model. In addition, the use of a modified model must be subject to notice and opportunity for public comment under procedures developed in accordance with 40 CFR 52.21(q). The air quality analysis for NO₂ for the proposed Moxie Patriot facility utilizes the Plume Volume Molar Ratio Method (PVMRM), which is currently implemented as a non-regulatory default option within the EPA's recommended near-field dispersion model, the American Meteorological Society / Environmental Protection Agency Regulatory Model (AERMOD). In accordance with the recommendations under section 3.2 of 40 CFR Part 51, Appendix W, the Department has submitted a request to EPA Region III for approval of the use of PVMRM within AERMOD for the Moxie Patriot air quality analysis for NO₂. Pursuant to 25 Pa. Code §§ 127.44, 127.83 and 40 CFR 52.21(l)(2) and (q), notice is hereby given that the Department is expressly soliciting written comments on the use of PVMRM in the Moxie Patriot air quality analysis for NO₂.

The Department's review of the information submitted by Moxie Patriot indicates that the proposed sources and associated control devices will meet all applicable federal and state air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Department's BAT require-

ments of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue a plan approval for the proposed construction and operation of the sources and air cleaning devices as indicated in this application. The facility will be a major (Title V) facility. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. [Compliance with the nitrogen oxides and sulfur dioxide emissions limits in this condition will assure compliance with the nitrogen oxide and sulfur dioxide standards specified in 40 CFR 60.4320 and 60.4330, respectively as well as the limitations of 25 Pa. Code Chapter 123, relating to particulate matter emissions and sulfur compound emissions]

Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12,

(a) Emissions from the operation of each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104 shall not exceed the limits specified below:

- i. Carbon monoxide: 2.0 ppm_{dv}
- ii. Nitrogen oxides (expressed as NO₂): 2.0 ppm_{dv}
- iii. Volatile organic compounds: 1.0 ppm_{dv} (without duct burner firing) and 1.5 ppm_{dv} (with duct burner firing)
- iv. Sulfur dioxide: 0.0011 lb/MMBtu
- v. Total (filterable and condensable) Particulate Matter: 0.0057 lb/MMBtu
- vi. Total PM₁₀: 0.0057 lb/MMBtu
- vii. Total PM_{2.5}: 0.0057 lb/MMBtu
- viii. H₂SO₄: 0.00017 lb/MMBtu
- ix. NH₃: 5 ppm_{dv}

(b) ppm_{dv} = parts per million volume on a dry gas basis, corrected to 15 percent O₂

(c) The above emissions limits shall apply at all times except for periods of startup and shutdown.

2. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the emission of visible air contaminants from the operation of each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104 shall not be in excess of 10% opacity for any 3-minute block and 20% at any time.

3. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104 shall be fired on only natural gas. The sulfur content of the natural gas shall not exceed 0.4 grain/100 scf.

4. Unless otherwise specified in this plan approval, the emissions limits for Source IDs P101, P102, P103 and P104 shall apply at all times except for periods of startup and shutdown.

(a) Startup and shutdown are defined as follows:

i. A cold start is defined as a restart occurring 72 hours or more after shutdown and shall not be in excess of 79 minutes in duration.

ii. A warm start is defined as a restart occurring between 12 to 72 hours after shutdown and shall not be in excess of 68 minutes in duration.

iii. A hot start is defined as a restart occurring less than 12 hours after shutdown and shall not be in excess of 58 minutes in duration.

iv. Startup is defined as the period between the commencement of ignition and when the combined-cycle powerblock reaches 60 percent operating level.

v. Shutdown shall not occur for more than 16 minutes in duration.

vi. Shutdown is defined as the period between the time that the Mitsubishi combined-cycle powerblock drops below 50 percent operating level and the fuel is cut to the unit and between the time that the Siemens combined-cycle powerblock drops below 60 percent operating level and the fuel is cut to the unit.

(b) The permittee shall record the time, date and duration of each startup and shutdown as well as the reason for each startup and shutdown.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the combined total hours of startups and shutdowns for each of the combined-cycle powerblocks incorporated into Source IDs P101, P102, P103 and P104 shall not exceed 500 hours in any 12 consecutive month period.

6. Pursuant to the best available technology requirements of 25 Pa. Code § 127.12b, within 180 days of the commencement of operation of each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104, the permittee shall conduct EPA reference method testing on each respective unit for nitrogen oxides, carbon monoxide, ammonia slip, volatile organic compounds, sulfur oxides (SO₂), sulfuric acid mist, total PM, total PM₁₀, total PM_{2.5}, formaldehyde and hexane emissions.

(a) Subsequent EPA reference method testing for volatile organic compounds, sulfur oxides (SO₂), sulfuric acid mist, total PM, total PM₁₀, total PM_{2.5}, formaldehyde and hexane emissions shall be conducted every two years from the date of the previous tests.

(b) All testing shall be performed at operating conditions that will demonstrate compliance with all emissions limitations specified in this plan approval.

7. The permittee shall comply with all applicable testing requirements specified in 40 CFR 60.4400.

8. The permittee shall comply with all applicable testing requirements specified in 40 CFR 60.4405.

9. The permittee shall comply with all applicable testing requirements specified in 40 CFR 60.4415.

10. The permittee shall install, certify, maintain and operate continuous emission monitoring systems (CEMS) for nitrogen oxides, carbon monoxide, carbon dioxide and ammonia emissions as well as volumetric flow on the exhaust of each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104 in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual." No CEMS or flow monitoring system

may however be installed unless Phase I approval has first been obtained from the Department.

(a) The permittee shall submit a Phase I application to the Department for all CEMS and flow monitoring systems to be associated with each combined-cycle powerblock at least 180 days prior to the expected commencement of operation date of each respective unit.

(b) The continuous emission monitoring systems shall be capable of monitoring the nitrogen oxide, carbon monoxide and ammonia concentrations, expressed in ppmv, emission rates, expressed in pound per hour, and total emission in any 12 consecutive month period, expressed in tons per year, of nitrogen oxide, carbon monoxide, carbon dioxide and ammonia.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure differential across the selective catalytic reduction catalysts incorporated into IDs C101, C102, C103 and C104 as well as the catalyst inlet and outlet temperatures shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pre-control and post-control nitrogen oxides (expressed as NO₂) emissions from Source IDs P101, P102, P103 and P104 shall be monitored and recorded by the feed-forward process control loop to ensure maximum control efficiency and minimum ammonia slip. Visual and audible alarms shall be utilized to indicate improper operation.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure differential across the oxidation catalyst incorporated into IDs C101A, C102A, C103A and C104A as well as the catalyst inlet and outlet temperatures shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

14. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, a monitoring system shall be in each stack to monitor and record percent oxygen levels to ensure maximum combustion efficiency. Visual and audible alarms shall be utilized to indicate improper operation.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and record the pressure differential across the inlet air filters for Source IDs P101, P102, P103 and P104 on a weekly basis.

16. The permittee shall use one of the following sources of information to monitor the SO₂ emission from the combustion turbines and heat recovery steam generators incorporated into Source IDs P101, P102, P103 and P104.

(a) The fuel quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying that the maximum total sulfur content for natural gas use in continental areas is 0.4 grains of sulfur or less per 100 standard cubic feet and has potential sulfur emissions of less than 0.0011 lb SO₂/MMBtu heat input; or

(b) Representative fuel sampling data which show that the sulfur content of the fuel does not exceed 0.0011 lb SO₂/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in 40 CFR 75 section 2.3.1.4 or 2.3.2.4 of appendix D is required.

17. The permittee shall comply with the applicable monitoring requirements specified in 40 CFR 60.4340.

18. The permittee shall comply with the applicable monitoring requirements specified in 40 CFR 60.4345.

19. The permittee shall comply with the applicable monitoring requirements specified in 40 CFR 60.4350.

20. The permittee shall comply with the applicable monitoring requirements specified in 40 CFR 60.4360.

21. The permittee shall comply with the applicable monitoring requirements specified in 40 CFR 60.4370.

22. Pursuant to the best available control technology (BACT) of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the best available technology (BAT) provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and keep records of the amount of fuel used each month in each of the combined-cycle powerblocks incorporated into Source IDs P101, P102, P103 and P104 as well as the monthly heat input (MMBtu), power output (MW-hr) and hours of operation of each unit to verify compliance with the input-based BACT and BAT efficiency limitations.

(a) All information used to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

23. The permittee shall keep accurate and comprehensive records of one of the following sources of information to verify compliance with the monitoring requirements in 40 CFR Part 60 Subpart KKKK and SO₂ emissions limitations for the combustion turbines and heat recovery steam generators incorporated into Source IDs P101, P102, P103 and P104.

(a) The fuel quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying that the maximum total sulfur content for natural gas use in continental areas is 0.4 grains of sulfur or less per 100 standard cubic feet and has potential sulfur emissions of less than 0.0011 lb SO₂/MMBtu heat input; or

(b) Representative fuel sampling data which show that the sulfur content of the fuel does not exceed 0.0011 lb SO₂/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in 40 CFR 75 section 2.3.1.4 or 2.3.2.4 of appendix D is required.

24. The permittee shall keep accurate and comprehensive records of the monthly emissions of nitrogen oxides, carbon monoxide, volatile organic compound, greenhouse gas, total hazardous air pollutants, sulfur oxides (SO₂), sulfuric acid mist, total PM, total PM₁₀, total PM_{2.5}, hexane and formaldehyde from each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104 in order to demonstrate compliance with the emission limitations.

(a) All information used to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

25. The permittee shall submit the records of the amount of fuel used each month in each of the combined-cycle powerblocks incorporated into Source IDs P101, P102, P103 and P104 as well as the monthly heat input (MMBtu), power output (MW-hr) and hours of operation of each unit to verify compliance with the input-based BACT and BAT efficiency limitations.

(a) The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1

through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the concurrent year).

26. The permittee shall submit the monthly emissions (including supporting documentation) of nitrogen oxides (expressed as NO_x), carbon monoxide, volatile organic compound, greenhouse gas, total hazardous air pollutants, sulfur oxides (expressed as SO_2), sulfuric acid mist, total PM, total PM_{10} , total $\text{PM}_{2.5}$, formaldehyde and hexane from each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104 in order to demonstrate compliance with the emission limitations on a semi-annual basis.

(a) The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the concurrent year).

27. The permittee shall submit a complete Acid Rain permit application in accordance with 40 CFR 72.30(b)(2)(ii).

28. The permittee shall submit a complete NO_x Budget permit application in accordance with 40 CFR 96.21(b)(1)(ii).

29. The permittee shall submit a complete NO_x Budget permit application in accordance with 40 CFR 97.21(b)(1)(ii).

30. The permittee shall comply with the applicable reporting requirements specified in 40 CFR 60.4375.

31. The permittee shall comply with the applicable reporting requirements specified in 40 CFR 60.4380.

32. The permittee shall comply with the applicable Mandatory GHG Reporting requirements of 40 CFR Part 98.

(a) The facility shall comply with the requirements in 40 CFR Part 98 Subpart D, (40 CFR 98.40-98.48).

33. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, high efficiency inlet air filters shall be used in the air inlet section of each combined-cycle powerblock incorporated into Source IDs P101, P102, P103 and P104.

34. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate and maintain the stationary combustion turbine, heat recovery steam generator, duct burners and air pollution control equipment associated with Source IDs P101, P102, P103 and P104, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction.

35. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all air contaminant emission sources are air cleaning devices at the Moxie Patriot Generation Plant shall be maintained and operated in a manner consistent with good air pollution control practices and in accordance with the manufacturers' recommendations and maintenance plans.

36. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the input-based efficiency standard for the combined-cycle power block associated with Source IDs P101 and P102 shall not exceed 5911 Btu/kW-hr (LHV) and the input-based efficiency standard for the

combined-cycle power block associated with Source IDs P103 and P104 shall not exceed 5836 Btu/kW-hr (LHV)

37. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combustion turbine associated with Source IDs P101, P102, P103 and P104 shall be equipped with dry-low- NO_x (DLN) combustors.

38. The permittee shall comply with all applicable work practice requirements specified in 40 CFR 60.4333.

39. The permittee shall commence construction of and operate only one of two options that are identified below.

(a) The first option consists of constructing two Mitsubishi M501GAC lean premix DLN natural-gas-fired combustion turbines (CT) and steam turbines (ST), where each CT and ST train are configured in a single shaft alignment and drive one common electric generator. Each unit will be equipped with natural-gas-fired duct burners (DB) and heat recovery steam generators (HRSG). Each Mitsubishi train will be capable of producing approximately 472 megawatts (MW) of electricity and is incorporated into this plan approval as Source IDs P101 and P102. The maximum heat input rating of each CT associated with Source IDs P101 and P102 shall be no greater than 2905 MMBtu/hr (high heating value, HHV). Each DB associated with Source IDs P101 and P102 shall not have a maximum heat input rating above 387 MMBtu/hr (HHV).

(b) The second option consists of constructing two Siemens SGT6-8000H lean premix DLN natural-gas-fired CTs with STs, where each CT and ST train are configured in a single shaft alignment and drive one common electric generator. Each unit will be equipped with natural-gas-fired DBs and HRSGs. Each Siemens train will be capable of producing approximately 458 MW of electricity and incorporated into this plan approval as Source IDs P103 and P104. The maximum heat input rating of each CT associated with Source IDs P103 and P104 shall be no greater than 3007 MMBtu/hr (HHV). Each DB associated with Source ID P103 and P104 shall not have a maximum heat input rating above 164 MMBtu/hr (HHV).

(c) Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, only two combined-cycle powerblocks shall be constructed and operated from the options identified in this condition. The two combined-cycle powerblocks chosen by the permittee shall be either the two 472 MW combined-cycle powerblocks incorporated into Source IDs P101 and P102 or the two 458 MW combined-cycle powerblocks incorporated into Source IDs P103 and P104.

40. The Department will evaluate the actual emission rates and may revise the allowable emission limitations based upon demonstrated performance (CEMS data, stack tests results), and/or subsequently promulgated applicable requirements during the first five years of operation. Any revision of the allowable emission limitations shall be accomplished by minor modification provided that the revised allowable emission limitations do not exceed levels at which the lowest achievable emission rate (LAER), best available control technology (BACT) and best available technology (BAT) were evaluated, do not exceed the level at which the facility impacts were modeled, and that are not a result of a physical change or change in method of operation at the facility.

41. The combustion turbines, heat recovery steam generators and duct burners associated with each combined-cycle powerblock that are incorporated into Source IDs P101, P102, P103 and P104 shall comply with all applicable requirements of Subpart KKKK of the Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420 (Standards of Performance for Stationary Combustion Turbines).

42. The permittee shall comply with the Title IV Acid Rain Program 40 CFR Parts 72—78.

43. The permittee shall comply with the applicable requirements of 40 CFR Part 96 and 25 Pa. Code Chapter 145 Subchapter D for each of the combined-cycle powerblocks incorporated into Source IDs P101, P102, P103 and P104.

44. The permittee shall comply with the applicable requirements of 40 CFR Part 97 for each of the powerblocks incorporated into Source IDs P101, P102, P103 and P104.

45. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the duct burners associated with Source IDs P101, P102, P103 and P104 shall only be used when the respective combined-cycle powerblock is required to achieve 100% load at 458 MW or 472 MW for each powerblock option.

46. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12;

(a) The operation of the Mitsubishi combined-cycle powerblocks incorporated into Source IDs P101 and P102 including startups and shutdowns shall not emit more than 109.3 tons of carbon monoxide in any 12 consecutive month period, 111.2 tons of nitrogen oxides in any 12 consecutive month period, 15.2 tons of sulfur dioxide in any 12 consecutive month period, 2.4 tons of sulfuric acid mist in any 12 consecutive month period, 54.0 tons of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} in any 12 consecutive month period, 102.9 tons of ammonia in any 12 consecutive month period, 33.8 tons of volatile organic compounds in any 12 consecutive month period, 1,572,362 tons of greenhouse gases (expressed as CO₂e) in any 12 consecutive month period, 6.23 tons of hazardous air pollutants in any 12 consecutive month period, 2.1 tons of hexane in any 12 consecutive month period, 1.24 tons of formaldehyde in any 12 consecutive month period.

(b) The operation of the Mitsubishi combined-cycle powerblocks incorporated into Source IDs P101 and P102 shall not emit more than 15.5 pounds of carbon monoxide per hour, 25.4 pounds of nitrogen oxides per hour and 23.5 pounds of ammonia per hour in any 1-hour period, as well as 3.5 pounds of sulfur dioxide per hour, 1.5 pounds of sulfuric acid mist per hour, 12.1 pounds of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} per hour, and 6.2 pounds of volatile organic compounds per hour.

(c) The operation of the Siemens combined-cycle powerblocks incorporated into Source IDs P103 and P104 including startups and shutdowns shall not emit more than 109.3 tons of carbon monoxide in any 12 consecutive month period, 109.0 tons of nitrogen oxides in any 12 consecutive month period, 14.6 tons of sulfur dioxide in any 12 consecutive month period, 2.2 tons of sulfuric acid mist in any 12 consecutive month period, 56.7 tons of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} in any 12 consecutive month period, 100.7 tons of ammonia in any 12 consecutive month period, 30.1 tons of volatile organic compounds in any 12 consecutive month

period, 1,401,333 tons of greenhouse gases (expressed as CO₂e) in any 12 consecutive month period, 6.23 tons of hazardous air pollutants in any 12 consecutive month period, 2.1 tons of hexane in any 12 consecutive month period, 1.24 tons of formaldehyde in any 12 consecutive month period.

(d) The operation of the Siemens combined-cycle powerblocks incorporated into Source IDs P103 and P104 shall not emit more than 15.2 pounds of carbon monoxide per hour, 24.9 pounds of nitrogen oxides per hour and 23.0 pounds of ammonia per hour in any 1-hour period, as well as 3.3 pounds of sulfur dioxide per hour, 1.4 pounds of sulfuric acid mist per hour, 12.2 pounds of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} per hour and 5.4 pounds of volatile organic compounds per hour.

47. Pursuant to the new source review provisions in 25 Pa. Code §§ 127.201—127.217, the permittee shall purchase and apply 247 tons per year of NO_x emission reduction credits (ERCs) and 77.7 tons per year of VOC ERCs prior to commencement of operation of Source IDs P101 and P102 at the facility to offset the total of the net increase in potential to emit. The permittee shall certify to the Northcentral Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO_x and VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply the ERCs prior to commencement of operation at the facility shall make this plan approval null and void.

48. Pursuant to the new source review provisions in 25 Pa. Code §§ 127.201—127.217, the permittee shall purchase and apply 242 tons per year of NO_x emission reduction credits (ERCs) and 69.2 tons per year of VOC ERCs prior to the commencement of operation of Source IDs P103 and P104 at the facility to offset the total of the net increase in potential to emit. The permittee shall certify to the Northcentral Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO_x and VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply the ERCs prior to commencement of operation at the facility shall make this plan approval null and void.

49. The restrictions in (a) apply if the permittee elects to construct the first option as identified in this plan approval.

(a) The combined air contaminant emissions from all sources at the Moxie Patriot Generation Plant shall not emit more than 233.5 tons of carbon monoxide in any 12 consecutive month period, 206.8 tons of nitrogen oxides (as nitrogen dioxide) in any 12 consecutive month period, 67.6 tons of volatile organic compounds in any 12 consecutive month period, 2.48 tons of formaldehyde in any 12 consecutive month period, 12.5 tons of hazardous air pollutants in any 12 consecutive month period, 105.0 tons of total PM (PM/PM₁₀/PM_{2.5} including condensable PM) in any 12 consecutive month period, 28.4 tons of sulfur oxides (as sulfur dioxide) in any 12 consecutive month period, 4.4 tons of sulfuric acid mist in any 12 consecutive month period and 2,960,271 tons of greenhouse gases in any 12 consecutive month period. The emissions limits specified in (b) of this condition apply at all times including during periods of startup and shutdown.

(b) The restrictions in (c) apply if the permittee elects to construct the second option as identified in this plan approval.

(c) The combined air contaminant emissions from all sources at the Moxie Patriot Generation Plant shall not emit more than 173.7 ton of carbon monoxide in any 12 consecutive month period, 202.8 tons of nitrogen oxides (as nitrogen dioxide) in any 12 consecutive month period, 60.2 tons of volatile organic compounds in any 12 consecutive month period, 2.64 tons of formaldehyde in any 12 consecutive month period, 10.4 tons of hazardous air pollutants in any 12 consecutive month period, 107.4 tons of total PM (PM/PM₁₀/PM_{2.5} including condensable PM) in any 12 consecutive month period, 26.8 tons of sulfur oxides (as sulfur dioxide) in any 12 consecutive month period, 4.2 tons of sulfuric acid mist in any 12 consecutive month period and 2,777,179 tons of greenhouse gases in any 12 consecutive month period. The emissions limits specified in (d) of this condition apply at all times including during periods of startup and shutdown.

50. [Compliance with this streamlined permit condition will assure compliance with the provisions of 25 Pa. Code §§ 123.13 and 123.21]

Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the exhaust of the engine-generator, Source ID P105, shall not exceed the following limitations:

(a) Nitrogen Oxides (expressed as NO₂)—4.93 gm/bhp-hr, 16.0 lb/hr, 0.8 tpy;

(b) Carbon Monoxide—0.13 gm/bhp-hr, 0.42 lb/hr, 0.02 tpy;

(c) Volatile Organic Compound (expressed as THC)—0.01 gm/bhp-hr, 0.03 lb/hr, 0.01 tpy;

(d) Particulate Matter less than 10 microns in diameter (PM-10)—0.02 gm/bhp-hr, 0.06 lb/hr, 0.01 tpy;

(e) PM-2.5—0.02 gm/bhp-hr, 0.06 lb/hr, 0.01 tpy;

(f) Sulfur Oxides (expressed as SO₂)—0.005 gm/bhp-hr, 0.02 lb/hr, 0.01 tpy.

51. Pursuant to the requirements of 40 CFR 60.4205(b) and 60.4211(c), the engine-generator, Source ID P105, shall be EPA-certified to meet the emissions standards that are specified in 40 CFR 89.112 for the same model year and maximum engine power.

52. [Compliance with this streamlined permit condition will assure compliance with the provisions of 25 Pa. Code § 123.41] Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the visible emissions from the engine-generator, Source ID P105, shall not exceed 15% in any 3-minute period and 50% at any time.

53. [Compliance with this streamlined permit condition will assure compliance with the provisions of 40 CFR 60.4211(f)]

(a) Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the combined total operation of Source ID P105 and Source ID P106 shall not exceed 100 hours in any 12 consecutive month period.

(b) Additionally, the engine-generator, Source ID P105, shall not be used for peak shaving or to generate income by supplying power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity.

54. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use diesel fuel that is classified as ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum) pursuant to 40 CFR Part 80 Subpart I, to operate the engine-generator (Source ID P105).

55. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the engine-generator, Source ID P105, shall be equipped with a non-resettable hour meter that accurately monitors the engine-generator's hours of operation.

56. [Additional authority for this permit condition is also derived from the provisions of 40 CFR 60.4214(b)]

(a) The permittee shall record the following information on the engine-generator, Source ID P105, on a monthly basis:

(b) hours that the engine-generator operated through the non-resettable hour meter

(c) the 12-consecutive month total hours of operation, including supporting documentation

(d) the time of operation of the engine-generator and the reason the engine-generator was in operation during that time

(e) The information used to demonstrate compliance with this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

57. The permittee shall keep accurate and comprehensive records of the following information for the engine-generator (Source ID P105);

(a) the supporting information and calculations used to demonstrate that the emissions of particulate matter and sulfur oxides from the exhaust of the engine-generator comply with the requirements in 25 Pa. Code §§ 123.13 and 123.21, respectively;

(b) monthly emissions of nitrogen oxides, carbon monoxide, volatile organic compound, sulfur oxides (SO₂), total PM, total PM₁₀ and total PM_{2.5} to demonstrate compliance with the emission limitations

(c) The information used to demonstrate compliance with this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

58. The permittee shall keep record of the fuel certification reports for each delivery of diesel fuel for the engine-generator (Source ID P105) to verify compliance with the fuel restriction requirements for the engine-generator.

(a) The information used to demonstrate compliance with this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

59. Pursuant to 40 CFR 60.4206, the permittee shall operate and maintain the engine-generator, Source ID P105, to achieve the emission standards specified in 40 CFR 89.112 and 89.113 over the entire life of the engine.

(a) Any testing used to verify compliance with this work practice restriction shall be performed in accordance with 40 CFR Part 64 Subpart IIII, including 40 CFR 60.4212, and acceptable test methods and procedures to the Department.

60. Pursuant to 40 CFR 60.4211(c), the engine-generator, Source ID P105, shall be installed and configured according to the manufacturer's emission-related specifications.

61. Pursuant to 40 CFR 60.4210(f), the engine-generator, Source ID P105, shall meet the labeling requirements in 40 CFR 60.4210(f).

62. [Compliance with this permit condition will assure compliance with the requirements of 40 CFR Part 63 Subpart ZZZZ] The engine-generator, Source ID P105, is subject to the requirements in 40 CFR Part 60 Subpart III. The permittee shall comply with all applicable provisions specified 40 CFR 60.4200—60.4219, including appendices.

63. Source ID P105 is a Caterpillar Model DM9933 1000 kW Generator that includes a Caterpillar C32 TA, V-12, 4-stroke, water-cooled, diesel-fired reciprocating internal combustion engine (or equivalent as approved by the Department) used to supply emergency power to the site.

(a) The engine-generator shall include electronic fuel injection and a turbocharged aspiration system.

64. [Compliance with this streamlined permit condition will assure compliance with the provisions of 25 Pa. Code §§ 123.13 and 123.21]

Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the engine-pump, Source ID P106, shall be EPA certified to meet the following emissions standards:

(a) Nitrogen Oxides (expressed as NO₂)—2.6 g/hp-hr, 2.6 lb/hr, 0.13 tpy;

(b) Carbon Monoxide—0.5 g/hp-hr, 0.51 lb/hr, 0.03 tpy;

(c) Volatile Organic Compound (expressed as THC)—0.10 g/hp-hr, 0.10 lb/hr, 0.01 tpy;

(d) Particulate Matter less than 10 microns in diameter (PM-10)—0.09 g/hp-hr, 0.09 lb/hr, 0.01 tpy;

(e) PM-2.5—0.09 g/hp-hr, 0.09 lb/hr, 0.01 tpy;

(f) Sulfur Oxides (expressed as SO₂)—0.005 g/hp-hr, 0.01 lb/hr, 0.01 tpy.

65. [Compliance with this streamlined permit condition will assure compliance with the provisions of 25 Pa. Code § 123.41]

Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the visible emissions from the engine-pump, Source ID P106, shall not exceed 15% in any 3-minute period and 50% at any time.

66. [Additional authority for this permit condition is also derived from the provisions of 40 CFR 60.4207]

Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use diesel fuel that is classified as ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum) pursuant to 40 CFR Part 80 Subpart I, to operate the engine-pump (Source ID P106).

67. [Compliance with this streamlined permit condition assures compliance with the provisions of 40 CFR 60.4209(a)]

Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the engine-pump (Source ID P106) shall be equipped with a non-resettable hour meter that accurately monitors the engine-pump's hours of operation.

68. The permittee shall record the following information on the engine-pump, Source ID P106, on a monthly basis:

(a) the hours that the engine-pump operated through the non-resettable hour meter;

(b) the 12-consecutive month total hours of operation, including supporting documentation

(c) the time of operation of the engine-generator and the reason the engine-pump was in operation during that time

(d) monthly emissions of nitrogen oxides, carbon monoxide, volatile organic compound, sulfur oxides (SO₂), total PM, total PM₁₀ and total PM_{2.5} to demonstrate compliance with the emission limitations

(e) The information used to demonstrate compliance with this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

69. The permittee shall keep accurate and comprehensive records of the following information for the engine-pump (Source ID P106);

(a) the supporting information and documentation used to demonstrate that the emissions from the exhaust of the engine-pump comply with the emissions limitations in this permit as well as the requirements in 25 Pa. Code §§ 123.13 and 123.21.

(b) The information used to demonstrate compliance with this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

70. The permittee shall keep record of the fuel certification reports for each delivery of diesel fuel for the engine-pump, Source ID P106, to verify compliance with the fuel restriction requirements for the engine-pump.

(a) The information used to demonstrate compliance with this permit condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

71. Pursuant to 40 CFR 60.4206, the permittee shall operate and maintain the engine-pump, Source ID P106, to achieve the emission standards in this permit over the entire life of the engine.

(a) Any testing used to verify compliance with this work practice restriction shall be performed in accordance with 40 CFR Part 64 Subpart IIII, including 40 CFR 60.4212, and test methods and procedures acceptable to the Department.

72. Pursuant to 40 CFR 60.4211(c), the engine-pump, Source ID P106, shall be installed and configured according to the manufacturer's emission-related specifications.

73. [Compliance with this permit condition will assure compliance with the requirements of 40 CFR Part 63 Subpart ZZZZ]

The engine-pump, Source ID P106, is subject to the requirements in 40 CFR Part 60 Subpart IIII. The permittee shall comply with all applicable provisions specified 40 CFR 60.4200—60.4219, including appendices.

(a) Source ID P106 is a Clark Model JX6H-UFADFO that includes a John Deere Co. In-Line, 4-stroke, water-cooled, diesel-fired reciprocating internal combustion engine rated for 460 bhp (or equivalent as approved by the Department) used to power the fire suppression system at the facility.

(b) The engine-pump shall include electronic fuel injection and a turbocharged aspiration system.

74. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the duration of each test of the engine-generator (Source ID P105) or the engine-pump (Source ID P106) shall not exceed 30 minutes.

75. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no simultaneous testing of the engine-generator (Source ID P105) and the engine-pump (Source ID P106) within the same hour.

76. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, testing of the engine-generator (Source ID P105) or the engine-pump (Source ID P106) shall not occur during (within the same hour as) startup or shutdown of the combustion turbines.

77. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the combined total operation of the engine-generator (Source ID P105) and the engine-pump (Source ID P106) shall not exceed 100 hours in any 12 consecutive month period.

78. The permittee shall submit the monthly hours of operation for the engine-generator (Source ID P105) and the engine-pump (Source ID P106) in order to demonstrate compliance with the operational limitations on a semi-annual basis.

(a) The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the concurrent year).

79. [Compliance with this streamlined permit condition assures compliance with the provisions of 25 Pa. Code § 129.57]

The permittee shall not store any liquid containing volatile organic compounds (VOC) with a vapor pressure greater than 1.5 psia (10.5 kilopascals) under actual storage conditions in each storage tank associated with Source ID P107 unless each of the tanks are equipped with pressure relief valve which is maintained in good operating condition and which are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum, or the highest possible pressure and vacuum in accordance with state or local fire codes or the National Fire Prevention Association guidelines or other national consensus standards acceptable to the Department.

80. The permittee shall keep a record of the vapor pressure of the contents of each storage tank associated with Source ID P107 unless the respective tank is equipped with pressure relief valves that meets the requirement in this permit relating to pressure release settings.

(a) The information used to demonstrate compliance with this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

81. Source ID P107 consists of two (2) 15,000-gallon lube oil tanks and each tank services the lubing system associated with each of the electric generating units.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval No. 41-00084A) and a concise statement regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-00016I: Latrobe Specialty Metals—A Carpenter Company (2626 Ligonier Street, PO Box 31, Latrobe, PA 15650). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval PA-65-00016I for construction and temporary operation of two (2) natural gas-fired homogenizing furnaces, with maximum capacity of 12.0 MMBtu/hr, each, at its facility located in the City of Latrobe, **Westmoreland County**. This is a Title V facility.

This proposed authorization is subject to applicable sections of 25 Pa. Code will include monitoring, maintenance, and record keeping requirements to ensure compliance with all applicable rules, regulations, and plan approval conditions. Best available technology (BAT) pursuant to 25 Pa. Code § 127.12(a)(5) for the proposed furnaces includes the use of low NO_x burners and good combustion practices.

The potential to emit (PTE) for the proposed furnaces is 0.80 ton per year (tpy) of PM/PM-10, 0.06 tpy of sulfur dioxide (SO₂), 8.83 tpy of carbon monoxide (CO), 4.46 tpy of nitrogen oxides (NO_x), 0.58 tpy of volatile organic compounds (VOC), and 12,400 tpy of CO₂e or greenhouse gases (GHG). This project (the proposed PTE combined with any increases or decreases that are considered contemporaneous) does not propose a net emissions increase at the facility that meets the definitions of significant as established in 40 CFR 52.21(b)(23)(i) or 25 Pa. Code § 121.1, and is therefore not subject to the requirements of 40 CFR Part 52 or 25 Pa. Code Chapter 127 Subchapter E.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may

submit the information to Devin P. Tomko, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-000161) and a concise statement regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Devin P. Tomko at 412-442-5231.

26-00588A: Laurel Mountain Midstream, LLC (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-26-00588A to allow the construction and temporary operation of one Solar Titan 130 natural gas-fired turbine rated at 19,553 HP, one Caterpillar G3516B natural gas-fired emergency generator rated at 1,818 bhp and controlled by an oxidation catalyst, one dehydrator (including reboiler) rated for 200 mmscf/day of natural gas, and one produced water tank with a capacity of 476 bbl at the Shamrock Compressor Station located in German Township, **Fayette County**. Additionally, this plan approval will include a combined hours of operation limitation of 39,600 hours per year on six Caterpillar G3516B natural gas-fired compressor engines, account for a reduced rating of 15,252 HP on the Solar Mars 100 natural gas-fired turbine, and account for still vent and flash tank emissions control on the dehydrator which are all currently authorized for temporary operation under PA-26-00588.

Potential to emit changes from the new sources and restrictions on currently authorized sources are calculated to be an increase of 24.66 tons of nitrogen oxides (NO_x), 41.0 tons of carbon monoxide (CO), 7.03 tons of volatile organic compounds (VOC), 14.80 tons of total particulate matter (PM), 9.80 tons of particulate matter less than 2.5 microns in diameter (PM_{2.5}), 3.05 tons of total hazardous air pollutants (HAP), and 81,934 tons of carbon dioxide equivalents (CO₂e) per year; and a decrease of 0.22 ton of formaldehyde per year. Best available technology (BAT) for the proposed natural gas-fired turbine includes good combustion practices including operation in SoLoNO_x mode, minimization of startup and shutdown events, and proper maintenance and operation. BAT for the remaining new sources is good combustion practices including use of an air to fuel ratio controller and oxidation catalyst, implementation of a leak detection and repair program for component leak emissions, capture and combustion of dehydrator still vent and flash tank emissions as fuel, and proper maintenance and operation practices.

Shamrock is an existing major source of greenhouse gas (GHG) emissions through Step 2 of U.S. EPA's Greenhouse Gas Tailoring Rule, and the potential to emit increase of CO₂e exceeds 75,000 tons per year triggering Prevention of Significant Deterioration (PSD) and Best Available Control Technology (BACT) requirements for GHG. BACT for the proposed natural gas-fired turbine includes maximization of thermal efficiency and proper maintenance and operation. BACT for the remaining new sources is proper operation and maintenance practices, implementation of a leak detection and repair program for component leak emissions, and capture and combustion of dehydrator still vent and flash tank emissions as

fuel. A facility-wide CO₂e limit of 187,820 tons in any consecutive 12-month period has been required as a result of this plan approval.

The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, and 123.31. The authorization is also subject to Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subparts JJJJ and KKKK for spark ignition internal combustion engines and stationary combustion turbines respectively, and applicable requirements of 40 CFR Part 60 Subpart OOOO effective October 15, 2012; and also Federal National Emission Standards for Hazardous Air Pollutants (NEHSAPS) including 40 CFR Part 63 Subparts HH and ZZZZ for oil and natural gas production facilities and stationary reciprocating internal combustion engines respectively. The reporting of greenhouse gas emissions in the form of CO₂e and on a mass basis has also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes NO_x, CO, VOC, PM, and SO₂ emission limits, stack testing, work practice standards, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently revise a pending Title V Operating Permit (TVOP) application or submit a TVOP administrative amendment application in accordance with 25 Pa. Code Subchapters F and G. Shamrock Compressor Station is a Title V facility based solely on GHG emissions through Step 2 of U.S. EPA's Greenhouse Gas Tailoring Rule.

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-26-00588A) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

The Department will hold a public hearing on October 30, 2012, from 6:30-8:30 PM at New Salem Volunteer Fire Department, 650 Footedale Road, New Salem, PA 15468, to take oral testimony regarding this Air Quality Plan Approval application. Notice of this hearing is separately published within this *Pennsylvania Bulletin*. Written comments should be directed to Alan Binder, Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information you may contact Alan Binder at 412-442-4168.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-375A: Harmony Castings, LLC (251 Perry Highway, Harmony, PA 16037-9213) for an existing aluminum foundry in Jackson Township, **Butler County**. Sources at the site include an aluminum casting operation and a parts washer.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-375A to Harmony Castings LLC for an existing aluminum casting operation and parts washer. This facility located in Jackson Township, Butler County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accord-

ance with 25 Pa. Code § 127.450. Plan Approval No. 10-375A is for an existing aluminum casting operation and parts washer. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 42 tons per year (tpy) of volatile organic compounds, 8 tpy of hazardous air pollutants (methanol), 1.43 tpy of carbon monoxide (CO), 4.1 tpy of particulate matter, 0.41 tpy of nitrogen oxides and 0.016 tpy of sulfur oxides.

The Plan Approval will contain testing, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

PLAN APPROVAL

PUBLIC HEARINGS

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: William Charlton, New Source Review Chief—Telephone: 412-442-4174

26-00588A. Laurel Mountain Midstream, LLC, Shamrock Compressor Station New Sources, German Township, **Fayette County.**

Per 25 Pa. Code § 127.48 notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing from 6:30-8:30 PM on Tuesday, October 30, 2012 at the New Salem Volunteer Fire Department, 650 Footedale Road, New Salem, PA 15468.

The hearing is to take testimony concerning the Department's intent to issue a Plan Approval to Laurel Mountain Midstream, LLC for the construction and temporary operation of one Solar Titan 130 natural gas-fired compressor turbine rated at 19,553 HP, one Caterpillar G3516B natural gas-fired emergency generator rated at 1,818 bhp and controlled by an oxidation catalyst, one dehydrator (including reboiler) rated for 200 mmscf/day of natural gas, and one produced water tank with a capacity of 476 bbl at the Shamrock Compressor Station located in German Township, Fayette County. Construction of the above sources will expand the capacity of Shamrock Compressor Station to compress and dehydrate produced natural gas. The Department published a separate notice of intent to issue this plan approval in the *Pennsylvania Bulletin* to allow for public comments regarding the proposed plan approval.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, John Poister, at (412) 442-4203 before October 30, 2012, to register.

Persons unable to attend the public hearing can submit three copies of a written statement to the department within 10 days thereafter. The statement should be sent to: Alan Binder, Air Quality Program, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact John Poister or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00839: Texas Eastern Transmission, L.P. (PO Box 1642, Houston, TX 77251) for pipeline transportation of natural gas at the Delmont Compressor Station in Salem Township, **Westmoreland County.** This is a Title V Operating Permit Renewal application submittal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

25-00035: Molded Fiber Glass Companies—Union City Plant (55 Fourth Avenue, Union City, PA 16438) for a Title V Operating Permit Renewal to operate a Reinforced Plastic Manufacturing Facility in Union City Borough, **Erie County.** The facility is a major source due to their emissions of styrene. The potential styrene emissions, if this facility were operated around the clock, are 97 tons per year. The potential non-HAP VOC emissions from this facility are 48 tons per year.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

V06-016: Philadelphia Energy Solutions Refining & Marketing LLC (3144 Passyunk Avenue, Philadelphia, PA 19145) for the operation of a petroleum refinery in the City of Philadelphia, **Philadelphia County.** The facility's air emissions sources include three (3) boilers larger than 100 MMBTU/hr, a 49.6 MMBTU/hr heater, thirty-six (36) process heaters, flares, cumene tank truck loading, benzene railcar unloading, propane loading, two (2) Claus sulfur recovery plants, eight (8) cooling towers, storage tanks, marine barge loading, two (2) fluidized catalytic cracking units, inter-refinery pipeline equipment, two (2) alkylation units, hydrogen purification, degreasing vats, a butane isomerization unit, wastewater sources, a benzene production unit, a cumene production unit, engines, emergency generators & pumps, and fugitives.

This permit will also reflect the change of ownership from Sunoco Inc. to Philadelphia Energy Solutions Refining & Marketing LLC and facility name from Sunoco Refinery to Philadelphia Energy Solutions Refining & Marketing LLC

The permit has also incorporated the Marcus Hook facility by reference and shall be considered one facility for all air containment requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a

concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

V11-021: Veolia Energy Philadelphia.—Edison Station (908 Samson Street, Philadelphia, PA 19107) for the operation of a steam and electric generating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 283 MMBTU/hr #6 fuel oil-fired (#2 fuel oil ignition) boilers, two (2) 335 MMBtu/hr 6 fuel oil-fired (#2 fuel oil ignition), 4 cyclone separators, 350 KW diesel emergency generator, a cold cleaner degreasing station, and cooling tower.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

48-00022: ConAgra, Inc. (4888 South Delaware Drive, Martins Creek, PA 18063) for a renewal State Only (Synthetic Minor) Operating Permit for the Martins Creek flour and grain mill products facility in Lower Mount Bethel Township, **Northampton County**. The sources at the facility include boilers, wheat receiving / handling /cleaning, flour mill, bulk flour loading, feed loadout, chlorination, and fumigation operations. The sources have the potential to emit HAPs (Hazardous Air Pollutants) above Title V thresholds. The permittee is proposing emission limitations of HAPs at the source level along with record keeping and reporting as a method of compliance. The State Only (Synthetic Minor) Operating Permit shall contain all applicable requirements for emissions limitations, testing, monitoring, record keeping, reporting and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

48-00023: ConAgra, Inc. (4888 South Delaware Drive, Martins Creek, PA 18063) for a renewal State Only (Synthetic Minor) Operating Permit for the Martins Creek grain elevator equipment at their flour and grain mill facility in Lower Mount Bethel Township, **Northampton County**. The sources in this permit include wheat receiving / handling /loadout, and fumigation operations. The sources have the potential to emit HAPs (Hazardous Air Pollutants) above Title V thresholds. The

permittee is proposing emission limitations of HAPs at the source level along with record keeping and reporting as a method of compliance. The State Only (Synthetic Minor) Operating Permit shall contain all applicable requirements for emissions limitations, testing, monitoring, record keeping, reporting and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

48-00024: ConAgra, Inc. (4888 South Delaware Drive, Martins Creek, PA 18063) a renewal State Only (Synthetic Minor) Operating Permit for their Treichlers flour and grain mill products facility in Lehigh Township, **Northampton County**. The sources at the facility include wheat receiving / handling /cleaning, flour mill, bulk flour loading, feed loadout, chlorination, and fumigation operations. The sources have the potential to emit HAPs (Hazardous Air Pollutants) above Title V thresholds. The permittee is proposing emission limitations of HAPs at the source level along with record keeping and reporting as a method of compliance. The State Only (Synthetic Minor) Operating Permit shall contain all applicable requirements for emissions limitations, testing, monitoring, record keeping, reporting and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-03021: Post Precision Castings, Inc. (21 Walnut Street, Strausstown, PA 19559) for metals casting facility in Upper Tulpehocken Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of less than 16.9 tpy of NO_x, 10 tpy of CO, 2.2 tpy of PM and 1.3 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR Part 63, Subpart ZZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00011: John Savoy & Son, Inc. (PO Box 248, Montoursville, PA 17754-0248) to issue a renewal state only operating permit for their facility in Montoursville Borough, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00011. The facility's main sources include six (6) spray coating booths, three (3) UV roll coaters, one (1) glue spreader, various woodworking operations, and several small natural gas-fired space heaters. The facility has potential emissions of 2.7 tons per year of carbon monoxide, 3.2 tons per year of nitrogen oxides, 0.02 ton per year of sulfur oxides, 21.0 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 41.2 tons per year of volatile organic compounds, 7.3 tons per year of total HAPs, and 3,813 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 41-00011) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral

Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00145: Berlin Brothers Valley School District (1025 East Main Street, Berlin, PA, 15530-1498) Synthetic Minor Operating Permit renewal for the Berlin Brothers Valley Elementary/Secondary Schools located in Berlin Borough, **Somerset County**. Equipment at this facility includes two tri-fuel boilers equipped to burn either coal or natural gas, four natural gas only fired boilers, and two natural gas-fired emergency generators. Potential annual emissions from the facility are based on a limit of burning 2,000 tons of coal per consecutive 12 month period in the tri-fuel boilers and natural gas in the other combustion sources and are estimated to be 15.3 tons NO_x, 15.0 tons CO, 15.4 tons PM, 1.6 tons VOC and 74.4 tons SO₂. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

11-00412: Fuel Recovery, Inc. (254 Interpower Drive, Colver, PA, 15927) for support activities for bituminous coal and lignite surface mining at the Sonman Refuse Site in Portage Township, **Cambria County**. This is a State Only Operating Permit Renewal application submittal.

04-00496: Skyline Metals, Inc. (3701 Duss Avenue, Baden, PA 15005) for blast furnace/steel slag processing at their slag processing facility in Harmony Township, **Beaver County**. This is a State Only Operating Permit application submittal.

65-00599: St. Vincent College (300 Fraser Purchase Road, Latrobe, PA 15650) for services for colleges and universities at the Latrobe Campus in Unity Township, **Westmoreland County**. This is a State Only Operating Permit Renewal application submittal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

20-00034: Northwest Hardwoods, Inc. (11117 Skyline Drive, Titusville, PA 16354) to issue a renewal of the State Only Operating Permit for their saw mill and hardwood manufacturing facility in Oil Creek Township, **Crawford County**. The sources at the facility include a wood fired boiler controlled by a multiclone, miscellaneous woodworking operations and sawdust off-loading controlled by a central dust collection system, wood drying kilns, miscellaneous natural gas combustion, road dust from paved surfaces, and a parts washer. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The actual PM-10, SO_x, NO_x, CO, and VOC emissions are approximately 8.0 TPY, 0.2 TPY, 5.1 TPY, 5.1 TPY, and 4.8 TPY, respectively. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

OPERATING PERMITS

PUBLIC HEARINGS

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

Air Quality Title V Operating Permit, Duke Energy Fayette II, LLC, Fayette Energy Facility

In accordance with 25 Pa. Code §§ 127.428 and 127.521(e), the Department of Environmental Protection (DEP) is providing notice that it intends to conduct a Public Meeting/Hearing on Thursday, November 8, 2012 from 5:00 pm to 7:00 pm. The Public Meeting/Hearing will be held in the Masontown VFD located at 221 N. Washington St., Masontown, PA 15461. The Public Hearing is being conducted to answer questions and accept testimony regarding the proposed issuance of a renewal Title V Operating Permit (TVOP-26-00535) to Duke Energy Fayette II, LLC, to authorize the continued operation of the existing sources at Duke Energy's Fayette Energy Facility located in German Township, **Fayette County**. The name and address of the applicant is Duke Energy Fayette II, LLC, P. O. Box 511, Masontown, PA 15461.

The facility contains air contamination sources consisting of two 1,745 MMBTU/hour combustion gas turbines (CGT), operating in combined cycle with a 589 MMBTU/hour duct burner and heat recovery steam generator following each CGT, one 30.6 Btu/hour auxiliary boiler, one 265-bhp, diesel firewater pump engine, one 489-bhp, diesel emergency generator engine, and cooling towers. The turbines are equipped with dry, low NO_x combustors. Turbine exhaust gases are treated with selective catalytic reduction (SCR) for NO_x control, and an oxidation catalyst for VOC and CO control.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 581 tons of carbon monoxide, 296 tons of nitrogen oxides, 174 tons of sulfur oxides, 313 tons of particulate matter, 90 tons of volatile organic compounds, 166 tons of ammonia, 4.9 tons of hazardous air pollutants, including 4.4 tons of formaldehyde and 2,281,548 tons of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

At 5:00 pm, DEP will be available to present information and answer questions. The formal Public Hearing will commence at 6:00 pm. Those wishing to provide testimony during the Public Hearing portion of the evening should contact Mr. John Poister at (412) 442-4000 or by email jpoister@pa.gov to reserve a time. Oral testimony will be limited to ten minutes for each presenter. Each group, or organization is requested to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearings. Requests to provide oral testimony must be submitted to DEP on or before November 7, 2012. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act

of 1990 should contact John Poister or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

Those who are unable to attend the Public Hearing, but wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the proposed TVOP-26-00535 renewal may submit the information to Barbara Hatch, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222 or bhatchpa.gov. All written comments must be received on or before December 10, 2012. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify TVOP-26-00535) and concise statements regarding the relevancy of the information or objections to issuance of the proposed TVOP-26-00535.

TVOP-04-00235: Bruce Mansfield (FirstEnergy LLC, 128 Ferry Hill Rd., Shippingport, PA 15077) In accordance with 25 Pa. Code §§ 127.428 and 127.521(e), the Department of Environmental Protection (DEP) is providing notice that it intends to conduct a Public Meeting/Hearing on Thursday, November 1, 2012 from 6:30 pm to 8:30 pm. The Public Meeting/Hearing will be held in the auditorium at South Side Area High School located at 4949 State Route 151, Hookstown, PA 15050. The Public Hearing is being conducted to answer questions and accept testimony regarding the proposed issuance of a renewal Title V Operating Permit (TVOP-04-00235) and an Acid Rain Permit (AR-04-00235) to FirstEnergy to authorize the continued operation of the existing sources at FirstEnergy's Bruce Mansfield facility located in Shippingport, **Beaver County**.

The facility's main sources include three 914 megawatt pulverized coal-fired electric generating units, four boilers, two diesel generators, material storage and handling equipment, space heaters and other smaller sources. Units #1 and #2 are equipped with a wet venturi scrubber for SO₂ and particulate control, low-NO_x burners, separate over-fired air and selective catalytic reduction (SCR) for NO_x control, and a sodium bisulfite injection system (SBS) for SO₃/opacity control. Unit #3 is equipped with an electrostatic precipitator (ESP) followed by a horizontal weir scrubber for particulate and SO₂ control. Unit #3 is also controlled with SCR, low-NO_x burners, separate over-fired air, and the SBS system. Other sources at this facility include three auxiliary boilers, two diesel generators, material handling and storage equipment, and other smaller sources.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 2,356 tons of carbon monoxide, 49,452 tons of nitrogen oxides, 62,519 tons of sulfur oxides, 10,452 tons of particulate matter, 3.0 tons of volatile organic compounds, 42 tons of ammonia, 5,766 tons of hazardous air pollutants, including 5,115 tons of hydrochloric acid, 639.3 tons of hydrofluoric acid, 1.79 tons of lead, and 707 pounds of mercury, and 21,534,178.5 tons of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

DEP also proposes to issue an Acid Rain Permit renewal for this site. The Acid Rain Permit is included by reference in the Title V Operating Permit renewal. The Designated Representative for the Acid Rain Permit for this site is Raymond L. Evans. The EGUs at this facility comply with a Phase II NO_x Averaging Plan. During the Department's review, SO₂ allowances were obtained from EPA's Acid Rain Program Database as follows:

Calendar Year	2012	2013	2014	2015	2016
Unit 1	12,740	12,740	12,740	12,740	12,740
Unit 2	14,094	14,094	14,094	14,094	14,094
Unit 3	14,498	14,498	14,498	14,498	14,498

At 6:30 pm, DEP will be available to present information and answer questions. The formal Public Hearing will commence at 7:30 pm. Those wishing to provide testimony during the Public Hearing portion of the evening should contact Mr. John Poister at (412) 442-4000 to reserve a time. Oral testimony will be limited to ten minutes for each presenter. Each group or organization is requested to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearings. Those who wish to present testimony during the Public Hearing portion of the evening should contact Mr. John Poister at (412) 442-4000 or by email jpoisterpa.gov on or before October 31, 2012 to reserve a time. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 should contact John Poister or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

Those who are unable to attend the Public Hearing, but wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the proposed TVOP-04-00235 renewal may submit the information to Barbara Hatch, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222 or bhatch@pa.gov. All written comments must be received on or before December 3, 2012. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify TVOP-04-00235) and concise statements regarding the relevancy of the information or objections to issuance of the proposed TVOP-04-00235.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-329-020: PPL Renewable Energy, LLC (Two North Ninth Street, Allentown, PA 18101) for their facility to be located in Allentown, **Lehigh County**. This Plan Approval No. 39-329-020 will be incorporated into a State Only Operating Permit through an administrative amendment at a later date.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection

(DEP) has received and intends to issue a Plan Approval to PPL Renewable Energy, LLC (Two North Ninth Street, Allentown, PA 18101) for their facility to be located in Allentown, Lehigh County. This Plan Approval No. 39-329-020 will be incorporated into a State Only Operating Permit through an administrative amendment at a later date.

Plan Approval No. 39-329-020 is to include operation of one Caterpillar reciprocating engine, model G3516LE. The Department's review of the information submitted by PPL Renewable Energy LLC indicates that the proposed engine will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for visible emissions. The engine is subject to 40 CFR Part 63 Subpart ZZZZ. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The CO emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. The SO₂ emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. Total PM emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-329-020 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone # 570-826-2511 within 30 days after publication date.

Contact: Thomas J. Hanlon, Facility Permitting Chief, East—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and

telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Returned

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63100102 and NPDES Permit No. PA0251968. **Arthur J. Boyle** (P. O. Box 400, Laughlintown, PA 16655). Permit has been denied for a bituminous surface mine, located in Centerville Borough, **Washington County**, affecting 32.2 acres. Receiving streams: unnamed tributaries to Monongahela River. Application received: March 30, 2011. Permit denied: September 14, 2012.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and 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

32121301 and NPDES No. PA0236161 and GP12-32121301. LCT Energy, LP, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). To operate the Risecen Mine in Rayne, Green, and Cherryhill Townships, **Indiana County** a new underground mine and related NPDES permit. Includes authorization request for an Air Quality

GPA/GP12 General Permit. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 42.8, Underground Acres Proposed 1,830.4, Subsidence Control Plan Acres Proposed 1,830.4. Receiving streams: Rayne Run and an Unnamed Tributary to Rayne Run, both classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company, and intake Two Lick Creek. The application was considered administratively complete on September 5, 2012. Application received April 17, 2012.

30841317. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to expand the existing parking lot at the 3 North #5 Airshaft and Portal. Application also includes a request for a Section

401 Water Quality Certification. No additional discharges. The application was considered administratively complete on September 12, 2012. Application received July 16, 2012.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32980106 and NPDES No. PA0234770. M & S Mining, Inc., P. O. Box 343, Punxsutawney, PA 15767, revision of an existing bituminous surface mine to change land use from wildlife habitat to unmanaged natural habitat in East Mahoning Township, **Indiana County**, affecting 81.4 acres. Receiving stream(s): unnamed tributaries to Dixon Run classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 30, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63120102 and NPDES Permit No. PA0252239. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Fallowfield and Somerset Townships, **Washington County**, affecting 99.2 acres. Receiving streams: unnamed tributaries to Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: August 30, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33850118. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Revision to an existing bituminous surface mine to add auger mining and to add Subchapter F protection for certain points in Winslow Township, **Jefferson County**. Receiving streams: Three unnamed tributaries of Soldier Run, classified for the

following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 4, 2012.

1192-33850118-E-1. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to affect within the barrier and construct a haul road crossing over unnamed tributary B to Soldier Run in Winslow Township, **Jefferson County**. Receiving streams: Unnamed tributary to Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: September 4, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54011301R2 and NPDES Permit No. PA0224189. Alfred Brown Coal, (71 Hill Road, Hegins, PA 17938), renewal of an existing anthracite underground mine operation in Blythe Township, **Schuylkill County** affecting 36.5 acres, receiving stream: unnamed tributary to Silver Creek, classified for the following use: cold water fishes. Application received: August 31, 2012.

Noncoal Applications Returned

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

39080301. Geryville Materials, Inc., (P. O. Box 193, Eaglesville, PA 19408), commencement, operation and restoration of a quarry operation in Lower Milford Township, **Lehigh County** affecting 628.5 acres, receiving stream: none. Application received: June 25, 2008. Application returned: September 13, 2012.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

28010302 and NPDES Permit No. PA0224162. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of NPDES Permit, Antrim Township, **Franklin County**. Receiving stream(s): unnamed tributary to Muddy Run classified for the following use(s): high-quality cold water fisheries, migratory fishes. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58970842. Raymond Treible, (2514 Oak Hill Road, Susquehanna, PA 18847), Stage I & II bond release of a quarry operation in Oakland Township, **Susquehanna County** affecting 1.0 acre on property owned by John Bruns. Application received: September 11, 2012.

58040838. Richard Salsman, (1653 SR 3023, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 3.0 acres on property owned by Charles Pierson. Application received: September 11, 2012.

58040346. Richard Salsman, (1653 SR 3023, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Auburn Township, **Susquehanna County** affecting 3.0 acres on property owned by Frank Prosa. Application received: September 11, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a

tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality stan-

dards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Depart-

ment at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public

hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0235601 (Mining Permit No. 11031701), ArcelorMittal Pristine Resources, Inc., (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948), A renewal to the NPDES and mining activity permit for the Mine 31 AMD Plant in Jackson Township, **Cambria County**. Surface Acres Affected 72.82. Receiving stream: Unnamed tributary to South Branch Blacklick Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on April 26, 2010. Application received January 6, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 001 discharges to: Unnamed Tributary to South Branch of Black Lick Creek

The proposed effluent limits for Outfall 001 (Lat: 40° 27' 10.2" Long: 78° 49' 38.8") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow		-	3.6	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settleable solids (ml/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E40-734. Penn Lake Park Borough, P. O. Box 14, White Haven, PA 18661, in Penn Lake Park Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a dry hydrant in Penn Lake (HQ-CWF, MF) for the purpose of fire protection. The project is located near the intersection of Terrace Drive and Lakeview Drive (White Haven, PA Quadrangle Latitude: 41° 06' 42.0"; Longitude: -75° 46' 14.5") in Penn Lake Park Borough, Luzerne County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E05-365: Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, Pennsylvania 17106-7676, Cider Road Bridge West Replacement Project, in Juniata Township, **Bedford County**, ACOE Baltimore District

To remove the existing overpass bridge and 102.0-foot, 24.0-inch diameter culvert and: 1) relocate and place fill within 223.0 feet of an Unnamed Tributary to the Raystown Branch of the Juniata River classified as a Warm Water Fishery, 2) place 47.0 feet of R-4 riprap on both the left and right banks within the relocated section, 3) install and maintain a 196.0-foot and 24.0-inch circular pipe and 22.0-inch by 34.0-inch elliptical pipe stream enclosure within the relocated stream section, 4) place and maintain 10.0 feet by 8.0 feet of R-4 riprap for scour protection downstream on both the left and right banks, and 5) place and maintain fill on the right floodway with average dimensions of 74.3 feet wide x 130.0 feet long x 3.8 feet high. The project proposes to directly affect a total of 253.0 linear feet of stream channel and 0.22 acre of floodway (Buffalo Mills, PA Quadrangle Latitude: 39°58'43.3", Longitude: -78°44'31").

E05-368: Pennsylvania Electric Company, 76 South Main Street, Akron, Ohio 44308, Bedford North-Osterburg 115kV Transmission Line Project, in Bedford and East St. Clair Townships, **Bedford County**, ACOE District Baltimore

To: 1) construct a 8.0-foot wide x 25.0-foot long temporary stream crossing across an Unnamed Tributary to Brush Run which is a perennial stream classified as a Warm Water Fishery, 2) construct and maintain one utility pole on the left side of the floodway impacting 2.0 square feet of Brush Run which is a perennial stream classified as a Warm Water Fishery, 3) construct and maintain three utility poles in the left floodway impacting 6.0 square feet of an Unnamed Tributary to Dunning Creek which is a perennial stream classified as a Warm Water Fishery; two utility poles are located within PEM wetlands with permanent impacts of 4.0 square feet and temporary impacts of 4.0 square feet, 4) construct a 4.0-foot wide x 25.0-foot long temporary stream crossing and wetland across an Unnamed Tributary to Brush Run which is a perennial stream classified as a Warm Water Fishery and 0.011 acre of PEM wetland, 5) construct and maintain one utility pole on the left side of the floodway impacting 2.0 square feet of Dunning Creek which is a perennial stream classified as a Warm Water Fishery, 6) construct a 15.0-foot wide x 25.0-foot long temporary stream crossing and wetland across Oppenheimer Run which is a perennial stream classified as a Warm Water Fishery, 7) construct and maintain one utility pole on the right side of the floodway impacting 2.0 square feet of an unnamed Tributary to Oppenheimer Run which is intermittent stream classified as a Warm Water Fishery, 8) construct a 8.0-foot wide x 25.0-foot long temporary stream crossing an Unnamed Tributary to Oppenheimer Run which is an intermittent stream classified as a Warm Water Fishery (Latitude: 40°06'42.3", Longitude: -78°31'25.3"), 9) construct a 4.0-foot wide x 25.0-foot long temporary stream crossing an Unnamed Tributary to Oppenheimer Run which is an intermittent stream classified as a Warm Water Fishery (Latitude: 40°07'41.9", Longitude: -78°31'1.5"), 10) construct a 4.0-foot wide x 25.0-foot long temporary stream crossing an Unnamed Tributary to Oppenheimer Run which is intermittent stream classified as a Warm Water Fishery (Latitude:

40°08'10.6", Longitude: -78°30'42.4"), 11) construct and maintain one utility pole on the left side of the floodway impacting 2.0 square feet of an Unnamed Tributary to Oppenheimer Run which is intermittent stream classified as a Warm Water Fishery (Latitude: 40°08'32.6", Longitude: -78°30'32.7"), 12) construct a 56.0-foot long temporary wetland crossing impacting 0.032 of PEM wetland, 13) three temporary road crossings of a 12.67-acre PEM wetland of 25.0 feet, 32.0 feet, and 150.0 feet impacting 0.116 acre, 14) construct and maintain four utility poles located within PEM wetlands with permanent impacts of 8.0 square feet and temporary impacts of 8.0 square feet, 15) construct and maintain a utility pole with guy wires in a 12.67-acre PEM wetland permanently impacting 2.0 square feet and temporarily 2.0 square feet, 16) construct three aerial spans over a 12.67-acre PEM wetland of 160.0 feet, 490.0 feet, and 32.0 feet, and 17) construct a temporary 50.0-foot crossing across a PEM wetland impacting 0.014 acre.

The following activates are waived under Chapter 105.12.a.3(1): an aerial cross of an Unnamed Tributary to Dunning Creek which is an intermittent stream classified as a Warm Water Fishery, 2) an aerial cross of an Unnamed Tributary to Brush Run which is a perennial stream classified as a Warm Water Fishery, 3) two aerial crossings of Oppenheimer Run which is a perennial stream classified as a Warm Water Fishery, 4) four aerial crossings of an Unnamed Tributary to Oppenheimer Run which is an intermittent stream classified as a Warm Water Fishery, 5) nine aerial crossings of PEM wetlands, and 6) one aerial crossing of a PFO wetland.

The project proposed to directly affect 0.025 acre of floodway and 0.162 acre of wetland. The purpose of the project is to reliably serve increasing electricity demand in the area. The project is located between the Bedford North Substation and the Osterburg East Substation in the vicinity of Interstate 99 (Bedford, New Enterprise, and Alum Bank, PA Quadrangles between Latitude: 40°04'29.4", Longitude: -78°31'7.4", and Latitude: 40°08'52.4", Longitude: -78°30'25.1").

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E08-481. Smithfield Township, PO Box 27, East Smithfield, PA 18817-0027. Hoblet Road (T-623) Bridge Over Tomjack Creek Project, Smithfield Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle Latitude: 41° 50' 39.9"; Longitude: 76° 37' 26.0").

Smithfield Township is seeking authorization to remove an existing single bridge and construct, operate and maintain a public road crossing with a single cell box culvert to Hoblet Road over Tomjack Creek (Trout Stock Fishery & Migratory Fish). The public road crossing shall be constructed with a precast concrete box culvert having a minimum span of 20-feet, rise of 8.5-feet and maximum total length of 75-feet. In-stream construction activities shall be performed in dry work conditions by diverting, dam and pumping or fluming stream flow around construction activities. As proposed, the project poses 80-feet of permanent stream impact and 0.01-acre of permanent wetland impact. The project is located along the western right-of-way of Burlington Road approximately 605-feet west of Hoblet Road and Burlington Road intersection.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-037: Williams Field Services Company, LLC, 1605 Coraopolis Heights Road, Moon Township, PA 15108, Lathrop Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,342 square feet (0.17 acre) of a PEM wetland (Hop Bottom SE, PA Quadrangle; Lat. 41° 40' 15", Long. -75° 48' 50");
2. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,382 square feet (0.12 acre) of a PSS wetland (Hop Bottom SE, PA Quadrangle; Lat. 41° 40' 19", Long. -75° 48' 44");
3. an 8-inch diameter natural gas gathering pipeline bored crossing impacting 85 lineal feet (57 square feet, 0.001 acre) of a PFO wetland (Hop Bottom SE, PA Quadrangle; Lat. 41° 40' 16", Long. -75° 48' 39").

The Horton natural gas gathering line project will convey natural gas, for approximately 1.3 miles, from the R. Mackey well site to the Williams—Deckertown Pipeline and Springville Gathering Line. The project will result in no stream impacts and a total of 0.29 acre (12,724 square feet) of temporary wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line for conveyance to market.

E5829-038: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Auburn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 286 square feet of a Palustrine Emergent Wetland and Palustrine Scrub-Shrub (Auburn Center, PA Quadrangle, Latitude: 41°40'17", Longitude: -76° 07'00");
2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 22 linear feet of an unnamed tributary to Transue Creek (CWF, MF) (Auburn Center, PA Quadrangle Latitude: 41°40'12", Longitude: -76°06'51");
3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 34 linear feet of an unnamed tributary to Transue Creek (CWF, MF) (Auburn Center, PA Quadrangle Latitude: 41°40'05", Longitude: -76°06'40");

The project will result in 56 linear feet and 237 square feet of temporary stream impacts and 286 square feet (0.01 acre) of temporary PEM and PSS wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development. This project is associated with permit application number E0829-060.

E0829-060: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 20 linear feet of Transue Creek (CWF, MF) and impacting 4,478 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland (Auburn Center, PA Quadrangle, Latitude: 41°40'18", Longitude: -76°07'00");

The project will result in 20 linear feet and 154 square feet of temporary stream impacts and 4,478 square feet (0.10 acre) of temporary PEM and PSS wetland impacts

from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development. This project is associated with permit application number E5829-038.

E6629-014: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Forkston, Mehoopany, North Branch, and Windham Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Cappucci Gathering Line, which consists of one 20-inch diameter natural gas gathering line, 6-inch diameter lateral well pipelines, and associated temporary construction accesses, with impacts as follows:

1. 1,763 square feet of temporary impacts to Palustrine Emergent (PEM) and Palustrine Scrub/Shrub (PSS) Wetlands via boring and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°34'19.0", Longitude: W76°10'03.0");
2. 1,087 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°34'17.0", Longitude: W76°09'59.0");
3. 77.0 linear feet of a UNT to Farr Hollow (CWF, MF) and 952 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°34'13.0", Longitude: W76°09'50.0");
4. 848 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°34'10.0", Longitude: W76°09'50.0");
5. 80.0 linear feet of a UNT to Farr Hollow (CWF, MF) and 1,412 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) and Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°34'12.0", Longitude: W76°09'34.0");
6. 1,511 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°34'08.0", Longitude: W76°09'20.0");
7. 80.0 linear feet of Farr Hollow (CWF, MF) and 1,475 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) and Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°33'55.0", Longitude: W76°08'59.0");
8. 8,186 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands and 2,153 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°33'48.0", Longitude: W76°08'48.0");
9. 85.0 linear feet of a UNT to Farr Hollow (CWF, MF) and 5,247 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Jenningsville, PA Quadrangle, Latitude: N41°33'47.0", Longitude: W76°08'39.0");

10. 1,100 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via boring and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'23.0", Longitude: W76°07'15.0");

11. 80.0 linear feet of a UNT to Fox Hollow (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'24.0", Longitude: W76°07'13.0");

12. 214 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands and 3,961 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'27.0", Longitude: W76°07'04.0");

13. 4,943 square feet of temporary impacts to Palustrine Emergent (PEM) and Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'38.0", Longitude: W76°06'47.0");

14. 3,029 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'32.0", Longitude: W76°06'50.0"); and

15. 150.0 linear feet of Fox Hollow (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'32.0", Longitude: W76°06'34.0").

The project will result in 569.0 linear feet of stream impacts, 15,883 square feet (0.36 acre) of temporary impacts to Palustrine Emergent (PEM) and Palustrine Scrub/Shrub (PSS) Wetlands, 214 square feet (0.01 acre) of permanent impacts to Palustrine Forested (PFO) Wetlands, 6,198 square feet (0.14 acre) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 2,153 square feet (0.05 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 13,433 square feet (0.31 acre) of permanent impacts to Exceptional Value Palustrine Forested (PFO) Wetlands, all for the purpose of installing one 20-inch diameter natural gas gathering line, 6-inch diameter lateral well pipelines, and associated temporary construction accesses for the development of the Marcelus Shale.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D06-300EA. RM Paper Mill, LLC, 1820 Van Reed Road, Wyomissing, PA 19610. Spring and Lower Heidelberg Townships, **Berks County**, ACOE Philadelphia District.

Project proposes to remove Paper Mill Dam across Cacoosing Creek (CWF) for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety (Reading, PA Quadrangle, Latitude: 40.3652; Longitude: -75.9939).

D39-081EA. Whitehall Township, 3219 MacArthur Road, Whitehall, PA 18052. Whitehall Township, City of Allentown, **Lehigh County**, ACOE Philadelphia District.

Project proposes to remove MacArthur Road Dam and two low head dams for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The dams are located across Jordan Creek (TSF, MF) at the following locations: MacArthur Road Dam (Catasauqua, PA Quadrangle, Latitude: 40.6233; Longitude: -75.4821), Barrier #7 (Catasauqua, PA Quadrangle, Latitude: 40.6245; Longitude: -75.4883), and Barrier #8 (Catasauqua, PA Quadrangle, Latitude: 40.6277; Longitude: -75.4893).

D46-354EA. Mr. David Rounick, 804 Brookwood Lane, Bryn Mawr, PA 19010. Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to abandon the Rounick Pond Dam in place and relocate the contributory flow into a constructed channel around the impoundment to its former historic location for the purpose of restoring the stream to a free flowing condition. The dam is located across a tributary to Mill Creek (TSF, MF) (Norristown, PA Quadrangle, Latitude: 40.0398; Longitude: -75.3012).

DAM SAFETY

Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Project Description

[Permit # 95-7-37312-15]. CNX Gas Company LLC, 200 Evergreene Dr., Waynesburg, PA 15370. Project proposes to operate and maintain the Mor14SH Centralized Pit as a centralized impoundment to collect and store 6.8 MG fracturing fluids from the MOR-10-ASH: Permit No. 37-059-25421 and future wells in the area (PA Quadrangle; Wind Ridge and Rogersville, Latitude: N 39° 58' 34.96", Longitude: W 80° 22' 30.31"), Morris Township, **Greene County**, Pittsburgh ACOE District, State Water Plan Basin 20-E, Wheeling—Buffalo Creeks Watershed (WWF).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

Location	Permit Authority	Application Type or Category
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

<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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062588 (WTP Backwash)	Pennsylvania American Water Company Ceasetown WTP Jackson Township, PA 18708	Luzerne County Jackson Township	Pikes Creek HQ_CWF (5E)	Y
PA0062715 (Storm Water)	Sunoco Partners M&T LP— Kingston Terminal Edwardsville, PA 18704-3102	Luzerne County Edwardsville Borough	Toby Creek (5-B)	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 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>
PA0009288— IW	Milton Hershey School 1201 Homestead Lane Hershey, PA 17033-8818	Dauphin County / Derry Township	UNT Spring Creek / 7-D	Y
PA0083160— SEW	Irvin Peifer Anchor Mobile Estates, Peifer & Gross, Inc. PO Box 506 Elizabethtown, PA 17022-0506	Adams County / Butler Township	Willoughby Run / 13-D	Y

Northwest Region: Clean Water 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>
PA0222275 (Sewage)	Dear, Inc. d/b/a Lakeview Estate Personal Care Home 12430 East Lake Road North East, PA 16428-3545	Erie County North East Township	Unnamed storm sewered tributary to Lake Erie (15)	Y
PA0005045 (Industrial Waste)	Seneca Generating Station 500 Powerhouse Drive, Warren, PA 16365	Warren County Mead Township	Allegheny River (16-B)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239828 (Industrial Waste)	Troyer 1 Mine, Troyer Sand & Gravel, Ltd., 13021 Flatts Road, Waterford, PA 16441-2809	Erie County, Le Boeuf Township	Wheeler Creek (16-A)	Y
PA0030104 (Sewage)	Frenchcreek Township WWTP, 4507 Georgetown Road, Franklin, PA 16323	Venango County Polk Borough	Little Sandy Creek (16-G)	Y

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

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0087700, Sewage, **South Londonderry Township Municipal Authority**, Campbelltown, PO Box 3, Campbelltown, PA 17010.

This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Killinger Creek in Watershed 7-D.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

NPDES Permit No. PA0009270, Industrial Waste, SIC Code 2047, **Del Monte Corp**, 6670 Lowe Street, Bloomsburg, PA 17815-8613.

This existing facility is located in South Centre Township, **Columbia County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated wastewater.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0102288-A2, Industrial Waste, SIC Code 4953, **Casella Waste Management of Pennsylvania, Inc. and CARES McKean, LLC**, 25 Green Hill Lane, Rutland, VT 05702. Facility Name: McKean County Landfill. This existing facility is located in Sergeant Township, **McKean County**.

Description of Existing Activity: The application is for an amendment to add a new discharge of treated Industrial Waste consisting of treated Shale Gas Extraction (SGE) wastewater from the Marcellus Shale region to the NPDES permit for an existing discharge of treated Industrial Waste consisting of landfill leachate.

The receiving streams, an Unnamed Tributary to the Little Sicily Run (Outfalls 001-006 and 010), an Unnamed Tributary to Sevenmile Run (Outfall 007), Rocky Run (Outfall 008), and Sicily Run (Outfall 009), are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes (Outfalls 001-006, 008-010) and High Quality Waters—Cold Water Fishes (Outfall 007), aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

PA0002135, Industrial Waste, SIC Code 2911, **Calumet Penreco LLC**, 138 Petrolia Street, Karns City, PA 16041-9222. Facility Name: Calumet Penreco. This existing facility is located in Karns City Borough, **Butler County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste, treated stormwater, and untreated stormwater. Changes to the permit include revision of final heat rejection rate limits as a result of a successfully completed 316(a) thermal variance study, removal of Outfall 004 as an outfall due to removal of treatment ponds, and reducing of monitoring frequency at Outfall 005 as a result of operational changes.

The receiving stream(s), South Branch Bear Creek and unnamed tributaries to South Branch Bear Creek, is located in State Water Plan watershed 17-C and 18-F and is classified for Cold Water Fishes, Warm Water Fishes and High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 5811401-A1, Sewage, SIC Code 4952, **Longford Lake Association, Inc.**, 629 North Longford Lake Road, Brackney, PA 18812.

This proposed facility is located in Silver Lake Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of an amended Water Quality Management Permit for the construction and operation of an extended aeration package treatment plant.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 2212402, Sewerage, **South Hanover Township Sewer Authority**, 111 West Third Street, Hershey, PA 17033.

This proposed facility is located in South Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction of a 350 gpm pump station at the site of the previously constructed Kellock Run Pump Station.

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

WQM Permit No. 462S105-A1, Sewerage, **Upper Saint Clair Township**, 1820 McLaughlin Run Road, Bridgeville, PA 15241

This existing facility is located in Upper Saint Clair Township, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151220	KRVS Associates, Inc. 1140 Valley Forge Road Phoenixville, PA 19460	Chester	Schuylkill Township	Unnamed Tributary Pickering Creek (HQ-TSF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911014	Alforno Properties, LLC 1860 Catasauqua Rd. Allentown, PA 18109	Lehigh	Hanover Twp.	Monocacy Creek, HQ-CWF, MF
PAS10Q125-2R(3)	Polaris South Realty, L.P. 7562 Penn Drive Suite 100 Allentown, PA 18106	Lehigh	Lower Macungie Twp.	Swabia Creek, HQ-CWF, MF
PAI023910015	K & M Associates 496 Lone Lane Allentown, PA 18104	Lehigh	Upper Macungie Twp. Cedar Creek, HQ-CWF, MF	
PAI023911020	Pennsylvania Department of Transportation Engineering District 5-0 1002 Hamilton St. Allentown, PA 18101	Lehigh	North Whitehall Township	Jordan Creek, HQ-CWF, MF; Coplay Creek, CWF, MF
PAI026608001(2)	Mehoopany Wind Energy, LLC 455 2nd Street Suite 400 Charlottesville, VA 22902	Wyoming	Eaton Twp., Forkston Twp., Mehoopany Twp., Noxen Twp., Washington Twp.	Stone Run, HQ-CWF, MF; Kasson Brook, HQ-CWF, MF; South Branch Roaring Run, HQ-CWF, MF; Roaring Run, HQ-CWF, MF; Newton Run, HQ-CWF, MF; Sugar Hollow Creek, HQ-CWF, MF; Bowmans Creek, HQ-CWF, MF; Unnamed Tributaries to Bowmans Creek, HQ-CWF, MF;

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
				Hettesheimer Run, HQ-CWF, MF; York Run, HQ-CWF, MF; Bowman Hollow, HQ-CWF, MF, Susquehanna River, WWF, MF; Unnamed Tributaries to Susquehanna River, CWF, MF

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044112005	PA Gen Energy Co LLC 120 Market St Warren PA 16365	Lycoming	McHenry Township	Pine Creek HQ-TSF, MF

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050212004	Robert Hofmann 615 Whispering Pines Drive Pittsburgh, PA 15238	Allegheny	Fox Chapel Borough	Squaw Run Watershed (HQ-WWF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

NOTICES

6181

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Doylestown Township Bucks County	PAG0200 0912054	Delaware Valley College 700 East Butler Avenue Doylestown, PA 18901	Cooks Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bedminster Township Bucks County	PAG0200 0912053	Macintosh Builders, Inc. 602 East Broad Street Souderton, PA 18964	Deep Run Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG0200 0912050	County of Bucks 55 East Court Street Doylestown, PA 18901	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAG0200 0906126-1R	WB Homes, Inc. 404 Sumneytown Pike, Ste 200 North Wales, PA 19454	Unnamed Tributary Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chalfont Borough, New Britain and Warrington Townships Bucks County	PAG0200 0912034	North Wales Water Authority 200 West Walnut Street North Wales, PA 19454-4836	North Branch Neshaminy (TSF); West Branch Neshaminy (CWF); Little Neshaminy Creek (WWF); Mill Creek (TSF); Park and Reading Creeks (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Fallowfield Township Chester County	PAG0200 1512022	PECO Energy Company 2301 Market Street Philadelphia, PA 19103	Valley Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Chester Borough Chester County	PAG0200 1512013	Borough of West Chester 401 East Gay Street West Chester, PA 19380	Plum Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Britain Township Chester County	PAG0200 1504050-RR	Wilkinson Allegiance, LLC 1020 Broad Run Road Landenberg, PA 19350	East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2310021-1	Eastern University 1300 Eagle Road St. Davids, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Radnor Township Delaware County	PAG0200 2312018	Eastern University 1300 Eagle Road St. Davids, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4612058	Kim Krauter 1290 Allentown Road Lansdale, PA 19451	Unnamed Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4605100-3	Dennis Daly 1501 Narcissa Road Blue Bell, PA 19422	Unnamed Tributary Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4609077-R	Clayton Heckler 2312 North Broad Street Colmar, PA 18915	Unnamed Tributary Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4612044	Meitner Family Partnership, LP 564 Skippack Pike Blue Bell, PA 19422	Unnamed Tributary Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lansdale Borough Montgomery County	PAG0200 4612046	Christopher Canavan N 404 Sumneytown Pike North Wales, PA 19454	Neshaminy Creek (CWF-WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG0200 4612041	Pete Clelland 200 Witmer Road, Suite 200 Horsham, PA 19044	Pine Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAG0200 4607131-R	John Forde 3815 West Chester Pike Newtown Square, PA 19073	Lamb Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Conshohocken Borough Montgomery County	PAG0200 4612050	Cynthia N. Veiga 7000 Geerdes Boulevard King of Prussia, PA 19406	Delaware Basin (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511208	TKMG Associates 120-124 Lancaster Avenue Ardmore, PA 19003	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bethlehem Twp., Northampton County	PAG02004812009	St. Luke's University Health Network Edward Nawrocki 1872 Riverside Circle Easton, PA 18045	Unnamed Tributary to Lehigh River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
South Abington Twp., Lackawanna County	PAG02003512002	South Abington Twp. 104 Shady Lane Rd. P. O. Box 259 Chinchilla, PA 18410	Leggetts Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Jenkins Twp., Luzerne County	PAG02004010008R	Mericle River Road, LLC Robert Mericle East Mountain Corporate Center 100 Baltimore Drive Wilkes-Barre, PA 18702	UNT to Susquehanna River, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Lehman Twp., Luzerne County	PAG02004010020	PA Department of Transportation Debbie Noone 55 Keystone Industrial Park Dunmore, PA 18512	UNT to Huntsville Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Bridgewater Twp., Susquehanna County	PAG02005812006	Scott Quigg 754 Grow Ave. Montrose, PA 18801	Unnamed Tributary to Pettis Creek, WWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
North Whitehall Twp., Lehigh County	PAG02003912004	Sandra D'Agostino 1939 Sunset Dr. Whitehall, PA 18052	Fells Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Upper Saucon Twp., Lehigh County	PAG02003912005(1)	Upper Saucon Twp. Thomas Beil 5500 Camp Meeting Rd. Center Valley, PA 18034	Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bedford Township Bedford County	PAG02000504008R(2)	Bette Slayton One Corporate Drive, Suite 101 Bedford, PA 15522	UNT to Brush Run and Dunning Creek/WWF	Bedford Co. Conservation Dist. 702 West Pitt Street Bedford, PA 15522 814.623.7900
Lower Heidelberg Township Berks County	PAG02000612009	Eric Vorgity Glen Gery Brick 1166 Spring Street Wyomissing, PA 19610	UNT to Cacoosing Creek/ CWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Upper Allen Township Cumberland County	PAG02002110013R	Lot #2 Frank M Bingman Rev. Trust 700 Independence Road Mechanicsburg, PA 17055	Cedar Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Conewago Township Dauphin County	PAG02002211041	Fred Kay P&K, LLC Ten Venture Way Sykesville, MD 21784	Brills Run/TSF and Conewago Creek/TSF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Derry Township Dauphin County	PAG02002212025	Edward Buchan/ Kenneth Gall 100 Crystal Drive/ 100 Mansion Road East Hershey, PA 17033	Spring Creek East/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Beale Township Juniata County	PAG02033407002R	Nancy R. Campbell 240 State Park Road Newport, PA 17074	Doyle Run/CWF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953
Manheim Township Lancaster County	PAG02003610037R	Simeral Construction 129 West Airport Road Lititz, PA 17543	Little Conestoga Creek/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Donegal Township Lancaster County	PAG02003612051	R. Gordon Ziegler 506 Rock Point Road Mount Joy, PA 17552	UNT Susquehanna River/Donegal Creek/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Millersville Borough Lancaster County	PAG02003612052	Blackford Development 120 North Pointe Blvd., Suite 301 Lancaster, PA 17601	Conestoga River/ WWF, MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Cocalico Township Lancaster County	PAG02003612062	Howard & Colletta Horst 1070 West Swartzville Road Reinholds, PA 17569	Stony Run/WWF, MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township Lancaster County	PAG02003612064	ALCOA, Inc. 201 Isabella Street Pittsburgh, PA 15212	UNT Little Conestoga Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Hanover Township Lebanon County	PAG02003812019	Greg Bomgardner 25 Black Walnut Lane Annville, PA 17003	Tributary 09781 to Swatara Creek and Swatara Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Heidelberg Township Lebanon County	PAG02003810001R	Chad and Alexis Liskey 136 Horse Happy Road Newmanstown, PA 17073	UNT to Middle Creek/WWF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springfield Township Bradford County	PAG02000812031	Bill Houseknecht RD 2 Box 246 Columbia Cross Roads, PA 16914	Mill Creek TSF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Milton Borough Northumberland County	PAG02004912007	Milton Reg Sewer Auth PO Box 433 Milton PA 17847	W.B. Susquehanna River WWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 495-4665

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Richland Township Cambria County	PAG02001112012	James Orr Oakridge Center, LLC 109 Covington Road Johnstown, PA 15904	UNT to Sand Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
North Union Township Fayette County	PAG02002612006	Hopwood DPP VI, LLC Austin Rogers 201 Summit View Drive Suite 110 Brentwood, TN 37027	UNT to Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Cumberland Township Greene County	PAG02003012005	Southwestern PA Water Authority 1442 Jefferson Road PO Box 187 Jefferson, PA 15344	UNT to Monongahela River (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Millcreek Township Erie County	PAG02002512008	F&S Tool Inc 2300 Powell Avenue Erie PA 16506	Lake Erie CWF; MF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002512018	Sarah A. Reed Children's Center 2445 West 34th Street Erie PA 16506	West Branch Cascade Creek WWF	Erie County Conservation District 814-825-6403

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Douglass Township Montgomery County	PAR800022	Waste Management of PA Inc. 197 Swamp Creek Road Gilbertsville, PA 19525	Swamp Creek—3E	Southeast Region Clean Water Program 484.250.5970
Bristol Township Bucks County	PAR130013	Dunmore Corporation 145 Wharton Road Bristol, PA 19007	Neshaminy Creek—3E	Southeast Region Clean Water Program 484.250.5970

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
City of Philadelphia Philadelphia County	PAR800166 First Transit Inc. 110 Perimeter Park Knoxville, TN 37922	Frankford Creek—3J	Southeast Region Clean Water Program 484.250.5970
Lawrence Township Tioga County	PAR204828 Hitachi Metals Auto Components USA LLC 18986 Route 287 Tioga, PA 16946	Unnamed Tributary to Tioga River—4-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Shamokin Township Northumberland County	PAR204833 Jeffs Auto Body & Recycling Center Inc. 5446 Snyderstown Road Paxinos, PA 17860-7534	Logan Run and Shamokin Creek—5-E and 6-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Vanport Township Beaver County	PAR206155 KMA Manufacturing, LLC 685 State Street Vanport, PA 15009-9502	Ohio River	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

General Permit Type—PAG-7

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Ocean County, NJ	PAG07-9913 Synagro 3501 Asiatic Avenue Baltimore, MD 21226	Ocean County Utilities Authority 501 Hickory Lane Bayville, NJ 08721	BNPNSM 717-787-8184

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
North Cornwall Township Lebanon County	PAG083503 City of Lebanon Authority 2321 Ridgeview Road Lebanon, PA 17042	City of Lebanon Authority WWTF 2321 Ridgeview Road Lebanon, PA 17042	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Jessup Township Susquehanna County	PAG102254 Williams Field Services Company, LLC 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Unnamed Tributary to East Branch Wyalusing Creek and Unnamed Tributary to Lake Stream (04D)	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

NOTICES

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*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Bridgewater Township Susquehanna County	PAG102255	Williams Field Services Company, LLC 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Beebe Creek and Unnamed Tributary to East Branch Wyalusing Creek (04D)	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Teddick Pipeline Brooklyn Township Susquehanna County	PAG102257	Williams Field Service Co. LLC 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Unnamed Tributary of Meshoppen Creek Cold Water Fishes, Migratory Fishes Unnamed Tributary to Hop Bottom Creek Cold Water Fishes, Migratory Fishes 4-F and 4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Brooklyn Township Susquehanna County	PAG102256	Williams Field Service Co. LLC 1605 Coraopolis Heights Road Moon Township, PA 15108	Unnamed Tributary to Horton Creek and Unnamed Tributary to Martins Creek—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Bridgewater Township Susquehanna County	PAG102253	Williams Field Service Co. LLC (Diamond Pipeline Project) 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Unnamed Tributary of Snake Creek and Unnamed Tributary to Snake Creek—4-E	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Upper Bern Township Berks County	PA0259781	Jeff and Tracey Rohrer Farm 275 Naftzingertown Road Mohrsville, PA 18541	Leshner Run / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Antrim Township Franklin County	PAG123730	Arnold Horst Swine Farm 1239 Hykes Road Greencastle, PA 17225	Conococheague Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Granville Township Mifflin County	PAG123738	Ryan Snyder Hog Farm LLC 6 Snyder Ln Lewistown, PA 17044	Buck Run / TSF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
L&T Pullets 80 Creek Road East Berlin, PA 17316	York	6	161.84	Pullets	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Operations Permit # 1512512 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] West Brandywine Township, **Chester County**, on August 28, 2012 for the operations facilities approved under construction permit # 151114 for 300, 000 gallon elevated Brandywine Tank.

Operations Permit # 4612513 issued to: **Pottstown Water Authority**, 100 East High Street, Pottstown, PA 19464 [(PWSID)] Borough of Pottstown, **Montgomery County**, on August 31, 2012 for the removal of Fluoridation Treatment at the Pottstown Water Treatment Plant.

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

Permit No. 2406411, Public Water Supply.

Applicant	Nature’s Way Purewater Systems 164 Commerce Road Pittston, Pa 18640
[Township or Borough]	Covington Twp, Lackawanna County
Responsible Official	Insalaco
Type of Facility	Bottled Water System
Permit Issuance Date	8/24/12

Description of Action The permit to operate a bulk water hauling station with a new source, Covington Springs, dedicated to the Pittston bottling plant.

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

Operations Permit issued to: **Seafood Holding Company**, 3060373, Fleetwood Borough, **Berks County** on 9/6/2012 for the operation of facilities approved under Construction Permit No. 0611514.

Operations Permit issued to: **Stewartstown Borough Authority**, 7670062, Hopewell Township, **York County** on 9/14/2012 for the operation of facilities approved under Construction Permit No. 6712512.

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

Permit No. 2012502 Public Water Supply

Applicant	Municipal Authority of Conneaut Lake
Township or Borough	Borough of Conneaut Lake
County	Crawford
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	September 14, 2012

Operation Permit issued to **Heritage Hills, LLC**, PWSID #6370041, Pulaski Township, **Lawrence County**. Permit Number 3712503 issued September 17, 2012 for the operation of the newly installed chlorine contact pipe at the Public Water Supply system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report,

risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Mobil Pipe Line Company-Allentown Junction Valve Station, 4080 Huckleberry Road, South Whitehall Township, **Lehigh County**, David Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 has submitted a Final Report (on behalf of this client, Kristin Mobyed, ExxonMobil Environmental Services, Co., 38 Varick Street, Brooklyn, NY 11222) concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of an above ground pipeline valve failure. The report was submitted to document attainment of the Residential Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Morning Call* on July 12, 2012.

Former Exide Battery Facility, City of Allentown, **Lehigh County**, Michael Christie, Penn Environmental & Remediation Inc., 2755 Bergey Road, Hatfield, PA 19440, has submitted a Final Report (on behalf of his client, Rob Bennett, Bennett Lehigh Street Holdings, LP, 1951 Lehigh Street, Allentown, PA 18103) concerning the remediation of site soils found to have been impacted by lead and PCE. The remediation of groundwater was found to have been impacted by sporadic inorganic detections as a result of historic operations. The report was submitted to document attainment of the Non-Residential Site-Specific Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in *The Morning Call* on August 30, 2012.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Carlisle Town Center, 321 Cherry Street, Carlisle, PA 17103, Carlisle Borough, **Cumberland County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Downtown Construction Company, LLC, 2201 Barren Hill Road, Conshohocken, PA 19428, submitted a combined Remedial Investigation and Final Report for groundwater contaminated with petroleum and chlorinated VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard. Soils were addressed in a separate report.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Dirt Excavating, Union Township, **Tioga County**. Dirt Excavating has submitted a Final Report concerning remediation of site soil contaminated with Ethylene Glycol along the road berm of State Route 414 owned by PennDot. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Appalachian Midstream, Standing Stone Township, **Bradford County**. Pennsylvania Tectonics, Inc., on behalf of Appalachian Midstream has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, Total Xylenes, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Fluorene, Indeno(1,2,3-cd)pyrene, Phenanthrene, Pyrene, and Total Lead for the site located at the permitted pipeline right-of-way along Tamarack Road. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

McMinn Oldsmobile, 3200 West Liberty Avenue, Dormont Borough, **Allegheny County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111 on behalf of Cochran South Hills, Inc. & Cochran R.E., L.P., 4520 William Penn Highway, Monroeville, PA 15146-2747 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCE.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to

achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Pennsylvania Extruded Tube Company (PEXCO), 982 Griffin Pond Road, Scott Township and South Abington Township, **Lackawanna County**. Erin Palko, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 has submitted a Final Report on behalf of her client, Pennsylvania Extruded Tube Company, P. O. Box 1280, Scranton, PA 18510, concerning the remediation of soil and groundwater found to have been impacted by lubricating oils/fluids. The report documented attainment of the Non-Residential Statewide Health Standard for groundwater and was approved on September 6, 2012.

Mobil Pipe Line Company-Allentown Junction Valve Station, 2107 Wehr Mill Road, South Whitehall Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report for Groundwater (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Room CCM 09E, Annandale, NJ 08801), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of a release due to valve failure. The report documented attainment of the Residential Statewide Health Standard for groundwater and was approved on November 11, 2011.

Mobil Pipe Line Company-Allentown Junction Valve Station, 3983 Huckleberry Road, South Whitehall Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report for Groundwater (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Room CCM 09E, Annandale, NJ 08801), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of a release due to valve failure. The report documented attainment of the Residential Statewide Health Standard for groundwater and was approved on December 14, 2010.

Mobil Pipe Line Company-Allentown Junction Valve Station, 4023 Huckleberry Road, South Whitehall

Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report for Groundwater (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Room CCM 09E, Annandale, NJ 08801), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of a release which occurred from the failure of an aboveground pipeline valve junction. The report documented attainment of the Residential Statewide Health Standard for groundwater and was approved on April 5, 2011.

A. Leventhal & Sons, 711 Davis Street, Scranton City, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 had submitted a Final Report on behalf of his client, Jeffrey Leventhal, 125 Welsh Hill Road, Clarks Summit, PA 18411, concerning the remediation of soil found to have been impacted by No. 2 fuel oil, which was observed during the removal of an unregulated 10,000-gallon heating oil underground storage tank. The report documented attainment of the Non-Residential Statewide Health Standard for soil and was approved on September 17, 2012.

Purcaro Residence, 258 Silver Lake Road, Delaware Township, **Pike County**. John C. Lydzinski, Marshall Miller & Associates, Inc., 2 Gunpowder Road, Mechanicsburg, PA 17050 had submitted a Final Report on behalf of his client, Patricia Purcaro, 258 Silver Lake Road, Dingmans Ferry, PA 18328, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as the result of an accidental spill during the delivery of the fuel oil to one of two 275-gallon aboveground storage tanks. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on September 10, 2012.

Petronio Residence, 306 Clearview Road, Bushkill Township, **Northampton County**, Thomas Hippensteal, Envirosearch Consultants, Inc., had submitted a Final Report on behalf of their client, Mary Petronio, 1114 Winnie Way, Latrobe, PA 15650, concerning the remediation of soil from No. 2 fuel oil as a result from a leaking underground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and was approved on September 13, 2012.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

Easterly Sewage Treatment Plant, intersection of Old Sixth Avenue Road and South Dartmouth Lane, Altoona, Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of City of Altoona/Easterly Sewage Treatment Plant, 1301 Twelfth Street, Altoona, PA 16601 and Martin Oil Company, 528 North First Street, Bellwood, PA 16617, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 11, 2012.

456 Old York Road, New Cumberland, PA 17070, Fairview Township, **York County**. Patriot Environmental Management, LLC, PO Box 629, Douglassville, PA 19518, on behalf of Orrstown Bank, 2695 Philadelphia Avenue, Chambersburg, PA 17201, submitted a Final Report con-

cerning remediation of site soils and groundwater contaminated with gasoline from an abandoned vehicle. The Final Report demonstrated attainment of the Residential Statewide Health standard and was approved by the Department on September 10, 2012.

Wambaugh Property, 146 South 12th Street, Reading, PA, City of Reading, **Berks County**. Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Michael Wambaugh and Carol Wambaugh, 38-1 Cranberry Road, Reading, PA 19606, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 14, 2012.

Ames True Temper Camp Hill, 465 Railroad Avenue, Camp Hill, PA, Hampden Township, **Cumberland County**. Bradburne, Briller, and Johnson, LLC, 1641 Saw Mill Run Boulevard, Pittsburgh, PA 15210-3433, on behalf of Ames True Temper, 465 Railroad Avenue, Camp Hill, PA 17011, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 17, 2012.

Northcentral Region: Environmental Cleanup Program Manager; 208 West Third Street, Williamsport, PA 17701

Former Cerro Metals—Plant 4, Spring Township, **Centre County**. Letterle & Associates, LLC, 629 East Rolling Ridge Drive, Bellefonte, Pa 16823 on behalf of Navitus, LLC, for Jason Little, 1965 Waddle Road, State College, PA 16801 has submitted a Final Report concerning the remediation of site soils PCBs contaminated with DNAPL oils. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 7, 2012.

Lycoming County Hunting & Fishing Club—Brine Release, Cogan House Township, **Lycoming County**. Groundwater Environmental Services on behalf of QC Energy Resources has submitted a Final Report concerning the remediation of site soils contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, and Zinc for a site located approximately 1 mile south of the intersection of Camp Road and Green Mountain Road. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 7, 2012.

COP Tract 285 Pad F—Production Water Release, Chapman Township, **Clinton County**. Groundwater Environmental Services, Inc., on behalf of Anadarko E & P Company LP has submitted a Final Report concerning the remediation of site soils contaminated with Aluminum, Ammonia, Arsenic, Barium, Boron, Copper, Iron, Lead, Lithium, Manganese, Selenium, and Zinc on property owned by DCNR located 1 mile west of intersection of Pats Ridge-Road and Hyner Mountain Road. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 7, 2012.

Former Getty Pumping Station Griffith Road, Muncy Creek Township, **Lycoming County**. SAIC, 6310 Allentown Blvd., Harrisburg, Pa 17112 on behalf of Texaco Downstream Properties, Inc., C/O CBRES, 6001 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Final Report concerning the remediation of

site soil and groundwater contaminated with various volatile and semi volatile organic compounds associated with petroleum products such as diesel fuel and crude oil. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 28, 2012.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

RC Winslow 1H, McCalmont Township, **Jefferson County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of XTO Energy—Appalachia Division, 395 Airport Road, Indiana, PA 15701 has submitted a Final Report concerning the remediation of site soils contaminated with Barium, Boron, Manganese, Selenium, Zinc, Benzene, Toluene, Ethylbenzene, Cumene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Naphthalene, Formaldehyde, and MTBE. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 6, 2012.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Robertshaw Controls Facility (Former), Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Blvd, Suite 400, Murrysville PA 15668 on behalf of Millstein Industries LLC has submitted a combined Risk Assessment and Cleanup Plan for the Phase 2 Development Parcel concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products on Hillis Street & Third Streets. The combined Phase 2 Risk Assessment and Cleanup Plan was approved on September 14 2012.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Hazardous Waste Transporter License Issued

Mevac Environmental Services, Inc., 481 Grand Avenue, New Haven, CT 06513. License No. PA-AH 0801. Effective September 6, 2012.

Hazardous Waste Transporter License Renewed

Tonawanda Tank Transport Service, Inc., 1140 Military Road, P. O. Box H, Buffalo, NY 14217. License No. PA-AH 0429. Effective September 7, 2012.

Cousins Waste Control, LLC, 1701 East Matzinger Road, Toledo, OH 43612. License No. PA-AH 0344. Effective September 10, 2012.

MUNICIPAL WASTE GENERAL PERMITS

Application for General Permit Renewal Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Number WMGM017. General Permit Number WMGM017 authorizes the processing and beneficial use of compost of manure, yard waste, source-separated food scraps, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The permit was renewed by Central Office on September 20, 2012.

Continued operation of the following facilities is authorized under General Permit Number WMGM017:

WMGM017D003: Four Springs Farms, LLC, 9577 Bachelor Road, Kutztown, PA 19530.

WMGM017D004: Longwood Gardens Inc., 409 Conservatory Road, Kennett Square, PA 19348.

WMGM017SW002: Enon Valley Garlic: 214 Little Beaver Road, Enon Valley, PA 16120-1724.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP4-09-0011: Nytef Plastics, Ltd. (633 Dunksferry Road, Bensalem, PA 19020) on September 7, 2012, was authorized to operate a 325,000 Btu/hr burn off oven in Bensalem Township, **Bucks County**.

GP14-15-0097: D'Anjolell Memorial Homes (392 Lancaster Avenue, Frazer, PA 19355) on September 7, 2012, was authorized to operate a 150lb/hr human cremation unit in East Whiteland Township, **Chester County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-310-048GP3: Muschlitz Excavating Inc. (615 Moorestown Drive, Bath, PA 18014) on September 13, 2012, for construction and operation of a Portable Crushing Operation with watersprays at their site at the Whitehall Quarry Site in Whitehall Township, **Lehigh County**.

39-329-021GP9: Muschlitz Excavating Inc. (615 Moorestown Drive, Bath, PA 18014) on September 13, 2012, for installation and operation of a Diesel I/C engine at the Whitehall Quarry Site in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

GP3-36-03191: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on September 7, 2012, for portable nonmetallic mineral processing equipment under GP3 at the Lancaster Landfill in Caernarvon Township, **Lancaster County**.

GP9-36-03191: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on September 7, 2012, for two diesel-fired internal combustion engines under GP9, to power portable nonmetallic mineral processing equipment, at the Lancaster Landfill in Caernarvon Township, **Lancaster County**.

GP3-36-03191A: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on September 7, 2012, for portable nonmetallic mineral processing equipment under GP3 at the Lancaster Landfill in Caernarvon Township, **Lancaster County**.

GP9-36-03191A: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on March 29, 2012, for a diesel-fired internal combustion engine under GP9, to power portable nonmetallic mineral processing equipment, at their Lancaster Landfill in Caernarvon Township, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-30-00204A: EQT Gathering, LLC (EQT Plaza, Suite 1700, 625 Liberty Ave. Pittsburgh, PA 15222) on Sept. 12, 2012, to allow the modification and installation of three (3) TEG dehydrators, three (3) enclosed Ground Flares, three (3) Capstone C65 Micro-Turbine generator, and three (3) Miscellaneous storage tanks at their Hopewell Ridge station located in Morris Township, **Greene County**.

GP3-65-01022: C. H. & D. Enterprises, Inc. 100 Brady Place, New Stanton, PA 15672 on September 12, 2012, to allow the installation and operation of one (1) ST171Metso Lokotrack Vibratory Screen rated at 400 tpy and two (2) ST171Metso Conveyors rated at 400 tpy at their Portable Non-Metallic Mineral Crushing Plant located in South Huntingdon Township, **Westmoreland County**, PA.

GP5-03-00254A: EXCO Appalachia Midstream, LLC. 3000 Ericsson Drive, Suite 200, Warrendale, PA 15086 on September 14, 2012, to allow the installation and operation of one (1) CAT 3516 compressor engine rated at 1,380 bhp, one (1) TEG dehydrator rated at 30 MMBtu/day, one (1) reboiler rated at 0.75 MMBtu/hr, and six (6) condensate/storage tanks of various capacities at their Manor Extension Compressor Station located in Kittanning and Plumcreek Townships **Armstrong County**, PA.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP3-42-236F: Glenn O. Hawbaker, Inc.—McKean County Landfill (711 East College Avenue, Bellefonte, PA 16823) on September 6, 2012, to operate a Turbo Chieftain 1200 Vibratory Powerscreen (550 tph) at the McKean County Landfill facility (BAQ/GPA-GP-3) in Sergeant Township, **McKean 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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0001AD: Sunoco, Inc. (4th and Green Streets, Marcus Hook, PA 19061) on September 12, 2012, for installation of SCR for the control of CO emissions on six (6) existing diesel-fired dewatering pumps in Marcus Hook Borough, **Delaware County**. The plan approval is for a Title V facility. The installation of controls for CO emissions is required under the NESHAP standard found in 40 CFR 63, Subpart ZZZZ for existing CI Engines. CO emissions are anticipated to decrease by 1.27 tons, with a similar increase in GHG emissions. NSR and PSD regulations will not be triggered with this project. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

40-399-078: L & P Berwick—Div Leggett & Platt (515 Salem Boulevard, Berwick, PA 18603) on September 11, 2012, for their existing baghouse to exhaust outdoors at their facility in Salem Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05069S: East Penn Manufacturing Co., Inc. (Deka Road, PO Box 147, Lyon Station, PA 19536) on September 12, 2012, for modifications to their A-3 facility formation operations and authorizing the transfer and use of 53 tons of NO_x Emission Reduction Credits (ERC's) for offset purposes from GenOn Energy REMA, LLC (aka Reliant Energy Mid-Atlantic Power Holdings, LLC) to East Penn Manufacturing Company, Inc., in Richmond Township, **Berks County**.

01-05016P: Specialty Granules, Inc. (1455 Old Waynesboro Road, PO Box O, Blue Ridge Summit, PA 17214-0914) on September 12, 2012, for the construction of an aggregate material processing plant which will include fabric filter particulate matter control systems at their Charmian Quarry in Hamiltonban Township, **Adams County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-379A: XTO Energy—dba Mountain Gathering LLC—Penn Cryo Facility (810 Houston Street, Fort Worth, TX 76102-6203) on September 11, 2012, to install a 125 MMcf/d natural gas processing plant at 230 Hicks Road, Renfrew, PA 16053 in Penn Township, **Butler**

County. Sources at the site will include a process heater, process storage tanks, a gas processing plant and facility roadways.

25-1025A: Erie Cemetery Assoc. (2116 Chestnut Street, Erie, PA 16502) on September 11, 2012, to continue operation of two (2) existing crematories at their existing facility in the City of Erie, **Erie County**.

37-300B: North American Forgemasters (710 Moravia Street, New Castle, PA 16101) on September 12, 2012, to construct two (2) additional forge furnaces to provide capacity during the subsequent furnace removal and to construct six (6) new forge furnaces which will replace six (6) existing forge furnaces in New Castle City, **Lawrence County**. This is a State Only facility.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS 12147: (Philadelphia West TRANSFLO Terminal—36th and Moore Street Philadelphia, PA 19134) on September 12, 2012, for modification and operation of 15 portable pumps for the transfer of crude oil from unit train to tank truck. Hazardous Air Pollutants (HAP) emissions from the facility are limited to less than 10 tons per rolling 12-month period for each individual HAP and less than 25 tons per rolling 12-month period for combined HAPs. A volatile Organic Compound emission at the facility is limited to less than 25 tons per rolling 12-month period. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

15-0035A: SABIC Innovative Plastics U.S., LLC. (251 South Bailey Road, Downing, PA 19335) on September 11, 2012, to operate a replacement burn-off oven in Caln Township, **Chester County**.

15-0027K: Johnson Matthey, Inc.—Catalyst Systems (456 Devon Park Drive, Wayne, PA 19087-1816) on September 12, 2012, in Tredeyffrin Township, **Chester County** for issues relating to the original appeal are contained in the Notice of Appeal, EHB Docket No. 2012-_____. The appeal issues and other conditions that have been addressed in the revised Plan approval are outlined below:

a. Section C, Condition #007. The condition has been revised as follows:

“The permittee shall comply with all the existing Title V Operating Permit No. 15-00027 and the existing Plan Approval No. 15-0027J requirements, except as otherwise addressed in this Plan Approval No. 15-0027K”

b. Section C, Condition #008. The condition has been removed in its entirety.

c. Section D, 650-kW Backup Diesel Generator (Source ID: 199), Condition #005.

“The permittee shall maintain record of the following for the Backup Diesel Generator (Source ID: 199) on a monthly basis . . .”

d. Section D, 400-kW Backup Diesel Generator (Source ID: 200A), Condition #003.

“The permittee shall limit operation of the 400-kW Diesel Emergency (Source ID: 200A) to no more than 50 hours of operation as a 12-month rolling sum.”

e. Section D, Line 14 Drying & Calcining (Source ID: 203), Condition #003.

“The permittee shall maintain records to the potential hourly NO_x emission rate from the drying and calcining line. These records shall include, but not be limited to . . .”

f. Section D, Line 15 Drying & Calcining (Source ID: 204), Condition #003.

“The permittee shall maintain records of the potential hourly NO_x emission rate from the drying and calcining line. These records shall include, but not be limited to . . .”

g. Section D, Acid Gas Scrubber (Devon III) (Source ID: C012A), Condition #001.

“The permittee shall ensure that the Acid Gas Scrubber (Devon III) (Source ID: C012A) achieves a 93% removal efficiency for acid gases at its outlet.”

h. Section D, 650-kW Backup Diesel Generator (Source ID: 199), Condition #004(b)(i).

“NO_x emission factors for internal combustion engines with a rated capacity greater than or equal to 600 hp: 0.024 lb/hp-hr power output or 3.2 lb/MMBtu fuel input.”

[*Source: AP-42, Table 3.4-1, Gaseous Emission Factors for Large Stationary Diesel and All Stationary Dual-fuel Engines {Diesel Fuel (SCC 2-02-004-04)}.]

i. Section D, Line 14 Drying and Calcining (Source ID: 203), Condition #004.

“Emissions from an individual drying oven are not required to be treated in the Line 14 NO_x and/or Ammonia scrubbers and/or the Line 14 SCR System under the following conditions:

1. During process upset conditions or malfunctions, to allow for the safe and systematic shutdown of equipment.

2. Power failures.

3. Production runs when pre-control NO_x emissions are less than or equal to 13.4 lb/hr.”

j. Section D, Line 15 Drying and Calcining (Source ID: 204), Condition #004.

“Emissions from the continuous drying oven are not required to be treated in the Line 15 Ammonia scrubber and/or the Line 15 SCR System under the following conditions:

1. During process upset conditions or malfunctions, to allow for the safe and systematic shutdown of equipment.

2. Power failures.

3. Production runs when pre-control NO_x emissions are less than or equal to 13.4 lb/hr.”

23-0111B: Janssen Research & Development, LLC. (145 King of Prussia Road, Radnor, PA 19087) on September 12, 2012, to operate a 2,250 kW generator in Radnor Township, **Delaware County**

46-0272: Tech Tube, Inc. (750 Vandenberg Road, King of Prussia, PA 19406) on September 12, 2012, to operate a batch vapor degreaser in Upper Merion Township, **Montgomery County**

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05002H: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) on September 12, 2012, for installation of SNCR NO_x controls on the two cement kilns at the cement manufacturing facility in Maiden Creek Township, **Berks County**. The plan approval was extended.

36-03186A: Kline's Services, Inc. (5 Holland Street, Salunga, PA 17538) on September 12, 2012, for installation of an anaerobic digester, biogas IC engine, H₂S biogas scrubbers and biogas flares for the facility in East Hempfield Township, **Lancaster County**. The plan approval was extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

03-00244: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301-2886) on August 11, 2012, for a plan approval extension issued to authorize the continued operation of a natural gas compressor station at the Rural Valley Compressor Station, in Valley Township, **Armstrong County**. Additional time is being granted for applicant to prepare and submit an initial State Only Operating Permit application. Sources approved include: 2 Caterpillar compressor engines; 1 Model G3612, 3550 bhp and 1 Model G3606, 1775 bhp, each equipped with air/fuel ratio controls and individual cylinder ignition timing (ADEM III control system) and oxidation catalysts to control emissions, a NATCO glycol dehydration system (Model 150-275) with a 0.275 mmBtu/hr natural gas fired reboiler, emissions controlled by a 4 mmBtu/hr Questar Technology Thermal Oxidizer (Model Q100), a 690 bhp Caterpillar (Model G-3412 TA HCR) auxiliary generator for back-up power to the facility, emissions controlled by three-way oxidation catalyst, a 5,000-gallon Produced Fluids storage tank (vapor pressure greater than 1.5 psia) equipped with appropriate pressure and vacuum vents, other smaller supporting sources. Emissions from this facility are estimated to be 28.81 tons of NO_x, 10.94 tons of CO, 47.52 tons of VOCs, 0.11 ton of SO₂, 5.88 tons of HAPs and 1.81 tons of PM per year.

65-00857B: Saint-Gobain Ceramics (4702 Route 982, Latrobe, PA 15650) on September 11, 2012, to initiate the 180-day period of temporary operation of the Roller Hearth Kiln at the Latrobe Plant in Derry Township, **Westmoreland County**. The new expiration date shall be March 11, 2013.

63-00943A: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on September 7, 2012, to issue a plan approval extension with an expiration date of April 4, 2013. This action authorizes Dominion Transmission to continue to temporarily operate a propane storage and marketing station, known as the Charleroi Propane Station, located in Fallowfield Township, **Washington County**. The plan approval has been extended.

03-00183B: EQT Gathering, LLC. (Suite 1700, 625 Liberty Avenue, Pittsburgh, PA, 15222) on September 12, 2012, to issue a plan approval extension with an expiration date of April 7, 2013. This action authorizes EQT Gathering to continue to temporarily operate a natural gas compressor station, known as the Jupiter Compressor Station, in Morgan Township, **Greene County**.

03-00027B: GenOn Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317) on September 13, 2012, to issue a plan approval minor modification to authorize installation of a diesel-fired emergency generator rated at 1,000 kW at the Keystone Generating Station in Plumcreek Township, **Armstrong County**. This installation is expected to result in a potential to emit increase of 4.85 tons of nitrogen oxides (NO_x), 0.19 tons of carbon monoxide (CO), 409.8 tons of carbon dioxide equivalents (CO₂e), and less than 0.1 tons of all other air contaminants per year.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-284E: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) on September 30, 2012, to extend plan approval 10-284D conditions with regards to start-up, shutdown, and ceramic media curing procedures associated with the thermal oxidizer in Jackson Township, **Butler County**. This is a Title V facility. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507

48-00054: Praxair, Inc. (39 Old Ridgebury Road, Danbury, CT 06810-5103) on August 28, 2012, issued an amended State Only Operating Permit for the operation of a gas purging system with scrubber at their facility in Bethlehem, **Northampton County**.

40-00099: Reading Materials (PO Box 1467, 2052 Lucon Road, Skippack, PA 19474) on August 29, 2012, to issue an amended State Only Operating Permit to operate an asphalt plant at their facility in Lehman Township, **Luzerne County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

16-00127: Piney Creek Limited Partnership—Piney Creek Power Plant (428 Power Lane, Clarion, PA 16214), on September 7, 2012, to re-issue a Title V Operating Permit to operate an Electric Energy Generating Facility, Piney Township, **Clarion County**. The significant sources at this facility are a 450 MMBtu/hour fluidized bed combustor and the associated fuel and ash handling systems. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit.

The Clean Air Interstate Rule (CAIR) is now applicable to this source. This program limits NO_x and SO_x emissions from this facility through annual allocations. The

annual CAIR NO_x Allowance for 2012 is 209 tons. This program also establishes Seasonal CAIR NO_x Allowances which for 2012 are 83 tons.

This source will be subject to 40 CFR 63 Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units. This subpart establishes national emission limitations and work practice standards for hazardous air pollutants (HAP) emitted from coal- and oil-fired electric utility steam generating units (EGUs) as defined in § 63.10042 of this subpart. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations. As an existing EGU, Source ID: 031—Fluidized Bed Combustor must comply with this subpart no later than April 16, 2015. Because the specific methods of compliance have yet to be established, the requirements of Subpart UUUUU have been included in the operating permit by reference only. As the compliance date approaches and the applicability of the specific requirements become clearer, the permit will be re-opened to incorporate the necessary language.

The potential emissions from this facility are as follows: 46.1 TPY TSP; 209 TPY NO_x; 1776 TPY SO₂; 389 TPY CO; 42 TPY VOC, 10 TPY Ammonia, and 45 TPY HCl.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00095: Norquay Technology, Inc. (800 West Front Street, Chester, PA 19016) on September 7, 2012, for a renewal of a State Only Operating Permit in Chester City, **Delaware County**. Norquay Technology, Inc. manufactures specialty chemicals. The facility operates several process reactor systems, fitted with process condensers, which are exhausted through a scrubber vent system. Norquay is being reclassified from a synthetic minor facility to a natural minor facility under this renewal application. This renewal will also incorporate three requests for determination (RFD) that were previously approved by the Department. These include RFD Nos. 1187, 1229, and 2696. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

40-00067: Wyoming Valley Sanitary Authority (1000 Wilkes-Barre Street, P. O. Box 33A, Wilkes-Barre, PA 18703-1333) on August 1, 2012 to operate a sewage treatment facility in Hanover Township, **Luzerne County**. This is a renewal of a State-Only Operating Permit which includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00838: Quadrant, EPP (201 Industrial Drive, Delmont, Pa 15626) on August 28, 2012 the Department

of Environmental Protection issued a State Only Operating Permit for the manufacturing of ultra-high molecular weight polyethylene plastic located in Salem Township, **Westmoreland County**. The subject facility consists of 4 natural gas fired boilers for process heat, 5 mold presses, and process support VOCs. The facility has the potential to emit 24.04 tpy NO_x, 20.2 tpy CO, 8.0 tpy VOC, 0.00302 tpy HAPs and 1.3 tpy PM. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. All preventative maintenance shall be recorded and sources must be operated in accordance with manufacture's specifications. Records of the daily survey performed must be recorded. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-00087: DU CO Ceramics Co. (155 South Rebecca Street, PO Box 568 Saxonburg, PA 16056) on September 6, 2012, issued a renewal-operating permit for the facility in Saxonburg Boro, **Butler County**. The facility produces precision ceramic insulators for varied industrial and manufacturing applications. The significant sources at the facility are a boiler, ceramic cutting and machining, four periodic kilns, two continuous kilns, two dryers, a diesel emergency generator, four minor kilns, and a Swindell Dressler Tunnel kiln. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor. The requirements of 40 CFR 63 Subpart ZZZZ pertaining to the emergency engine were included in the permit renewal. The potential NO_x, CO, PM, SO_x, and VOC emissions from the facility are less than 20.4 TPY, 17 TPY, 2 TPY, 1 TPY, and 17.0 TPY, respectively. The HAPs emissions from the facility are less than 10 TPY and the facility is therefore an Area Source for MACT.

25-00279: Associated Spring Barnes Group (226 South Center Street, Corry, PA 16407-1935) on September 12, 2012, issued a renewal-operating permit for the facility in Corry City, **Erie County**. The facility manufactures wire springs and other small metal parts, primarily for the automotive industry. The sources at the facility include two space heating boilers, two process boilers, two air handlers, an oiling process, dip coating, spray coating, grinding, bluing and drawing ovens, miscellaneous ovens, and parts washers. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor. The potential PM-10, VOC, SO_x, NO_x, CO, and lead emissions from the facility are approximately 2 TPY, 5 TPY, 0.1 TPY, 14 TPY, 12 TPY, and 0.00006 TPY, respectively. The HAPs emissions from the facility are less than 10 TPY and the facility is therefore an Area Source for MACT.

37-00296: Select Industries (PO Box 7158 420 North Cascade Street, New Castle PA 16107) on September 6, 2012, issued a renewal operating permit for their facility in New Castle, **Lawrence County**. The facility coats tinplates. The significant sources at the facility are a roll coater controlled by a thermal oxidizer, a printing press, a small paint booth, miscellaneous natural gas combustions sources, and miscellaneous cleaning solvent. The condi-

tions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S12-038: Coating and Converting (CCT), Inc. (80 Morris Street, Philadelphia, PA 19148) on September 18, 2012, for a pressure sensitive tape operation in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a coater, two (2) coater ovens at 6 MMBTU/hr (combined), twenty-four (24) heater each less than 0.6 MMBTU/hr, a 3.5 MMBTU/hr oxidizer, and clean up operation of the coater.

S12-026: Chestnut Hill Hospital of Philadelphia (8835 Germantown Avenue, Philadelphia, PA 19118) for operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 16.74 MMBTU/hr boiler burning natural gas and four (4) emergency generators burning No.2 oil.

N12-018: The MedImmune LLC. (3001 Red Lion Road, Philadelphia, PA 19114) City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two natural gas firing boilers capacity of 3.985 MMBTU/hr each, two natural gas firing hot water heaters capacity of 2.00 MMBTU/hr each, a 605 BHP emergency generator, and a 749 BHP emergency generator ULSD fuel firing each.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00029: PWP Industries Inc. (241 Woodbine Rd, Exton, PA 19335) on September 7, 2012, for a change of ownership from Dopaco, Inc, federal tax ID (23-2106485). The new owner will be PWP Industries, Inc, federal tax ID (74-318917) and the new operator will be Pactiv, LLC, federal tax ID (36-2552989). The change of ownership was effective July 1, 2012. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA, 19067) on September 12, 2012, for an amendment to finalize an appeal of the Title V Operating Permit concerning the metals testing frequency in Falls Township, **Bucks County**. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

16-00152: Pennkraft Building Systems LLC (PO Box 640 1 Mauro Avenue Knox, PA 16232) on September 13, 2012, to issue an administrative amendment to the State Operating Permit to incorporate the change of ownership for their facility in Knox Township, **Clarion County**.

42-00004: American Refining Group (77 North Kendall Avenue Bradford, PA 16701) on September 13, 2012, to issue an administrative amendment to the Title V Operating Permit to correct typographic errors regarding Sources 041—Crude Heater and 045—Raffinate Heater for their facility in Bradford City, **McKean County**.

37-00299: Tube City IMS LLC (PO Box 59 208 Rundle Road New Castle, PA 16103) on September 12, 2012, to issue an administrative amendment to the State Operating Permit to incorporate the plan approval requirements of 37-299B for their facility in Taylor Township, **Lawrence County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

TV-56-00262: Mostoller Landfill (7095 Glades Pike, Somerset, PA 15501). Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Mostoller Landfill facility located in Brothers Valley Township, **Somerset County**:

The project is for the modification of the existing enclosed ground flare to include a continuous pilot. Emissions from the project will not exceed 0.14 tpy for any criteria or hazardous air pollutant and the project will not trigger the requirements of 40 CFR Part 51.21 or Title 25 PA Code Subchapter E.

The list of de minimis increases includes only this project.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-00333: Penn United Tech, Inc. (795 N Pike Road, Cabot, PA 16023) for its facility located in Jefferson Township, **Butler County**. The De minimis emission increase is for the construction of the benchtop medical parts coating unit with a ventilation system that will collect all vapors from the small bath and direct then to a carbon/HEPA filtering system that exhausts indoors. In addition, these sources are exempt from plan approval as they comply with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the State Only Operating Permit issuance on October 16, 2007.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
9-17-12	Medical parts coating unit				0.15	
Total Reported Increases					0.15	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841307. Emerald Coal Resources, LP, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Whiteley Township, **Greene County** for a post-mining land use change to pastureland and forestland at the No. 6 Bleeder Shaft Site. Pre-mining land use was pastureland and forestland. No additional discharges. The application was considered administratively complete on July 26, 2011. Application received April 22, 2011. Permit issued September 11, 2012

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

24100104 and NPDES Permit No. PA0258954. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650) Commencement, operation and restoration of a bituminous surface mine in Fox & Huston Townships, **Elk & Clearfield Counties** affecting 68.9 acres. Receiving streams: East Branch Wilson Run. Application received: October 7, 2010. Permit Issued: September 11, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17940101 and NPDES No. 0219746. Forcey Coal, Inc. (P. O. Box 225, 475 Banian Road Madera, PA 16661). Renewal of an existing bituminous surface mine located in Beccaria Township, **Clearfield County** affecting 53.0 acres. Receiving streams: Unnamed Tributary to Muddy Run classified as Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 2, 2011. Permit issued: September 10, 2012.

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10110306. Raducz Stone Corporation (313 Pittsburgh Road, Butler, PA 16002) Commencement, operation and restoration of a large industrial minerals mine in Penn Township, **Butler County** affecting 36.8 acres. Receiving streams: Unnamed tributaries to Thorn Creek. Application received: December 23, 2011. Permit Issued: September 10, 2012.

10110306-GP-104. Raducz Stone Corporation (313 Pittsburgh Road, Butler, PA 16002) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10110306 in Penn Township, **Butler County**. Application received: December 23, 2011. Permit Issued: September 10, 2012.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

16124002. P.J. Greco Sons of Kittanning (P. O. Box 796, Tarrtown Road, Kittanning, PA 16201) Blasting activity permit to demolish dragline boom in Perry Township, **Clarion County**. This blasting activity permit will expire on June 1, 2013. Permit Issued: September 10, 2012.

42124006. Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) Blasting activity permit for excavation at the Rail Siding Area Project in Hamlin Township, **McKean County**. This blasting activity permit will expire on July 1, 2013. Permit Issued: September 12, 2012.

24124006. Veolia ES Greentree Landfill, LLC (635 Toby Road, Brockway, PA 15824) Blasting activity permit for blasting at Greentree Landfill in Fox Township, **Elk County**. This blasting activity permit will expire on August 1, 2013. Permit Issued: September 12, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08124143. Meshoppen Stone, Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for well site and access road located in Wilmot Township, **Bradford County**. Permit issued September 10, 2012. Permit expires December 31, 2012.

41124113. Midstream Explosives LLC, (289 Southside Drive, Newville PA 17241-8951). Construction blast-

ing for pipeline located in Penn Township, **Lycoming County** and Davidson Township, Sullivan County. Permit issued September 11, 2012. Permit expires: September 7, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

66124116. Maine Drilling & Blasting, Inc., (PO Box 1140, Gardiner, ME 04345), construction blasting for Severcool 16 Pipeline in Forkston and Eaton Townships, **Wyoming County** with an expiration date of September 4, 2013. Permit issued: September 12, 2012.

67124109. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting at the Brunner Island Power Plant in West Manchester, Newberry, East Manchester and Conewago Township, **York County** with an expiration date of September 9, 2013. Permit issued: September 12, 2012.

09124101. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Warrington Glen in Warrington Township, **Bucks County** with an expiration date of September 30, 2012. Permit issued: September 13, 2012.

38124120. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for John Horning Manure Pit in South Annville, Township, **Lebanon County** with an expiration date of December 30, 2012. Permit issued: September 13, 2012.

45124104. M & J Explosives, Inc., (PO Box 608, Carlisle, PA 17013), construction blasting for SR 447 Franklin Hill Sanitary Sewer in Smithfield Township and East Stroudsburg Borough, **Monroe County** with an expiration date of September 7, 2013. Permit issued: September 13, 2012.

58124181. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Empet Gas Pad in Harford Township, **Susquehanna County** with an expiration date of September 5, 2013. Permit issued: September 13, 2012.

58124182. Maine Drilling & Blasting, Inc., (PO Box 1140, Gardiner, ME 04345), construction blasting for Tiffany Pipeline in Bridgewater Township, **Susquehanna County** with an expiration date of September 6, 2013. Permit issued: September 13, 2012.

58124183. Maine Drilling & Blasting, Inc., (PO Box 1140, Gardiner, ME 04345), construction blasting for Williams Pipeline in Brooklyn Township, **Susquehanna County** with an expiration date of September 10, 2013. Permit issued: September 13, 2012.

06124112. American Infrastructure, Inc., (PO Box 98, Worcester, PA 19490), construction blasting for Dollar General in Bethel Township, **Berks County** with an expiration date of July 25, 2013. Permit issued: September 17, 2012.

36124153. Maine Drilling & Blasting, Inc., (PO Box 1140, Gardiner, ME 04345), construction blasting for Mike Bogle dwelling in West Earl Township, **Lancaster County** with an expiration date of September 13, 2013. Permit issued: September 17, 2012.

58124184. Maine Drilling & Blasting, Inc., (PO Box 1140, Gardiner, ME 04345), construction blasting for Zupp Pipeline in Harford and Lenox Townships and Hallstead Borough, **Susquehanna County** with an expiration date of September 10, 2013. Permit issued: September 17, 2012.

67124110. J Roy's, Inc., (PO Box 125, Bowmansville, PA 17507), construction blasting for Orchard Park warehouse in East Manchester Township, **York County** with an expiration date of September 13, 2013. Permit issued: September 17, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-962. North Wales Water Authority, 200 W. Walnut Street, P. O. Box 1339, North Wales, PA 19454-0339, New Britain Townships, Chalfont Borough, **Bucks County**, ACOE Philadelphia District.

To perform the following Water Obstruction and Encroachment activities associated with approximately 53,000 linear feet of either a 42-inch or a 30-inch proposed waterline and its appurtenances in Bucks County.

1. To construct and maintain utility stream crossings of North Branch of Neshaminy Creek (TSF, MF), unnamed tributary to the West Branch of Neshaminy Creek (WWF, MF), West Branch of Neshaminy Creek (WWF, MF), Reading Creek (WWF, MF), Park Creek (WWF, MF), unnamed tributary to Little Neshaminy Creek (WWF, MF), and Little Neshaminy Creek (WWF, MF), and a wetland adjacent to the North Branch Neshaminy Creek.

2. To construct and maintain approximately nine utility crossings under/above the existing culverts conveying streams in the project area.

3. To construct and maintain one wetland utility crossing located adjacent to the North Branch of Neshaminy Creek by temporarily impacting approximately 0.2 acre of wetlands (PEM, PFO).

The origin of the site is located at the Forest Park Water Treatment Plant in Chalfont Borough, Bucks County (Doylestown PA, USGS Quadrangle N: 7.5 inches, W: 11.25 inches), traverses parallel to County Line Road through New Britain Township, and terminates at the Bucks County Water and Sewer Authority's connection in Warrington Township, Bucks County (Ambler, PA, USGS Quadrangle N: 15.8 inches, W: 1.9 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)].

E15-829. Tredyffrin Township, 1100 Duportail Road, Berwyn, PA 19312, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To rehabilitate and maintain the existing sewer trunk line along and across Crabby Creek (Perennial, EV), and wetlands (EV, PEM/PFO1). The project will include five stream crossings, three wetland crossings, and about 275 feet of stream bank restoration.

The site is located between Maple Avenue and Route 202 (Valley Forge, PA USGS Quadrangle N: 10.3 inches; W: 13.25 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)].

E46-1076. Richard Mellor, Township Manager, Lower Moreland Township, 640 Red Lion Road, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the proposed 8-foot wide, 75-foot span pedestrian bridge across the Huntingdon Valley Creek (Perennial, TSF-MF) associated with connection of the two existing sidewalk sections.

The site is located approximately 150 feet southeast of the intersection of Welsh and Red Lion Roads (Frankford, PA USGS Quadrangle N: 21.80 inches W: 7.93 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)].

E23-493. William Penn School District, 100 Green Avenue—Annex, Lansdowne, PA 19050, Colwyn Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a parking lot by utilizing permeable pavers and associated stormwater management facilities in and along the 100-year floodplain of Cobbs Creek (WWF, MF).

The site is located south of the intersection of Water and Main Streets (Lansdowne, PA, USGS Quadrangle (N: 11.75 inches; W: 3.6 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)].

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E45-568. Robert Grammes, P. O. Box 155, Kresgeville, PA 18333. Polk Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain seven check dams and boulder bank stabilization in and along a 240-foot reach of a tributary to Pohopoco Creek (CWF, MF). The project is located on the west side of Keller Road (T429) approximately 0.3 mile south of its intersection with Beltzville Drive (Pohopoco Mountain, PA Quadrangle Latitude: 40°53' 49.5"; Longitude: -75°31'11"). Subbasin: 2B.

E54-341. Michelle M. Mattera, 1032 Ridgeview Drive, Orwigsburg, PA 17961. Army Corps of Engineers Philadelphia District.

To construct and maintain an approximately 150-foot long stream enclosure in a tributary to Mahannon Creek (CWF) with a 55-foot upstream extension of an existing 97-foot long, 5-foot diameter HDPE pipe and the construction of concrete wingwalls and placement of riprap on both the upstream and downstream ends. The extension consists of a 6-foot diameter corrugated metal pipe.

The project is located at 1038 Centre Turnpike (Orwigsburg PA Quadrangle, Latitude: 40° 38' 27.7"; Longitude -76° 06' 3.9") in West Brunswick Township, Schuylkill County. Subbasin: 3A.

E45-575. Arrowhead Lakes Community Association, 961 Arrowhead Drive, Pocono Lake, PA 18347-9601. Coolbaugh and Tobyhanna Townships, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments in Arrowhead Lake and North Arrowhead Lake:

1. Two 4-foot wide, 32-foot long, removable, roll-in docks in Arrowhead Lake at an existing beach area (Beach #1) located near the intersection of Arrowhead Drive and Comanche Trail (Latitude: 41° 09' 10"; Longitude: -75° 34' 37").

2. A 4-foot wide, 32-foot long, removable, roll-in dock in Arrowhead Lake at an existing beach area (Beach #2) located near the intersection of Lake Shore Drive and Onawa Trail (Latitude: 41° 09' 28"; Longitude: -75° 34' 30").

3. Two 4-foot wide, 32-foot long, removable, roll-in docks in Arrowhead Lake at an existing beach area (Beach #3) located 0.1 mile north of the intersection of Lake Shore Drive and Towanda Trail (Latitude: 41° 09' 11"; Longitude: -75° 33' 46").

4. A 150 square-foot T-shaped, removable, roll-in dock and a 4-foot wide, 32-foot long, removable, roll-in dock in

Arrowhead Lake at the southwestern tip of an existing island at the end of Island Pool Road (Latitude: 41° 09' 17"; Longitude: -75° 33' 43").

5. A 4-foot wide, 32-foot long, removable, roll-in dock in North Arrowhead Lake at an existing beach area (Beach #4) located near the intersection of North Arrowhead Drive and Cresco Drive (Latitude: 41° 09' 46"; Longitude: -75° 33' 41").

The project is located within the Arrowhead Lakes Residential Development (Thornhurst, PA Quadrangle Latitude: 41° 09' 23"; Longitude: -75° 33' 55") in Coolbaugh and Tobyhanna Townships, Monroe County. Subbasin: 2A.

E13-170. Pennsylvania Game Commission, 2001 Elmerton Avenue, Lehigh Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 14-foot wide steel beam bridge with a timber deck across a UNT to the Lehigh River (Jimmy's Run) (HQ-CWF), having a 31-foot span and a 4-foot underclearance. The project is located in State Game Lands No. 141, approximately 1.8 miles northeast of the intersection of U.S. Route 209 and S.R. 93 (Weatherly, PA Quadrangle Latitude: 40°53'24.5"; Longitude: -75°46'5.5"). Subbasin: 2B.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E34-130. Fayette Township, 181 Bunkertown Road, McAlisterville, Pennsylvania 17049, in Fayette Township, **Juniata County**, ACOE Baltimore District

To construct and maintain: 1) a 5.0-foot wide at-grade stone walking path in the floodway; 2) one 44.08-foot by 29.58-foot and one 42.0-foot by 46.0-foot play structures in the floodway; 3) four 8.0-foot by 16.0-foot parking spaces in the floodplain; 4) one 44.08-foot by 29.58-foot play structure in the floodplain; and 5) renovate two existing pavilions in the floodplain of little Lost Creek (TSF). The project is located northwest of the intersection of State Routes 35 and 1004 (McClure, PA Quadrangle; N: 2.05 inches, W: 3.90 inches; Latitude: 40°38'10.6", Longitude: -77°16'41.2") in Fayette Township, Juniata County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E19-294. Donald Artsma, 4 Spencer Road, Dallas, PA 18612. Artsma Cottage, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle Latitude: 41°06'25.39"; Longitude: 76°21'39.69").

This permit provides consent to construct, operate and maintain 7 concrete piers to support the raising of a cottage structure on the existing footprint and to include 5 additional piers to support the closed and open deck structures in the floodplain of Fishing Creek. The structures first floor elevating shall be a minimum of 18 inches above elevation of 626.8 feet. The cottage is 36 feet wide and 38 feet long. This property is located from SR 487 onto Winding Road, take first driveway on the right and it is the second cabin on the right. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-633. Mike Frazier, 567 McLane Farms Road, Washington, PA 15301, Canonsburg Borough, **Washington County**; ACOE Pittsburgh District.

Applicant has been given consent to impact approximately 200 feet of stream in Canonsburg Borough, Washington County (Canonsburg, PA Quadrangle, North 1.7 inches and West 10 inches; Latitude: 40° 15' 32" and Longitude: 80° 11' 49"). The applicant proposed to operate and maintain placement of fill for a length of approximately 250 ft. within the floodway of an unnamed tributary of Chartiers Creek (WWF) for a residential development. The fill was placed without a permit and is located at the intersection of Bluff Street and West College Street.

E65-948. Pennsylvania Department of Transportation—District 12-0, PO Box 495, 825 North Gallatin Avenue, Uniontown, PA 15401, Hempfield Township, **Washington County**; ACOE Pittsburgh District.

Applicant has been given consent to:

1. Replace an existing plastic pipe enclosure of 18 inches and 549 feet in length by constructing and maintaining a 48" concrete pipe enclosure 485 feet in length crossing SR 3077 on an unnamed tributary of Brush Creek (TSF) with a drainage area of approximately 50 acres.

2. Construct and maintain approximately 33 feet of rock lined channel in an unnamed tributary of Brush Creek (TSF).

3. Construct and maintain approximately 50 feet of stream restoration in an unnamed tributary of Brush Creek (TSF).

4. In addition construct and maintain associated storm water inlets to the enclosure from SR 3077.

These encroachments are located approximately 0.5 mile southwest of Jeannette intersecting SR 3077 in the Hempfield Township, Westmoreland County (beginning Irwin PA Quadrangle, North 12.5 inches and West 2.6 inches; Latitude 40° 19' 7.53" and Longitude -79° 38' 36.44 and extending North 12.55 inches and West 2.4 inches; Latitude 40° 19' 7.73" and Longitude -79° 38' 33.42").

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E25-749, PA Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301, Union Township, **Erie County**, ACOE Pittsburgh District

to remove the existing steel girder bridge and construct and maintain a 20.0 foot x 5.0 foot precast reinforced concrete box culvert with an out to out length of 54.0 feet along SR 2008 Segment 0040 offset 1918 across an unnamed tributary to French Creek (CWF) permanently impacting 0.007 acre of palustrine emergent (PEM) wetland, approximately 1/2 mile west of Union City (Union City, PA Quadrangle N: 41° 53' 49.3"; W: 79° 51' 47.2").

E33-246, PA Department of Transportation, District 10-0, P. O. Box 429, Indiana, PA 15701, Warsaw Township, **Jefferson County**, ACOE Pittsburgh District

giving its consent to construct and maintain a 10.0 foot x 4.0 foot precast reinforced concrete box culvert with an out to out length of 43.0 feet along an approximate 275 foot new section of stream alignment constructed for Seneca Run (HQ-CWF) located at SR 0028, Segment 0380, Offset 0000. To also remove the existing structure and construct and maintain a 6 foot x 5 foot precast reinforced concrete box culvert with an out to out length of 43.0 feet located at SR 0028 Segment 0380, Offset 0245, along an unnamed tributary to Seneca Run (HQ-

CWF). Both structures located approximately 1.0 mile Northeast of Hazen (Hazen, PA Quadrangle N: 41°, 12', 51.1"; W: 78°, 57', 17.9").

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-026. Angelina Gathering Company, LLC; 2350 North Sam Houston Parkway, Suite 125, Houston, TX 77032; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline impacting 355 square feet of PSS wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 20", Longitude: -75° 39' 59"),

2) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 3,850 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 24", Longitude: -75° 39' 7"),

3) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 1,487 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 36", Longitude: -75° 39' 25"),

4) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline impacting 50 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 47", Longitude: -75° 39' 27"),

5) Temporary rock construction entrance impacting 430 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 47", Longitude: -75° 39' 27").

The project will result in no disturbance to stream channels and 0.14 acre of temporary wetland impacts, all for the purpose of installing two 16 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline to provide for natural gas and freshwater conveyance for Marcellus Shale natural gas development.

E5829-022. Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a temporary timber mat bridge crossing impacting 17 lineal feet of an unnamed tributary to Meshoppen Creek (CWF) (Springville, PA Quadrangle: Latitude 41° 39' 21"; Longitude -75° 56' 30"),

2. a 12 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 54 lineal feet of an North Branch Meshoppen Creek (CWF) (Springville, PA Quadrangle: Latitude 41° 39' 16"; Longitude -75° 55' 38"),

3. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.21 acre of a Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle: Latitude 41° 38' 53"; Longitude -75° 57' 33"),

4. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.04 acre of a Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle: Latitude 41° 39' 20"; Longitude -75° 57' 09"),

5. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.21 acre of a Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle: Latitude 41° 39' 20"; Longitude -75° 56' 44"),

6. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.44 acre of a Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle: Latitude 41° 39' 21"; Longitude -75° 56' 30"),

7. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.11 acre of a Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle: Latitude 41° 39' 16"; Longitude -75° 55' 47"),

8. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.08 acre of a Palustrine Emergent Wetland (PEM) (Springville, PA Quadrangle: Latitude 41° 39' 16"; Longitude -75° 55' 39").

The project will result in 71 lineal feet of temporary stream impacts and temporarily impact 1.09 acres of PEM wetlands, all for the purpose of installing a 12 inch natural gas gathering pipeline to collect natural gas from the Marcellus Shale play.

E5829-025. Angelina Gathering Company, LLC; 2350 North Sam Houston Parkway, Suite 125, Houston, TX 77032; Clifford and Lenox Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 2,217 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 41' 02", Longitude: -75° 39' 39"),

2) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 22,750 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 41' 08", Longitude: -75° 39' 10"),

3) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline impacting 590 square feet of PSS wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 41' 05", Longitude: -75° 39' 04"),

4) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline impacting 110 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 41' 07", Longitude: -75° 38' 34"),

5) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 12,752 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 41' 19", Longitude: -75° 38' 41"),

6) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline impacting 125 square feet of PFO wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 41' 34", Longitude: -75° 38' 48"),

7) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 2,734 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 42' 08", Longitude: -75° 38' 32"),

8) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 2,508 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 42' 21", Longitude: -75° 38' 15"),

9) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 20 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 40' 32", Longitude: -75° 39' 50"),

10) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 20 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 40' 32", Longitude: -75° 39' 50"),

11) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 16 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 41' 04", Longitude: -75° 39' 03"),

12) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 120 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 41' 22", Longitude: -75° 38' 45"),

13) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 56 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 41' 31", Longitude: -75° 38' 47"),

14) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 34 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 41' 31", Longitude: -75° 38' 47"),

15) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline impacting 10 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 41' 34", Longitude: -75° 38' 48"),

16) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 52 lineal feet of unnamed tributary to East Branch Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 41' 40", Longitude: -75° 38' 49"),

17) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 40 lineal feet of unnamed tributary to Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 42' 03", Longitude: -75° 38' 32"),

18) One 16 inch diameter and one 12 inch diameter steel natural gas gathering line, one 16 inch diameter HDPE waterline, and a temporary timber mat bridge impacting 50 lineal feet of unnamed tributary to Tunkhannock Creek (CWF) (Lenoxville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 38' 35").

The project will result in 398 lineal feet of temporary stream impacts and 1.01 acres of temporary wetland impacts, all for the purpose of installing one 16 inch diameter and one 12 inch diameter steel natural gas gathering lines, and one 16 inch diameter HDPE waterline to provide for natural gas and freshwater conveyance for Marcellus Shale natural gas development.

E6629-012: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Meshoppen Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain two 16-inch, aboveground, temporary waterlines and temporary construction access utilizing timber matting, with impacts as follows:

1. 1,419 square feet of Palustrine Emergent/Palustrine Forested (PEM/PFO) Wetlands (Auburn Center, PA Quadrangle, Latitude: N41°37'41.52", Longitude: W76°04'18.77");

2. 3.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Auburn Center, PA Quadrangle, Latitude: N41°37'42.49", Longitude: W76°04'18.85");

3. 3.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Auburn Center, PA Quadrangle, Latitude: N41°37'38.76", Longitude: W76°04'10.42"); and

4. 4,800 square feet of Palustrine Emergent/Palustrine Forested/Palustrine Scrub-Shrub (PEM/PFO/PSS) Wetlands (Auburn Center, PA Quadrangle, Latitude: N41°37'42.54", Longitude: W76°03'57.60").

The project will result in 6.0 linear feet of temporary stream impacts and 6,219 square feet (0.14 acre) of temporary wetland impacts all for the purpose of installing two temporary, aboveground waterlines, and associated construction access for Marcellus shale development.

E5829-028: Chief Gathering LLC, 999 North Loyalsock Ave., Suite G, Montoursville, PA 17754, Lathrop Township, **Susquehanna County**, ACOE Baltimore District. To construct and maintain:

1. a 6 inch natural gas pipeline crossing impacting 86 square feet (0.01 acre) of a PEM and POW wetland (Hop Bottom, PA Quadrangle; Lat. 41° 41' 51", Long. -75° 50' 17");

2. a 6 inch natural gas pipeline crossing impacting 4,100 square feet (0.09 acre) of a PSS wetland (Hop Bottom, PA Quadrangle; Lat. 41° 41' 30", Long. -75° 50' 17");

3. a 6 inch natural gas pipeline crossing impacting 2,657 square feet (0.06 acre) of a PSS wetland (Hop Bottom, PA Quadrangle; Lat. 41° 41' 23", Long. -75° 50' 18");

4. a 6 inch natural gas pipeline crossing impacting 674 square feet (0.02 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 41' 25", Long. -75° 50' 17");

5. a 6 inch natural gas pipeline crossing impacting 2,653 square feet (0.06 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 41' 27", Long. -75° 50' 18");

6. a 6 inch natural gas pipeline crossing impacting 10 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Lat. 41° 41' 26", Long. -75° 50' 18");

7. a 6 inch natural gas pipeline crossing impacting 2 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Lat. 41° 41' 23", Long. -75° 50' 18");

8. a 6 inch natural gas pipeline and timber mat bridge crossing impacting 8,213 square feet (0.19 acre) of a PSS wetland (Hop Bottom, PA Quadrangle; Lat. 41° 40' 57", Long. -75° 50' 14");

9. a 6 inch natural gas pipeline and timber mat bridge crossing impacting 65 lineal feet of the East Branch of Field Brook (CWF-MF) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 52", Long. -75° 50' 13");

10. a 6 inch natural gas pipeline and timber mat bridge crossing impacting 102 lineal feet of the East Branch of Field Brook (CWF-MF) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 49", Long. -75° 50' 14").

The Kerr Well Pad "B" natural gas pipeline lateral project will gather natural gas from Kerr Well Pad "B" and convey it to an existing Kerr to Phelps natural gas pipeline located in Lathrop Township, Susquehanna County. The project will result in 179 lineal feet (894 square feet) of temporary stream impacts and a total of 0.46 acre (20,204 square feet) of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line.

E6629-005. Chesapeake Appalachia, LLC. 101 N. Main Street, Athens, PA 18810. EDF-DPH Temporary Waterlines, in Forkston, Mehoopany, and Windham Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain two 16-inch, aboveground, temporary waterlines impacting:

(1) 22.0 linear feet (123 square feet) of Fox Hollow (CWF, MF), (Meshoppen, PA Quadrangle, Latitude: N41° 33'39.32", Longitude: W76°06'40.26");

(2) 607 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetland, (Meshoppen, PA Quadrangle, Latitude: N41°33'34.24", Longitude: W76°06'49.32");

(3) 1808 square feet of Palustrine Emergent/Forested (PEM/PFO) Wetland, (Meshoppen, PA Quadrangle, Latitude: N41°33'25.75", Longitude: W76°07'10.71");

(4) 54.0 linear feet (545 square feet) of a UNT to Fox Hollow (CWF, MF), (Meshoppen, PA Quadrangle, Latitude: N41°33'25.62", Longitude: W76°07'12.30"); and

(5) 31.0 linear feet (83 square feet) of a UNT to Fox Hollow (CWF, MF) and 3,279 square feet of adjacent Palustrine Emergent/Forested (PEM/PFO) Wetland, (Meshoppen, PA Quadrangle, Latitude: N41°33'25.49", Longitude: W76°07'13.36").

The project will result in 107.0 linear feet (751 square feet) of temporary stream impacts and 5,694 square feet (0.13 acre) of temporary wetland impacts, all for the purpose of providing water for Marcellus Shale wellsite development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D39-017EA. Bruce Solt, Superintendent, Parks and Recreation Department, City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104. City of Allentown, **Lehigh County**, ACOE Philadelphia District.

Project proposes to breach Mill Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The dam is located across Little Lehigh Creek (HQ-CWF) (Allentown West, PA Quadrangle, Latitude: 40.5624; Longitude: -75.5120).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX12-115-0157

Applicant Name WPX Energy Appalachia, LLC

Contact Person David Freudenrich

Address 6000 Town Center Blvd., Suite 300

City, State, Zip Canonsburg, PA 15317

County Susquehanna County

Township(s) Forest Lake Township

Receiving Stream(s) and Classification(s) UNT to Middle Branch Wyalusing Creek/Wyalusing Creek Watershed (CWF/MF);

Secondary: Susquehanna River

ESCGP-1 # ESX12-115-0069

Applicant Name Kempa & Freitag (Range Unit 45)

Contact Person Dave Sweeley

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 16857

County Susquehanna County

Township(s) Jackson Township

Receiving Stream(s) and Classification(s) UNT to Butler Creek (CWF/EV);

Secondary: Nine Partners Creek (CWF)

ESCGP-1 # ESX12-081-0116

Applicant Name Anadarko Marcellus Midstream, LLC

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Pine Township

Receiving Stream(s) and Classification(s) Bonnell Run (EV/MF), Four Mile Run (EV/MF), Little Pine Creek (EV/MF), Rock Hollow (EV/MF), Texas Creek (EV/MF)

ESCGP-1 # ESX11-117-0112 (01)
 Applicant Name SWEPI LP
 Contact Person H. James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga County
 Township(s) Sullivan Township
 Receiving Stream(s) and Classification(s) UNT to Corey
 Creek/Susquehanna River basin (List L) (CWF);
 Secondary: Corey Creek

ESCGP-1 # ESX12-015-0145
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Troy Township
 Receiving Stream(s) and Classification(s) UNT to South
 Branch Sugar Creek (TSF/MF)

ESCGP-1 # ESX12-115-0131
 Applicant Name Williams Field Services Company, LLC
 Contact Person Kristy Flavin
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108
 County Susquehanna County
 Township(s) Gibson Township
 Receiving Stream(s) and Classification(s) UNT to Bell
 Creek/Upper Susquehanna—Tunkhannock Watershed
 (Other)

ESCGP-1 # ESX12-115-0117
 Applicant Name Susquehanna Gathering Company, LLC
 Contact Person John Miller
 Address 1299 Oliver Road, P. O. Box 839
 City, State, Zip New Milford, PA 18834
 County Susquehanna County
 Township(s) Jackson and Thompson Township
 Receiving Stream(s) and Classification(s) South Branch
 Canawacta Creek (CWF)

ESCGP-1 # ESX12-131-0024
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Wyoming County
 Township(s) Nicholson Township
 Receiving Stream(s) and Classification(s) Monroe Creek
 (CWF), UNT to Tunkhannock Creek (CWF)

ESCGP-1 # ESX12-033-0021
 Applicant Name Ceritas Marcellus Midstream Partners,
 LLC
 Contact Person David Litchfield
 Address Three Allen Center, 333 Clay Street, Suite 750
 City, State, Zip Houston, TX 77002
 County Clearfield County

Township(s) Girard, Covington, and Karthaus Townships
 Receiving Stream(s) and Classification(s) Little Sandy
 Run/Sandy Creek Watershed, Sandy Creek and Six of
 its Tributaries (25963, 25962, 25952, 25954, 25951)/
 Sandy Creek Watershed, Gifford Run and two of its
 unt's (25653, 25648)/Gifford Run Basin of the Mosquito
 Creek Watershed, Susman Run/Susman Run Basin of
 the Mosquito Creek Watershed, Grimes Run and two of
 its unt's (25636, 25637) Grimes Run Basin of the
 Mosquito Creek Watershed, Dutch Hollow via one of its
 tributaries (25630)/Dutch Hollow Basin of the Mosquito
 Creek Watershed, Saltlick Run and three of its trib's
 (25620, 25619, 25614)/Saltlick Run Watershed, The
 above mentioned streams are all trib's to the West
 Branch of Susquehanna River (HQ/Other)

ESCGP-1 # ESX12-115-0145 (01)
 Applicant Name Williams Field Services Company, LLC
 Contact Person Kristy Flavin
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108
 County Susquehanna County
 Township(s) Bridgewater Township
 Receiving Stream(s) and Classification(s) UNT to East
 Branch Wyalusing Creek and East Branch Wyalusing
 Creek/Upper Susquehanna—Tunkhannock and Upper
 Susquehanna—New York Watershed (Other)

ESCGP-1 # ESX12-081-0125
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Brian Rushe
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming County
 Township(s) Penn Township
 Receiving Stream(s) and Classification(s) Big Run, UNTs
 to Sugar Run, Derr Run (Other);
 Secondary: Little Muncy Creek & Muncy Creek

*Northwest Region: Waterways and Wetlands Program
 Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>ESCGP -1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1012802(1)	Mountain Gathering LLC Attn: Dewey Chalos 810 Houston Street Fort Worth TX 76102	Butler	Jefferson and Penn Townships	Thorn Creek CWF

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX09-053-0005A—Connelly Siggins Shallow
 Oil Well Drilling Project Major Revision
 Applicant Titusville Oil & Gas Associates, Inc.
 Contact Mr. William Henderson
 Address 16899 Jerusalem Corners Road
 City Pleasantville State PA Zip Code 16341
 County Forest Township(s) Harmony(s)
 Receiving Stream(s) and Classification(s) Dawson Run,
 Allegheny River—other

ESCGP-1 #ESX12-053-0033—Milford North
 Applicant Cougar Energy, Inc.
 Contact Dale Flockerzi
 Address 1049 West 2nd Street
 City Oil City State PA Zip Code 16301
 County Forest Township(s) Harmony(s)
 Receiving Stream(s) and Classification(s) Dawson Run,
 Allegheny River—other

ESCGP-1 #ESX12-083-0072—WT 3425
 Applicant SWEPI LP
 Contact H. James Sewell

Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County McKean Township(s) Bradford(s)
 Receiving Stream(s) and Classification(s) Unnamed Tributary to Langmade Brook (HQ-CWF)

ESCGP-1 #ESX12-019-0158—Rutledge Well Pad
 Applicant XTO Energy Inc
 Contact Melissa Breitenbach
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Forward(s)
 Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek

ESCGP-1 #ESX12-053-0034—Owls Nest Pad Z Pipeline
 Applicant Seneca Resources Corporation
 Contact Michael Clinger
 Address 51 Zents Boulevard
 City Brookville State PA Zip Code 15825
 County Forest Township(s) Jenks(s)
 Receiving Stream(s) and Classification(s) UNT to Sprint Creek (HQ-CWF); Bank Run (HQ); UNT to Bank Run (HQ-CWF); Little Hunter Creek (HQ); UNT to Little Hunter Creek (HQ-CWF); UNT to Hunter Creek (HQ-CWF)

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA

3/27/12
 ESCGP-1 No.: ESX12-129-0007
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person MR DANIEL A BITZ
 Address: 280 INDIAN SPRINGS ROAD SUITE 333
 City: INDIANA State: PA Zip Code: 15701
 County: WESTMORELAND Township: ROSTRAVER
 Receiving Stream (s) And Classifications: UNT TO BECKETS RUN / MONONGAHELA WATERSHED—WWF; OTHER

8/14/12
 ESCGP-1 No.: ESX11-051-0013 MAJOR REVISION
 Applicant Name: CHEVRON APPALACHIA LLC
 Contact Person: MR JEREMY HIRTZ
 Address: 800 MOUNTAIN VIEW DRIVE
 City: SMITHFIELD State: PA Zip Code: 15478
 County: FAYETTE Township(s): SPRINGHILL
 Receiving Stream(s) and Classifications: UNTS TO GRASSY RUN (WWF) / UPPER MONONGAHELA RIVER WATERSHED; OTHER

8/22/12
 ESCGP-1 No.: ESX12-007-0010 MAJOR REVISION
 Applicant Name: CHESAPEAKE APPALACHIA LLC
 Contact Person: MR ERIC W HASKINS
 Address: 101 NORTH MAIN STREET
 City: ATHENS State: PA Zip Code: 18810
 County: BEAVER Township(s): SOUTH BEAVER
 Receiving Stream(s) and Classifications: UNT TO BRUSH RUN—HQ—CWF MCELROY RUN—TSF; HQ; OTHER

6/28/12
 ESCGP-1 No.: ESX12-125-0078
 Applicant Name: RICE DRILLING B LLC
 Contact Person: MS TONYA R WINKLER
 Address: 171 HILLPOINTE DRIVE SUITE 301
 City: CANONSBURG State: PA Zip Code: 15317
 County: WASHINGTON Township(s): WEST PIKE RUN
 Receiving Stream(s) and Classifications: UT 49984 TO UT 96332 TO PIKE RUN; OTHER

6/19/12
 ESCGP-1 No.: ESX12-059-0033
 Applicant Name: CHEVRON APPALACHIA LLC
 Contact Person: MR JEREMY HIRTZ
 Address: 800 MOUNTAIN VIEW DRIVE
 City: SMITHFIELD State: PA Zip Code: 15478
 COUNTY GREENE Township(s): DUNKARD
 Receiving Stream(s) and Classifications: DUNKARD CREEK WWF, MONONGAHELA RIVER, WWF; OTHER

8/1/12
 ESCGP-1 No.: ESX12-125-0092
 Applicant Name: RICE DRILLING B LLC
 Contact Person: MS TONYA R WINKLER
 Address: 171 HILLPOINTE DRIVE SUITE 301
 City: CANONSBURG State: PA Zip Code: 15317
 County: WASHINGTON Township(s): NORTH BETHLEHEM AND SOMERSET
 Receiving Stream(s) and Classifications: SOUTH BRANCH PIGEON CREEK, CENTER BRANCH PIGEON CREEK; OTHER

6/27/12
 ESCGP-1 No.: ESX12-005-0010
 Applicant Name: CHEVRON APPALACHIA LLC
 Contact Person: MR JEREMY HIRTZ
 Address: 800 MOUNTAIN VIEW DRIVE
 City: SMITHFIELD State: PA Zip Code 15478
 County: ARMSTRONG Township(s): GILPIN
 Receiving Stream(s) and Classifications: UNT TO ALLEGHENY RIVER (WWF) & UNT TO KISKIMINETAS RIVER (WWF); OTHER

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

Northwest Region District Oil and Gas Operations, Program Manager; 230 Chestnut St., Meadville, PA 16335

Well Permit #: 015-22271
 Well Farm Name Romisoukas Unit 1H
 Applicant Name: Chief Oil & Gas LLC.
 Contact Person: Jennifer A. Curry
 Address: 6051 Wallace Road, Ext., Suite 300, Wexford, PA 15090

County: Bradford
 Municipality Canton Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Canton, PA., Towanda Creek

Well Permit #: 131-20246
 Well Farm Name T. Brown Unit 4H
 Applicant Name: Chief Oil & Gas LLC.
 Contact Person: Jennifer A. Curry
 Address: 6051 Wallace Road, Ext., Suite 300, Wexford, PA 15090
 County: Wyoming

Municipality Lemon Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Springville, PA., Tunkhannock Creek

Well Permit #: 131-20245
 Well Farm Name T. Brown Unit 3H
 Applicant Name: Chief Oil & Gas LLC.
 Contact Person: Jennifer A. Curry
 Address: 6051 Wallace Road, Ext., Suite 300, Wexford, PA 15090

County: Wyoming
 Municipality Lemon Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Springville, PA, Tunkhannock Creek.

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO 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>
12-18-003	Ultra Petroleum, LLC 554 Eagle Valley Road Beech Creek, PA 16822 Attn: Donnie Sanders	Clinton	Beech Creek Township	3 ASTs storing petroleum products	45,000 gallons total

SPECIAL NOTICES

**102 NPDES Stormwater
 Sentinel Ridge Development, LLC
 PAI012306006R-A1**

Sentinel Ridge Development, LLC, 110 North Phoenixville Pike, Suite 100, Malvern, PA 19355 has submitted an application for renewal and major modification of NPDES Stormwater Permit No. PAI012306006R-A1) to conduct earth disturbance activities and discharge stormwater associated with construction activities located in Marple Township, **Delaware County**, into Holland Run (a.k.a. Hotland Run) (EV-CWF), Holland Run (WWF), and Crum Creek (WWF).

The Department of Environmental Protection (Department) has reviewed the application documentation and plans submitted by Sentinel Ridge Development, LLC in support thereof, and proposes, based upon its evaluation, that the NPDES permit suspension imposed by the October 22, 2009 Order of the Environmental Hearing Board (EHB) in the matter of Crum Creek Neighbors v. DEP and Pulte Homes of PA, L.P., EHB Docket No. 2007-287-L, be lifted for Phase III of the proposed development to allow Sentinel Ridge Development, LLC to conduct earth disturbance activities and discharge stormwater associated with construction activities to Holland Run (EV-CWF), Holland Run (WWF), and Crum Creek (WWF). The NPDES permit suspension was previously lifted for Phases I and II of the project, and is now proposed to be lifted for Phase III, the final phase of the project. The discharges from Phase III will be in accordance with the terms of the renewed and modified NPDES

permit, including supporting documentation and plans that include a Hydrologic and Water Quality Evaluation of Stormwater Impacts on Holland Run, a Hydrogeologic Evaluation Report, and other information, that examines the effect of the project on the baseflow to Holland Run, and the effect of certain modeled basin overflows, on Holland Run.

The Best Management Practices and the Antidegradation Analysis Module for the project site set forth in NPDES Permit No. PAI012306006R-A1, as modified, along with supporting documentation and plans thereto, are proposed to constitute the effluent limitations for Phase III of the development.

The Department proposes to authorize earth disturbance activities in, and the discharge of stormwater associated with construction activities from, the Phase III Limit of Disturbance Area. Phase III is situated in the northeasterly portion of the development and consists of 18.86 acres of total area (11.84 acres disturbed area), as depicted on plans by Wilkinson & Associates dated February 1, 2012 and last revised July 11, 2012. 13.71 acres of the Phase III total area (7.60 acres disturbed area) are located in the Holland Run Watershed. Permanent work for the Phase III area is proposed to consist of the construction of 73 units encompassing 146 townhouses and associated site improvements. Activities in Phase III will also include several additional Post-Construction Stormwater Best Management Practices to address changes in the rate, volume and quality of runoff resulting from a net increase of disturbed area of 4.1 acres and a net increase in impervious area of 3.2 acres. Construction phases for the project are clearly depicted on the

Erosion and Sedimentation Control Plan Drawings, dated February 1, 2012, last revised July 11, 2012, submitted by the developer and approved by the Department and the Delaware County Conservation District. These plans are available for public inspection and review at the District's offices.

The Department will accept public comment for 30 days on the renewal and major modification of the permit, including the proposed lifting of the NPDES permit suspension for the Phase III area of the development as described previously. Written comments should be addressed to the Regional Manager, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401.

Southwest Region: Watershed Management Program manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

**Department of Environmental Protection v.
GenOn Northeast Management Company;
Commonwealth Court Docket No. 548 M.D. 2012**

The Department of Environmental Protection has filed a Complaint against GenOn Northeast Management Company in the Commonwealth Court of Pennsylvania. The action concerns GenOn's operation of the Conemaugh Generating Station in West Wheatfield Township, Indiana County, Pennsylvania. The Department and GenOn have negotiated a proposed Consent Decree to address many violations of Pennsylvania's Clean Streams Law that have occurred over the course of many years. The Consent Decree has been lodged with the Court, pending publication of this notice and request for public comments.

The Decree would, among other things, require GenOn to construct an enclosure around the coal conveyor belts at the site to prevent deposition of coal fines into a stream, to design and install compliant sediment controls along the ash hauling road at the Conemaugh Generating Station to prevent the discharge of ash-laden sediments to waters of the Commonwealth, to relocate the discharge point for its scrubber wastewater to the Conemaugh River, to design, construct and operate a collection and treatment system for contaminated groundwater to prevent its discharge to the Conemaugh River and tributaries thereto, to conduct a comprehensive groundwater investigation, to submit annual progress reports, and to pay a civil penalty of \$500,000 (Five Hundred Thousand Dollars).

The Department hereby solicits comments from the public about the proposed Consent Decree. Copies of the Decree may be obtained from Mary Martha Truschel, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262; and Donald Bluedorn II, Esquire, Babst, Calland, Clements & Zomnir, P.C., Two Gateway Center, Pittsburgh, PA 15222.

Written comments must be submitted within 30 days from the date of this publication. All written comments should be directed to the attention of Mr. Samuel C. Harper, Environmental Protection Manager, Clean Water Program, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

[Pa.B. Doc. No. 12-1905. Filed for public inspection September 28, 2012, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Change

The Air Quality Technical Advisory Committee meeting scheduled for Thursday, October 11, 2012, has been rescheduled. The meeting will now take place on Tuesday, November 13, 2012, in Room 105, Rachel Carson State Office Building at 9:15 a.m.

For additional information, contact Arleen Shulman at (717) 772-9495 or ashulman@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keyword: "Air Quality Technical Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Arleen Shulman at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1906. Filed for public inspection September 28, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Minor Revision of Technical Guidance

DEP ID: 262-2600-606. *Title:* Applicable or Relevant and Appropriate Requirements for Cleanup Response and Remedial Actions in this Commonwealth. *Description:* This guidance document contains a list of State standards and requirements for cleanup related activities at waste sites in this Commonwealth. The purpose of this document is to identify, in a general fashion, State standards and requirements that will serve as a guide for the

determination of specific cleanup related criteria. The changes to the attached technical guidance document are nonsubstantive and only reflect modifications that were needed to ensure the document is current and up-to-date. The changes made to the document included updated regulatory citations, changes reflecting Bureau Program reorganizations and updates to web addresses for Bureau pages.

Contact: Questions regarding this action should be directed towards Mark Conaron, (717) 783-9165 or mconaron@pa.gov.

Effective Date: Upon publication in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1907. Filed for public inspection September 28, 2012, 9:00 a.m.]

2013 Environmental Education Grants Program; Application Announcement

Applications for the 2013 Environmental Education Grants Program (Program) are now available from the Department of Environmental Protection (Department). The grants provide funding to public and incorporated private schools, colleges and universities, county conservation districts, incorporated nonprofit organizations, along with incorporated conservation and education organizations and institutions, businesses, municipalities and municipal authorities to create or develop projects that support environmental education in this Commonwealth. Grants will provide environmental education on timely and critically important topics, including the following:

- *Chesapeake Bay and Watershed Education*—Organizations are encouraged to develop environmental education programs that promote the reduction of nonpoint source pollution, such as nutrient and sediment loads, along with other water-related education programs.

- *Air Quality*—Organizations are encouraged to develop air quality education and outreach programs.

- *Energy Education*—Organizations are encouraged to develop educational programs on energy efficiency and conservation, as well as natural gas, coal, wind, solar and other energy sources and technologies.

- *Brownfields*—Organizations are encouraged to develop education and outreach programs for students, youth, educators, community members, community groups, developers, property owners and others that are interested in brownfield redevelopment and sustainable communities, along with developing green spaces.

- *Environmental Literacy Planning and Programming*—Organizations are encouraged to engage educators and stakeholders in content standards and field-based environmental education. Areas of specific focus should include: graduation requirements, professional development on environmental education content knowledge and field-based pedagogy, assessment and evaluation, partnering to build capacity, identifying existing resources and sustainability of programs. Additionally, projects may focus on high performing green schools and buildings; providing high quality programming for children, youth or adults, or both (programs to include STEM, outdoor education, service learning, ensuring access for partici-

pants with disabilities); professional development for formal and nonformal educators; environmental service learning programs for youth and adults; and environmental careers/green jobs.

- *Formal and Non-formal EE Certification*—Organizations are encouraged to develop and implement institutionalized and community-based certification programs designed for teachers, naturalists and educators working in schools and environmental education facilities at parks, county conservation districts, nature/EE centers, conservancies and more. It gives educators in these arenas access to a formal credential that standardizes and upgrades professional development, allowing educators to address academic standards in a meaningful and relevant way.

- *STEM Education*—Organizations are encouraged to develop environmental education programs integrating STEM program instruction (Science, Technology, Engineering and Mathematics) into programs.

- *Curriculum Integration Projects*—Organizations are encouraged to articulate the Academic Standards for Environment and Ecology into the formal K-12 curriculum, including Energy Education, for the entire school district, private school or charter school, using the model developed by the Department of Education's Office of Environment and Ecology.

- *Curriculum Revision Projects*—Organizations are encouraged to revise current (or write new) lesson plans or units to meet the changes identified in the alignment to the Environment and Ecology Standards, Energy Education and provide a means for classroom assessment.

- *Outdoor Learning Resource Projects*—Organizations are encouraged to develop resources such as trails, agricultural demonstration areas, energy demonstration areas, ponds, wetland areas, sheltered learning stations, and the like, as well as similar nearby community resources as a framework within which students can learn about natural systems and the interrelationship among natural and man-made communities.

The Program was established by the Environmental Education Act (35 P.S. §§ 7521—7528), which mandates setting aside 5% of the pollution fines and penalties collected annually by the Department for environmental education in this Commonwealth. Environmental Education Grant awards are limited to \$7,500. This announcement opens on October 1, 2012, and grant applications submitted to the Department must be postmarked by December 13, 2012.

Applications may be obtained by contacting the Department of Environmental Protection, Environmental Education Grants Program, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1828. For additional information and to obtain the electronic copy of the grants manual and application forms, visit the Department's web site at www.dep.state.pa.us, select "Environmental Education," and then select "Grants."

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1908. Filed for public inspection September 28, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, October 26, 2012, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn S. Cass, Director, (717) 772-2762, or for speech and/or hearing impaired persons call V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1909. Filed for public inspection September 28, 2012, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2012, through December 31, 2012, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.33
Beans/Peas—Dry—16 oz.	\$2.18
Canned Fish—Pink Salmon	\$2.26
Canned Fish—Sardines	\$1.61
Canned Fish—Tuna	\$1.22
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$7.26
Eggs	\$1.93
Any Brand Infant Cereal—8 oz.	\$2.16
Infant Fruits, 100%—4 oz.	\$0.65
Infant Vegetables, 100%—4 oz.	\$0.65
Infant Meats, 100%—2.5 oz.	\$1.00
Juice—11.5/12 oz.	\$2.36
Juice—48 oz.	\$3.04
Juice—64 oz.	\$3.97
Kosher Cheese—16 oz.	\$8.58
Kosher Low Fat Milk—quart	\$1.62

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Low Fat Milk—1/2 gallon	\$3.06
Kosher Whole Milk—quart	\$1.64
Kosher Whole Milk—1/2 gallon	\$3.14
Milk, Dry—9.6 oz.	\$4.38
Milk, Dry—25.6 oz.	\$9.38
Milk, Evaporated—12 oz.	\$1.43
Milk, Low Fat—quart	\$1.36
Milk, Low Fat—1/2 gallon	\$2.48
Milk, Low Fat Lactose Free—quart	\$2.41
Milk, Low Fat Lactose Free—1/2 gallon	\$3.89
Milk, Whole—quart	\$1.37
Milk, Whole—1/2 gallon	\$2.50
Milk, Whole Lactose Free—quart	\$2.43
Milk, Whole Lactose Free—1/2 gallon	\$3.92
Peanut Butter—18 oz.	\$3.43
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.49
Soy Beverage—8th Continent 64 oz.	\$3.27
Tofu—16 oz.	\$2.62
Whole Grain—Bread, 16 oz.	\$3.71
Whole Grain—Bread, 24 oz.	\$4.04
Whole Grain—Brown Rice, 16 oz.	\$2.14
Whole Grain—Brown Rice, 24 oz.	\$3.67
Whole Grain—Oats, 16 oz.	\$2.39
Whole Grain—Oats, 24 oz.	\$5.54
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.54
Boost RTF Formula—8 oz.	\$2.12
EnfaCare RTF Formula—32 oz.	\$7.27
EnfaCare w/Iron Powder Formula—12.8 oz.	\$15.51
EnfaCare w/Iron Powder Formula—15.1 oz.	\$16.39
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.60
Enfamil Premium Infant RTF Formula—32 oz. ..	\$6.88
Enfamil Premium Infant Powder Formula—12.5 oz.	\$15.01
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.64
Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.85
Good Start Gentle Powder Formula—12.7 oz.	\$14.41
Good Start Soy Concentrate—Blue Formula—12.1 oz.	\$4.76
Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.96
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21
Good Start 2 Soy Powder Formula—24 oz.	\$22.32
Good Start 2 Gentle Powder Formula—22 oz.	\$23.15
Good Start 2 Protect Powder Formula—22 oz.	\$24.74
Good Start Protect Powder Formula—12.4 oz.	\$14.85
Nutramigen Concentrate Formula—13 oz.	\$7.22
Nutramigen RTF Formula—32 oz.	\$9.20
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$23.93
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$1.92
Pediasure Sidekicks RTF Formula—8 oz.	\$2.28
Similac Advance Concentrate Formula—13 oz.	\$4.67
Similac Advance RTF Formula—32 oz.	\$6.93
Similac Advance w/Iron Powder Formula—12.4 oz.	\$14.33
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.14
Similac Expert Care Alimentum Powder Formula—16 oz.	\$27.25

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$6.97
Similac Expert Care NeoSure RTF Formula—32 oz.	\$7.48
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$15.49
Store Brand Milk Based Concentrate Formula—13 oz.	\$3.67
Store Brand Milk Based RTF Formula—32 oz. ..	\$5.37
Store Brand Milk Based Powder Formula—25.75 oz.	\$16.13

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2012, through December 31, 2012, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.23
Beans/Peas—Dry—16 oz.	\$2.00
Canned Fish—Pink Salmon	\$2.21
Canned Fish—Sardines	\$1.51
Canned Fish—Tuna	\$1.14
Cereal (per oz.)	\$0.30
Cheese, 16 oz.	\$6.02
Eggs	\$1.83
Any Brand Infant Cereal—8 oz.	\$2.16
Infant Fruits, 100%—4 oz.	\$0.64
Infant Vegetables, 100%—4 oz.	\$0.64
Infant Meats, 100%—2.5 oz.	\$0.95
Juice—11.5/12 oz.	\$2.26
Juice—48 oz.	\$2.94
Juice—64 oz.	\$3.62
Kosher Cheese—16 oz.	\$8.00
Kosher Low Fat Milk—1/2 gallon	\$2.88
Kosher Whole Milk—1/2 gallon	\$2.97
Milk, Low Fat—1/2 gallon	\$2.32
Milk, Whole—1/2 gallon	\$2.37
Peanut Butter—18 oz.	\$3.33
Whole Grain—Bread, 16 oz.	\$3.58
Whole Grain—Brown Rice, 16 oz.	\$2.08
Whole Grain—Oats, 16 oz.	\$2.37
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.48
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.64
Good Start Gentle Powder Formula—12.7 oz.	\$14.41
Good Start Soy Concentrate—Blue Formula—12.1 oz.	\$4.76
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2012, through December 31, 2012, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.38
Beans/Peas—Dry—16 oz.	\$2.23
Canned Fish—Pink Salmon	\$2.34
Canned Fish—Sardines	\$1.69
Canned Fish—Tuna	\$1.33
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$7.26
Eggs	\$1.93
Any Brand Infant Cereal—8 oz.	\$2.30
Infant Fruits, 100%—4 oz.	\$0.77
Infant Vegetables, 100%—4 oz.	\$0.77
Infant Meats, 100%—2.5 oz.	\$1.09
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.18
Juice—64 oz.	\$4.21
Kosher Cheese—16 oz.	\$8.58
Kosher Low Fat Milk—quart	\$1.62
Kosher Low Fat Milk—1/2 gallon	\$3.06
Kosher Whole Milk—quart	\$1.64
Kosher Whole Milk—1/2 gallon	\$3.14
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.54
Milk, Evaporated—12 oz.	\$1.53
Milk, Low Fat—quart	\$1.36
Milk, Low Fat—1/2 gallon	\$2.48
Milk, Low Fat Lactose Free—quart	\$2.46
Milk, Low Fat Lactose Free—1/2 gallon	\$4.25
Milk, Whole—quart	\$1.37
Milk, Whole—1/2 gallon	\$2.50
Milk, Whole Lactose Free—quart	\$2.47
Milk, Whole Lactose Free—1/2 gallon	\$4.28
Peanut Butter—18 oz.	\$3.46
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.69
Soy Beverage—8th Continent 64 oz.	\$3.54
Tofu—16 oz.	\$2.73
Whole Grain—Bread, 16 oz.	\$3.71
Whole Grain—Bread, 24 oz.	\$4.08
Whole Grain—Brown Rice, 16 oz.	\$2.14
Whole Grain—Brown Rice, 24 oz.	\$3.67
Whole Grain—Oats, 16 oz.	\$2.42
Whole Grain—Oats, 24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.54
Boost RTF Formula—8 oz.	\$2.16
EnfaCare RTF Formula—32 oz.	\$7.27
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.33
EnfaCare w/Iron Powder Formula—15.1 oz.	\$16.84
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.82
Enfamil Premium Infant RTF Formula—32 oz. ..	\$7.12
Enfamil Premium Infant Powder Formula—12.5 oz.	\$15.01

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.90
Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.85
Good Start Gentle Powder Formula—12.7 oz.	\$15.16
Good Start Soy Concentrate—Blue Formula—12.1 oz.	\$4.90
Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.96
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21
Good Start 2 Soy Powder Formula—24 oz.	\$23.04
Good Start 2 Gentle Powder Formula—22 oz.	\$23.47
Good Start 2 Protect Powder Formula—22 oz.	\$25.03
Good Start Protect Powder Formula—12.4 oz.	\$14.85
Nutramigen Concentrate Formula—13 oz.	\$7.60
Nutramigen RTF Formula—32 oz.	\$9.20
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$23.98
Pediasure RTF Formula—8 oz.	\$2.13
Pediasure w/Fiber RTF Formula—8 oz.	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$2.36
Similac Advance Concentrate Formula—13 oz.	\$4.70
Similac Advance RTF Formula—32 oz.	\$7.14
Similac Advance w/Iron Powder Formula—12.4 oz.	\$14.72
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.43
Similac Expert Care Alimentum Powder Formula—16 oz.	\$27.58
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$6.97
Similac Expert Care NeoSure RTF Formula—32 oz.	\$7.65
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$15.89
Store Brand Milk Based Concentrate Formula—13 oz.	\$3.67
Store Brand Milk Based RTF Formula—32 oz.	\$5.37
Store Brand Milk Based Powder Formula—25.75 oz.	\$16.16

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2012, through December 31, 2012, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.28
Beans/Peas—Dry—16 oz.	\$2.07
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.59
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.31
Cheese, 16 oz.	\$6.04

<i>Description</i>	<i>Competitive Prices</i>
Eggs	\$1.83
Any Brand Infant Cereal—8 oz.	\$2.30
Infant Fruits, 100%—4 oz.	\$0.76
Infant Vegetables, 100%—4 oz.	\$0.76
Infant Meats, 100%—2.5 oz.	\$1.08
Juice—11.5/12 oz.	\$2.45
Juice—48 oz.	\$3.08
Juice—64 oz.	\$3.91
Kosher Cheese—16 oz.	\$8.48
Kosher Low Fat Milk—1/2 gallon	\$2.88
Kosher Whole Milk—1/2 gallon	\$2.97
Milk, Low Fat—1/2 gallon	\$2.32
Milk, Whole—1/2 gallon	\$2.37
Peanut Butter—18 oz.	\$3.36
Whole Grain—Bread, 16 oz.	\$3.69
Whole Grain—Brown Rice, 16 oz.	\$2.08
Whole Grain—Oats, 16 oz.	\$2.40
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.48
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.90
Good Start Gentle Powder Formula—12.7 oz.	\$15.16
Good Start Soy Concentrate—Blue Formula—12.1 oz.	\$4.90
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2012, through December 31, 2012, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.38
Beans/Peas—Dry—16 oz.	\$2.26
Canned Fish—Pink Salmon	\$2.34
Canned Fish—Sardines	\$1.69
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.26
Eggs	\$1.93
Any Brand Infant Cereal—8 oz.	\$2.37
Infant Fruits, 100%—4 oz.	\$0.81
Infant Vegetables, 100%—4 oz.	\$0.81
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.20
Juice—64 oz.	\$4.30
Kosher Cheese—16 oz.	\$8.58
Kosher Low Fat Milk—quart	\$1.79
Kosher Low Fat Milk—1/2 gallon	\$3.20
Kosher Whole Milk—quart	\$1.79
Kosher Whole Milk—1/2 gallon	\$3.17
Milk, Dry—9.6 oz.	\$4.70
Milk, Dry—25.6 oz.	\$9.57
Milk, Evaporated—12 oz.	\$1.58
Milk, Low Fat—quart	\$1.43

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Low Fat—1/2 gallon	\$2.48
Milk, Low Fat Lactose Free—quart	\$2.46
Milk, Low Fat Lactose Free—1/2 gallon	\$4.25
Milk, Whole—quart	\$1.46
Milk, Whole—1/2 gallon	\$2.50
Milk, Whole Lactose Free—quart	\$2.47
Milk, Whole Lactose Free—1/2 gallon	\$4.28
Peanut Butter—18 oz.	\$3.46
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.69
Soy Beverage—8th Continent 64 oz.	\$3.71
Tofu—16 oz.	\$2.73
Whole Grain—Bread, 16 oz.	\$3.71
Whole Grain—Bread, 24 oz.	\$4.08
Whole Grain—Brown Rice, 16 oz.	\$2.17
Whole Grain—Brown Rice, 24 oz.	\$3.67
Whole Grain—Oats, 16 oz.	\$2.42
Whole Grain—Oats, 24 oz.	\$6.13
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.61
Boost RTF Formula—8 oz.	\$2.16
EnfaCare RTF Formula—32 oz.	\$7.27
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.33
EnfaCare w/Iron Powder Formula—15.1 oz.	\$17.86
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.99
Enfamil Premium Infant RTF Formula—32 oz. ...	\$7.54
Enfamil Premium Infant Powder Formula— 12.5 oz.	\$15.36
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.92
Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.)	\$7.32
Good Start Gentle Powder Formula—12.7 oz. ...	\$15.69
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$5.12
Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)	\$7.10
Good Start Soy Powder—Blue Formula— 12.9	\$15.68
Good Start 2 Soy Powder Formula—24 oz.	\$23.69
Good Start 2 Gentle Powder Formula—22 oz.	\$23.89
Good Start 2 Protect Powder Formula—22 oz. ...	\$25.03
Good Start Protect Powder Formula—12.4 oz. ...	\$15.03
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$9.81
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.13
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.30
Pediasure Sidekicks RTF Formula—8 oz.	\$2.51
Similac Advance Concentrate Formula—13 oz. ...	\$4.72
Similac Advance RTF Formula—32 oz.	\$8.02
Similac Advance w/Iron Powder Formula— 12.4 oz.	\$15.25
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.51
Similac Expert Care Alimentum Powder Formula—16 oz.	\$28.07
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.93
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.12
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$15.89
Store Brand Milk Based Concentrate Formula— 13 oz.	\$3.67

<i>Description</i>	<i>Maximum Allowable Price</i>
Store Brand Milk Based RTF Formula—32 oz. ...	\$5.37
Store Brand Milk Based Powder Formula— 25.75 oz.	\$17.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2012, through December 31, 2012, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.28
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.59
Canned Fish—Tuna	\$1.29
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$6.04
Eggs	\$1.83
Any Brand Infant Cereal—8 oz.	\$2.37
Infant Fruits, 100%—4 oz.	\$0.79
Infant Vegetables, 100%—4 oz.	\$0.79
Infant Meats, 100%—2.5 oz.	\$1.18
Juice—11.5/12 oz.	\$2.51
Juice—48 oz.	\$3.10
Juice—64 oz.	\$4.00
Kosher Cheese—16 oz.	\$8.48
Kosher Low Fat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.16
Milk, Low Fat—1/2 gallon	\$2.32
Milk, Whole—1/2 gallon	\$2.38
Peanut Butter—18 oz.	\$3.36
Whole Grain—Bread, 16 oz.	\$3.69
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Oats, 16 oz.	\$2.40
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.55
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.92
Good Start Gentle Powder Formula—12.7 oz. ...	\$15.69
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$5.12
Good Start Soy Powder—Blue Formula— 12.9 oz.	\$15.68

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2012, through December 31, 2012, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.34
Beans/Peas—Dry—16 oz.	\$2.18
Canned Fish—Pink Salmon	\$2.40
Canned Fish—Sardines	\$1.88
Canned Fish—Tuna	\$1.24
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$7.34
Eggs	\$2.03
Any Brand Infant Cereal—8 oz.	\$2.26
Infant Fruits, 100%—4 oz.	\$0.66
Infant Vegetables, 100%—4 oz.	\$0.66
Infant Meats, 100%—2.5 oz.	\$1.05
Juice—11.5/12 oz.	\$2.40
Juice—48 oz.	\$3.14
Juice—64 oz.	\$4.05
Kosher Cheese—16 oz.	\$8.98
Kosher Low Fat Milk—quart	\$1.62
Kosher Low Fat Milk—1/2 gallon	\$3.06
Kosher Whole Milk—quart	\$1.64
Kosher Whole Milk—1/2 gallon	\$3.14
Milk, Dry—9.6 oz.	\$4.38
Milk, Dry—25.6 oz.	\$9.58
Milk, Evaporated—12 oz.	\$1.43
Milk, Low Fat—quart	\$1.38
Milk, Low Fat—1/2 gallon	\$2.56
Milk, Low Fat Lactose Free—quart	\$2.48
Milk, Low Fat Lactose Free—1/2 gallon	\$3.89
Milk, Whole—quart	\$1.39
Milk, Whole—1/2 gallon	\$2.58
Milk, Whole Lactose Free—quart	\$2.50
Milk, Whole Lactose Free—1/2 gallon	\$3.92
Peanut Butter—18 oz.	\$3.46
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.49
Soy Beverage—8th Continent 64 oz.	\$3.41
Tofu—16 oz.	\$2.69
Whole Grain—Bread, 16 oz.	\$3.71
Whole Grain—Bread, 24 oz.	\$4.14
Whole Grain—Brown Rice, 16 oz.	\$2.16
Whole Grain—Brown Rice, 24 oz.	\$3.89
Whole Grain—Oats, 16 oz.	\$2.51
Whole Grain—Oats, 24 oz.	\$5.54
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.54
Boost RTF Formula—8 oz.	\$2.15
EnfaCare RTF Formula—32 oz.	\$7.47
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.01
EnfaCare w/Iron Powder Formula—15.1 oz.	\$17.31
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.70
Enfamil Premium Infant RTF Formula—32 oz.	\$6.92
Enfamil Premium Infant Powder Formula— 12.5 oz.	\$15.06
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.65
Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.85
Good Start Gentle Powder Formula—12.7 oz.	\$14.84
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$4.82

*Maximum Allowable Price**Description*

Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.96
Good Start Soy Powder—Blue Formula— 12.9 oz.	\$15.21
Good Start 2 Soy Powder Formula—24 oz.	\$22.45
Good Start 2 Gentle Powder Formula—22 oz.	\$23.17
Good Start 2 Protect Powder Formula—22 oz.	\$25.03
Good Start Protect Powder Formula—12.4 oz.	\$14.85
Nutramigen Concentrate Formula—13 oz.	\$7.51
Nutramigen RTF Formula—32 oz.	\$9.21
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.17
Pediasure RTF Formula—8 oz.	\$2.01
Pediasure w/Fiber RTF Formula—8 oz.	\$1.98
Pediasure Sidekicks RTF Formula—8 oz.	\$2.51
Similac Advance Concentrate Formula—13 oz.	\$4.77
Similac Advance RTF Formula—32 oz.	\$7.14
Similac Advance w/Iron Powder Formula— 12.4 oz.	\$14.60
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.33
Similac Expert Care Alimentum Powder Formula—16 oz.	\$27.39
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$6.97
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$7.48
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$15.76
Store Brand Milk Based Concentrate Formula— 13 oz.	\$3.67
Store Brand Milk Based RTF Formula—32 oz.	\$5.37
Store Brand Milk Based Powder Formula— 25.75 oz.	\$16.13

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2012, through December 31, 2012, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.23
Beans/Peas—Dry—16 oz.	\$2.02
Canned Fish—Pink Salmon	\$2.35
Canned Fish—Sardines	\$1.76
Canned Fish—Tuna	\$1.15
Cereal (per oz.)	\$0.31
Cheese, 16 oz.	\$6.12
Eggs	\$1.93
Any Brand Infant Cereal—8 oz.	\$2.26
Infant Fruits, 100%—4 oz.	\$0.64
Infant Vegetables, 100%—4 oz.	\$0.64
Infant Meats, 100%—2.5 oz.	\$1.03
Juice—11.5/12 oz.	\$2.27
Juice—48 oz.	\$3.12

<i>Description</i>	<i>Competitive Prices</i>
Juice—64 oz.	\$3.72
Kosher Cheese—16 oz.	\$8.88
Kosher Low Fat Milk—1/2 gallon	\$2.88
Kosher Whole Milk—1/2 gallon	\$2.97
Milk, Low Fat—1/2 gallon	\$2.37
Milk, Whole—1/2 gallon	\$2.48
Peanut Butter—18 oz.	\$3.36
Whole Grain—Bread, 16 oz.	\$3.69
Whole Grain—Brown Rice, 16 oz.	\$2.08
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.48
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.65
Good Start Gentle Powder Formula—12.7 oz. ...	\$14.84
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$4.82
Good Start Soy Powder—Blue Formula— 12.9 oz.	\$15.21

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2012 through December 31, 2012, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.38
Beans/Peas—Dry—16 oz.	\$2.27
Canned Fish—Pink Salmon	\$2.40
Canned Fish—Sardines	\$1.88
Canned Fish—Tuna	\$1.33
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$7.34
Eggs	\$2.03
Any Brand Infant Cereal—8 oz.	\$2.37
Infant Fruits, 100%—4 oz.	\$0.79
Infant Vegetables, 100%—4 oz.	\$0.79
Infant Meats, 100%—2.5 oz.	\$1.13
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.25
Juice—64 oz.	\$4.27
Kosher Cheese—16 oz.	\$8.98
Kosher Low Fat Milk—quart	\$1.62
Kosher Low Fat Milk—1/2 gallon	\$3.06
Kosher Whole Milk—quart	\$1.64
Kosher Whole Milk—1/2 gallon	\$3.14
Milk, Dry—9.6 oz.	\$4.65
Milk, Dry—25.6 oz.	\$9.58
Milk, Evaporated—12 oz.	\$1.54
Milk, Low Fat—quart	\$1.43
Milk, Low Fat—1/2 gallon	\$2.56
Milk, Low Fat Lactose Free—quart	\$2.48
Milk, Low Fat Lactose Free—1/2 gallon	\$4.27
Milk, Whole—quart	\$1.44
Milk, Whole—1/2 gallon	\$2.58
Milk, Whole Lactose Free—quart	\$2.50
Milk, Whole Lactose Free—1/2 gallon	\$4.30

<i>Description</i>	<i>Maximum Allowable Price</i>
Peanut Butter—18 oz.	\$3.46
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.69
Soy Beverage—8th Continent 64 oz.	\$3.67
Tofu—16 oz.	\$2.75
Whole Grain—Bread, 16 oz.	\$3.71
Whole Grain—Bread, 24 oz.	\$4.14
Whole Grain—Brown Rice, 16 oz.	\$2.16
Whole Grain—Brown Rice, 24 oz.	\$3.89
Whole Grain—Oats, 16 oz.	\$2.80
Whole Grain—Oats, 24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.65
Boost RTF Formula—8 oz.	\$2.16
EnfaCare RTF Formula—32 oz.	\$7.47
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.33
EnfaCare w/Iron Powder Formula—15.1 oz.	\$17.70
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.92
Enfamil Premium Infant RTF Formula—32 oz. ...	\$7.12
Enfamil Premium Infant Powder Formula— 12.5 oz.	\$15.31
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.90
Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.86
Good Start Gentle Powder Formula—12.7 oz.	\$15.39
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$4.95
Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)	\$6.96
Good Start Soy Powder—Blue Formula— 12.9 oz.	\$15.45
Good Start 2 Soy Powder Formula—24 oz.	\$23.17
Good Start 2 Gentle Powder Formula—22 oz.	\$23.89
Good Start 2 Protect Powder Formula—22 oz. ...	\$25.03
Good Start Protect Powder Formula—12.4 oz. ...	\$15.52
Nutramigen Concentrate Formula—13 oz.	\$7.60
Nutramigen RTF Formula—32 oz.	\$9.21
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.30
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.38
Pediasure Sidekicks RTF Formula—8 oz.	\$2.51
Similac Advance Concentrate Formula—13 oz. ...	\$4.77
Similac Advance RTF Formula—32 oz.	\$7.45
Similac Advance w/Iron Powder Formula— 12.4 oz.	\$14.75
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.74
Similac Expert Care Alimentum Powder Formula—16 oz.	\$28.22
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.65
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$7.93
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$16.20
Store Brand Milk Based Concentrate Formula— 13 oz.	\$3.67
Store Brand Milk Based RTF Formula—32 oz. ...	\$5.37
Store Brand Milk Based Powder Formula— 25.75 oz.	\$16.77

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2012, through December 31, 2012, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.28
Beans/Peas—Dry—16 oz.	\$2.11
Canned Fish—Pink Salmon	\$2.35
Canned Fish—Sardines	\$1.76
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$6.20
Eggs	\$1.93
Any Brand Infant Cereal—8 oz.	\$2.37
Infant Fruits, 100%—4 oz.	\$0.78
Infant Vegetables, 100%—4 oz.	\$0.78
Infant Meats, 100%—2.5 oz.	\$1.11
Juice—11.5/12 oz.	\$2.45
Juice—48 oz.	\$3.23
Juice—64 oz.	\$3.97
Kosher Cheese—16 oz.	\$8.88
Kosher Low Fat Milk—1/2 gallon	\$2.88
Kosher Whole Milk—1/2 gallon	\$2.97
Milk, Low Fat—1/2 gallon	\$2.37
Milk, Whole—1/2 gallon	\$2.48
Peanut Butter—18 oz.	\$3.36
Whole Grain—Bread, 16 oz.	\$3.69
Whole Grain—Brown Rice, 16 oz.	\$2.08
Whole Grain—Oats, 16 oz.	\$2.78
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$4.90
Good Start Gentle Powder Formula—12.7 oz.	\$15.39
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$4.95
Good Start Soy Powder—Blue Formula— 12.9 oz.	\$15.45

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2012, through December 31, 2012, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.41
Beans/Peas—Dry—16 oz.	\$2.27
Canned Fish—Pink Salmon	\$2.40
Canned Fish—Sardines	\$1.88
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.36

Maximum Allowable Price

<i>Description</i>	<i>Maximum Allowable Price</i>
Cheese, 16 oz.	\$7.92
Eggs	\$2.03
Any Brand Infant Cereal—8 oz.	\$2.50
Infant Fruits, 100%—4 oz.	\$0.81
Infant Vegetables, 100%—4 oz.	\$0.81
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.25
Juice—64 oz.	\$4.30
Kosher Cheese—16 oz.	\$9.14
Kosher Low Fat Milk—quart	\$1.93
Kosher Low Fat Milk—1/2 gallon	\$3.20
Kosher Whole Milk—quart	\$1.79
Kosher Whole Milk—1/2 gallon	\$3.17
Milk, Dry—9.6 oz.	\$4.70
Milk, Dry—25.6 oz.	\$9.58
Milk, Evaporated—12 oz.	\$1.58
Milk, Low Fat—quart	\$1.55
Milk, Low Fat—1/2 gallon	\$2.70
Milk, Low Fat Lactose Free—quart	\$2.48
Milk, Low Fat Lactose Free—1/2 gallon	\$4.27
Milk, Whole—quart	\$1.56
Milk, Whole—1/2 gallon	\$2.72
Milk, Whole Lactose Free—quart	\$2.50
Milk, Whole Lactose Free—1/2 gallon	\$4.30
Peanut Butter—18 oz.	\$3.46
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.69
Soy Beverage—8th Continent 64 oz.	\$3.71
Tofu—16 oz.	\$2.75
Whole Grain—Bread, 16 oz.	\$3.71
Whole Grain—Bread, 24 oz.	\$4.14
Whole Grain—Brown Rice, 16 oz.	\$2.31
Whole Grain—Brown Rice, 24 oz.	\$3.89
Whole Grain—Oats, 16 oz.	\$2.80
Whole Grain—Oats, 24 oz.	\$6.13
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.65
Boost RTF Formula—8 oz.	\$2.16
EnfaCare RTF Formula—32 oz.	\$8.27
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.40
EnfaCare w/Iron Powder Formula—15.1 oz.	\$17.86
Enfamil Premium Infant Concentrate Formula—13 oz.	\$5.37
Enfamil Premium Infant RTF Formula—32 oz.	\$7.66
Enfamil Premium Infant Powder Formula— 12.5 oz.	\$15.63
Good Start Gentle Concentrate—Orange Formula— 12.1 oz.	\$5.39
Good Start Gentle RTF—Orange Formula— 4-count, 8.45 oz. (33.8 oz.)	\$7.73
Good Start Gentle Powder Formula—12.7 oz.	\$17.18
Good Start Soy Concentrate—Blue Formula— 12.1 oz.	\$5.25
Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)	\$7.10
Good Start Soy Powder—Blue Formula— 12.9 oz.	\$16.71
Good Start 2 Soy Powder Formula—24 oz.	\$23.69
Good Start 2 Gentle Powder Formula—22 oz.	\$23.89
Good Start 2 Protect Powder Formula—22 oz.	\$25.03
Good Start Protect Powder Formula—12.4 oz.	\$15.68
Nutramigen Concentrate Formula—13 oz.	\$7.80
Nutramigen RTF Formula—32 oz.	\$9.88
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.30
Pediasure RTF Formula—8 oz.	\$2.30

<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Competitive Prices</i>
Pediasure w/Fiber RTF Formula—8 oz.	\$2.42	Good Start Gentle Concentrate—Orange Formula—12.1 oz.	\$5.39
Pediasure Sidekicks RTF Formula—8 oz.	\$2.51	Good Start Gentle Powder Formula—12.7 oz. ...	\$17.18
Similac Advance Concentrate Formula—13 oz. ...	\$5.22	Good Start Soy Concentrate—Blue Formula—12.1 oz.	\$5.25
Similac Advance RTF Formula—32 oz.	\$8.03	Good Start Soy Powder—Blue Formula—12.9 oz.	\$16.71
Similac Advance w/Iron Powder Formula—12.4 oz.	\$15.68		
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.81		
Similac Expert Care Alimentum Powder Formula—16 oz.	\$29.55		
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.30		
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.39		
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$16.36		
Store Brand Milk Based Concentrate Formula—13 oz.	\$3.90		
Store Brand Milk Based RTF Formula—32 oz. ..	\$5.37		
Store Brand Milk Based Powder Formula—25.75 oz.	\$17.59		

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1910. Filed for public inspection September 28, 2012, 9:00 a.m.]

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2012, through December 31, 2012, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.37
Beans/Peas—Dry—16 oz.	\$2.11
Canned Fish—Pink Salmon	\$2.35
Canned Fish—Sardines	\$1.76
Canned Fish—Tuna	\$1.29
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$6.20
Eggs	\$1.93
Any Brand Infant Cereal—8 oz.	\$2.50
Infant Fruits, 100%—4 oz.	\$0.79
Infant Vegetables, 100%—4 oz.	\$0.79
Infant Meats, 100%—2.5 oz.	\$1.18
Juice—11.5/12 oz.	\$2.51
Juice—48 oz.	\$3.23
Juice—64 oz.	\$4.00
Kosher Cheese—16 oz.	\$9.04
Kosher Low Fat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.16
Milk, Low Fat—1/2 gallon	\$2.60
Milk, Whole—1/2 gallon	\$2.62
Peanut Butter—18 oz.	\$3.36
Whole Grain—Bread, 16 oz.	\$3.69
Whole Grain—Brown Rice, 16 oz.	\$2.23
Whole Grain—Oats, 16 oz.	\$2.78
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Technology Standards 2012-2013

Under 28 Pa. Code § 1103.4(15) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of minimum technology standards. A store applying to become a WIC Authorized store must have all of the following to be considered for authorization:

Minimum Technology Standards

An existing, active, hard wire telephone line on the store's premises.

An active e-mail account for the store owner or manager.

Upon authorization, a store must maintain an active WIC Vendor Assistant account.

Internet connection on store premises (one of the following):

- Dial-up through an Internet provider
- Broadband DSL
- Broadband cable

A personal computer on store premises:

• Internet browser capable of accessing the WIC Vendor Assistant web site

• Adobe Reader software

• If using CheckScan, the following minimum software and hardware is required. *Note:* These are Windows XP minimum requirements. Newer operating systems may require additional hardware.

- PC with 300 megahertz or higher processor clock speed
- Microsoft Windows XP, Vista or Windows 7 operating system
- Microsoft .Net Framework 2.0 or higher (software)
- 256 mb RAM
- 1.5 gigabytes of available hard drive space

- An available USB port (Version 1.1 or 2.0)

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1911. Filed for public inspection September 28, 2012, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program publishes notice of the minimum inventory requirements. Effective October 1, 2012, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices:

Formula

Nineteen 12.1 ounce cartons of Gerber Good Start Gentle liquid concentrate.

Ten 12.7 ounce cans of Gerber Good Start Gentle powdered.

Nineteen 12.1 ounce cartons of Gerber Good Start Soy liquid concentrate.

Ten 12.9 ounce cans of Gerber Good Start Soy powdered.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for this formula.

Infant Foods

Two varieties of Gerber infant cereal in 8 ounce boxes, totaling at least 24 ounces.

Two varieties 100% fruit, any brand, with a total of 32 four ounce containers.

Two varieties 100% vegetable, any brand, with a total of 32 four ounce containers.

Two varieties 100% meat, any brand, with a total of 31 two and one half ounce containers.

Fruits and Vegetables

Two varieties of fruits and two varieties of vegetables, fresh, frozen or canned, totaling at least \$15 worth.

Whole Grains

Two WIC allowable varieties with a total of two 16 ounce packages.

Milk

Fluid Whole, Vitamin D Fortified: Eight 1/2 gallons.

Fluid Skim, Fat Free, Low Fat, or Reduced Fat: Eighteen 1/2 gallons.

Eggs

Grade "A" Eggs: Three 1 dozen containers large or smaller raw shell eggs.

Cheese

Three WIC allowable types prepackaged in 8 or 16 ounce containers, totaling at least 4 pounds of cheese.

Juices

Two WIC allowable single strength varieties with a total of five 48 ounce containers.

Two WIC allowable single strength varieties with a total of two 64 ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of five 11.5 to 12 ounce containers.

Cereal

Adult, five WIC allowable varieties, at least one whole grain variety, in 12 ounce or larger packages totaling at least 60 ounces.

Peanut Butter

Two 18 ounce containers labeled "peanut butter."

Dried Peas and Beans or Canned Beans

Two varieties WIC allowable: 1 pound each dried or 15.5 to 16 ounce canned with a total of four cans.

Canned Fish

At least 45 ounces in 3.75, 5 or 6 ounce cans, chunk light tuna, pink salmon or sardines not packed in oil.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, Harrisburg, PA 17105, (717) 783-1280, or for speech and/or hearing impaired person V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1912. Filed for public inspection September 28, 2012, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC 2012-2013 Food List

I. 2012-2013 WIC Food List

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2012-2013 WIC Food List which contains the required types of foods and, if applicable, names of the allowable brands of foods. Effective October 1, 2012, the 2012-2013 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium, lactose free, smoked or calcium fortified. Cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Kosher cheese must be specified on the WIC check to be purchased using a WIC check.

Not Allowed: Individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients, Organic Cheese, cheese packed in water.

Cow's Milk

Fluid (pasteurized; quart, 1/2 gallons or gallons) Any fat level allowed as specified on the WIC check. Acidophilus allowed. Lactose free if specified on the WIC check. Evaporated (12 ounce cans) if specified on the WIC check. Dry if specified on the WIC check.

Not Allowed: Flavored milk, buttermilk, goat's milk, milk with added calcium, protein or plant sterols, vitamin C, Omega 3s, organic milk, Ultra High Temperature processed milk, milk in glass bottles.

Soy Beverage

32 or 64 ounce containers: Pacific Natural Foods—Ultra Soy (plain or vanilla flavored)
8th Continent Soymilk
Original or Vanilla Flavor

Not Allowed: Any other brand or type of soy beverage.

Tofu

16 ounce containers: Azumaya—firm and extra firm house foods premium—regular, firm, extra firm
Nasoya—silken, light silken

Not Allowed: Any other brand or type of tofu

Chicken Eggs

Any brand Grade A regular: large, medium or small raw shell brown or white chicken eggs in one dozen package.

Not Allowed: Specialty eggs such as, vegetarian fed, organic eggs, low cholesterol, fat modified, high in omega 3s, and the like.

Legumes (Beans)

Black beans, blackeye peas, garbanzo beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans, soybeans, butter beans, pink beans, split peas, and lentils.

1 pound dry or 15.5 to 16 ounce canned any brand (canned kidney beans may contain sugar)

Not Allowed: Green beans, green peas, snap beans, yellow beans, wax beans, pork-n-beans, beans with added seasonings, sugars, oils, sauces, meats, organic beans

Fruits and Vegetables

Fruits Allowed:

Fresh, whole or cut without added sugars. Frozen, without added sugars. Canned, jarred or multi pack without added sugars, fats, oils or sodium (salt).

Vegetables Allowed:

Fresh, whole or cut without added sugars, fats or oils.
Frozen, without added sugars, fats or oils.

Canned or jarred, without added sugars, fats or oils. (whole kernel corn and green peas can contain sugar).

Sweet potatoes and yams

Organic fruits and vegetables can be purchased.

Not allowed:

- Party trays, fruit baskets, salad bar items
- Items that contain dips or sauces
- *Ingredients other than fruit*—sugar, honey, high fructose corn syrup, heavy or light syrup, dextrose, sucrose, maple syrup, artificial sweeteners, fats, oils or sodium (salt)
- *Ingredients other than vegetables*—sugar, honey, high fructose corn syrup, cheese sauce, noodles, rice, nuts, spices, fats or oils
- *Any type of white potatoes* (including Red Bliss, Purple and Yukon Gold)
- Sauerkraut, pickled vegetables, olives
- Jarred salsa, pasta sauce
- Fresh herbs and spices, edible blossoms
- Dried fruit, dried vegetables, trail mix
- Fruit leathers, fruit snacks, fruit roll-ups
- Fruit and nut mixtures
- Fruit cocktails, cranberry sauce, pie filling
- Baked goods
- Infant or toddler fruits and vegetables

Juice

Single Strength (48 ounce container, 100% pure juice):

Apple Apple & Eve, Food Club, Lucky Leaf, Musselman's, Nestle Juicy Juice, Red & White, Seneca, Shurfine

Cranberry Apple & Eve, Northland

100% Grape (purple or white) America's Choice, Nestle Juicy Juice, Red & White, Shurfine, White Rose

Juice Blends Apple & Eve: Cranberry Apple and Cranberry Raspberry
Northland: Cranberry Grape
Nestle Juicy Juice: All flavors

Pineapple Food Club, Shurfine

Single Strength (64 ounce container, 100% pure juice):

Apple Acme, America's Choice, Apple & Eve, Flavorite, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Krasdale, Lucky Leaf, Mott's Musselman's, Old Orchard, Red & White, Richfood, Safeway, Seneca, Shop N Save, Shop Rite, Shurfine, Tipton Grove, Weis Quality, White Rose

Cranberry Acme, Flavorite, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Richfood, Safeway, Shop N Save, Shurfine, Weis Quality

Grape (purple, red or white)	Acme, America's Choice, Apple & Eve, Flavorite, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Lucky Leaf, Mott's Musselman's, Old Orchard, Red & White, Richfood, Safeway, Seneca, Shop N Save, Shurfine, Tipton Grove, Valu Time, Weis Quality, White Rose
Orange	Any Brand, calcium and vitamin D added allowed
Pineapple	Acme, Flavorite, Giant, Giant Eagle, Great Value, Libby's, Our Family, Richfood, Safeway, Shop N Save, Shurfine, Wegmans, Weis Quality
Tomato	Campbell's (regular or low sodium)
Vegetable	Campbell's V8 (regular or low sodium)
Juice Blends	Apple & Eve—all flavors (including Sesame Street) except "Cranberry Juice & More" Nestle Juicy Juice—all flavors Old Orchard—100% juice flavors, no premium flavors

Frozen Concentrated (11.5 to 12 ounce container, 100% pure juice):

Apple	America's Choice, Flavorite, Food Club, Giant, Hannaford, Great Value, Old Orchard, Richfood, Safeway, Seneca, Shop N Save, Shop Rite, Shurfine, Sunrise Valley, Value Time, Weis Quality
Apple Juice Blends	Old Orchard (all flavors with green pull tab top)
Orange	Any brand (including calcium and vitamin D added)
Grape	Welch's (all flavors with yellow pull tab top)
White Grape Juice Blends	Welch's (all flavors with yellow pull tab top)

Shelf Stable Concentrated (11.5 to 12 ounce container, 100% pure juice):

Juicy Juice any flavor, Welch's any flavor with yellow trim

Not Allowed: Ciders, cocktails, artificial sweeteners, food colorings, added sugar, alcohol, carbonation, fiber, omega 3s, DHA, ARA, beta-carotene, vitamin A, vitamin E, Organic Juice

Cereal

Adult/Child Cereals:

Minimum package size 12 ounces

<i>Better Oats:</i>	Good 'n Hearty Oatmeal (classic or maple and brown sugar)
<i>General Mills:</i>	Cheerios (regular, multigrain, dulce de leche) Chex (wheat, corn, rice, multi bran) Kix (regular, honey or berry berry) Total (whole grain) Wheaties (regular flavor only)

Kellogg Co.: All Bran Complete Wheat Flakes
Corn Flakes
Crispix
Frosted Mini Wheats (Little Bite, Bite Size, Big Bite or Unfrosted)
Rice Krispies (regular or gluten free brown rice krispies)
Special K (regular)

Malto Meal, bag or box: Crispy rice, Honey & Oat Blenders (regular or almond)

Maypo: Instant Maple Oatmeal

Nabisco: Cream of Wheat: Instant original, 1 minute, 2 1/2 minutes, 10 minutes, Whole Grain

Post: Banana Nut Crunch
Grape-Nuts & Grape-Nut Flakes
Bran Flakes
Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters)
Shredded Wheat Vanilla Almond

Quaker Co.: Original Instant Grits
Crunchy Corn Bran
Oat Bran Essentials
Life (regular flavor)
Oatmeal Squares (cinnamon or brown sugar)

Store Brand Cereal:

Corn Flakes, Toasted Oats, Corn Squares-Biscuits, Rice Squares-Biscuits: (America's Choice, Essentials Every Day, Food Club, Giant, Great Value, Hannaford, Ralston Foods, Safeway, Shop Rite, Shurfine, Weis Quality)

Not Allowed: Individual serving boxes, Organic cereal, any other brand or type of cereal.

Peanut Butter

18 ounce container, labeled "Peanut Butter" only

Not Allowed: Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey, organic peanut butter, added omega 3s, DHA, ARA or artificial sweeteners.

Infant Formula

Contract Brand

Milk Based: Gerber GOOD START Gentle

Soy Based: Gerber GOOD START Soy

Other brands and types of formula must be specified on the WIC check.

Infant Foods

Infant Cereal: Brand specified on the WIC check: rice, oatmeal, barley, whole wheat or mixed grain in 8 or 16-ounce box.

Not Allowed: Organic varieties, variety pack, cereal with fruit, formula, yogurt, DHA or ARA.

Infant Fruits and Vegetables: Brand specified on the WIC check: 4 ounce containers of 100% fruits or vegetables.

Not Allowed: Desserts, organic varieties, mixed with salt, sugar, cereal, rice, noodles, meats, yogurt, DHA, ARA, flour, starch or any other ingredients.

Infant Meats: Brand specified on the WIC check: 2.5 ounce containers of single ingredient meats (with or without gravy or broth).

Not Allowed: Organic varieties, mixed with salt, sugar, cereal, rice, noodles, vegetables, fruit, DHA, ARA, flour, starch or any other ingredients.

Canned Fish

Chunk Light Tuna, Pink Salmon or Sardines in 3.75, 5 or 6 ounce cans only

Not Allowed: Products packed in oil, albacore tuna, brisling sardines, red salmon, organic fish.

Whole Grains

16 ounce packages:

Whole Wheat Bread & Rolls

Store Brands 100% Whole Wheat Bread:
Acme, America's Choice, Giant, Great Value, Hannaford, Pathmark, Shoprite

Arnold—100% Stoneground Whole Wheat Bread
Bimbo—100% Whole Wheat Bread
Hauswald 100% Whole Wheat Bread
Pepperidge Farms—Stoneground 100% Whole Wheat Bread, Very Thin Soft 100% Whole Wheat Bread
Roman Meal—Sungrain 100% Whole Wheat Bread
Sara Lee—Classic 100% Whole Wheat Bread
Schmidt—100% Whole Wheat Bread
Stern's—100% Whole Wheat Bread, Whole Wheat Rolls
Stroehmann—Small 100% Whole Wheat Bread
Windmill Farms—100% Stoneground Whole Wheat Bread—Hamotzie, 100% Stoneground Whole Wheat Bread—Mezonot, 6 pack Whole Wheat Rolls
Wonder—Soft 100% Whole Wheat Bread

Tortillas

Store Brands: Yellow or White Corn or Whole Wheat; Food Club, Giant Eagle, Nature's Promise, Weis Quality

Hand Made Style Whole Wheat—Shoprite, Shurfine
Whole Wheat Fajita Style—Hannaford

Carlita—Corn or Whole Wheat Tortilla
Celia's—Yellow or White Corn and Whole Wheat
Chi Chi's—White Corn Tortillas or Whole Wheat Tortilla Fajita Style
Don Pancho—Yellow or White Corn Tortillas or Whole Wheat Tortillas
La Banderita—Corn Tortillas and Fajita Whole Wheat
La Burrita—Yellow Corn Tortillas
MexAmerican—Whole Wheat with Honey
MiCasa—100% Whole Wheat Tortillas
Mission—Yellow Corn Extra Thin Tortillas and Whole Wheat Tortillas
Ortega—Whole Wheat
Pepito—Corn or Whole Wheat

Whole Grain Brown Rice: Uncle Ben's—Natural Whole Grain Brown Rice
Lundberg—Long or Short Grain Brown Rice (no other varieties)

Store Brands: America's Choice, Essentials Every Day, Food Club, Giant, Great Value, Gulf Pacific, Safeway, Shurfine, Weis Quality, White Rose

Oats: 16 ounce packages: Mom's Best Natural Quick Oats, Mother's Rolled Oats

24 ounce packages:

Whole Wheat Bread and Rolls

Arnold—100% Whole Wheat Bread
Brownberry—100% Whole Wheat Bread
Freihofer—Hearty 100% Whole Wheat Bread
Gold Medal—Natural or Premium Whole Wheat Bread
Nickles—Country Style 100% Whole Wheat Bread
Pepperidge Farms—100% Natural Stone Ground, 100% Whole Wheat Bread, Farmhouse soft 100% Whole Wheat Bread
Stroehmann—Dutch Country 100% Whole Wheat, Family Grains 100% Whole Wheat
Weis—From the Oven 100% Whole Wheat Bread

Oats—Quaker Steel Cut Oats

Not Allowed: Any other package size, brand or type of whole grain products, organic whole grains, items with added omega-3s, dried fruits, seeds, nuts, extra calcium or vitamin D

II. Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with NESTLÉ to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Gerber GOOD START Gentle and Gerber GOOD START Soy. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2012.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired person V/TF (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1913. Filed for public inspection September 28, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, October 18, 2012, at 10 a.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for Uniform Construction Code Review and Advisory Council.

Questions concerning this notice may be directed to Edward Leister at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 12-1914. Filed for public inspection September 28, 2012, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Alternative Cost Sharing for Families of Children with Disabilities with Incomes over 200% of the Federal Poverty Income Guidelines

The Department of Public Welfare (Department), as required by section 454(a) of the Public Welfare Code (code) (62 P. S. § 454(a)), is implementing copayments for services provided to Medical Assistance (MA) eligible children with disabilities whose household income is above 200% of the Federal poverty income guidelines based on family size. As specified in section 454(a) of the Code, the Department is establishing these copayments by publication of this notice in the *Pennsylvania Bulletin*. The copayments will be effective for dates of service on and after October 1, 2012, for newly eligible beneficiaries and November 1, 2012, for current beneficiaries.

Discussion

Medicaid is a means-tested Federal and State-funded program designed to provide health care benefits to individuals with limited income and resources. The Federal government provides a baseline of what eligibility groups must be covered and what services must be provided for states to receive Federal Financial Participation. States may choose to expand eligibility to include additional groups. The Commonwealth has exercised various options to use less restrictive methodologies to determine eligibility for Medicaid. In this Commonwealth, there is a special category of MA for children with disabilities whose family income would otherwise make them ineligible for MA. To receive benefits in this category, a child must meet the level of disability established by the Social Security Administration. No other state has an eligibility category comparable to the Commonwealth's MA for Children with Special Needs category. In 2010, the Commonwealth spent more than \$708 million to serve approximately 56,000 children in this category. It is estimated that more than 38,000 of these children had family incomes in excess of 200% of the Federal poverty income guideline.

States across the country, including the Commonwealth, are struggling to maintain their Medicaid programs. Measures must be taken to conserve and use the Commonwealth's increasingly scarce public assistance resources as efficiently and effectively as possible. Toward that end, the Department is exercising alternative cost sharing as provided for in the Deficit Reduction Act of 2005 (DRA) (Pub. L. No. 109-171) and implementing Federal regulations.

The Department published a public notice at 42 Pa.B. 5303 (August 11, 2012) announcing its intent to amend the Pennsylvania Medicaid State Plan to apply copayments to services provided to children with disabilities and invited interested persons to comment. The Department received comments from 70 commentators.

After reviewing and considering the comments, the Department is proceeding with implementation of the copayments, consistent with section 454 of the code and applicable Federal law, as follows:

- Except for the following services and items, MA copayments will be applied to children with disabilities who are under 18 years of age and whose household income is above 200% of the Federal Poverty Income Guidelines based on family size.

- The Department will determine family income based on the family's gross annual income, prorated for monthly periods.

The following services and items will not have copayments:

- Preventive services
- Early Intervention services
- Emergency services
- Laboratory services
- Family planning services and supplies
- Home health agency services
- Rental of durable medical equipment
- Services when the MA fee is less than \$2.00
- Medical exams provided through the Early and Periodic Screening, Diagnosis and Treatment Program
- Targeted case management services
- Tobacco cessation counseling services
- School-Based Access Program services
- Home and Community Based Waiver services
- The doctor's fee for x-rays, diagnostic tests, nuclear medicine or radiation therapy
- Psychiatric partial hospitalization program services
- Medical exams requested by the Department
- Renal dialysis services
- Blood and blood products
- Oxygen
- Ostomy supplies
- More than one set of specific allergy tests in a 24-hour period

The following services will have a fixed copayment:

Fixed Copayments

MA Service	Copayment Amount
Diagnostic Radiology	\$1.00
Nuclear Medicine	\$1.00
Medical Diagnostic Test	\$1.00
Radiation Therapy	\$1.00
Prescription and Prescription Drug Refills	\$1.00 Generic \$3.00 Brand
Inpatient Hospital Services	\$20.00 per day (up to \$140.00 per stay)
Outpatient Psychotherapy Services	\$0.50 per unit

For all other services, copayments will be determined on a sliding scale based on the MA fee for the service, as follows:

Sliding Scale Copayments

<i>MA Fee for the Service</i>	<i>Copayment Amount</i>
\$2.00—\$10.00	\$.65
\$10.01—\$25.00	\$2.00
\$25.01—\$50.00	\$5.00
\$50.01—\$100.00	\$10.00
\$100.01—\$200.00	\$20.00
\$200.01—\$300.00	\$40.00
\$300.01—\$400.00	\$60.00
\$400.01—\$500.00	\$80.00
\$500.01 or greater	\$100.00

- Copayments will be collected by the MA provider.
- Consistent with 42 CFR 447.82(a) (relating to restrictions on payments to providers), the copayment amount will be deducted from the Department's payment to the provider.
- MA providers may not deny covered care or services because of an individual's inability to pay the copayment amount.
- MA providers may not waive or reduce the copayment.
- The total aggregate amount of the copayments will not exceed 5% of the family's gross annual income, prorated and applied on a monthly basis.
- The Department will track the copayments that have been incurred by using the information in the claims processing system to identify the copayment amounts that have been deducted from the payments made to providers.
- Providers will be advised through the eligibility verification system of the amount of the monthly copayment liability remaining or that the monthly copayment liability has been reached and therefore, no copayments should be collected until the first of the following month. In addition, providers will be advised that they may bill beneficiaries for copayments after they submit claims and receive remittance advices (RAs) from the Department for those claims. The RAs will identify the MA payments for the services and the beneficiaries' copayment liability. If providers choose to collect copayments at the time of service, providers will be instructed to monitor their RAs and refund any copayment amounts collected that exceed the copayment amounts identified on the RAs.
- The Department will send a written notice to beneficiaries subject to these copayments informing them of their monthly copayment liability and when they will be required to start paying the copayments.

The Department issued a Medical Assistance Bulletin, Copayments for Children with Disabilities, to providers to inform them of the copayments. In addition, the Department posted copayment information on its web site.

Fiscal Impact

The estimated cost savings for Fiscal Year 2012-2013 is \$9.405 million (\$4.300 million in State funds). The annualized cost savings for Fiscal Year 2013-2014 is \$12.540 million (\$5.813 million in State funds).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-796. This change is expected to result in savings of \$4.3 million in State funds in FY 2012-13; (8) recommends adoption.

[Pa.B. Doc. No. 12-1915. Filed for public inspection September 28, 2012, 9:00 a.m.]

Nursing Facility Assessment Program

This notice announces the updated proposed assessment rates and the updated estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program beginning Fiscal Year (FY) 2012-2013.

Background

The Department of Public Welfare (Department) published a notice at 42 Pa.B. 3820 (June 30, 2012) announcing the proposed assessment rates, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program beginning Fiscal Year (FY) 2012-2013. As explained in that notice, Article VIII-A of the Public Welfare Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Secretary of the Department (Secretary) to determine the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See section 804-A of the code (62 P.S. § 804-A). The law specifies that annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 805-A of the code (62 P.S. § 805-A). The maximum aggregate assessment amount that qualifies for Federal matching funds was recalculated after passage of the General Appropriations Act of 2012.

This notice announces the updated assessment rates that the Department is proposing to implement in FY 2012-2013 and the updated estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2012-2013. There is no change to the proposed assessment methodology announced at 42 Pa.B. 3820.

Updated Proposed Assessment Rates

The updated proposed assessment rates for FY 2012-2013 are as follows:

(1) For county nursing facilities, for nursing facilities that have 50 or fewer licensed beds and for grandfathered Continuing Care Retirement Community nursing facilities, the assessment rate will be \$8.09 per non-Medicare resident day.

(2) For all other nonexempt nursing facilities, the assessment rate will be \$29.54 per non-Medicare resident day.

Aggregate Assessment Amounts and Fiscal Impact

The Department estimates that if the proposed assessment rates are implemented the annual aggregate assessment fees for nonexempt nursing facilities will total \$463.851 million. The Department will use the revenue derived from the assessment fees and any associated Federal matching funds to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

Public Comment

Interested persons are invited to submit written comments regarding the contents of this notice to Marilyn Yocum, Department of Public Welfare/Department of Aging, Office of Long-Term Living, Bureau of Policy and Strategic Planning, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919. Comments must be submitted within 30 days of publication of the notice. See section 805-A of the code. After considering the comments, the Secretary will publish another notice announcing the final assessment rates for FY 2012-2013. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

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

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-795. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1916. Filed for public inspection September 28, 2012, 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 the Borough of Dauphin, 200 Church Street, P. O. Box 487, Dauphin, PA 17018.

The Borough of Dauphin is seeking to lease highway right-of-way located off the exit ramp of SR 9111 Dauphin, Dauphin County, estimated 4,201.9 square feet ±, adjacent to Allegheny Street for the purpose of installing a borough sign identifying the Borough of Dauphin and welcoming visitors to the municipality.

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 Michael C. Keiser, 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.

BARRY J. SCHOCH, P. E.,
Secretary

[Pa.B. Doc. No. 12-1917. Filed for public inspection September 28, 2012, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P. S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under section 6(c)(21) and (d) of the act shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 12-1918. Filed for public inspection September 28, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate to the Commonwealth by Radian Mortgage Insurance, Inc.

Radian Mortgage Insurance, Inc., an Arizona stock casualty insurance company, has submitted a plan of redomestication, whereby it proposes to redomesticate from the State of Arizona to the Commonwealth of Pennsylvania. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1919. Filed for public inspection September 28, 2012, 9:00 a.m.]

Capital BlueCross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Contract For HIPAA/HCTC Eligible Individuals; Rate Filing

By filing 12-37, Capital BlueCross and Capital Advantage Insurance Company requested approval to adjust the premium rates for the Individual Direct Pay Comprehensive Major Medical Benefit Program for HIPAA and HCTC Eligible Individuals for both the \$1,000 Deductible and \$2,500 Deductible options. The requested rate increases are 6.3% for the \$1,000 Deductible option and 0.1% for the \$2,500 Deductible option. The rate increases apply to the Plans' 21-county Central Pennsylvania and Leigh Valley service area. The proposed rate increase would affect approximately 605 contracts and would produce additional annual income of about \$219,000. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to December 13, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1920. Filed for public inspection September 28, 2012, 9:00 a.m.]

Celtic Insurance Company; Policy Forms G5-543-00145 (CeltiCare 3.0/3.1), G5-592-00192 (CeltiCare II), G5-543-00145 (HSA), I5-544-00159-PA (CeltiCare Preferred 5.0/5.1), I5-544-00159-PA (Celtic Basic 1.0/2.1/2.2), G5-592-00192 (HSA 2.0/2.1), G5-555-00223-PA-HDHP (HSA 3.0); Rate Filing

On September 17, 2012, Celtic Insurance Company submitted a rate filing to increase the rates for the Policy Forms G5-543-00145 (CeltiCare 3.0/3.1), G5-592-00192 (CeltiCare II), G5-543-00145 (HSA), I5-544-00159-PA (CeltiCare Preferred 5.0/5.1), I5-544-00159-PA (Celtic Basic 1.0/2.1/2.2), G5-592-00192 (HSA 2.0/2.1), G5-555-00223-PA-HDHP (HSA 3.0) by 9.5%. This will affect approximately 834 policyholders and will produce additional annual premium income of \$1,936,842. The requested effective date is January 1, 2013.

Unless formal administrative action is taken prior to December 13, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection by appointment during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Sabater, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, jsabater@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1921. Filed for public inspection September 28, 2012, 9:00 a.m.]

Insurance Services Office, Inc.; Homeowners Loss Cost Revision; Rate Filing

On September 14, 2012, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 8.5% increase in loss costs effective April 1, 2013.

Unless formal administrative action is taken prior to October 14, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Bojan Zorkic, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, bzorkic@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1922. Filed for public inspection September 28, 2012, 9:00 a.m.]

Keystone Health Plan Central; Small Group Base Rate Filing

Keystone Health Plan Central submitted a base rate filing to increase the premium rates for small groups new and renewing between November 1, 2012, and January 31, 2013. The filing proposes an average rate increase of 8.0% and will affect approximately 1,196 members. The proposed rate increase will generate approximately \$450,000 of additional annual revenue. The requested effective date of the change is November 1, 2012.

Unless formal administrative action is taken prior to November 27, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1923. Filed for public inspection September 28, 2012, 9:00 a.m.]

Mutual of Omaha Insurance Company; Rate Increase Filing for Several LTC Forms

Mutual of Omaha Insurance Company is requesting approval to increase the premium an aggregate 26.1% on 220 policyholders of LT50, ODX5M, NH50, ODX6M, HCA, HCAQ, NHA, NHAQ, LTA and LTAQ with lifetime benefit periods. Policies without lifetime benefit periods or policies issued after December 1, 2003, will receive no increase.

Unless formal administrative action is taken prior to December 13, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

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, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1924. Filed for public inspection September 28, 2012, 9:00 a.m.]

Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the act (40 P. S. § 1303.743).

The claims information must be reported to MCARE and to the Department. The following calendar year 2011 claims information is due to MCARE and the Department by October 15, 2012:

- * The aggregate amount of premium earned.
- * The aggregate amount of losses paid.
- * The aggregate amount of losses incurred.
- * The aggregate amount of loss reserves outstanding.
- * The aggregate amount of loss adjustment expenses paid.
- * The aggregate amount of loss adjustment expenses incurred.
- * The aggregate amount of loss adjustment expense reserves outstanding.
- * A table showing separately by accident year and county the number of claims first reported (or arising) in 2011.
- * A table showing separately by accident year and disposition (that is, judgment of arbitration panel, judgment of court, settlement or other) the number of claims closed by county (or disposed) in 2011.
- * A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2011 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. An e-mail has been sent instructing medical malpractice carriers to submit their 2011 data.

Medical malpractice carriers who have not received an e-mail should contact Bojan Zorkic, Actuary, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968, bzorkic@pa.gov. Questions should be directed to Bojan Zorkic.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1925. Filed for public inspection September 28, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual 2013 Update; Doc. No. M-2012-2313373

Tentative Order

The Pennsylvania Public Utility Commission (“Commission”) seeks comments on the proposed 2013 update to the Technical Reference Manual. In a Tentative Order adopted at its September 13, 2012 public meeting, the Commission released, for comment, the proposed 2013 version of the Energy-Efficiency and DSM Rules for Pennsylvania’s Alternative Energy Portfolio Standard, Technical Reference Manual (“TRM”). A copy of the Tentative Order can be found on the Commission’s website at <http://www.puc.state.pa.us/pcdocs/1191421.docx>. A copy of the proposed 2013 version of the TRM and its appendices can be found on the Commission’s website at:

TRM: <http://www.puc.state.pa.us/pcdocs/1191612.docx>

Appendix C: <http://www.puc.state.pa.us/pcdocs/1191619.xls>

Appendix D: <http://www.puc.state.pa.us/pcdocs/1191617.xls>

Appendix E: <http://www.puc.state.pa.us/pcdocs/1191610.xlsx>

In implementing the Alternative Energy Portfolio Standards Act, 73 P. S. §§ 1648.1—1648.8, the Commission had originally adopted the TRM, in an Order entered on October 3, 2005 at Docket No. M-00051865. Subsequently, in the Energy Efficiency and Conservation (“EE&C”) Program Implementation Order, entered on January 16, 2009 at Docket No. M-2008-2069887, the Commission adopted the TRM as a component of the EE&C Program evaluation process. In that Implementation Order, the Commission also noted that the TRM needed to be updated and expanded to fulfill the requirements of the EE&C Program.

In an Order entered June 1, 2009 at Docket No. M-00051865, the Commission directed that the TRM be updated on an annual basis. In furtherance of this directive, the Commission is seeking comments on the proposed 2013 update to the TRM. Interested parties have 30 days from the date of the publication of this Notice to file written comments and 40 days after publication of this Notice to file reply comments with the Secretary of the Commission, referencing Docket No. M-2012-2313373.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1926. Filed for public inspection September 28, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 15, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2012-2305090. William Earl Reed (197 Pump Station Road, Worthington, Armstrong County, PA 16262)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Allegheny, Armstrong, Butler, Clarion, Indiana, Jefferson, Lawrence and Westmoreland, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2012-2310149. Quaker Rapid Medical Response, LLC (206 South 42nd Street, Apt. LL, Philadelphia, Philadelphia County, PA 19104)—persons, in paratransit service, between points in the City and County of Philadelphia.

A-2012-2314009. Building Bridges Transportation, LLC (902 South 16th Street, Harrisburg, PA 17104) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Dauphin, Lancaster, York and Cumberland to correctional institutions in Pennsylvania, and return.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.*

A-2012-2306718. Clarion County Taxi, Inc. (2177 East End Road, Shippensburg, Clarion County, PA 16254)—for the amended right to transport, as a common carrier, by motor vehicle, persons in call or demand service, from points in Jefferson County to points in Pennsylvania, and return. William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Domenic Vellaccio;
C-2012-2311827*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement respon-

sibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Domenic Vellaccio, (respondent) is under suspension effective June 14, 2012 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6155 Lycoming Creek Road Apt 2, Cogan Station, PA 17728.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 11, 2011, at A-8913582.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8913582 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/17/2012

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice,

52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1927. Filed for public inspection September 28, 2012, 9:00 a.m.]

Telecommunications

A-2012-2324915. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and MCImetro Access Transmission Services, LLC. Joint petition of Commonwealth Telephone Company and MCImetro Access Transmission Services, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and MCImetro Access Transmission Services, LLC, by its counsel, filed on September 18, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and MCImetro Access Transmission Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1928. Filed for public inspection September 28, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Public Hearing and Extension of Comment Period Concerning Wheelchair Accessible Vehicles Taxicab Provisions of Act 119

A public comment hearing has been scheduled for Wednesday, October 3, 2012, at 10 a.m. in Room 108, Pennsylvania Convention Center, 12th and Arch Streets, Philadelphia, PA.

This hearing has been scheduled to receive further comment as to suggestions for regulations to implement a

successful Wheelchair Accessible Taxicab Program in Philadelphia. As only five sets of written comments were received regarding this issue during the recently concluded comment period which ended on September 7, 2012, the Philadelphia Parking Authority (Authority) believes it necessary to establish a forum where those who prefer to do so may offer verbal comment in the presence of other interested parties. In addition, the period for the Authority's Taxicab and Limousine Division (TLD) to accept written comments has been reopened and will extend until the October 3, 2012, hearing date.

In accordance with the Authority's original request for information and comments of August 3, 2012, which appears immediately as follows, the Authority is interested in obtaining input from all stakeholders of wheelchair accessible taxicab service in Philadelphia.

Request for Information and Comment Concerning Act 119 of 2012

The act of July 5, 2012 (P. L. 1022, No. 119) (Act 119) which can be viewed at www.philapark.org/taxis-limousines/ on the News and Updates page posted August 3, 2012, was signed into law by Governor Corbett. Among the several provisions enumerated, Act 119 provides for immediate issuance for sale of 15 new medallions to be placed only on wheelchair accessible taxicabs with 15 additional medallions to be sold annually for the next 10 years for a total of 150 medallions slated for wheelchair accessible taxicabs in Philadelphia. Act 119 also provides for establishment of a wheelchair accessible taxicab driver training and certification program with substantial incentives for qualified drivers to participate.

The Authority is now tasked with establishing the regulatory framework for launching and maintaining a safe, reliable and robust system for supply of wheelchair accessible taxicab service to those individuals who need it, when and where they need it. While the Authority feels confident it will be able to do this in a timely manner, the Authority cannot do it alone and is seeking assistance through input from multiple entities whose areas of expertise or personal experience focus on at least some aspect of provision of this form of transportation.

Accordingly, the TLD of the Authority seeks information and comment from the public at large, including the community of people with disabilities as well as from taxicab and limousine industry members concerning not only the issues specifically described as follows but any others that those commenting believe need to be considered.

The Authority welcomes comment from all concerning initial sale and/or distribution of the wheelchair accessible vehicles (WAV) medallions whether that be by public auction or by competitive bid through submitted proposals for all 15 medallions annually or some increment thereof over time.

The Authority is also interested in hearing thoughts concerning the optimal method for dispatch of WAV taxicabs given the current industry makeup which includes 14 certified dispatchers for the current total of 1,600 medallion taxicabs.

The Authority is keenly interested in hearing from vendors of WAVs suitable for taxicab service, WAV retrofit services and distributors of related equipment. The Authority wants to hear from those entities providing training programs for WAV drivers and regulatory/inspections staff. The Authority seeks input from vendors of software and payment programs for channeling governmental funds provided to people with disabilities for transportation in taxicabs.

Finally, the Authority is very interested in hearing from taxicab and limousine regulatory bodies in other jurisdictions where wheelchair accessible taxicab programs have already been implemented.

The Authority will post comments and information submittals on the Authority's web site at www.philapark.org on the Taxicab and Limousine page as they are received.

Forward written comments and information by the close of business on September 7, 2012, to the attention of Michele Ruffin, Executive Assistant, mruffin@philapark.org or Philadelphia Parking Authority, Taxicab and Limousine Division, 2415 South Swanson Street, Philadelphia, PA 19148-4113.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1929. Filed for public inspection September 28, 2012, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for

Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Ronald Goss 123 Decatur Road McClure, PA 17841	Mifflin County/Decatur Township	319	Swine	New	Approved
S. & A. Kreider & Sons, Inc. 761 Spring Valley Road Quarryville, PA 17566	Lancaster County/East Drumore Township	910	Cattle	New	Approved
Spring Maple Farm 421 Penn Grant Road Lancaster, PA 17602	Lancaster County/West Lampeter Township	67.1	Broilers	New	Approved
Wanner's Pride-N-Joy Farm 5800 Wanner Road Narvon, PA 17555	Lancaster County/ Salisbury Township	270	Cattle	New	Approved
Country View Family Farms, LLC—Sullivan Farm 312 Hemlock Road Covington, PA 16917	Tioga County/ Sullivan Township	2,746.6	Swine	New	Approved

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-1930. Filed for public inspection September 28, 2012, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects during August 1, 2012, through August 31, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbcc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Carrizo (Marcellus), LLC, Pad ID: Wetterling Well #1, ABR-201208001, Owego Town, Tioga County, NY; Consumptive Use of Up to 2.100 mgd; Approval Date: August 3, 2012.

2. Chesapeake Appalachia, LLC, Pad ID: Lorraine, ABR-201208002, Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 6, 2012.

3. Chesapeake Appalachia, LLC, Pad ID: Nina, ABR-201208003, Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 6, 2012.

4. Chesapeake Appalachia, LLC, Pad ID: Stethers, ABR-201208004, Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 6, 2012.

5. Chesapeake Appalachia, LLC, Pad ID: Harlan, ABR-201208005, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 6, 2012.

6. Chesapeake Appalachia, LLC, Pad ID: Whitney, ABR-201208006, Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 6, 2012.

7. Anadarko E&P Company, LP, Pad ID: Salt Run HC Pad A, ABR-201208007, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: August 10, 2012.

8. Anadarko E&P Company, LP, Pad ID: Kenneth L. Martin Pad A, ABR-201208008, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: August 10, 2012.

9. Anadarko E&P Company, LP, Pad ID: Ann C. Good Pad A, ABR-201208009, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: August 10, 2012.

10. Anadarko E&P Company, LP, Pad ID: Red Fox H&FC Pad B, ABR-201208010, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: August 10, 2012.

11. Energy Corporation of America, Pad ID: COP 324 A, ABR-201208011, Girard Township, Clearfield County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: August 10, 2012.

12. Chesapeake Appalachia, LLC, Pad ID: BKT, ABR-201208012, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 10, 2012.

13. Chesapeake Appalachia, LLC, Pad ID: Ronmary, ABR-201208013, Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 10, 2012.

14. XTO Energy Incorporated, Pad ID: PA Tract K, ABR-201208014, Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.500 mgd; Approval Date: August 24, 2012.

15. Range Resources-Appalachia, LLC, Pad ID: McWilliams Unit #6H—#10H Well Pad, ABR-201208015, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: August 24, 2012.

16. WPX Energy Appalachia, LLC, Pad ID: Keenan East Well Pad, ABR-201208016, Choconut Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: August 28, 2012.

17. WPX Energy Appalachia, LLC, Pad ID: Malling Well Pad, ABR-201208017, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: August 28, 2012.

18. Range Resources-Appalachia, LLC, Pad ID: Null-Bobst Unit #1H, ABR-201208018, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: August 28, 2012.

19. Carrizo (Marcellus), LLC, Pad ID: Ricci Well Pad, ABR-201208019, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: August 28, 2012.

20. Chesapeake Appalachia, LLC, Pad ID: Tufano, ABR-201208020, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 28, 2012.

21. Chesapeake Appalachia, LLC, Pad ID: Borek, ABR-201208021, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: August 28, 2012.

22. Cabot Oil & Gas Corporation, Pad ID: SalanskyT P1, ABR-201208022, Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: August 28, 2012.

23. Talisman Energy USA, Inc., Pad ID: 05 258 Kuhlman M, ABR-201208023, Windham Township, Bradford County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: August 28, 2012.

24. Chief Oil & Gas, LLC, Pad ID: Tague East Drilling Pad, ABR-201208024, Lemon Township, Wyoming County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: August 31, 2012.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: September 14, 2012.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 12-1931. Filed for public inspection September 28, 2012, 9:00 a.m.]

Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects during July 1, 2012, through August 31, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

Approvals By Rule Rescissions Under 18 CFR 806.22(f):

1. Gastem USA, Inc., Pad ID: Sheckells 1, ABR-201007044, Cherry Valley Town, Otsego County, NY; Rescind Date: July 5, 2012.
2. Covalent Energy, Inc., Pad ID: Ross 1, ABR-20090818, Maryland Town, Otsego County, NY; Rescind Date: July 5, 2012.
3. EOG Resources, Inc., Pad ID: Beardslee 1V, ABR-201008084, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
4. EOG Resources, Inc., Pad ID: BEARDSLEE 2H Pad, ABR-201008085, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
5. EOG Resources, Inc., Pad ID: CASEMAN 1H, ABR-201008103, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
6. EOG Resources, Inc., Pad ID: CASEMAN 2H, ABR-201008104, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
7. EOG Resources, Inc., Pad ID: Chapman Pad, ABR-201008125, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
8. EOG Resources, Inc., Pad ID: COP Pad A, ABR-20100531, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
9. EOG Resources, Inc., Pad ID: COP Pad B, ABR-20100645, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
10. EOG Resources, Inc., Pad ID: COP Pad C, ABR-201008027, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
11. EOG Resources, Inc., Pad ID: COP Pad J, ABR-201009022, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
12. EOG Resources, Inc., Pad ID: COP Pad N, ABR-201103001, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
13. EOG Resources, Inc., Pad ID: COP Pad O, ABR-201103030, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
14. EOG Resources, Inc., Pad ID: Dodge Pad, ABR-201008086, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
15. EOG Resources, Inc., Pad ID: Furman Pad, ABR-201008093, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

16. EOG Resources, Inc., Pad ID: GARVER Pad, ABR-201008053, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

17. EOG Resources, Inc., Pad ID: GEROULD Pad, ABR-201008109, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

18. EOG Resources, Inc., Pad ID: HALSTEAD Pad, ABR-201009060, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

19. EOG Resources, Inc., Pad ID: HOPPAUGH 1V, ABR-20091119, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

20. EOG Resources, Inc., Pad ID: Houseknecht 1H Pad, ABR-20090423.1, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

21. EOG Resources, Inc., Pad ID: Houseknecht 2H Pad, ABR-20090419, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

22. EOG Resources, Inc., Pad ID: Houseknecht 3H Pad, ABR-20090422, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

23. EOG Resources, Inc., Pad ID: JACKSON 1H Pad, ABR-20090053, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

24. EOG Resources, Inc., Pad ID: JBR PARTNERS 1V, ABR-20100555, Saint Marys City, Elk County, PA; Rescind Date: August 28, 2012.

25. EOG Resources, Inc., Pad ID: JOHNSON Pad, ABR-201008100, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

26. EOG Resources, Inc., Pad ID: JONES 1V, ABR-20091203, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

27. EOG Resources, Inc., Pad ID: KENYON 1V, ABR-20091235, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

28. EOG Resources, Inc., Pad ID: KINGSLEY 5H, ABR-201008080, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

29. EOG Resources, Inc., Pad ID: KINGSLEY 6H, ABR-201008081, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

30. EOG Resources, Inc., Pad ID: Kingsley 7V Pad, ABR-201008106, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

31. EOG Resources, Inc., Pad ID: Lee 4H, ABR-201008105, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

32. EOG Resources, Inc., Pad ID: LIDDELL 1H, ABR-20100157, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

33. EOG Resources, Inc., Pad ID: MacBride Pad, ABR-201008120, Smithfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

34. EOG Resources, Inc., Pad ID: Manzek Land Pad, ABR-201008063, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

35. EOG Resources, Inc., Pad ID: MATTOCKS 1V, ABR-20100655, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

36. EOG Resources, Inc., Pad ID: McKEE Pad, ABR-201008092, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

37. EOG Resources, Inc., Pad ID: MULLALY Pad, ABR-201009008, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.

38. EOG Resources, Inc., Pad ID: Otten Pad, ABR-201008047, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.
39. EOG Resources, Inc., Pad ID: PHC 10V Pad, ABR-20090719, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
40. EOG Resources, Inc., Pad ID: PHC 11V Pad, ABR-20090720, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
41. EOG Resources, Inc., Pad ID: PHC 20V Pad, ABR-20100156, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
42. EOG Resources, Inc., Pad ID: PHC 21V Pad, ABR-20100427, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
43. EOG Resources, Inc., Pad ID: PHC 23H/24H, ABR-20090917.1, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
44. EOG Resources, Inc., Pad ID: PHC 28H/29H, ABR-20090918.1, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
45. EOG Resources, Inc., Pad ID: PHC 3 Pad, ABR-20090424, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
46. EOG Resources, Inc., Pad ID: PHC 4H, ABR-20090501, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
47. EOG Resources, Inc., Pad ID: PHC 5H, ABR-20090502, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
48. EOG Resources, Inc., Pad ID: PHC 6H, ABR-20090721, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
49. EOG Resources, Inc., Pad ID: PHC 7H, ABR-20090722, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
50. EOG Resources, Inc., Pad ID: PHC 8H, ABR-20090723, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
51. EOG Resources, Inc., Pad ID: PHC 9H, ABR-20090503, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
52. EOG Resources, Inc., Pad ID: PHC Pad A, ABR-201000353, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
53. EOG Resources, Inc., Pad ID: PHC Pad AA, ABR-201110027, Goshen Township, Clearfield County, PA; Rescind Date: August 28, 2012.
54. EOG Resources, Inc., Pad ID: PHC Pad B, ABR-20100352, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
55. EOG Resources, Inc., Pad ID: PHC Pad Q, ABR-20100551, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
56. EOG Resources, Inc., Pad ID: PHC Pad R, ABR-20100690, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
57. EOG Resources, Inc., Pad ID: PHC Pad S, ABR-201009023, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
58. EOG Resources, Inc., Pad ID: PHC Pad T, ABR-201009039, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
59. EOG Resources, Inc., Pad ID: PHC Pad U, ABR-20100644, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
60. EOG Resources, Inc., Pad ID: PHC Pad Z, ABR-201103024, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
61. EOG Resources, Inc., Pad ID: PPHC Pad B, ABR-201103023, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
62. EOG Resources, Inc., Pad ID: ROBBINS Pad, ABR-201009005, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
63. EOG Resources, Inc., Pad ID: ROGERS 1H, ABR-20100512, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
64. EOG Resources, Inc., Pad ID: SG Pad P, ABR-201008035, Jones Township, Elk County, PA; Rescind Date: August 28, 2012.
65. EOG Resources, Inc., Pad ID: SGL 90A Pad, ABR-201008049, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
66. EOG Resources, Inc., Pad ID: SGL 90D Pad, ABR-201103021, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
67. EOG Resources, Inc., Pad ID: SGL 90F Pad, ABR-201011026, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
68. EOG Resources, Inc., Pad ID: SGL 94 Pad A, ABR-201009030, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
69. EOG Resources, Inc., Pad ID: SGL 94C Pad, ABR-201203008, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
70. EOG Resources, Inc., Pad ID: SGL 94D Pad, ABR-201203003, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
71. EOG Resources, Inc., Pad ID: SUTHERLAND CHEVROLET 1H, ABR-201011076, Lawrence Township, Clearfield County, PA; Rescind Date: August 28, 2012.
72. EOG Resources, Inc., Pad ID: W TYLER Pad, ABR-201008154, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
73. EOG Resources, Inc., Pad ID: WATSON Pad, ABR-201008154, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.
74. EOG Resources, Inc., Pad ID: WOOD 1H Pad, ABR-201008046, Ridgebury Township, Bradford County, PA; Rescind Date: August 28, 2012.
75. EOG Resources, Inc., Pad ID: Ward M 1H, ABR-20090421.1, Springfield Township, Bradford County, PA; Rescind Date: August 28, 2012.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: September 14, 2012.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 12-1932. Filed for public inspection September 28, 2012, 9:00 a.m.]

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Statement of Ownership, Management, and Circulation

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8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Legislative Reference Bureau 641 Main Capitol Building Harrisburg, PA 17120-0033					
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)					
Publisher (Name and complete mailing address) Mary Jane Phelps Pennsylvania Bulletin (Same as above)					
Editor (Name and complete mailing address) Laura Campbell Pennsylvania Bulletin (Same as above)					
Managing Editor (Name and complete mailing address) None					

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
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Legislative Reference Bureau	Legislative Reference Bureau
641 Main Capitol Building	641 Main Capitol Building
Harrisburg, PA 17120-0033	Harrisburg, PA 17120-0033

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box None

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12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
 Has Not Changed During Preceding 12 Months
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

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15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		1,998	1,753
b. Paid Circulation (By Mail and Outside the Mail)	(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	1,696	1,451
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f. Total Distribution (Sum of 15c and 15e)		1,696	1,451
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		302	302
h. Total (Sum of 15f and g)		1,998	1,753
i. Percent Paid (15c divided by 15f times 100)		100	100

16. Publication of Statement of Ownership
 If the publication is a general publication, publication of this statement is required. Will be printed in **September 29, 2012** issue of this publication.
 Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner
Laura Campbell, Editor Date **9.26.12**

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