

PENNSYLVANIA BULLETIN

Volume 45

Number 26

Saturday, June 27, 2015 • Harrisburg, PA

Pages 3301—3540

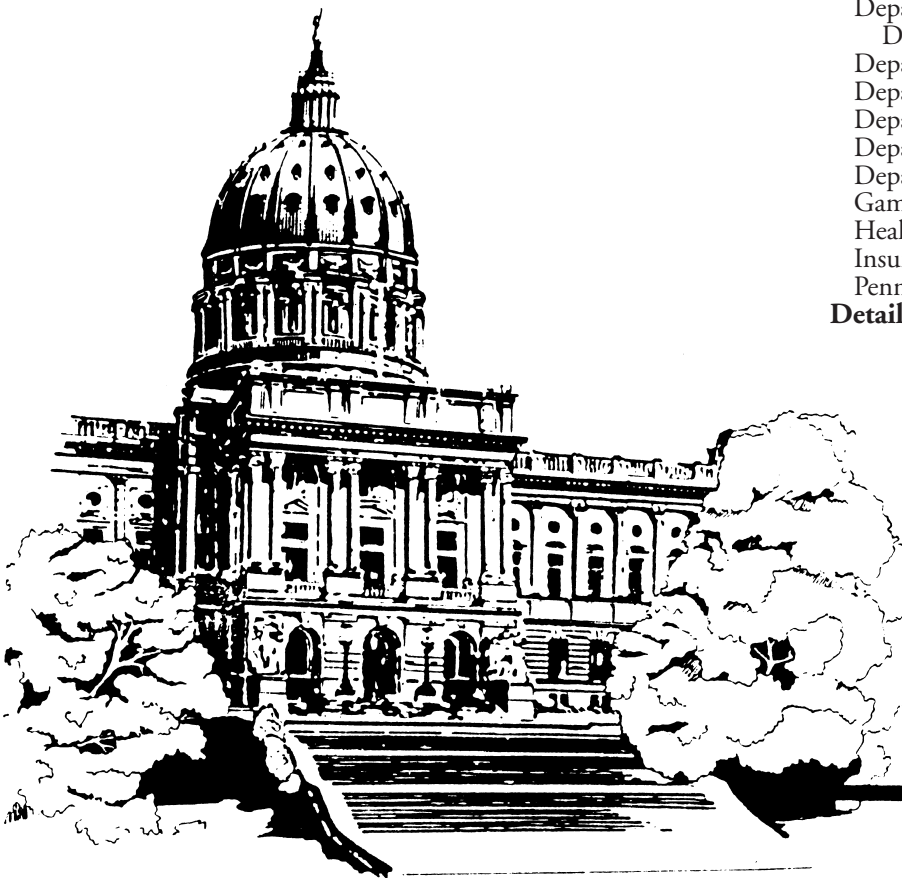
See Part II page 3457 for
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Adoption of Amendment 3 to
the 7th Edition Sentencing Guidelines

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Department of Community and Economic
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Department of Human Services
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Game Commission
Health Care Cost Containment Council
Insurance Department
Pennsylvania Public Utility Commission

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

No. 487, June 2015

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BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$82.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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 a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

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THE COURTS

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Rule of Judicial Administration 1903; No. 1126 of 2015 GD

Order

And Now, this 11th day of June, 2015, it is hereby Ordered, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, Fayette County Rule of Judicial Administration 1903 be adopted as follows.

The Prothonotary is directed as follows:

- (1) File one certified copy of the Local Rule with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy shall be sent to the Fayette County Law Library.
- (4) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 1903. Fee Schedule.

Pursuant to Section 5.00 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts, the fee for photocopying the official case records of the magisterial district courts shall be \$0.25 per page and exact postage shall be charged when official case records are requested to be mailed. The fee schedule shall be publicly posted.

[Pa.B. Doc. No. 15-1197. Filed for public inspection June 26, 2015, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order; Local Rules of Court; No. 2015-J-27

Order of Court

And Now, this 12th day of June 2015, it is hereby Ordered that effective 30 days after publication in the *Pennsylvania Bulletin*, the following Lehigh County Family Court Rules are *Rescinded*,

Rule 1915.3 Commencement of the Action

Rule 1915.4-5 Continuances

Rule 1915.4-6 Attorney Appearances

Rule 1915.8 Disclosure of Expert Evaluations of Persons and Residences in Custody, Partial Custody or Visitation Actions

Rule 1915.12 Civil Contempt for Disobedience of Custody Order

Rule 1915.13 Special Relief

Rule 1915.19 Co-Parent Education Program

It is further *Ordered* that effective 30 days after publication in the *Pennsylvania Bulletin*, the following Lehigh County Family Court Rules are *Adopted*:

Rule 1915.3. Commencement of Action. Complaint. Order. Co-Parent Education.

(a) Prior to filing a complaint, petition for modification, or petition for contempt, the moving party shall obtain a scheduling order from Family Court Administration which shall direct the appearance of the parties for a mandatory office conference at Room 325, Lehigh County Courthouse, 455 W. Hamilton St., Allentown, PA 18101.

(b) Voluntary mediation shall be offered, except where there are allegations of domestic violence.

* * * * *

(f) If the case has been assigned to a judge, the name of the assigned judge shall be stated in the caption of all pleadings or filings.

(g) All parties to a custody action shall complete a program entitled Co-Parent Education Program, hereinafter referred to as COPE.

(1) Plaintiff shall register for and attend COPE within sixty days of filing the complaint. Defendant shall register for and attend COPE within sixty days of service of the complaint.

(2) Failure to comply with an Order to attend COPE may result in a finding of contempt and appropriate sanctions.

Rule 1915.4. Prompt Disposition of Custody Cases. Attorney Appearance. Continuance.

(a) Complaints for custody, petitions for modification, and petitions for contempt shall be scheduled for an office conference, except where agreements have been reached in mediation. Conferences shall proceed in accordance with Pa.R.C.P. 1915.4-2(a) and Lehigh County Rule of Civil Procedure 1915.4-2(a).

(b) If an agreement is not reached at the conference,

(1) Claims for partial physical custody shall be scheduled for hearing before a hearing officer in accordance with Pa.R.C.P. 1915.4-2;

(2) Claims for contempt shall be scheduled for hearing before a judge; and

(3) Claims for legal custody and claims for primary or shared physical custody shall be scheduled for trial before a judge.

* * * * *

(f) An attorney shall file a praecipe for entry of appearance with the Clerk of Judicial Records before appearing on behalf of a litigant. The entry of an appearance shall

continue in effect for all aspects of the custody action until withdrawn pursuant to Pa.R.C.P. 1012 or Pa.R.C.P. 1930.8.

(g) All applications for continuance shall be made by the attorney of record or self-represented litigant using the Family Court Division Application for Continuance form and presented to Family Court Administration. A party dissatisfied with the continuance decision of a hearing officer or the family court administrator may appeal the decision to the assigned judge, or if no judge is assigned, to the family court motions judge.

Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody Actions.

(a) All claims for partial custody shall be conducted in accordance with Pa.R.C.P. 1915.4-2.

Rule 1915.4-2. Partial Custody. Office Conference. Hearing Record. Exceptions. Order.

(a) *Office Conference*

* * * * *

(5) The office conference is a non-record proceeding.

(b) *Hearing*

(1) If the moving party fails to appear for the hearing, the hearing officer shall dismiss the pleading. If the non-moving party fails to appear for the hearing, the hearing officer shall proceed with the hearing.

(2) Information on the procedure for filing exceptions and the costs associated therewith shall be sent with the proposed order and the report of hearing officer to counsel of record and to each party. Upon the filing of exceptions, Family Court Administration shall issue an order scheduling the matter for argument within 45 days and directing the party filing exceptions to obtain a hearing transcript.

(c) *Participation in conference and hearing*

(1) Parties shall attend the conference and hearing. Children shall not attend unless directed to do so by the hearing officer sua sponte or upon written request of either party. A request to participate by telephone shall be made in writing to the assigned hearing officer and shall only be granted upon good cause shown.

Rule 1915.4-3. Primary Custody. Non-Record Proceedings. Trial.

(c) If an agreement regarding legal custody or primary or shared physical custody is not reached at the conference, the hearing officer shall prepare a memorandum for the court and parties setting forth relevant information about the parties and a summary of the information presented at the conference.

Rule 1915.7. Consent Order.

(a) A written agreement for custody may be presented to Family Court Administration for a consent order under this Rule.

Rule 1915.8. Physical and Mental Examination of Persons.

* * * * *

(e) A party to a custody action shall not disclose the contents of an expert report prepared pursuant to Pa.R.C.P. 1915.8, including home study evaluations and physical, mental, drug and/or alcohol evaluations, to anyone except his/her attorney, another party, or an expert consultant. Disclosure to an unauthorized person, including the child who is the subject of the action, may

result in sanctions. An attorney who provides such a report to a party whom he represents, or the custody hearing officer who provides such a report to an unrepresented party, shall advise the party in writing of the limits on disclosure imposed by this rule.

(f) All home study evaluations and physical, mental, drug and/or alcohol evaluations filed with the court shall be sealed by the Clerk of Judicial Records and shall be unsealed only by an order of court.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order.

(a) Prior to filing a petition for civil contempt, the moving party shall obtain a scheduling order from Family Court Administration which shall direct the appearance of the parties for office conference at Room 325, Lehigh County Courthouse, 455 W. Hamilton St., Allentown, PA 18101.

(b) Parties shall attend the conference; children shall not attend unless directed to do so by the hearing officer sua sponte or upon written request of either party. A request to participate by telephone shall be made in writing to the assigned hearing officer and shall only be granted upon good cause shown.

(c) If the contempt matter is not resolved at the conference, it shall be scheduled for a hearing before a judge.

Rule 1915.13. Special Relief.

(a) A petition for special relief requires the simultaneous filing of either 1) a complaint for custody when the petition seeks to establish custody or 2) a petition for modification when the petition seeks to change an existing custody order. The complaint or petition for modification shall be scheduled in the normal course of operations.

(b) A party seeking special relief may present a petition to Family Court Administration for scheduling or present a petition pursuant to Lehigh County Rules of Civil Procedure.

(c) The party seeking relief shall serve the filed petition and file proof of service prior to the hearing in accordance with Pennsylvania Rules of Civil Procedure.

(d) Relief granted without notice of hearing to the opposing party or parties shall be an interim order. The court shall direct the scheduling of a hearing after notice is provided to the opposing party.

Rule 1915.17. Relocation.

* * * * *

(e) Prior to filing a Petition to Confirm Relocation pursuant to Pa.R.C.P. 1915.17(e), the moving party shall obtain a date and time for hearing from Family Court Administration.

(f) Any party requesting a hearing as set forth in Pa.R.C.P. 1915.17(f), (g), or (h) shall, in addition to the requirements of the Rule, file a Request for Relocation Hearing on forms provided by Family Court Administration. The parties shall initially be directed to appear for conference before a custody hearing officer.

By the Court

CAROL K. MCGINLEY,
President Judge

[Pa.B. Doc. No. 15-1198. Filed for public inspection June 26, 2015, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 10, 2015, Daniel Gregory Simmons (# 202187) is Disbarred on Consent from the practice of law in this Commonwealth, retroactive to July 3, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 15-1199. Filed for public inspection June 26, 2015, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 137b]

Preferential Assessment of Farmland and Forest Land under the Clean and Green Act

The Department of Agriculture (Department) amends Chapter 137b (relating to preferential assessment of farmland and forest land under the Clean and Green Act) to read as set forth in Annex A.

Purpose of this Final-Form Rulemaking

The final-form rulemaking implements the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P. S. §§ 5490.1—5490.13), commonly referred to as the Clean and Green Act (act). In summary, the act allows owners of agricultural use, agricultural reserve or forest reserve land to apply for preferential assessment of their land. If an application is approved, the subject land receives an assessment based upon its use value, rather than its market value.

Statutory Authority

The final-form rulemaking is adopted under authority of section 11 of the act (72 P. S. § 5490.11), which requires the Department to promulgate regulations necessary to promote the efficient, uniform, Statewide administration of the act.

Need for the Final-Form Rulemaking

The final-form rulemaking adds definitions and makes amendments to implement the most recent amendments to the act. These amendments are: the act of December 8, 2004 (P. L. 1785, No. 235) (Act 235); the act of October 27, 2010 (P. L. 866, No. 88) (Act 88); the act of November 23, 2010 (P. L. 1095, No. 109) (Act 109); the act of July 7, 2011 (P. L. 212, No. 34) (Act 34); the act of July 7, 2011 (P. L. 213, No. 35) (Act 35); and the act of October 24, 2012 (P. L. 1499, No. 190) (Act 190).

The final-form rulemaking adds language to resolve questions the Department has encountered in the administration of the act. It also defines several commonly used terms to help avoid confusion and create a more uniform interpretation and application of the act and the regulations. In addition, the final-form rulemaking provides new language describing how farmstead land is to be enrolled and assessed, addresses the types of recreational activities that can be conducted upon enrolled land without adverse financial consequences for the landowner and corrects the regulation describing the process by which roll-back taxes are to be calculated.

In summary, the Department is satisfied there is a need for the final-form rulemaking and that it is otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

Description of the Final-Form Rulemaking

In its comments regarding the proposed rulemaking, the Independent Regulatory Review Commission (IRRC) offered that the summary presented in the preamble to that document did not provide IRRC adequate information to determine whether the rulemaking is in the public interest. IRRC asked that the preamble to the final-form rulemaking provide an adequate description of the sec-

tions of the rulemaking and the rationale behind the language being added or deleted. The following section-by-section description is offered in response.

§ 137b.2. Definitions

The term "agricultural commodity" is defined in the act and was most recently amended by Act 190, which added "compost" to the list of items that constitute an agricultural commodity. The amendment to this definition brings it into alignment with its statutory counterpart in section 2 of the act (72 P. S. § 5490.2).

The terms "agricultural reserve," "agricultural use" and "forest reserve" are defined in the act and were most recently amended by Act 88. The amendments to these definitions bring them into alignment with their statutory counterparts.

The terms "agritainment" and "county commissioners" were added to the act by Act 235. The definitions in this section repeat the statutory definitions.

The terms "alternative energy system" and "Tier I energy source" were added to the act by Act 88. The definitions in this section repeat the statutory definitions.

The terms "change of use" and "division by conveyance or other action of the owner" are used in the act, but are not defined. The definitions adopted in the final-form rulemaking are interrelated. They also identify the types of actions that do not constitute either "change of use" or "division by conveyance or other action of the owner." The Department's objective is to clarify that the subdivision of land, the sale of land to a different landowner or the intention of the landowner with respect to the ultimate use of the land do not determine whether the use of the land has changed to something other than agricultural use, agricultural reserve or forest reserve, or whether a separation or split-off has occurred on the enrolled land. These definitions address questions that have arisen as the Department has administered the act over the years, and should serve to clarify that the terms refer to actual changes in the physical use to which the enrolled land is being put.

The term "compost" was added to the act by Act 190. The definition in this section repeats the statutory definition.

The term "direct commercial sales" was added to the final-form rulemaking in response to a recommendation from IRRC that is described in greater detail in Comment 41 as follows.

The term "land use subcategory" is amended to make clear that county-specific average timber values provided to county assessors by the Department each year fall within the definition. This clarification is discussed in greater detail in Comment 35 as follows.

The final-form rulemaking adds a citation to the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326), since a reference to this statute was added to section 6(c.4)(1) of the act (72 P. S. § 5490.6(c.4)(1)) by Act 34 and a reference also appears in § 137b.73c (relating to small noncoal surface mining).

The final-form rulemaking adds a citation to 58 Pa.C.S. §§ 3201—3274 (relating to development), since a reference to this statute was added to section 6(c.1)(3) of the act by Act 88 and references appear in § 137b.73a (relating to gas, oil and coal bed methane).

The term “outdoor recreation” is used in the statutory definition of “agricultural reserve.” Land that is enrolled under the agricultural reserve land use category must be open to the public for outdoor recreation. The final-form rulemaking clarifies the definition of “outdoor recreation” by: (1) providing examples of various types of passive recreational uses that constitute outdoor recreation; and (2) placing the same limitations on the operation of motor vehicles in the statutory definition of “recreational activity.”

The term “recreational activity” was added to the act by Act 235, as were references to that term in sections 3(f) and 8(f) of the act (72 P.S. §§ 5490.3(f) and 5490.8(f)). The final-form rulemaking repeats the statutory definition. In summary, Act 235 made clear that preferential assessment of enrolled agricultural use land or forest reserve land is not breached, and roll-back tax liability is not triggered, if that land is used for recreational activity.

The term “rural enterprise incidental to the operational unit” is amended by reformatting it into numbered paragraphs for easier reading and adding the requirement from section 8(d)(1)(i) of the act that these enterprises be owned and operated by the landowner or persons who are Class A beneficiaries for inheritance tax purposes. This amendment establishes a definition that is more complete and consistent with the act.

The act defines “agricultural commodity” as including silvicultural products, but does not define these products. The definition of “silvicultural products” in the final-form rulemaking seeks to distinguish between actively-cultivated tree or tree product operations and trees or tree-derived products from forest land. The significance of this distinction is that if land is used for the production of silvicultural products then: (1) it fits within the definition of “agricultural use” land and will be assessed as agricultural use land rather than as forest reserve land; and (2) farmstead land on agricultural use land automatically receives preferential assessment while farmstead land on forest reserve land might not. The examples in the definition reflect factual situations the Department has encountered in its administration of the act, and help clarify the line drawn by the definition.

§ 137b.12. *Agricultural use*

Act 88 revised the statutory definition of “agricultural use” land to include land devoted to the development and operation of an alternative energy system “if a majority of the energy annually generated is utilized on the tract.” Section 137b.12(3) (relating to agricultural use) that restates the statutory language regarding alternative energy systems and makes the regulation more consistent with the act. Section 137b.12 also includes eight new examples. The Department believes that the inclusion of examples—particularly ones that relate to new or recent revisions to the act or that include fact situations the Department has encountered in its administration of the act over the years—provides the regulated community helpful guidance in navigating the complex subject matter of the act.

IRRC noted that the Department seeks to amend § 137b.12 and §§ 137b.13 and 137b.14 (relating to agricultural reserve; and forest reserve) by adding language that includes the “if a majority of the energy annually generated is utilized on the tract” language referenced in the preceding paragraph. IRRC asked that this preamble “. . . explain how this provision will be implemented.”

Although several commentators made requests similar to IRRC’s and the Department addresses these in its

responses to Comments 3 and 15 as follows, the Department notes that none of these commentators was a county assessor or landowner who actually encountered a problem in navigating this standard in the nearly 4 years this standard has been in effect. At this point, the Department does not believe it is necessary to attempt to establish specific standards of proof that must be met for a landowner to demonstrate that a majority of the energy annually generated from an alternative energy system is utilized on the same enrolled tract where that system is located. In some instances, compliance with this standard will be self-apparent, such as where the lines carrying the energy do not connect to lines that extend off the tract. In some instances the utility bills received by the landowner may contain adequate information to discern the amount of energy generated on a tract and the amount of energy consumed on that same tract. In other instances there may be records or readouts that are generated or available at the location of the alternative energy system to show energy production, which can be compared to utility bills showing the amount of energy used on the tract. The Department believes that county assessors and landowners are employing flexibility and common sense in demonstrating or confirming compliance with the referenced standard. Going forward, the Department will monitor whether issues arise with respect to the referenced standard, and will revisit this subject and consider establishing formal standards of proof should that become necessary.

§ 137b.13. *Agricultural reserve*

Act 88 revised the statutory definition of “agricultural reserve” land to include land devoted to the development and operation of an alternative energy system “if a majority of the energy annually generated is utilized on the tract.” The final-form rulemaking adds a provision in § 137b.13 that restates the statutory language regarding alternative energy systems and makes the regulation more consistent with the act.

§ 137b.14. *Forest reserve*

Act 88 revised the statutory definition of “forest reserve” land to include land devoted to the development and operation of an alternative energy system “if a majority of the energy annually generated is utilized on the tract.” The final-form rulemaking adds a provision in § 137b.14 that restates the statutory language regarding alternative energy systems and makes the regulation more consistent with the act.

§ 137b.15. *Inclusion of farmstead land*

Section 3(a) of the act makes clear that farmstead land on a tract of agricultural use, agricultural reserve or forest reserve land is to be counted toward the total acreage of that tract. The final-form rulemaking adds examples to § 137b.15(a) (relating to inclusion of farmstead land) to illustrate this point and show how this applies consistently among each of the three land use categories: agricultural use, agricultural reserve and forest reserve.

When former § 137b.15(b) was promulgated in 2001, farmstead land was preferentially assessed without regard to whether it was located on enrolled agricultural use land, agricultural reserve land or forest reserve land. Subsequent amendments of the act, including Act 235, have changed that. Although farmstead land on enrolled agricultural use land continues to automatically receive preferential assessment, there are now only limited circumstances under which farmstead land on enrolled agricultural reserve or forest reserve land can be prefer-

entially assessed. Final-form § 137b.15(c) and (d) describes or identifies these circumstances. This amendment brings the regulation into alignment with the act and provides clear guidance with respect to the circumstances under which farmstead land may/must be preferentially assessed.

§ 137b.51. *Assessment procedures*

In its comments regarding proposed amendments to § 137b.51 (relating to assessment procedures), IRRC summarized certain comments offered by the Pennsylvania Farm Bureau (PFB) and requested that this preamble explain how the provisions of the act addressing farmstead land are to be implemented and how the final-form rulemaking is consistent with the act. These comments are addressed as follows and in Comments 30 and 33 as follows.

Act 235 made significant changes to the assessment of farmstead land on enrolled agricultural reserve or forest reserve land. The amendments to § 137b.51 implement these changes.

Although farmstead land on enrolled agricultural use land retains preferential assessment, that same preferential assessment does not automatically occur if the farmstead land is located on enrolled agricultural reserve or forest reserve land. The amendments to § 137b.51 address each of the three circumstances under which farmstead land on enrolled agricultural reserve or forest reserve land may be preferentially assessed. In summary, this preferential assessment may only occur when: (1) the county commissioners have adopted an ordinance including farmstead land in the total use value for land in agricultural reserve or forest reserve, or both, in accordance with section 3(g) of the act; (2) a majority of the land in the subject application for preferential assessment is enrolled as agricultural use land in accordance with section 4.2(d)(2)(i) of the act (72 P. S. § 5490.4b(d)(2)(i)); or (3) an application for preferential assessment contains noncontiguous tracts, and a majority of the land on the tract where the farmstead land is located is agricultural use land in accordance with section 4.2(d)(2)(ii) of the act.

Final-form § 137b.51 also contains a number of examples. These are intended to illustrate how the changes wrought by Act 235 are to be implemented by county assessors. The provisions of the final-form rulemaking regarding farmstead land are entirely consistent with the act.

§ 137b.52. *Duration of preferential assessment*

Act 109 added section 8.1 of the act (72 P. S. § 5490.8a) identifying the circumstances under which land may be removed from preferential assessment by the landowner. Section 137b.52 (relating to duration of preferential assessment) repeats the substance of section 8.1 of the act. The Department's objectives in including this new language are to make the final-form regulation more complete and user-friendly, and to obviate the need for the reader to refer to the act for the information provided in § 137b.52.

§ 137b.53. *Calculation and recalculation of preferential assessment*

Section § 137b.53 (relating to calculation and recalculation of preferential assessment) is amended to be more consistent with the act.

Former § 137b.53 predates Act 235. As described in greater detail in the previous explanation of § 137b.51, Act 235 effectively did away with the across-the-board preferential assessment of farmstead land on agricultural

reserve and forest reserve land and prescribed specific circumstances under which this preferential assessment can occur. This necessitates the Department deleting language from § 137b.53 that was rendered inaccurate by Act 235.

Subsection (g) is added to require the recalculation of preferential assessment of a tract of forest reserve land if: (1) the county assessor calculated the assessment of that tract using a county-specific average timber value provided by the Department; and (2) the landowner provides the county assessor documentation that the actual value of the timber on the subject tract is less than the value that was estimated using the county-specific average timber value. This is discussed in depth in Comment 35 as follows.

§ 137b.72. *Direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit*

Act 190 amended section 8(d)(3) of the act to allow for the direct commercial sale of agriculturally related products on enrolled land without triggering roll-back tax liability if: (1) the sales occur on 1/2 acre or less of land; (2) utilities or new buildings are not required; and (3) the majority of these products are produced on the farm. Section 137b.72 (relating to direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit) is amended to reflect this statutory change.

§ 137b.73a. *Gas, oil and coal bed methane*

In summary, §§ 137b.73a—137b.73d establish a regulatory beachhead addressing specific statutory revisions that have occurred since Chapter 137b was last amended. In each instance it is the intention of the Department to: (1) add the subject matter of each amendment to the regulation so the regulation is more user-friendly and the regulated community does not have to refer to the act to find that subject matter; (2) rephrase or reorganize the subject matter of these amendments to make the regulation more understandable; and (3) add several examples to pre-emptively address questions the Department believes might reasonably arise as these amendments are implemented over time. The Department expects that as county assessors, landowners and the Department gain experience in administering and implementing these statutory amendments, the Department will revisit these regulatory provisions to make refinements and add more examples based on that experience.

Acts 35 and 88 amended the act to address the impact of gas, oil and coal bed methane exploration and extraction on enrolled land. These amendments also added references to the appurtenant facilities—such as roads, bridges, pipelines, hydrofracturing retention ponds, and the like—that are attendant to this exploration and extraction and the impacts of these structures or activities on preferential assessment and roll-back tax liability. Section 137b.73a restates the substance of these amendments and provides some examples to help landowners, county assessors and owners of gas, oil and coal bed methane rights better understand the impact of these amendments.

Section 137b.73a restates section 6(c.1)(1)—(4) of the act. The examples in subsection (b) illustrate how important the date of the grant of some/all of the gas and oil extraction rights is to the determination as to whether roll-back tax liability is triggered, and that the grant of something less than 100% of these rights does not alter roll-back tax treatment.

§ 137b.73b. *Temporary leases for pipe storage yards*

Section 137b.73b (relating to temporary leases for pipe storage yards) describes the circumstances under which enrolled land may be leased for up to 2 years for pipe storage yards, a use that facilitates coal bed methane extraction. This provision is almost a verbatim restatement of section 6(c.3) of the act that was added by Act 88.

§ 137b.73c. *Small noncoal surface mining*

Act 34 amended section 6(c.4) of the act to allow an owner of enrolled land to lease or devote a portion of that land to “small noncoal surface mining” in accordance with the Noncoal Surface Mining Conservation and Reclamation Act. Roll-back taxes are due with respect to land devoted to this use, but preferential assessment continues on the remainder. Section 137b.73c restates this statutory change.

§ 137b.73d. *Wind power generation systems*

Act 109 amended section 6(c.5) of the act to allow for certain wind power generation systems on enrolled land and to impose adverse roll-back tax consequences that are limited only to the land that is actually devoted to wind power generation purposes. Subsections (a) and (b) restate the statutory language.

Subsection (c) is added to make clear that a wind power generation system is a Tier I energy source that can be established and operated on enrolled land without triggering adverse roll-back tax consequences if a majority of the energy annually generated is utilized on the enrolled tract on which the wind power generation system is located. Under these circumstances, the land on which the system is located remains, by statutory definition, agricultural use, agricultural reserve or forest reserve land entitled to preferential assessment.

§ 137b.74. *Option to accept or forgive roll-back taxes in certain instances*

Amendments to § 137b.74 (relating to option to accept or forgive roll-back taxes in certain instances) correct a provision that is not consistent with the act.

Section 8(b) of the act affords a taxing district the discretion to decline to accept roll-back taxes if the roll-back tax liability was triggered by a change of use of the enrolled land caused by the granting or donating of some portion of that land to a school district, a municipality, a county, a volunteer fire company, a volunteer ambulance service or a charitable corporation organized under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C.A. § 501(c)(3)).

The former regulation only provided a taxing district the discretion to forgive roll-back taxes “with respect to that portion of the enrolled land that is granted or donated . . .” In other words, if a landowner had a 50-acre enrolled tract and donated 11 acres to volunteer fire company and roll-back tax liability was triggered with respect to the entire 50-acre tract, the former regulation stated that the taxing district could only forgive roll-back taxes with respect to the 11-acre donated tract, while the act clearly would allow the taxing district to forgive roll-back taxes with respect to the entire 50 acres. The final-form rulemaking corrects that inconsistency.

§ 137b.77. *Recreational activities on agricultural use or forest reserve land*

Act 235 added a definition of “recreational activity” to the act and section 8(f) of the act clarifies that recreational activity on enrolled agricultural use or forest reserve land does not breach preferential assessment as

long as the recreational activity does not prevent the land from being immediately put to agricultural use (if the enrolled land is agricultural use land) or permanently render the land incapable of producing timber (if the enrolled land is forest reserve land). It also specifies that this is the case regardless of whether a fee or charge is attached to the recreational activity. Section 137b.77 (relating to recreational activities on agricultural use or forest reserve land) restates the statutory language. As is the case with many of the amendments previously described, the Department’s objective is to include the subject matter of this section to make the regulation more complete and user-friendly.

§ 137b.81. *General*

In its comments with respect to proposed § 137b.81 (relating to general), IRRRC summarized certain comments offered by the PFB, agreed with the commentator and offered that the proposed addition of “in accordance with applicable sections of the act” creates confusion. In response, the Department deleted this phrase from the final-form rulemaking.

IRRC also asked that this preamble present the reason the Department is adding other language to this section, and an explanation of whether the new language is consistent with the act and in the public interest. IRRRC’s concerns are addressed in Comments 56 and 57 as follows.

The Department added language to § 137b.81 to make clear that the transfer of the land enrolled under a single application for preferential assessment does not, by itself, trigger roll-back tax liability or end preferential assessment. Should the successor landowner change the use of the land to something other than agricultural use, agricultural reserve or forest reserve, though, that successor landowner is liable for roll-back taxes triggered by that change of use.

The language added to § 137b.81 originates in section 6(a.3) of the act, and makes the regulation more consistent with the act. In addition, the Department has encountered several instances when a tract of enrolled land was transferred to a person (such as a developer) whose long-term intention was to convert the land to some use other than agricultural use, agricultural reserve or forest reserve. The new language helps make clear that the transfer does not trigger roll-back tax liability or impact preferential assessment, or both, but that a subsequent change of use would.

§ 137b.82. *Split-off tract*

The addition of language to § 137b.82 (relating to split-off tract) affirmatively limits the total amount of acreage that can be split-off without triggering roll-back tax liability on the entire enrolled tract to the lesser of 10% or 10 acres of the enrolled tract.

The final-form rulemaking also reminds landowners to engage with the county assessor in advance of a planned split-off to determine the extent to which the split-off would be allowed without triggering adverse roll-back tax consequences with respect to the entire enrolled tract. This is particularly important when an enrolled tract has been separated into several tracts since it was originally enrolled or when there have been previous split-offs with respect to the enrolled tract. This reporting requirement is prescribed by section 4(c) of the act.

An example is added to § 137b.82. This example was driven by a comment from Senator Gene Yaw, a prime sponsor of Act 88, who offered language to emphasize that

if an owner of land that is enrolled and receiving preferential tax assessment splits-off a portion of that enrolled land, and that split-off complies with the requirements in section 6(a.1)(1)(i) of the act, then roll-back taxes are only due with respect to the split-off portion of the enrolled land, and not with respect to the entire tract of enrolled land. As detailed in Comment 60 as follows, Senator Yaw acknowledges that Act 88 was driven, in part, by a 2009 Commonwealth Court decision which suggested there was some ambiguity on this point.

§ 137b.87. *Change in use of separated land occurring within 7 years of separation*

The Department proposed to delete the last sentence of § 137b.87 (relating to change in use of separated land occurring within 7 years of separation). However, this amendment has been withdrawn. This is in response to a comment offered by the PFB and discussed in Comment 63 as follows.

§ 137b.89. *Calculation of roll-back taxes*

Section 137b.89 (relating to calculation of roll-back taxes) is amended to delete language in an example stating that, in calculating roll-back taxes with respect to the current tax year, a county assessor should prorate those taxes. This was an erroneous statement, and this error was noted by the Commonwealth Court in its 2002 opinion in *Moyer vs. Berks County Board of Assessment Appeals* (803 A.2d 833). In *Moyer*, the Commonwealth Court found that it could not conclude the act was intended to allow the proration of roll-back taxes to one moment in the year of the breach.

§ 137b.112. *Submission of information to the Department*

Act 235 added section 5(a)(5) of the act (72 P.S. § 5490.5(a)(5)) detailing specific types of information a county assessor is required to report to the Department by January 31 each year. This information relates to acreage enrolled in each land use category, acreage enrolled in the previous year, acreage with respect to which preferential assessment was terminated within the previous year and the roll-back taxes and interest received in the previous year.

Section 137b.112 (relating to submission of information to the Department) is amended to include specific references to these statutory requirements. The amendment provides a county assessor a clearer idea of the exact information that must be compiled and the date by which it must be submitted to the Department.

Comments

Notice of proposed rulemaking was published at 43 Pa.B. 4344 (August 3, 2013), affording the public, the General Assembly and IRRC the opportunity to offer comments.

Comments were received from IRRC, Senator Gene Yaw, the County Commissioners Association of Pennsylvania (CCAP), the PFB, the Lancaster County Assessment Office, the Sullivan County Assessment Office, the Tioga County Assessment Office (TCAO) and others. Although several commentators submitted their comments after the close of the public comment period, the Department elects to treat these late comments as if they were timely. The comments and the Department's responses follow.

Comment 1: A commentator offered that the preamble to the proposed rulemaking addressed the expected impact of the regulations on the private sector, and recommended that language also "... recognize the tax relief of

enrolled properties is a burden shifted to those properties not eligible or enrolled into the program." The commentator asked what cumulative fiscal impact the act will have on properties that are not enrolled and receiving a preferential assessment, and asked what percentage of the tax burden is borne by properties that are not enrolled and receiving a preferential assessment.

Response: The Department disagrees with the commentator's premise that the preferential assessment of enrolled land shifts the tax burden so that properties that are not enrolled are somehow subsidizing those that are enrolled. The opposite is generally the case, even with respect to preferentially assessed land.

In its research paper "Fiscal Impacts of Different Land Uses—The Pennsylvania Experience in 2006," the Pennsylvania State University (PSU) researchers studied a sample of townships in this Commonwealth. The researchers noted that:

The overall fiscal impact of a land use depends on both its revenue and its expenditure impacts. A land use may generate a lot of revenue for the local government, for example, but if the services it requires cost the municipality and school district even more, it will end up costing local taxpayers. . .

The PSU researchers found that "... residential land on average contributed less to the local municipality and school district than it required back in expenditures." By contrast, the study found that farm and open space land received a return in dollar-value-of-services of between 2¢ and 27¢ for every dollar of tax revenue it provided, supporting the PSU researchers' conclusion that:

... residential land generally costs taxpayers, while commercial, industrial, farm and open space lands help taxpayers by paying more than they require back in services. These results are consistent with other states' experiences and with other Cost of Community Service studies from across the country, including twelve similar studies conducted in Pennsylvania in the 1990s. . .

The Department agrees with the PSU researchers' conclusion with respect to enrolled land, which noted:

Some farmland protection programs, such as Clean and Green, reduce the amount of real estate tax paid by farmers. This lessens the revenue that farmland contributes to the school district and municipality. The results in several townships, that had land enrolled in Clean and Green, demonstrates that even when these programs are in use in a township, farmland still contributes more than it requires. Even with preferential assessments, farmland ends up subsidizing the educational costs of residential land and plays a positive economic role in the community.

This preamble contains additional information on the expected impacts of the final-form rulemaking.

Comment 2: A commentator recommended that § 137b.1 (relating to purpose) be amended by adding an additional sentence at the end of subsection (b). The sentence was originally included in the proposed rulemaking published at 30 Pa.B. 4573 (September 2, 2000) proposing to add Chapter 137b, which stated "[t]he intent of the act is to protect the owner of enrolled land from being forced to go out of agriculture, or sell part of the land to pay taxes."

The commentator suggested the addition of this sentence would be more in-line with the original intent of the act. The commentator also offered examples and argu-

ment in support of his assertion that every application for preferential assessment should be evaluated by a committee of farmers to determine whether granting preferential assessment would serve an agricultural purpose.

The commentator also recommended that there be coordination with conservation easement programs to identify and preserve parcels deemed valuable to the public.

Response: Section 137b.1(a) essentially restates the long title of the act, which provides a general overview of the legislative intent and which does not reference preventing an owner of enrolled land from going out of agriculture or having to sell enrolled land. The Department believes the general statement as to the purpose of the act accurately describes the stated intent of the General Assembly.

In addition, the act does not provide for a review committee as suggested by the commentator.

The commentator's suggestion that there be coordination with agricultural conservation easement programs to preserve valuable parcels is already in practice to the extent that, in addition to affording preferential assessments in accordance with the act, at least 57 counties participate in the agricultural conservation easement purchase program established under the Agricultural Area Security Law (3 P.S. §§ 901—915). Owners of agricultural land can apply to sell an agricultural conservation easement that restricts the use of the subject land to agricultural production in perpetuity. Applications are subjected to a competitive review process and are ranked according to factors such as soil quality, acreage, location, development pressure and other factors the participating county identifies.

Commonwealth laws work together in different ways to protect normal agricultural operations, preserve land for agricultural production and preserve forest land. Of these statutory protections, the preferential tax assessments afforded under the act provide the broadest-based protection by lessening a landowner's incentive to convert agricultural use, agricultural reserve or forest reserve land to some other use. The greatest statutory protection is afforded by perpetual agricultural conservation easements such as those described in the preceding paragraph. The Agricultural Area Security Law also establishes a process by which local government units can establish "agricultural security areas" that afford enrolled farmers limited protections against government ordinances and nuisance suits. This statute requires that certain proposed eminent domain takings of farmland be reviewed and approved by the Agricultural Lands Condemnation Approval Board, an independent board, before a declaration of taking can be filed. In addition, "normal agricultural operations" receive certain protections from local ordinances and nuisance suits under 3 Pa.C.S. §§ 313—318 (relating to normal agricultural operations) and the act of June 10, 1982 (P.L. 454, No. 133) (3 P.S. §§ 951—957), known as the Right-to-Farm Law. In summary, the Commonwealth takes a multiple-front approach to protecting farmland, forest land, open space and normal agricultural operations.

Comment 3: IRRC and another commentator noted that the proposed definitions of "agricultural reserve" and "agricultural use" in § 137b.2 (relating to definitions) contain language addressing alternative energy systems where "a majority of the energy annually generated is utilized on the tract."

The commentators requested the Department explain how this provision will be implemented and monitored.

A commentator asked what the penalty will be for not reporting energy use, what the penalty would be for not administering this energy use provision and whether the alternative energy system will ultimately have to be removed if "efficiencies decrease over time."

Response: An owner of enrolled land upon which an alternative energy system is located has the burden to demonstrate that a majority of the energy annually generated is utilized on the tract. This has been the case since 2010, and in the ensuing 4 years the Department has not encountered a single instance when a landowner or a county assessor were not able to resolve to their mutual satisfaction whether this standard has been met.

At this point, the Department does not believe it is necessary to attempt to establish specific standards of proof that must be met for a landowner to demonstrate that a majority of the energy annually generated from an alternative energy system is utilized on the same enrolled tract where that system is located. In some instances compliance with this standard will be self-apparent, such as where the lines carrying the energy do not connect to lines that extend off the tract. In some instances the utility bills received by the landowner may contain adequate information to discern the amount of energy generated on a tract and the amount of energy consumed on that same tract. In other instances there may be records or readouts that are generated or available at the location of the alternative energy system to show energy production, which can be compared to utility bills showing the amount of energy used on the tract. The Department's experience in administering this provision suggests that county assessors and landowners are employing flexibility and common sense in demonstrating or confirming compliance with the referenced standard. Going forward, the Department will monitor whether issues arise with respect to the referenced standard, and will revisit this subject and consider establishing formal standards of proof should that become necessary.

With respect to the comment asking what penalties would apply if a landowner fails to demonstrate that a majority of the energy annually generated is utilized on the tract, the Department believes a county assessor might pursue a civil penalty under section 5.2 of the act (72 P.S. § 5490.5b) against a person. If the landowner cannot ultimately demonstrate that a majority of the energy annually generated from an alternative energy system is utilized on the same enrolled tract where that system is located, then the land would be subject to roll-back taxes in accordance with section 5.1 of the act (72 P.S. § 5490.5a).

The commentator's inquiry as to whether the energy generating efficiency of the alternative energy system has impact on whether land on which the system is located can be agricultural use, agricultural reserve or forest reserve land must be answered in the negative. The act does not require any particular efficiency level or generating capacity from a system, only that a majority of the energy annually generated from that system be used on the tract where the system is located.

Comment 4: In a question that appears to relate to the definition of "agricultural reserve" in § 137b.2, a commentator asked whether it was possible for a condominium or townhome development that has a large common area to enroll that common area as agricultural reserve land.

Response: In general, land that meets the statutory definition of "agricultural use," "agricultural reserve" or "forest reserve" is eligible for preferential assessment. The

determination as to whether a tract qualifies for preferential assessment focuses on the land, rather than the identity of the landowner. It is possible a condominium/townhome developer might own a tract of enrolled land.

Comment 5: IRRC reviewed the definition of “agritainment” in § 137b.2 and recommended that hay mazes be added to the examples presented in that definition. “Agritainment” is defined in the act and identifies hay mazes as an example of an agritainment activity.

Response: The recommended change has been made in the final-form rulemaking.

Comment 6: A commentator reviewed the definition of “agritainment” in § 137b.2 and asked whether this term relates to seasonal activities only. The commentator asked whether the term would include a year-round amusement park facility.

The commentator expressed concern over how parking facilities, additional buildings and similar uses related to an agritainment activity would be treated.

The commentator also asked whether there is some limit on the amount of enrolled land that can be used for agritainment.

In addition, the commentator noted that the proposed definition of “outdoor recreation” contains several examples and a cross-reference to § 137b.64 (relating to agricultural reserve land to be open to the public). The commentator asked “[i]f public access can be granted for profit at specific events, why would it not be possible to permit access at all times.”

Response: The definition of “agritainment” is substantively identical to the statutory definition. Agritainment is listed among the activities that constitute a recreational activity in that same section. Recreational activities may occur on enrolled agricultural use or forest reserve land without triggering roll-back tax liability as long as they do not render the land incapable of being immediately converted to agricultural use (on agricultural use land) or permanently render the land incapable of producing timber or other wood products (on forest reserve land). This is prescribed by section 8(f) of the act.

Agritainment may be a year-round activity as long as it meets the statutory requirements summarized in the preceding paragraph.

With respect to agritainment related parking facilities, additional buildings, and the like, these are allowed only to the extent they do not violate the act as previously described.

There are no limits to the amounts or percentages of enrolled agricultural use or forest reserve acreage that may be used for agritainment.

With respect to the commentator’s inquiry as to the reason agricultural use and forest reserve land is not open to the public without charge, the Department offers that the act clearly requires this free public access only with respect to agricultural reserve land. The act defines “agricultural reserve” land as being open to the public “. . . for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public for such use, without charge or fee, on a nondiscriminatory basis.” By contrast, in describing the preferential assessment of agricultural use and forest reserve land, section 8(f) of the act allows a fee to be imposed for recreational activities that occur on these categories of enrolled land.

Comment 7: The PFB noted a typographical error in the proposed definition of “change of use” in § 137b.2. The commentator noted that “subdivide” should be “subdivided.”

Response: The Department agrees with the commentator and made this correction in the final-form rulemaking.

Comment 8: An individual commentator (an owner of multiple tracts of enrolled land) reviewed the definitions of “change of use” and “division by conveyance or other action of owner” in proposed § 137b.2 and asked:

What is meant when it stated: “the term does not include (A) The act of subdividing enrolled land if the subdivided land is not sold and (B) The act of conveying subdivided enrolled land to the same landowner who owned it immediately prior to subdivision?”

Please make clear whether or not the act of recording a subdivision map, without selling any property, would require the assessment office to be given a 30 day notice.

Response: Subparagraph (ii)(A) and (B) of the definition of “change of use” reflects actual events the Department has encountered in administering the act over the years.

In at least one instance, an owner of enrolled land subdivided that land into smaller lots and the county assessor threatened adverse roll-back tax consequences even though the landowner did not change the use of the land or sell any of the subdivided lots. Subparagraph (ii)(A) clarifies that subdivision does not, by itself, constitute a change of use.

In another instance, a landowner subdivided a tract of enrolled land and then conveyed each of the newly-subdivided tracts to himself without changing the use of the land. This subdivision and transfer were done as part of a plan to transition ownership and operation of a farm to the landowner’s sons. Subparagraph (ii)(B) clarifies that subdivision and transfer of subdivided land do not, by themselves, constitute a change of use.

Although the Department has not yet encountered the situation in proposed subparagraph (ii)(C), this provision sought to emphasize that it is the actual change of use to something other than agricultural use, agricultural reserve or forest reserve—and not the division of land by subdivision, the sale of parcels created through subdivision or the ultimate intention of the landowner with respect to the use of the enrolled land—that constitutes change of use. As discussed in the Department’s response to Comment 10, the Department has elected to delete subparagraph (ii)(C) from the definitions of “change of use” and “division by conveyance or other action of the owner” in the final-form rulemaking.

In response to the commentator’s question regarding whether it would be necessary to provide a county assessor 30 days’ advance notice of the recording of a subdivision map, the Department offers that this notice is required. This advance notice requirement is imposed by section 4(c) and (c.1) of the act, and requires that notice be provided with respect to “any type of division” of the enrolled land.

Comment 9: The PFB and IRRC reviewed the proposed definition of “change of use” in § 137b.2 and expressed concern that the use of “sold” in subparagraph (ii)(A) is too narrow and would not include conveyances other than sales. The PFB noted:

When read literally, physical conveyances of subdivided parcels other than sales would not fall within the exception of a change in use. We do not believe the intended effect of this exception was to distinguish between conveyances made pursuant to sale and conveyances made through gift or other non-sale transaction by the landowner.

Both commentators noted that similar language is in the proposed definition of “division by conveyance or other action of the owner.” In addition, IRRC asked for an explanation of how these provisions are to be implemented.

The PFB also offered its appreciation of the Department’s effort to clarify that actions by landowners to file plans for subdivision or to issue deeds for subdivision of enrolled lands under a subdivision plan approval are not events that trigger roll-back taxes or cause termination of preferential assessment. Although these events are administrative changes they are not changes in the use of the land.

Response: The Department agrees with the commentators, and amended the definitions of “change of use” and “division by conveyance or other action of the owner” in the final-form rulemaking to consistently use the broader word “conveyed” in place of the narrower word “sold.”

IRRC also asked for an explanation of how these terms will be administered. Section 137b.63 (relating to notice of change of application) requires an owner of enrolled land to provide a county assessor at least 30 days’ advance written notice of a change of use or of activities that constitute a division of enrolled land. This provides the county assessor an opportunity to evaluate the proposed change or activity to determine whether roll-back tax liability is triggered.

Comment 10: The PFB and IRRC expressed concern with the proposed definition of “change of use.” They stated that the qualifying phrase “as long as the land continues in an eligible use” in subparagraph (ii)(C) was confusing. The PFB recommended an amendment to make clear that “. . . the exception applies to any conveyance of enrolled land, notwithstanding any ‘change in use’ by the grantee subsequent to conveyance.” The PFB also recommended this exception more clearly identify the type of land with respect to which this exception would apply.

Both commentators noted that similar language is in the proposed definition of “division by conveyance or other action of the owner.” In addition, IRRC asked for an explanation of how these provisions are to be implemented.

Response: The Department accepts the commentators’ position that subparagraph (ii)(C) in the definitions of “change of use” and “division by conveyance or other action of the owner” is confusing, and deleted it from these definitions in the final-form rulemaking.

In response to IRRC’s request for an explanation of how these provisions will be implemented, the Department expects that these definitions will be referred to by county assessors and landowners and will clarify that, when used in the act or its attendant regulation these terms refer to actual changes in the physical use to which the enrolled land is being put.

Comment 11: A commentator raised several questions with respect to the proposed definition of “compost” in § 137b.2.

The commentator asked who is charged with determining whether compost is comprised of “at least 50% by volume” of products commonly produced on farms, and how this would be determined.

The commentator noted that the proposed definition “. . . seems to imply that 50% can be transported onto the site” and asked: “Does this make this a transfer station? (An unpermitted dump?) How do you control this type of activity?”

Response: The referenced definition is statutory, and was added to the act by Act 190.

The Department shares some of the commentator’s concerns with respect to how the 50% by volume standard will be monitored and enforced. These concerns are allayed to some extent by three considerations.

First, the Department expects that, in practice, the 50% by volume standard established in the act will prove to be something of a low bar and that in the typical case the substantial majority of the component parts of mulch will be comprised of products commonly produced on farms.

Second, the Department has some experience with similar 50% component part standards in other statutes it administers. For example, section 3 of the Agricultural Area Security Law (3 P. S. § 903) requires that at least 50% of certain products be produced by the farm operator to be considered agricultural production and section 3(b) of the Right-to-Farm Law (3 P. S. § 953(b)) requires that at least 50% of the commodities sold at an on-farm market be produced by the landowner for that farm market to receive the protections of the Right-to-Farm Law. In each of these instances there are not regulations clarifying how these standards are to be applied, yet common-sense has ruled the day and there have been rather few problems administering these standards.

Third, the Department’s experience has been that county assessors have, as a group, been reasonable in performing their responsibilities under the act and that owners of enrolled land have been diligent in providing county assessors answers and information when questions arise. The Department has reason to believe this will continue with respect to the new 50% by volume standard referenced by the commentator.

The Department will remain mindful of the commentator’s concerns. If the need for clarification becomes apparent as the Department gains experience in administering this provision, it will consider revisiting this provision and providing regulatory guidance.

As to the commentator’s question regarding whether a compost operation would be a transfer station or unpermitted dump, the Department can only offer that within the four corners of the act the production of compost is the production of an agricultural commodity.

Comment 12: The PFB reviewed the definition of “division by conveyance or other action of the owner” in proposed § 137b.2, noted the similarities in language between that definition and the proposed definition of “change in use” and recommended the Department implement the same changes to subparagraph (ii)(A) and (C) of that definition that the PFB recommended in Comments 9 and 10. IRRC also noted the common language between these two defined terms.

Response: The Department refers to the responses to Comments 9 and 10, and has made the same changes to

the definition of “division by conveyance or other action of the owner” in the final-form rulemaking that it has made to the definition of “change of use.”

Comment 13: A commentator offered a number of observations and questions regarding the definition of “forest reserve” in proposed § 137b.2.

The commentator noted the phrase “stocked by forest trees” in that definition, and recommended that a timber management plan be required of a person enrolling forest reserve land for preferential assessment, and that a minimum value of timber be established.

The commentator asked for definitions of the following words or terms that are used in the referenced definition: “stocked,” “forest trees,” “timber” and “wood products.” With respect to “stocked,” the commentator asked whether this means the trees must have been placed by human activity.

The commentator presented the following:

Forest reserve is a category that can be and is abused. In my discussion with forestry industry representatives, I was told that they would not be interested in harvesting a parcel of less than 12 acres and only if it contained almost 100% hardwood. What is the “intent” of this law?

What species qualify? (I would suggest a list) I would suggest a requirement of a forest management program and on-going management. And a written harvest plan.

With the inevitable decimation of our timber industry by the Ash Borer, (projected to be within 20 years) the value of this protected category will be greatly diminished. Re-evaluation and re-categorization should be on-going in regards to forest reserve status.

Response: Although the Department declines to strictly require that a timber management plan be provided to the county assessor by a person seeking to enroll land as forest reserve land, it acknowledges that this type of plan is good evidence of the quantity and timber types on a given tract. Since the county assessors have typically been receptive to various other forms of proof of quantity and timber types the Department is reluctant to impose the expense of a regulatory requirement that a timber management plan be produced with respect to each tract of forest reserve land.

In its administration of the act the Department has not perceived there to be confusion over the meaning of the statutory terms “forest trees” and “timber.” For this reason, the Department declines to implement the commentator’s suggestion that these terms be defined.

With respect to “stocked,” the Department notes that this word appears in the statutory definitions of “forest reserve” and “woodlot.” Forest reserve land must be “. . . stocked by forest trees of any size and capable of producing . . . wood products” and a woodlot must be “. . . stocked by trees of any size and contiguous to or part of land in agricultural use or agricultural reserve.” The Department does not believe that for land to be “stocked by trees” the trees must have been established on the land by the hand of man, or that it is necessary to define “stocked” to make this clear. In general, stock is the supply of goods available on the premises and the premises are stocked if goods are present on those premises. In the context of timber production, trees are the stock and a tract is stocked with trees if they are present on the tract.

Comment 14: A commentator referenced the proposed definition of “forest reserve” in § 137b.2 and asked why the public is not entitled to use land that is enrolled under this land use category for outdoor recreation when public use can be made of land that is enrolled under the agricultural reserve land use category. The commentator added “[i]t is understandable to restrict access during harvesting of timber. However, given the fact that this activity occurs in cycles in excess of 20 years, it is unreasonable to restrict public access during a majority of the time it takes to grow a timber crop.”

Response: Although the commentator’s point is well taken, the answer to the question presented is that among the three land use categories, section 2 of the act only requires that agricultural reserve land (and not agricultural use or forest reserve land) be open to the public for outdoor recreation or the enjoyment of scenic or natural beauty. The Department does not have authority to extend this requirement to other land use categories by regulation.

Comment 15: A commentator noted the proposed amendment to the definition of “forest reserve” in § 137b.2 regarding alternative energy systems and the use of energy from those systems and asked:

. . . how energy use will be monitored, who will monitor this energy use, what the penalty will be for not reporting energy use, what the penalty would be for not administering this energy use provision, how it will be determined if “a majority” of the energy is being used on the tract and whether the system will ultimately have to be removed if “efficiencies decrease over time.”

Response: The Department’s response to Comment 3 addresses the commentator’s questions.

Comment 16: The PFB and IRRC offered comments with respect to the proposed definition of “outdoor recreation” in § 137b.2.

In summary, the PFB offers that the type of activities that fall within the definition of “outdoor recreation” should be at least as broad or inclusive as the activities identified in the definition of “recreational activity.” The PFB recommends that the definition be amended to make clear that “outdoor recreation” activities are at least a complete subset of “recreational activities.”

IRRC asks whether it is the intent of the Department for the definitions of “outdoor recreation” and “recreational activity” to be consistent with each other. If so, IRRC recommends that the definition of “outdoor recreation” be amended to track with the definition of “recreational activity” or that the definition of “outdoor recreation” be amended to include a specific reference to “recreational activity.”

Response: The Department believes the act makes clear that outdoor recreation and recreational activity are two different things, does not believe the General Assembly intended these terms to be interchangeable or related, and does not believe the final-form rulemaking needs to merge or reconcile these terms.

In summary, the statutory references to outdoor recreation pertain only to agricultural reserve land and the references to recreational activity pertain only to agricultural use land and forest reserve land. The term “outdoor recreation” is used only once in the act in the definition of “agricultural reserve.” By statutory definition, agricultural reserve land may be used for outdoor recreation.

The only uses of the term “recreational activity” in the act in sections 3(f) and 8(f) pertain to agricultural use or forest reserve land.

Comment 17: A commentator offered that the definition of “outdoor recreation” in proposed § 137b.2 does not address situations that might relate to the Americans with Disabilities Act and recommended the Department consider incorporating language from the Game Commission’s *Hunting & Trapping Digest*.

Response: The Department does not believe that enrolled land would constitute a place of public accommodation with respect to which the requirements of the Americans with Disabilities Act would be applicable. For this reason, the Department declines to implement this recommendation in the final-form rulemaking.

Comment 18: In a comment regarding the definition of “roll-back tax” in proposed § 137b.2, a commentator observed that the 7-year period with respect to which roll-back taxes are assessed is “not enough to stop a determined developer” and recommended that this 7-year period be extended.

Response: The Department cannot implement the commentator’s recommendation. The statutory definition of “roll-back tax” establishes the 7-year period referenced by the commentator, and the Department does not have the discretion to change this by regulation. A statutory amendment would be required to implement the commentator’s suggestion.

Comment 19: The PFB reviewed the proposed definition of “silvicultural products” in § 137b.2 and recommended that language be added to make clear that cut trees marketed for ornamental purposes (that is, Christmas trees) are silvicultural products.

Response: The Department does not believe the recommended amendment is necessary. The definition achieves the commentator’s objective by specifically including “trees and tree products produced from Christmas tree farms.”

Comment 20: With respect to the definition of “silvicultural products” in § 137b.2, the PFB noted that “silvicultural products” is but one of the types of products that comprise agricultural commodities under section 2 of the act. The PFB noted that none of these other types of products (agricultural, apicultural, aquacultural, horticultural, floricultural, viticultural and dairy) are defined in the regulation. The commentator recommended that language be added to the definition to “more explicitly recognize that the action taken to include and define is not intended to exclude land used for production of other ornamental products from enrollment in clean and green.”

Response: The Department does not believe it is necessary to add the language suggested by the commentator given the broad range of products that constitute agricultural commodities under the act. As the commentator relates, “agricultural, apicultural, aquacultural, horticultural, floricultural, silvicultural, viticultural and dairy products” are included in the definition of “agricultural commodity” in section 2 of the act. The Department believes this presents a broad range of products that the definition of “silvicultural products” in § 137b.2 could not reasonably be construed as limiting or restricting other agricultural products, including ornamental plants, from being considered agricultural commodities.

The Department is adding this definition to address situations when owners of forest reserve land have argued that their enrolled land should be considered agri-

cultural use land when timber is actually being harvested from that land, and that county assessors should reassess that land as agricultural use land when that timber harvesting is occurring. The definition establishes a distinction between actively-cultivated tree farms and raw forest land. The former involves the production of agricultural commodity that makes the land on which that production occurs agricultural use land, while the latter should be assessed as forest reserve land without regard to whether timber harvesting is underway.

Comment 21: The PFB’s third comment on the proposed definition of “silvicultural products” in § 137b.2 is prospective in nature. The PFB recommends that:

... any further attempt in final rulemaking to clarify by definition the type of ornamental tree, shrub and plant products whose land would qualify for enrollment in clean and green more explicitly recognize that the production of ornamental shrubs, plants or flowers intended to be marketed in cut or partial form falls within the scope of “agricultural use,” as would production of those intended to be marketed in live form.

Response: The Department has not undertaken the clarification recommended by the commentator. As referenced in its response to the preceding comment, the Department only pursued the definition of “silvicultural products” in the final-form rulemaking to address a specific problem it has encountered in administering the act. The Department is reluctant to venture further into defining the agricultural, apicultural, aquacultural, horticultural, floricultural, silvicultural, viticultural and dairy products referenced in the statutory definition of “agricultural commodity.” The Department believes it is self-apparent that the ornamental trees, shrubs and plant products referenced by the commentator would be considered agricultural commodities under this broad and inclusive statutory language.

Comment 22: A commentator reviewed proposed § 137b.3 (relating to responsibilities of the Department) and asked:

In General, What are the consequences/penalties associated with failure to report or administer this law in part or in its entirety? Or administer it correctly, or completely, without prejudice or selective enforcement? If a violation is reported, what action is required? Can an assessor choose to ignore a violation? Can a solicitor choose to not pursue the violation? Can the county manage or commissioners override either the Assessor or the Solicitor?

Response: A violation of the reporting requirements in the regulation can result in the county board for assessment appeals imposing a civil penalty of not more than \$100 per violation. This is prescribed by section 5.2 of the act.

The act does not prescribe a civil penalty or other adverse consequence for an entity that fails to administer the act correctly or under the circumstances related in the commentator’s remaining questions.

Without regard to formal financial penalties as referenced by the commentator, a county has a financial interest in administering the act and its attendant regulations correctly because that activity tends to: (1) maximize the tax revenue a county assessor may lawfully collect under the act; and (2) avoid costs of assessment appeals and litigation.

In the review of proposed § 137b.3 prompted by this comment, the Department reconsidered the need for the sentence it proposed to add to subsection (b) and deleted it from the final-form rulemaking.

Comment 23: Regarding § 137b.3 and the responsibilities of the Department under the act, a commentator recommended that the Department establish a centralized, easily accessible record of tracts that are receiving preferential assessment as agricultural reserve land. The commentator noted that he has difficulty retrieving this information from individual counties.

Response: The Department declines to implement this recommendation. Section 137b.3 restates the responsibilities imposed on the Department under section 4.1 of the act (72 P. S. § 5490.4a) and the Department does not have the discretion to expand these responsibilities to the extent suggested by the commentator.

Comment 24: A commentator reviewed proposed § 137b.12, noted that land can be considered in agricultural use if it has an anticipated yearly gross income of at least \$2,000 from the production of an agricultural commodity and raised several comments on this subject.

The commentator observed that this \$2,000 minimum figure was established in 1985 and that if this \$2,000 amount was adjusted for inflation, the “. . . U.S. Inflation Calculator now converts the amount to \$4,341.03 in 2013 dollars.”

The commentator also offered that since agricultural production is affected by certain factors (such as disease and weather) that may be completely outside of the producer’s control, the reference to this income requirement should be deleted. At a minimum, the commentator suggested that income be averaged over a number of years to show compliance with this minimum production requirement.

The commentator also asked “. . . what are the reporting requirements and penalties applied for non-compliance.”

Response: The commentator makes a fair point. The referenced \$2,000 production requirement has not changed in many years, and has become a rather low threshold for determining whether land is in agricultural use. By contrast, section 2 of the Right-to-Farm Law (3 P. S. § 952) defines a “normal agricultural operation” as being at least 10 contiguous acres or having “an anticipated yearly gross income from agricultural production of at least \$10,000.”

The \$2,000 figure referenced by the commentator is established in section 3(a)(1) of the act. The Department does not have the discretion to change this dollar figure by regulation.

With respect to the commentator’s question regarding applicable reporting requirements, § 137b.62 (relating to enrolled “agricultural use” land of less than 10 contiguous acres) describes the process by which a county assessor may obtain confirmation of gross income from the production of agricultural commodities.

With respect to the commentator’s question regarding penalties for noncompliance, a violation of the reporting requirements in the regulation can result in the county board for assessment appeals imposing a civil penalty of not more than \$100 per violation. This is prescribed by section 5.2 of the act. Also, if the use of the land changes to something other than an eligible use, the adverse roll-back tax consequences in section 5.1 of the act might apply.

Comment 25: IRRC reviewed proposed § 137b.12 and noted that Example 1 includes the following sentence: “The horses are occasionally pastured, bred and sold.” IRRC offered that the use of “occasionally” makes the example unclear and difficult to administer in a consistent manner. IRRC recommended that the example be deleted and replaced with a more definitive threshold.

Response: The Department accepts IRRC’s recommendation, and amended the referenced example to delete “occasionally.”

The objective of the example is to make clear that the commercial production of horses on a tract of greater than 10 acres is enough, by itself, to make that acreage agricultural use land. The requirement that there be an anticipated yearly gross income of at least \$2,000 from this activity would not apply since the commercial production of horses was occurring on greater than 10 acres.

Comment 26: The PFB objected to Example 4 in proposed § 137b.12, offering that horse boarding should be considered to be agricultural production and that land upon which only horse boarding occurs should be considered land that is in agricultural use. Two other individual commentators offered the same argument. The PFB makes the following point:

We do not see the role and function of the horse boarding operator as materially different from the role and function of persons commercially engaged in “contract” production of livestock or poultry. The “contract” livestock or poultry grower is not the owner of the animals he or she is raising and maintaining, and compensation provided pursuant to the “contract” is for the performance of raising and maintenance activities upon livestock and poultry.

All three commentators strongly encouraged the Department to rethink its position on this example.

Response: The Department finds the commentators’ arguments persuasive, and amended the referenced example to reflect that land used for horse boarding is in agricultural use.

Comment 27: As part of its review of proposed § 137b.12, the PFB offered the following in support of proposed Example 8:

Farm Bureau commends and supports the analysis and conclusion stated in Example 8. The Act establishes a clear statutory theme that matters of interpretation and application of the Act and its legislative purposes should focus on the entire area of enrolled land utilized by the landowner, rather than the individual components of parceled land that may exist under separately created deeds or other legal documents. The example correctly concludes that land used for Tier I generation by a “multi-parceled” farm operation should retain preferential status as “agricultural use” if the majority of the energy generated is used by any “parcel” of that farm operation, regardless of whether the “parcel” of the farm where the energy is used may differ from the “parcel” of the farm where the energy is generated.

Response: The Department appreciates the comment, and agrees with the commentator on these points.

Comment 28: The PFB reviewed proposed § 137b.13 and recommended the Department add examples as it has done in § 137b.12. In particular, the commentator suggested inclusion of an example that incorporates the spirit and intended effect of continuation of preferential

assessment captured in Example 8 in § 137b.12. The PFB's comment with respect to that particular example appears in Comment 27.

Response: The Department accepts the commentator's recommendation and § 137b.13 now contains the requested examples.

Comment 29: The PFB reviewed proposed § 137b.14 and offered essentially the same comment it offered with respect to § 137b.13. (See Comment 28.)

Response: The Department accepts the commentator's recommendation and final-form § 137b.14 contains the requested examples.

Comment 30: The PFB expressed concern with respect to a provision of proposed § 137b.15. The commentator thought that subsection (b) might be read as effectively prohibiting the preferential assessment of farmstead land on agricultural reserve or forest reserve land unless the county commissioners first adopted an ordinance to allow that inclusion.

The commentator noted that there are three different circumstances under which farmstead land on agricultural reserve or forest reserve land might be preferentially assessed, and that these circumstances are presented in proposed § 137b.51(g). These include situations when the referenced ordinance is in place, when the majority of the land in the subject application for preferential assessment is agricultural use land or when noncontiguous tracts are enrolled under a single application and a majority of the land on the tract where the farmstead land is located is agricultural use land. The PFB's recommendation is that:

... language be added to this Subsection to make it more explicitly clear that the requirements for preferential assessment of farmstead land prescribed in Section 137b.51(g) apply, whether or not the county passes an ordinance to authorize preferential assessment of farmstead land within "agricultural reserve" or "forest reserve" portions of enrolled land.

Response: The Department accepts the commentator's recommendation, and revised § 137b.15 in the final-form rulemaking to have separate subsections addressing the preferential assessment of farmstead land on agricultural use land, agricultural reserve land and forest reserve land.

The Department notes that in Comment 33 the PFB and IRRC expressed concern with respect to the consistency among proposed §§ 137b.15 and 137b.51(c) and (g). The Department agrees with the commentators on this point and amended §§ 137b.15 and 137b.51(c) by adding general cross-references to § 137b.51(g), which presents a comprehensive description of the circumstances under which farmstead land is to receive preferential assessment.

Comment 31: A commentator noted that § 137b.41(a) and (e) (relating to application forms and procedures) allows a county assessor to require an applicant for preferential assessment to provide additional information or documentation to support that the land is eligible for preferential assessment.

The commentator suggested that precise standards be established as to the type of documentation that should be required in support of an application for preferential assessment. In support of his suggestion, the commentator also referenced comments that were offered with

respect to § 137b.41(e) in an earlier rulemaking and that were presented and addressed in the final-form rulemaking published 31 Pa.B. 1701 (March 31, 2001) adopting Chapter 137b.

Response: The Department declines to establish precise documentation requirements or a list of examples of the type of documentation a county assessor might reasonably require. As was the case when this question was raised in the context of the earlier rulemaking referenced by the commentator, it has been the experience of the Department that when it provides a regulatory list, a county assessor might either refuse to accept any documentation that is not on the list or require a specific document on that list in all instances. The Department is reluctant to offer a one-size-fits-all list of acceptable documentation.

Comment 32: The Lancaster County Assessment Office reviewed proposed § 137b.42 (relating to deadline for submission of applications) and offered that in "Example 2 in the current Regulations infers a 'second' application period, between June 2nd and December 31st. That is an administrative nightmare. By the time the preferential assessment would begin, the nature of that parcel can be entirely changed. Why include that example at all?"

Response: The Department believes that, in context, the referenced example clearly shows the consequences of submitting an application for preferential assessment before or after the June 1 deadline established in section 4(b) of the act. The example does not establish a new application window.

Comment 33: The PFB reviewed proposed § 137b.51 and presented essentially the same comment it offered with respect to proposed § 137b.15(b). See Comment 30. IRRC joined in this comment.

The commentators are concerned that proposed § 137b.51(c) will be read as requiring an authorizing ordinance from the county commissioners for farmstead land on agricultural reserve or forest reserve land to be preferentially assessed. As described in greater detail in Comment 30, there are actually three different circumstances under which farmstead land on agricultural reserve or forest reserve land might be preferentially assessed. These circumstances are presented in proposed § 137b.51(g).

The PFB recommended this section be amended to more clearly state the requirements for preferential assessment of farmstead land as presented in proposed § 137b.51(g) apply.

The PFB also offered a general comment with respect to proposed § 137b.51(g). The commentator noted that although the proposed language and examples accurately reflect the act, it remained concerned that this language is not consistent with proposed §§ 137b.15 and 137b.51(c). The PFB recommended that a "... more detailed effort be made in final rulemaking to clarify and reconcile these provisions" consistent with its comments. Similarly, IRRC asked that in this preamble the Department explain how the referenced provisions will be implemented and how these provisions are consistent with the act.

Response: The Department refers to its response to Comment 30.

The Department accepts these comments, amended the final-form regulation accordingly and added the clarifications to this preamble as recommended by IRRC.

Comment 34: A commentator asked whether Example 2 under proposed § 137b.51(g)(4) should conclude that the farmstead “shall not” be assessed at agricultural use value rather than that it “shall” be so assessed.

Response: The example is correct as proposed, since the majority of the land in the subject application for preferential assessment is agricultural use land. This is also the result called for under section 4.2(d)(2)(i) of the act.

Comment 35: A commentator offered a detailed comment regarding the assessment of forest reserve land under § 137b.51 and to proposed § 137b.53.

The commentator requested that there be an investigation of the manner in which the Department is implementing the act with respect to the assessment of forest reserve land.

The commentator also recommended the Department write the final-form rulemaking to specifically require that, when assessing a tract of forest reserve land, a county assessor accept certain documentation as proof of the timber types that are present on that land. The commentator further recommended that a county be “. . . required to do an appraisal for each and every forest reserve property delineating each property’s Forest subcategories (timber types).”

The commentator noted that each enrolled tract of agricultural use and agricultural reserve land is assessed based upon the specific soil types present on that individual tract. By contrast, the use values provided by the Department for forest reserve land are not specific to the particular tract being assessed, but are either: (1) use values for six different defined timber types which must then be applied by the county assessor to the tract being assessed; or (2) a county-specific average timber value that the county assessor applies countywide. The commentator questioned if the Department has the authority to issue a county-specific average timber value to each county, arguing that this value: (1) is, itself, an assessment; and (2) does not fit within the definition of “land use subcategory” in § 137b.3.

The commentator offered the following:

. . . For forest reserve enrollees the Department gives use values by subcategories BUT in addition, is also giving an average county value which is not a legally defined subcategory as outlined in regulations above. It should be noted that nowhere in the forestry literature, CG Act nor in regulation is an average use value a “recognized subcategory of forest land” or a “forest type” and thus does not meet the letter or intent of the law to utilize subcategories . . . Average values given by the Department are assessments, which the Department is not allowed to give by law or regulation, and is the responsibility of the county assessor within the law . . . and the Department is only allowed to give the use values BASED ON “recognized subcategorizations of forest land” (i.e. forest type). Forest reserve needs to be treated as agricultural reserve by the Department, immaterial of the capability of the county assessors or cost, in developing subcategories specific to each and every enrollee’s property enrolled in the forest reserve category. This is being required for those properties under the Agricultural Reserve section of CG (soil types are utilized for agricultural reserves enrolled for their specific properties not average values by county which an average value is not stated in regulation or law).

In addition the Department is allowing, with no oversight, the counties to utilize this non-subcategory average value that may be of higher value, of specific individual enrolled forest reserve properties, than what the Department has given as subcategories (forest types). There is listed no where an average use value as a legally defined subcategory and use values need to be tied into the specific property being assessed and not a general average of all properties that includes public lands and non-Clean and Green enrolled properties.

Response: The commentator makes some fair points.

Since detailed soils maps exist for virtually every acre of land that is the subject of an application for preferential assessment as agricultural use or agricultural reserve land, it is a comparatively more simple process for a county assessor to know the soils that are present on a given tract and to assign the appropriate Department-issued use values in calculating the preferential assessment of that land.

There is nothing akin to the detailed soil maps referenced in the preceding paragraph to assist county assessors in calculating the preferential assessment of forest reserve land. The Department coordinates with the Department of Conservation and Natural Resources’ Bureau of Forestry each year to generate for each county assessor: (1) use values that apply to six different timber types (softwood stand, select oak stand, oak stand, northern hardwood stand, black cherry stand and miscellaneous hardwood stand); and (2) a county-specific average timber value. This county-specific average timber value is only an average reflecting the value of timber in a given county, rather than on a given parcel of forest reserve land in that county. For this reason, the Department has long taken the position that a county assessor who employs a county-specific average timber value in assessing forest reserve land must disregard that value if the landowner can demonstrate that the actual timber types that are present on the tract are such that the assessment would be lower if the county assessor employed the Department-provided use values for these timber types in calculating the assessment for that tract, rather than employing the county-specific average timber value.

County assessors have generally followed the Department’s position, but in recent years a single county took issue with this practice and took the position that it did not have the discretion to recalculate/lower an assessment of a forest reserve tract that had been assessed using the county-specific average timber value, even when the landowner could demonstrate that the quantity and type of timber on the tract was below this county-specific average timber value. The Department believes this approach fails to meet the requirement in section 4.2(b) of the act that “[f]or *each* application for preferential assessment, the county assessor *shall* establish a total use value for land in forest reserve *by considering available evidence of capability of the land for its particular use.*” (Emphasis added.)

Clearly, a landowner’s timber management plan or other evidence of the quantity and type of timber on a particular tract of forest reserve land is “evidence of capability of the land” for its forest reserve use and the county assessor does not have the discretion to ignore it.

In response to this comment, the Department amended this section by: (1) revising the definition of “land use subcategory” in § 137b.2 to make clear that the county-specific average timber values are values for a land use

subcategory of land in forest reserve; and (2) adding § 137b.53(g) to specifically require a county assessor to recalculate the assessment of a tract of forest reserve land that was initially assessed using the county-specific average timber value where the landowner provides evidence that the value of the timber on the tract is lower than the value that was determined using that county-specific average timber value.

Comment 36: The same commentator who offered the preceding comment presented related comments with respect to proposed § 137b.53.

The commentator questions the Department's authority to provide county-specific average timber values, offering that these values do not represent a "recognized subcategorization" of forest land that would constitute a "land use subcategory" as that term is defined in § 137b.2.

The commentator offered that the use of county-specific average timber values amounts to the Department:

... knowingly allowing in many cases the counties to develop a use value that is higher than forest type (sub-categorization) by turning a blind eye and encouraging assessors to utilize this average value. The Department does not do this for Agricultural Reserve and thus is implementing the Clean & Green as a double standard system and not doing their due diligence in enforcing the law.

The commentator also suggested that the Department changed its stance to allow a county assessor to use only the county-specific average timber value in assessing forest reserve land and ignore evidence the landowner provides as to the specific quantity, type and value of the timber on a given tract of forest reserve land. The commentator believes the Department is "... turning a blind eye to the enforcement of the law and regulation without any other reason than to appease county assessors who want to circumvent the law and collect as much in revenues as possible without doing their due diligence required by law."

The commentator recommended that counties should be required to compile and maintain a mapping system showing exact quantities and types of timber throughout the county. Presumably, this would be akin to the soils maps that are available for use by counties in calculating assessments for agricultural use and agricultural reserve land.

The commentator also opined that:

... it is the legal responsibility of the county assessor to do an on-site appraisal of each property to assess the correct tax liability to that property based on the law and sub-categories developed by the Department. There is a double standard of how the Department has chosen to implement the Clean & Green Law for agricultural reserve and for forest reserve.

Response: The Department's response to Comment 35 addresses some of the commentators concerns.

As detailed in the preceding response, the commentator's belief that the Department has changed its stance with respect to whether county assessors must consider available evidence of timber type and quantity if that would result in a lower assessment than if a county-specific average timber value is used is not correct, although the absence of regulatory language clearly addressing this subject has likely created or contributed to the confusion on this point. As previously stated, the final-form rulemaking remedies this by: (1) revising the

definition of "land use subcategory" in § 137b.2 to make clear that county-specific average timber values are values for a land use subcategory of land in forest reserve; and (2) adding § 137b.53(g) to specifically require a county assessor to recalculate the assessment of a tract of forest reserve land that was initially assessed using the county-specific average timber value where the landowner provides evidence that the value of the timber on the tract is lower than if calculated using that county-specific average timber value.

The Department declines to require county assessors to compile and maintain a mapping system showing exact quantities and types of timber throughout the county. The act does not require this, nor does it require counties to compile the soils maps county assessors use in calculating assessments of agricultural use land or agricultural reserve land. Although these soils maps are excellent tools for county assessors, they are not required or established under authority of the act.

Comment 37: The Sullivan County Assessment Office reviewed proposed § 137b.53 and offered the following comment:

This section should contain a provision for acreage corrections. With the oil & gas industry, many surveys have been done resulting in additional acreage to the property owner. New deeds are recorded or surveys recorded with no amendment to the Clean & Green application. This creates a missing link when looking into the history of a property's acreage. The end result is a clean and green application with acreage B, and a deed with acreage A. However, there are acreage corrections for other reasons as so it should not be tied into a new survey; it should be tied into any acreage correction.

Response: The Department believes that matters regarding acreage corrections are typically handled between the county assessor, the county recorder of deeds and/or the impacted landowner, and that these relationships and interactions occur outside of the context of the Department's administration of the act. For this reason, the Department did not make changes to the final-form rulemaking in response to this comment.

Comment 38: The PFB reviewed proposed § 137b.53(f) and noted that the subsection would require that in recalculating preferential assessment the county assessor use "... either the current use values and land use subcategories provided by the Department" without providing the alternative that is suggested by "either." The PFB also offered that § 137b.53(c) suggests that this alternative should be that a county assessor may also use "lower use values established by the county assessor" in recalculating preferential assessment.

Response: The commentator spotted a publishing error that has apparently been in place since the current regulation was published in 2000. Section 137b.53(f) read as follows when it was originally adopted at 31 Pa.B. 1701:

(f) *Required recalculation of preferential assessment in countywide reassessment.* If a county undertakes a countywide reassessment, or a countywide reassessment of enrolled land, the county assessor shall recalculate the preferential assessment of all of the enrolled land in the county, using either the current use values and land use subcategories provided by the Department, or lower use values established by the county assessor and land use subcategories provided by the Department.

The phrase “, or lower use values established by the county assessor and land use subcategories provided by the Department” was inadvertently omitted from the regulation when codified in the *Pennsylvania Code*. The final-form rulemaking corrects this publishing error by reprinting this subsection as it was adopted at 31 Pa.B. 1701.

Comment 39: A commentator provided a detailed explanation of the process by which he divided his 1,020 acres of enrolled land into 31 separate tracts. According to the commentator, each tract meets the minimum criteria for preferential assessment. The commentator related that he was notified by the county assessor that he was in violation of the act because he had not provided the county assessor 30 days’ advance notice prior to recording the subdivision that created these 31 tracts. The commentator asked: “Was there by your new definitions a failure to provide notice?”

Response: The commentator’s question appears to seek an opinion from the Department as to the applicability of § 137b.63, a provision that paraphrases the requirement in section 4(c) of the act that a landowner provide the county assessor at least 30 days’ advance notice with respect to any type of division of a tract of enrolled land.

Comment 40: Section 137b.64 requires that land that is enrolled as agricultural reserve land must be open to the public for outdoor recreation or the enjoyment of scenic or natural beauty without charge or fee on a nondiscriminatory basis. It also allows a landowner to place reasonable restrictions on this public access and provides several examples. A commentator suggested that landowners are taking advantage of this by establishing access restrictions that are not reasonable. The commentator recommends that a reasonable restriction be defined and that landowners be subject to some sanction if the restrictions they put on public access to their enrolled agricultural reserve land are not reasonable.

The commentator also presented several hypotheticals where a landowner would strategically enroll strips of land as agricultural use or forest reserve land to block public access to agricultural reserve land, and asked what could be done to address this.

Response: Section 137b.64(a) essentially restates the language from the statutory definition of agricultural reserve land in section 2 of the act with respect to the use of that type of land for outdoor recreation or the enjoyment of scenic or natural beauty.

With respect to the hypotheticals presented by the commentator, the Department has not encountered situations akin to those presented in the hypotheticals, and considers it quite unlikely this situation would occur.

Comment 41: The CCAP and the TCAO reviewed proposed § 137b.72(b)(2), which describes the circumstances under which up to 1/2 acre of enrolled land may be used for direct commercial sales of agriculturally related products without breaching preferential assessment or triggering roll-back tax liability, and asked whether the 1/2 acre would include acreage devoted to ingress, egress and parking area, or just the footprint of the building from which direct commercial sales occur.

The TCAO noted that it is the practice in Tioga County to include acreage devoted to ingress, egress and parking in determining total acreage for purposes of the 2 acres-or-less standard in § 137b.72(b)(1), and recommended that this same approach be taken with respect to the 1/2 acre-or-less standard in § 137b.72(b)(2).

IRRC made note of these comments and asked for clarification of: (1) what is meant by the phrase “direct commercial sales”; and (2) how the referenced 1/2 acre is to be calculated.

Response: Although the referenced provision essentially repeats language that was added to section 8(d)(3) of the act by Act 190, the Department agrees that acreage used for ingress, egress and parking should be counted toward the 1/2-acre standard. Section 137b.72(b)(2) has been amended to make this clear.

The Department believes that “direct commercial sales” refers to sales such as when a customer stops at a roadside stand and purchases agriculturally related products onsite. Although the Department does not perceive that there is confusion in the regulated community on this point, it added a definition of “direct commercial sales” in § 137b.2.

Comment 42: A commentator noted the standard in proposed § 137b.72(b)(2)(i) and asked who is charged with determining compliance with that standard, how compliance would be determined and whether there are penalties if this standard is not met.

The referenced provision repeats the requirement in section 8(d)(3) of the act that, for a portion of an enrolled tract to be used for direct commercial sales of agriculturally related products without triggering some type of roll-back tax liability, the acreage used for these sales must be 1/2 acre or less and at least 50% of these agriculturally related products must be produced on the enrolled land.

Response: The response to Comment 11 addresses the Department’s experience and perspective with respect to the referenced 50% standard. The Department will remain mindful of the commentator’s concerns. If the need for clarification becomes apparent as the Department gains experience in administering this provision, it will consider revisiting this provision and providing regulatory guidance.

The county assessor is ultimately charged with determining compliance with the referenced 50% standard, since section 5(b) of the act assigns county assessors the responsibility to calculate roll-back taxes.

As far as the commentator’s question regarding penalties for noncompliance with proposed § 137b.72(b)(2) is concerned, the consequence of failing to meet that standard is roll-back tax liability. This roll-back tax liability would apply to the total enrolled acreage unless the acreage and operation meets the requirements in § 137b.72(b)(1), in which case the roll-back tax liability would apply to as much as 2 acres of the enrolled tract.

Comment 43: Proposed § 137b.72(c) provides that a county assessor “may” inventory the goods sold at an on-farm operation engaged in the direct commercial sale of agriculturally related products to determine ownership of the goods. A commentator offered that this requirement should be mandatory and not discretionary.

Response: The Department declines to require by regulation that a county assessor inventory the agriculturally related products at an operation that is engaged in the direct commercial sale of these products. A county assessor certainly has discretion to conduct an inventory, but the Department believes that there are many instances when an inventory is not necessary and would not serve a purpose. This is particularly so when the operation is a small roadside farm stand selling just a few agriculturally related products of a type visibly grown on the farm. By

contrast, when an operation sells a large variety of agriculturally related products and the source or ownership of those products is less apparent, then a county assessor might choose to exercise its discretion and conduct an inventory.

Comment 44: The PFB recommended that § 137b.73a(a) and (b) be revised to make clear that the mere execution of a lease authorizing the mineral exploration or development described in this section does not trigger liability for roll-back taxes, and that it is the actual exploration or development authorized by that lease that triggers this roll-back tax liability.

Response: The Department believes that § 137b.73a(b)(1) makes clear that roll-back tax liability is only imposed on those portions of a tract of enrolled land that are actually devoted to gas/oil exploration and removal or the development of appurtenant facilities related to these activities. For this reason, the Department declines to implement the commentator's suggestion.

The Department will consider revisiting this provision if experience subsequently shows that county assessors seek to impose roll-back tax liability on the basis of a signed leased document rather than the actual activity taking place on the leased land.

Comment 45: The PFB reviewed the four examples in proposed § 137b.73a(b)(1) and offered that the use of "third party" in those comments was confusing since only two persons—the surface owner and the person that acquires subsurface mineral extraction rights—are involved in the situations presented in these examples. The commentator suggested this term be replaced in these examples with simpler, clearer designations.

Response: Although the Department believes the regulated community has an understanding of what a "third person" is, it has implemented the commentator's suggestion in the final-form rulemaking by replacing that term with a generic reference.

Comment 46: The TCAO noted that searching deeds of enrolled land to determine when and if mineral rights were severed is time consuming. This comment apparently relates to proposed § 137b.73a(b)(1)(ii), which hinges roll-back tax liability on a determination as to whether a conveyance of oil, gas or coal bed methane rights to a third party occurred before enrollment and before December 26, 2010.

Response: The Department appreciates that this requirement imposes some burdens on county assessors, but emphasizes that these requirements are imposed by section 6(c.1)(4) of the act and that the final-form rulemaking simply restates them. The Department cannot make an amendment to the final-form rulemaking to relieve a county assessor from having to verify the date of transfer of the stated mineral rights as a prudent initial step in determining the extent of roll-back tax liability regarding oil and gas exploration/extraction activities on enrolled land.

Comment 47: Proposed § 137b.73a(b)(1)(ii) essentially restates section 6(c.1)(4) of the act providing that roll-back taxes are not due with respect to surface activities regarding the exploration for or removal of oil or gas, including coal bed methane, where the referenced exploration/extraction rights were transferred to a third party before December 26, 2010. The CCAP requested that the final-form rulemaking be amended to make clear that the transfer of these exploration/extraction rights must include the right to engage in these surface activities. The commentator offered that:

There may be situations wherein a property owner has severed the oil and gas rights from the surface property prior to the December 26, 2010, cutoff date, but did not also authorize exploration or drilling on their surface property prior to that date. In that case, the construction of an appurtenant facility on that landowner's property after December 26, 2010, would be outside the rights that were granted for exploration and other activity, and should therefore be subject to roll-back taxes.

Response: The Department believes it is the transfer of the referenced exploration/extraction rights that must have occurred before December 26, 2010, for the roll-back tax exemption to apply. It is not essential for that transfer to have addressed or granted permission for a particular method of extraction before that date for the roll-back tax exemption to apply. For this reason, the Department declines to amend the final-form rulemaking to address the situation presented by the commentator.

Comment 48: The CCAP and the TCAO reviewed Examples 3 and 4 in proposed § 137b.73a(b)(1) and asked whether the 50% interest language in those two examples is meant to establish a line that creates different roll-back tax consequences for a landowner who sells more than a 50% interest in coal bed methane exploration and extraction rights to a third party than it does for a landowner who sells less than a 50% interest in those same rights.

The CCAP also offered the alternative thought that the examples might be read as saying that roll-back taxes would not be imposed in a situation wherein a proportion of exploration and extraction rights were sold. The commentator recommended that this be clarified in the final-form rulemaking.

IRRC joined the commentators in asking for clarification in the final-form rulemaking.

Response: The referenced examples use a 50% interest as an example and are not intended to suggest that there are different roll-back tax consequences for a landowner who sells more than a 50% interest in coal bed methane exploration and extraction rights to a third party than there are for a landowner who sells less than a 50% interest in those same rights.

The Department understands the commentators' point and has changed the references to a "50% (as opposed to 100%)" interest in the referenced examples to "something less than a 100%" interest.

Comment 49: The TCAO noted that measuring portions of the total acreage of a tract of enrolled land is difficult, and also opined that using a reclamation permit (presumably, rather than the well production report in proposed § 137b.73a(b)(2)) would have been "more efficient."

Response: The Department appreciates the commentator's insight into the administrative responsibilities the act imposes on county assessors, and seeks to avoid adding to these responsibilities by regulation.

As far as the commentator's suggestion that a reclamation permit would be preferable to requiring a well production report goes, the Department notes that the requirements regarding well production report are imposed by section 6(c.1)(3) of the act. The Department will remain mindful of the commentator's suggestion as it administers this provision and, if experience ultimately shows that the commentator is right and the act should be amended to implement the commentator's suggestion, will consider seeking a statutory amendment.

Comment 50: Regarding proposed § 137b.73a(b)(2), the TCAO noted that it is not receiving the required well production reports from the Department of Environmental Protection (DEP) and that “it is a time consuming task to access the reports online and determine which well sites are new.”

The CCAP apparently agrees with the TCAO on this point, and extended an offer to “. . . work with the Department and the DEP to streamline the process by which DEP provides a copy of the well production report to the county assessor to determine rollback taxes.” The CCAP related that DEP has taken the position that it is meeting the statutory requirement in section 6(c.1)(3) of the act that it provide the county assessor a copy of the well production report when it makes these reports available on DEP’s web site. The CCAP recommended that “. . . there be some sort of notification to counties to alert them when the new reports are posted every six months and if possible to make it clear which wells in the reports are new wells that came online just within the previous six month reporting period.”

Response: The Department believes this is a good idea, and can assist the commentator on this project outside of this final-form rulemaking.

Section 6(c.1)(3) of the act requires that a copy of the well production report be “. . . provided by the Department of Environmental Protection to the county assessor within ten days of its submission.”

The Department agrees that the current process being employed by the DEP could be improved along the lines described in the comment, and is willing to engage with the DEP and the commentator to try to implement that change.

Comment 51: The CCAP referenced three instances when new statutory or regulatory language requires an owner of enrolled land to report specific changes in the use of the enrolled land. Specifically, reference was made to the requirement that an owner of enrolled land report: (1) facilities that are appurtenant facilities with respect to the extraction of oil and gas, as required under proposed § 137b.73a(b)(2); (2) leases of enrolled land for pipe storage yards as required under section 6(c.3) of the act; and (3) the beginning of energy generation from a wind power generation system as required under section 6(c.5)(2) of the act. The CCAP offered the following general comment:

. . . a public education effort will be needed to better inform property owners of these changes (particularly insofar as the new statutory and regulatory changes apply to those enrolled in the program prior to the changes) and their obligations to report relevant changes in their use of their land to the county assessment office.

Response: The Department agrees with the commentator on this point. The Department believes the typical owner of enrolled land does not stay abreast of amendments to the act and is not generally aware of new statutory requirements. The Department will attempt to do more direct outreach to the public, whether through the media or by attending local meetings.

The Department notes that this response is similar to the response offered with respect to Comment 54.

Comment 52: Regarding proposed § 137b.73a, the TCAO observed that it “. . . took months to develop” the retroactive tax bill referenced in proposed § 137b.73a(c) and “the tax amount on many of them is minimal.”

Response: Since the retroactive adjustment of fair market value described in § 137b.73a(c) is imposed by section 6(c.1)(3) of the act, the Department cannot alter this requirement by regulation.

Comment 53: IRRC and the PFB offered comments with respect to proposed § 137b.73b, which allows the owner of enrolled land to temporarily lease a portion of that land for pipe storage.

IRRC and the PFB asked for guidance on the treatment of the land after the lease expires and the land is returned to its original use. IRRC asked “[w]ould the land that was leased continue to be assessed at fair market value after the expiration of the lease, or would it automatically revert to use value for taxing purposes?” IRRC asked the Department to include language in the final-form rulemaking to address this situation. The PFB suggested that the landowner will typically need to do “nothing or next-to-nothing” to restore the land to its original use, and that return to preferential assessment should be automatic unless a county assessor visits the site and determines that the required restoration has not occurred.

Response: The referenced regulation restates section 6(c.3) of the act. The Department revised the final-form rulemaking to clarify that following the expiration of a lease and the restoration of the land to its original eligible use, preferential assessment will resume unless the county assessor determines upon inspection that the land has not been restored to its original use.

Comment 54: Regarding proposed § 137b.73b, the TCAO noted that owners of enrolled land do not typically notify that office when they lease a portion of the enrolled land for pipe storage yards.

Response: Although the regulation restates section 6(c.3) of the act that an owner of enrolled land who leases a portion of that land for a pipe storage yard provide the county assessor a copy of that lease within 10 days after it is signed, the Department appreciates that there needs to be some effort to educate owners of enrolled land with respect to this requirement. The Department will attempt to do more direct outreach to the public, whether through the media or by attending local meetings.

The Department notes that this response is similar to the response offered with respect to Comment 51.

Comment 55: A commentator noted that proposed § 137b.77(c) and (d) would allow an owner of enrolled land to assess a fee or charge in connection with the recreational use of enrolled agricultural use or forest reserve land without adversely impacting the preferential assessment of that land. The commentator stated that these fees should not be allowed. The commentator presented the following:

Allowing fees for recreation? How is this different on Ag Use and Forest Reserve? The focus of “use” now could potentially change based upon market demand. A municipality or private enterprise could create ball fields and charge fees, etc. And building a “permanent” structure could be circumvented by mobile structures. IE an RV. Or a whole campground of them. (No taxes and lucrative income). Golf course example: Subdivide the structures off of the parcel and enroll the course. No fees should be permitted. What other unintended consequences might arise from the implementation of this item?

In support of his position the commentator also referenced a comment and response in the final-form rulemaking published at 31 Pa.B. 1701, which adopted Chapter 137b.

Response: A statutory amendment would be needed to implement the commentator's recommendations. Section 8(f) of the act allows a landowner to assess fees and charges with respect to agricultural use land and forest reserve land.

Comment 56: IRRC and the PFB noted that proposed § 137b.81 would add a reference to "applicable sections of the act," as follows: "The owner of enrolled land will not be liable for any roll-back tax triggered as a result of a change to an ineligible use by the owner of the split-off tract in accordance with the applicable sections of the act."

Both commentators believe that "in accordance with the applicable sections of the act" is confusing. The PFB suggested the phrase be deleted from the final-form rulemaking.

Response: The Department agrees with the commentators and deleted the phrase in the final-form rulemaking.

Comment 57: The PFB reviewed proposed § 137b.81 and offered that the final sentence is inconsistent with section 6(a.3) of the act, which describes circumstances under which the transfer of "land subject to a single application for preferential assessment" does not trigger roll-back tax liability. The proposed rulemaking referenced a "transfer of enrolled land under a single application." The commentator offered that section 6(a.3) of the act "provides for a broader scope of conveyances to be deemed to be relieved of roll-back tax liability than what is suggested in the rulemaking's proposed language," and adds:

We believe that the Department's proposed provision, which fails to recognize the outright conveyance of contiguous area of a land unit that is part of a multi-unit application for clean and green, is unduly restrictive, and is inconsistent with the principles of logic and administration that are consistently established through numerous provisions of the Act.

Farm Bureau recommends further amendments to the sentence proposed in this Section to also recognize that "units" of contiguous area identified in a single application that are conveyed in entirety to another fall within the scope of "transfers" relieved of roll-back tax.

IRRC noted the PFB's comment and asked the Department to provide an explanation of the reason for the proposed language and an explanation of how it is consistent with the intent of the General Assembly and in the public interest.

IRRC also offered that the preamble to the proposed rulemaking did not explain why the Department is adding language to this section or the effect it will have on the regulated community, and asked the Department to provide a detailed explanation of why this language is being added and how it is consistent with the intent of the General Assembly and in the public interest.

Response: Language being added to § 137b.81 is clearly consistent with the intention of the General Assembly. The language is from section 6(a.3) of the act and makes the regulation more consistent with the act. IRRC's concerns are also addressed in the Description of the Regulation portion of this preamble.

In addition, the Department has encountered several instances when a tract of enrolled land was transferred to a person (such as a developer) whose long-term intention was to convert the land to some use other than agricultural use, agricultural reserve or forest reserve. The new language helps make clear that the transfer does not trigger roll-back tax liability or impact preferential assessment, or both, but that a subsequent change of use would.

The Department declines to include the further amendments recommended by the PFB, and disagrees that the language that is being added to § 137b.81, which practically restates section 6(a.3) of the act, is somehow inconsistent with the act.

Comment 58: The PFB offered several comments with respect to proposed § 137b.82. With respect to the first sentence of this section, the PFB suggested "accurate" be replaced by "met."

Response: This comment suggests the commentator was reviewing the proposed rulemaking as submitted by the Department to the *Pennsylvania Bulletin* for publication, rather than the proposed rulemaking as published at 43 Pa.B. 4353. The Legislative Reference Bureau made format and style changes to the document that effectively address the commentator's concern.

In addition, the Department deleted "if all the following are true" from the final-form rulemaking because the initial phrase of that sentence essentially says the same thing.

Comment 59: The PFB expressed concern with respect to the language the Department proposed to add to § 137b.82(3), which reads: "In calculating the total tract split-off, the total shall include the acreage of all tracts that have been split-off from the enrolled tract since enrollment." The PFB feels this language:

... provides no greater insight or resolution of the ambiguity, confusion and hardship that current landowners ... can often face in trying to determine whether a particular split-off would meet or violate the 10-acre/10-percent rule, especially in situations where the enrolled land has been enrolled in clean and green for decades, has had multiple owners during its enrollment, or has had additional separations within originally separated tracts. The proposed provision does nothing to simplify the real challenges that landowners of enrolled land can face in identifying split-offs on portions of enrolled land that the landowner does not own, nor does the proposed provision provide any insight or resolution for the host of unanswered legal questions that can arise from the timing and degree of split-offs on separated land. The legal and practical situations surrounding the 10-acre/10-percent rule become even more unwieldy in situations where separated land to originally enrolled land are subject to further separations.

Instead of the proposed provision, Farm Bureau believes the Department should consider development of regulations that establish safe-harbor principles that provide landowners of enrolled land with simpler and more straightforward means to identify whether a contemplated split-off of enrolled land will comply with or will violate the 10-acre/10-percent rule.

Response: The Department believes the act establishes a bright-line standard as to the maximum amount of acreage that can be split-off without triggering roll-back tax liability with respect to the entire enrolled tract. That standard is in section 6(a.1)(1)(i) of the act, and is the

lesser of: (1) 10% of the entire tract that is subject to preferential assessment; or (2) 10 acres. In other words, there can never be more than 10 acres split-off from an enrolled 100-acre tract without triggering roll-back tax liability on the entire 100-acre tract.

The commentator's concern is understandable. In the 100-acre example, if 10 acres had already been split-off and the land was later separated into several tracts and conveyed to new owners, those owners might not be aware that no further split-offs could occur without triggering roll-back tax liability on the entire 100-acre tract.

Owners of enrolled land are required under § 137b.63 to provide county assessors 30 days' advance written notice of a split-off. This presents an opportunity to avoid adverse roll-back tax consequences. The county assessor is the repository of records regarding split-offs, and can provide a landowner the split-off history with respect to the land enrolled under a single application for preferential assessment.

Although this is not the extensive amendment requested by the commentator, in response to this comment the Department added § 137b.82(b) to advise landowners to confer with county assessors regarding planned split-offs.

Comment 60: In the context of its review of proposed § 137b.82, the PFB offered that the 2010 amendments to the act regarding split-offs were largely prompted by the Commonwealth Court's opinion in *Donnelly v. York County Board of Assessment* (976 A.2d 1226, Pa. Commw. 2009). The PFB recommended that:

... the Department consider the inclusion of an illustrative example that includes the same set of facts as the actual facts in the *Donnelly* case and expressly states the correct conclusions that: (i) roll-back taxes for split-offs done in accordance with the Act's prescribed standards are limited to the area split-off; (ii) the landowner who originally conveys the split-off tract is solely responsible for payment of any roll-back tax due from the conveyance; and (iii) the owner of the split-off is solely responsible for payment of any roll-back tax triggered through use of his or her split-off tract.

Senator Yaw offered a comment that confirmed some of the PFB's thinking on this subject. Senator Yaw was a prime sponsor of Act 88, and offered the following:

One of the objectives of Act 88 of 2010 was to clarify that if an owner of land that is enrolled and receiving preferential tax assessment splits-off a portion of that enrolled land, and that split-off complies with the requirements presented at 72 P. S. § 5490.6(a.1)(1)(i), then roll-back taxes are only due with respect to the split-off portion of the enrolled land—and not with respect to the entire tract of enrolled land. This clarification was, in part, in response to a 2009 Commonwealth Court case (*Donnelly v. York County Board of Assessment* (976 A.2d 1226)), which suggested there was ambiguity on this point.

Act 88 of 2010 made substantial revisions to the provision at 72 P. S. § 5490.6(a.1)(2), clarifying that under the circumstances presented in the preceding paragraph roll-back taxes are "... only due with respect to the split-off portion of the land." I recommend Agriculture revise its final-form regulation to include one or more examples to underscore this clarification. . .

Senator Yaw's comment included recommended language for an example and encouraged the Department to consider additional examples.

Response: The Department implemented Senator Yaw's recommendation in the final-form rulemaking by adding the substance of his proposed example in § 137b.82(a), and believes this example will add clarity to the final-form rulemaking.

This example also implements the PFB's request for an example that identifies the landowner who conducts the split-off as the person liable for payment of roll-back taxes under the facts presented in that example.

The Department declines to add the PFB's third recommended example. While the Department agrees that it is true that if a tract of enrolled land is separated (rather than split-off) and the owner of a separated tract changes the use of the separated tract to an ineligible use, that landowner owes roll-back taxes in accordance with section 6(a.2) of the act, it does not believe this same roll-back tax liability would be triggered by a change-of-use to a tract that has been split-off.

Comment 61: The PFB reviewed proposed § 137b.84 (relating to split-off that does not comply with section 6(a.1)(1)(i) of the act), offered that the proposed sentence at the end of the first paragraph was "very vague and unclear" and suggested the following:

... much more specific language or illustrative examples are needed to better identify what this language means and how it is to be applied in the context of split-offs that fail to meet the requirements of Section 6(9a.1)(1)(i) of the Act. In absence of more specific language or illustrative examples, Farm Bureau would recommend deletion of this sentence.

Response: The Department deleted the referenced sentence from the final-form rulemaking.

Comment 62: The Lancaster County Assessment Office reviewed proposed § 137b.84, requested an explanation of the reason for the proposed changes to this section and asked "[i]s this so it is understood that a conveyance of any amount of land, be it .25 of an acre or 25 acres, is a violation and subject to total rollback?"

The commentator also asked for "... an expression of the State's position regarding lot add-ons."

Response: In response to Comment 61, the Department withdraws the proposed amendments to § 137b.84.

With respect to the commentator's request for the Department's position on lot add-ons, if the term refers to routine property line adjustments that correct survey errors or that otherwise adjust property lines without the land that is being added or deleted having a separate legal existence, then the Department does not believe these add-ons have an adverse impact on preferential assessment under the act.

Comment 63: The PFB reviewed proposed § 137b.87 and recommended the Department either not delete the sentence it proposed for deletion or replace it with a sentence such as the following:

Conversion in use of one of the tracts created through separation to a use that renders the tract ineligible for preferential assessment shall not terminate or otherwise affect preferential assessment of the other tracts created through the separation.

Response: The Department accepts the commentator's recommendation that the referenced sentence not be deleted. The Department withdraws the proposed amendments to § 137b.87.

Comment 64: In a comment that appears to relate to § 137b.131 (relating to civil penalties), a commentator offered that the \$100 penalty amount is not a deterrent to violators and that counties are unwilling to pursue violations for low penalty amounts. The commentator recommended that “meaningful penalties be established to gain compliance” with the act.

Response: The referenced civil penalties are established in section 5.2 of the act, and the Department does not have the discretion to change them by regulation.

Persons Likely to be Affected

The final-form rulemaking promotes the efficient, uniform, Statewide administration of the act. It updates and supplants outdated and inadequate provisions. It also implements changes to the act accomplished by Act 235, Act 88, Act 109, Act 34, Act 35 and Act 190. Although a number of persons and entities are likely to be impacted by this final-form rulemaking, the act, rather than this final-form rulemaking, drives these impacts.

The final-form rulemaking is not expected to have significant adverse impact on any group or entity.

The final-form rulemaking will provide counties and county assessors a better understanding of the requirements of the act, and will help in implementing the statutory amendments. Owners of currently-enrolled land will benefit from more consistent and uniform interpretation and enforcement of the act.

To the extent that the final-form rulemaking simply implements requirements of the act, adverse impact is attributable to the act and not the underlying regulations.

Fiscal Impact

Commonwealth

The final-form rulemaking will not have appreciable fiscal impact upon the Commonwealth.

Political subdivisions

The final-form rulemaking is not expected to impose costs on political subdivisions. To the extent a county incurs costs in recalculating preferential assessments, those costs would be driven by the act rather than by the regulations. These statutory costs cannot be readily estimated.

To the extent the final-form rulemaking helps clarify how the act is to be administered by counties, it may result in some savings to counties by virtue of there being fewer appeals and legal challenges regarding preferential assessment. These savings cannot be readily estimated.

Private sector

The final-form rulemaking will not have appreciable fiscal impact upon the private sector. The act affords the owners of agricultural use, agricultural reserve and forest reserve land the opportunity for tax savings through the use value (rather than market value) assessment of that land. These tax savings are attributable to the act rather than the regulations, and cannot be readily estimated.

To the extent the final-form rulemaking helps clarify how the act is to be administered by counties, it may result in some savings to private sector entities that own enrolled land or that seek to enroll land for preferential assessment, by virtue of there being fewer appeals and legal challenges regarding preferential assessment. These savings cannot be readily estimated.

General public

The act and the final-form rulemaking are expected to result in tax savings to owners of land enrolled for preferential assessment under the act. These savings cannot be readily estimated.

To the extent the final-form rulemaking helps clarify how the act is to be administered by counties, it may result in some savings to members of the general public who own enrolled land or who seek to enroll land for preferential assessment, by virtue of there being fewer appeals and legal challenges regarding preferential assessment. These savings cannot be readily estimated.

Paperwork Requirements

The final-form rulemaking will not result in an appreciable increase in the paperwork handled by the Department.

Effective Date

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

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 19, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 4344, to IRRC and the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 27, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 28, 2015, and approved the final-form rulemaking.

Findings

The Department finds that:

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

(b) A public comment period was provided as required by law and the comments received were considered.

(c) The amendments to this final-form rulemaking in response to comments do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 4344.

(d) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Department, acting under authority of the act, orders the following:

(a) The regulations of the Department, 7 Pa. Code Chapter 137b, are amended by adding §§ 137b.73a—137b.73d and 137b.77 and amending §§ 137b.2—137b.4, 137b.12—137b.15, 137b.42, 137b.51—137b.53, 137b.72, 137b.74, 137b.81, 137b.82, 137b.89, 137b.93 and 137b.112

to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The proposed amendments to §§ 137b.84 and 137b.87 have been withdrawn by the Department.)

(Editor's Note: The Department included § 137b.64 in the final-form rulemaking submitted to IRRC and the House and Senate Committees. As there were not changes to this section, it is not included in Annex A.)

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

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

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

RUSSELL C. REDDING,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 2962 (June 13, 2015).)

Fiscal Note: Fiscal Note 2-159 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 7. AGRICULTURE

PART V-C. FARMLAND AND FOREST LAND

CHAPTER 137b. PREFERENTIAL ASSESSMENT OF FARMLAND AND FOREST LAND UNDER THE CLEAN AND GREEN ACT

GENERAL PROVISIONS

§ 137b.2. Definitions.

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

Act—The Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P. S. §§ 5490.1—5490.13), commonly referred to as the Clean and Green Act.

Agricultural commodity—Any of the following:

- (i) Agricultural, apicultural, aquacultural, horticultural, floricultural, silvicultural, viticultural and dairy products.
- (ii) Pasture.
- (iii) Livestock and the products thereof.
- (iv) Ranch-raised furbearing animals and the products thereof.
- (v) Poultry and the products of poultry.
- (vi) Products commonly raised or produced on farms which are intended for human consumption or are transported or intended to be transported in commerce.
- (vii) Processed or manufactured products of products commonly raised or produced on farms which are intended for human consumption or are transported or intended to be transported in commerce.
- (viii) Compost.

Agricultural reserve—Noncommercial open space lands used for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public for that use, without charge or fee, on a nondiscriminatory basis. The

term includes land devoted to the development and operation of an alternative energy system, if a majority of the energy annually generated is utilized on the tract.

Agricultural use—Land which is used for the purpose of producing an agricultural commodity or is devoted to and meets the requirements and qualifications for payments or other compensation under a soil conservation program under an agreement with an agency of the Federal government.

- (i) The term includes any farmstead land on the tract.
- (ii) The term includes a woodlot.
- (iii) The term includes land which is rented to another person and used for the purpose of producing an agricultural commodity.

(iv) The term includes land devoted to the development and operation of an alternative energy system, if a majority of the energy annually generated is utilized on the tract.

Agritainment—

- (i) Farm-related tourism or farm-related entertainment activities which are permitted or authorized by a landowner in return for a fee on agricultural land for recreational or educational purposes.
- (ii) The term includes corn mazes, hay mazes, farm tours and hay rides.

(iii) The term does not include activities authorized under section 8(d) of the act (72 P. S. § 5490.8(d)).

Alternative energy system—A facility or energy system that utilizes a Tier I energy source to generate alternative energy. The term includes a facility or system that generates alternative energy for utilization onsite or for delivery of the energy generated to an energy distribution company or to an energy transmission system operated by a regional transmission organization.

Assessment ratio or county's established predetermined ratio—The ratio established by a taxing body that determines on what portion of the assessed value the millage rate is to be levied, as prescribed by assessment law.

Capitalization rate—The percentage rate used to convert income to value, as determined by the most recent 5-year rolling average of 15-year fixed loan interest rates offered to landowners by the Federal Agricultural Mortgage Corporation or other similar Federal agricultural lending institution, adjusted to include the landowner's risk of investment and the effective tax rate.

Change of use—

- (i) The alteration of enrolled land so that it is no longer agricultural use, agricultural reserve or forest reserve land.
- (ii) The term does not include:
 - (A) The act of subdividing enrolled land if the subdivided land is not conveyed.
 - (B) The act of conveying subdivided enrolled land to the same landowner who owned it immediately prior to subdivision.

Class A beneficiaries for inheritance tax purposes—The following relations to a decedent: grandfather, grandmother, father, mother, husband, wife, lineal descendants, wife, widow, husband or widower of a child. Lineal descendants include all children of the natural parents

and their descendants, whether or not they have been adopted by others, adopted descendants and their descendants and step descendants.

Compost—Material resulting from the biological digestion of dead animals, animal waste or other biodegradable materials, at least 50% by volume of which is comprised of products commonly produced on farms.

Contiguous tract—

(i) All portions of one operational unit as described in the deed or deeds, whether or not the portions are divided by streams, public roads or bridges and whether or not the portions are described as multiple tax parcels, tracts, purparts or other property identifiers.

(ii) The term includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.

Contributory value of farm building—The value of the farm building as an allocated portion of the total fair market value assigned to the tract, irrespective of replacement cost of the building.

County—The county assessor, the county board of assessment or other county entity responsible to perform or administer a specific function under the act.

County commissioners—The board of county commissioners or other similar body in home rule charter counties.

Curtilage—The land surrounding a residential structure and farm building used for a yard, driveway, onlot sewage system or access to any building on the tract.

Department—The Department of Agriculture of the Commonwealth.

Direct commercial sales—Retail or wholesale sales of agriculturally related commodities to customers who are physically present onsite to make purchases.

Division by conveyance or other action of the owner—

(i) When used in the context of a separation or a split-off, the term refers to either:

(A) A conveyance, a subdivision, a land development plan or comparable plan required by a local government unit.

(B) An owner-initiated process that produces a metes and bounds description of the separated or split-off land and a calculation of the acreage of that separated or split-off land.

(ii) The term does not include:

(A) The act of subdividing enrolled land if the subdivided land is not conveyed.

(B) The act of conveying subdivided enrolled land to the same landowner who owned it immediately prior to subdivision.

Enrolled land—Land eligible for preferential assessment under an approved application for preferential assessment filed in accordance with the act.

Fair market value—The price as of the valuation date for the highest and best use of the property which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is under no obligation to buy would pay for the property.

Farm building—A structure utilized to store, maintain or house farm implements, agricultural commodities or

crops, livestock and livestock products, as defined in the Agricultural Area Security Law (3 P. S. §§ 901—915).

Farmstead land—Any curtilage and land situated under a residence, farm building or other building which supports a residence, including a residential garage or workshop.

Forest reserve—Land, 10 acres or more, stocked by forest trees of any size and capable of producing timber or other wood products. The term includes land devoted to the development and operation of an alternative energy system if a majority of the energy annually generated is utilized on the tract.

Income approach—The method of valuation which uses a capitalization rate to convert annual net income to an estimate of present value. Present value is equal to the net annual return to land divided by the capitalization rate.

Ineligible land—Land which is not used for any of the three eligible uses (agricultural use, agricultural reserve or forest reserve) and therefore cannot receive use value assessment.

Land use category—Agricultural use, agricultural reserve or forest reserve.

Land use subcategory—A category of land in agricultural use, agricultural reserve or forest reserve established by the Department and assigned a particular use value in accordance with sections 3 and 4.1 of the act (72 P. S. §§ 5490.3 and 5490.4a). A land use subcategory of agricultural use or agricultural reserve land may be based upon soil type, soil group or any other recognized subcategorization of agricultural land. A land use subcategory of forest reserve land may be based upon forest type or other recognized subcategorization of forest land, and may be a county-specific average timber value.

Net return to land—Annual net income per acre after operating expenses are subtracted from gross income. The calculation of operating expenses does not include interest or principal payments.

Noncoal Surface Mining Conservation and Reclamation Act—52 P. S. §§ 3301—3326.

Normal assessment—The total fair market value of buildings and ineligible land, as of the base year of assessment, on a tract multiplied by the assessment ratio.

Oil and Gas Act—58 Pa.C.S. §§ 3201—3274 (relating to development).

Outdoor recreation—

(i) Passive recreational use of land that does not entail the erection of permanent structures or any change to the land which would render it incapable of being immediately converted to agricultural use. Examples include picnicking, hiking, wildlife watching and hunting, subject to the restrictions in § 137b.64 (relating to agricultural reserve land to be open to the public).

(ii) The term does not include the operation of motor vehicles other than under either of the following circumstances:

(A) When necessary to remove an animal which has been hunted.

(B) When the motor vehicle is operated over an existing lane and is incidental to hunting, fishing, swimming, access for boating, animal riding, camping, picnicking, hiking, agritainment activities or the operation of nonmotorized vehicles.

Pasture—Land, other than land enrolled in the USDA Conservation Reserve Program, used primarily for the growing of grasses and legumes for consumption by livestock.

Person—A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

Preferential assessment—The total use value of land qualifying for assessment under the act.

Recreational activity—The term includes, but is not limited to:

- (i) Hunting.
- (ii) Fishing.
- (iii) Swimming.
- (iv) Access for boating.
- (v) Animal riding.
- (vi) Camping.
- (vii) Picnicking.
- (viii) Hiking.
- (ix) Agritainment activities.
- (x) Operation of nonmotorized vehicles.
- (xi) Viewing or exploring a site for aesthetic or historical benefit or for entertainment.
- (xii) Operation of motorized vehicles if the operation is either of the following:
 - (A) Over an existing lane and incidental to an activity in subparagraphs (i)—(x).
 - (B) Necessary to remove an animal which has been hunted under subparagraph (i).

Roll-back tax—The amount equal to the difference between the taxes paid or payable on the basis of the valuation and the assessment authorized under the act and the taxes that would have been paid or payable had that land not been valued, assessed and taxed as other land in the taxing district in the current tax year, the year of change, and in 6 of the previous tax years or the number of years of preferential assessment up to 7.

Rural enterprise incidental to the operational unit—A commercial enterprise or venture that is all of the following:

- (i) Owned and operated by the landowner or by the landowner's beneficiaries who are Class A beneficiaries for inheritance tax purposes.
- (ii) Conducted within 2 acres or less of enrolled land.
- (iii) When conducted, does not permanently impede or otherwise interfere with the production of an agricultural commodity on that portion of the enrolled land that is not subject to roll-back taxes under section 8(d) of the act as a result of that commercial enterprise or venture.

Separation—A division, by conveyance or other action of the owner, of lands devoted to agricultural use, agricultural reserve or forest reserve and preferentially assessed under the act, into two or more tracts of land, the use of which continues to be agricultural use, agricultural reserve or forest reserve and all tracts so formed meet the requirements of section 3 of the act.

Silvicultural products—

(i) Trees and tree products produced from Christmas tree farms, tree nurseries, tree greenhouses, orchards and similar actively-cultivated tree or tree product production operations.

(ii) The term does not include trees and tree-derived products produced from forest land regardless of whether the trees or tree-derived products are harvested from forest land in accordance with a timber management plan.

Split-off—A division, by conveyance or other action of the owner, of lands devoted to agricultural use, agricultural reserve or forest reserve and preferentially assessed under the act, into two or more tracts of land, the use of which on one or more of the tracts does not meet the requirements of section 3 of the act.

Tier I energy source—A Tier I alternative energy source as defined in section 2 of the Alternative Energy Portfolio Standards Act (73 P. S. § 1648.2).

Tract—

- (i) A lot, piece or parcel of land.
- (ii) The term does not refer to any precise dimension of land.

Transfer—A conveyance of all of the enrolled land described in a single application for preferential assessment under the act.

USDA—The United States Department of Agriculture.

USDA-ERS—The United States Department of Agriculture—Economic Research Service.

USDA-NRCS—The United States Department of Agriculture—Natural Resources Conservation Service.

Woodlot—An area of less than 10 acres, stocked by trees of any size and contiguous to or part of land in agricultural use or agricultural reserve.

§ 137b.3. Responsibilities of the Department.

(a) *General.* The Department's responsibilities are to provide the use values described in section 4.1 of the act (72 P. S. § 5490.4a) by May 1 of each year and to provide the forms and regulations necessary to promote the efficient, uniform Statewide administration of the act.

(b) *Information gathering.* The Department will collect information from county assessors for each calendar year to ensure that the act and this chapter are being implemented fairly and uniformly throughout this Commonwealth. This information will be collected through a survey form to be provided to county assessors by the Department no later than December 15 each year, and which county assessors shall complete and submit to the Department by January 31 of the following year.

(c) *Educational outreach.* The Department will conduct an educational outreach effort on matters related to the administration and interpretation of the act and this chapter.

§ 137b.4. Contacting the Department.

For purposes of this chapter, communications to the Department shall be directed to the following address:

Pennsylvania Department of Agriculture
 Bureau of Farmland Preservation
 2301 North Cameron Street
 Harrisburg, PA 17110-9408
 Telephone: (717) 783-3167
 Facsimile: (717) 772-8798

ELIGIBLE LAND**§ 137b.12. Agricultural use.**

Land that is in agricultural use is eligible for preferential assessment under the act if it has been producing an agricultural commodity or has been devoted to a soil conservation program under an agreement with the Federal government for at least 3 years preceding the application for preferential assessment, and is one of the following:

- (1) Comprised of 10 or more contiguous acres (including any farmstead land and woodlot).
- (2) Has an anticipated yearly gross income of at least \$2,000 from the production of an agricultural commodity.
- (3) Devoted to the development and operation of an alternative energy system, if a majority of the energy generated annually is utilized on the tract.

Example 1: Landowner owns 50 acres of pasture upon which horses are kept. The horses are pastured, bred and sold. The land is in agricultural use.

Example 2: Same facts as Example 1, except 20 acres are pasture land and 30 acres are wooded. Twenty acres of land are in agricultural use and 30 acres are in forest reserve.

Example 3: Landowner owns 7 acres of pasture land upon which there is a small horse breeding operation from which there is at least \$2,000 of anticipated yearly gross income. The land is in agricultural use.

Example 4: Same facts as Example 3, except that horses are neither bred nor sold and there is at least \$2,000 of anticipated yearly gross income from a horse boarding operation. The land is in agricultural use, since it is being used for the purpose of producing an agricultural commodity.

Example 5: Landowner owns 10 acres of land that is a combination of wooded and open space land from which tomatoes and sweet corn are produced for sale. The land is in agricultural use.

Example 6: Landowner owns 10 acres of land that is a combination of wooded and open space land from which beef cattle are produced and sold. The land is in agricultural use.

Example 7: Landowner owns a parcel of land that is used for the production of agricultural commodities. Landowner erects solar panels (or some other alternative energy system) on the land and a majority of the electricity generated by the alternative energy system is used on the land. The land is in agricultural use.

Example 8: Landowner owns two separate parcels of land, Parcel A and Parcel B. These parcels are used for the production of agricultural commodities. They are enrolled under a single application for preferential assessment. Landowner erects solar panels (or some other alternative energy system) on Parcel A. The majority of the electricity generated by the alternative energy system on Parcel A is used by a large dairy operation on Parcel B. Both Parcel A and Parcel B are in agricultural use.

§ 137b.13. Agricultural reserve.

Land that is in agricultural reserve is eligible for preferential assessment under the act if the land is comprised of 10 or more contiguous acres (including any farmstead land and any woodlot). This includes land devoted to the development and operation of an alternative energy system if a majority of the energy annually generated is utilized on the tract.

Example 1: Landowner owns 30 acres of land. The land is cleared land that was farmed at one time but that is no longer farmed. The land is open to the public for outdoor recreation or the enjoyment of scenic or natural beauty, without charge or fee, on a nondiscriminatory basis. The land qualifies to be enrolled as agricultural reserve land.

Example 2: Same facts as Example 1, except the landowner charges a fee for allowing public access for hunting and recreation. This land is not eligible to be enrolled as agricultural reserve land.

Example 3: Same facts as Example 1, except the landowner places reasonable restrictions on public access to the enrolled land that are acceptable to the county assessor in accordance with § 137b.64 (relating to agricultural reserve land to be open to the public). The land qualifies to be enrolled as agricultural reserve land.

Example 4: Landowner owns 9 acres of land. The land is cleared land that was farmed at one time but that is no longer farmed. The land is not eligible to be enrolled as agricultural reserve land because it is less than 10 contiguous acres in area.

Example 5: Landowner owns a parcel of enrolled agricultural reserve land. Landowner erects solar panels (or some other alternative energy system) on the land and a majority of the electricity generated by the alternative energy system is used on the land. The land remains in agricultural reserve.

Example 6: Landowner owns two separate parcels of enrolled land, at least one of which is agricultural reserve land. The parcels are enrolled under a single application for preferential assessment. Landowner erects solar panels (or some other alternative energy system) on an agricultural reserve parcel. The majority of the electricity generated by the alternative energy system is used on the other enrolled parcel. The parcel upon which the alternative energy system is located remains agricultural reserve land.

§ 137b.14. Forest reserve.

Land that is in forest reserve is eligible for preferential assessment under the act if presently stocked with trees and the land is comprised of 10 or more contiguous acres (including any farmstead land). Forest reserve land includes land that is rented to another person for the purpose of producing timber or other wood products. This includes land devoted to the development and operation of an alternative energy system if a majority of the energy annually generated is utilized on the tract.

Example 1: Landowner owns 60 acres of forested land with trees of all sizes. The landowner intends to harvest timber periodically. The land qualifies to be enrolled as forest reserve land.

Example 2: Landowner owns 100 acres of land that was recently cleared and replanted with seedlings. The land qualifies to be enrolled as forest reserve land.

Example 3: Landowner owns 100 acres of land that was recently harvested for timber and seedlings remain. The land was not replanted. The land qualifies to be enrolled as forest reserve land.

Example 4: Landowner owns 50 acres of land that was cleared and not replanted. There are no trees of any size remaining on this property and no intention of planting. The land does not qualify to be enrolled as forest reserve land.

Example 5: Landowner owns an 8-acre woodlot and wants to enroll. The land is not eligible to be enrolled as forest reserve land because it is less than 10 contiguous acres in area.

Example 6: Landowner owns a parcel of enrolled forest reserve land. Landowner erects solar panels (or some other alternative energy system) on the land and a majority of the electricity generated by the alternative energy system is used on the land. The land remains in forest reserve.

Example 7: Landowner owns two separate parcels of enrolled land, at least one of which is forest reserve land. The parcels are enrolled under a single application for preferential assessment. Landowner erects solar panels (or some other alternative energy system) on a forest reserve parcel. The majority of the electricity generated by the alternative energy system is used on the other enrolled parcel. The parcel upon which the alternative energy system is located remains forest reserve land.

§ 137b.15. Inclusion of farmstead land.

(a) Farmstead land is an integral part of land in agricultural use, agricultural reserve or forest reserve. In considering whether land is in agricultural use, agricultural reserve or forest reserve, a county shall include any portion of that land that is farmstead land regardless of whether the farmstead land is entitled to preferential assessment under the act or this chapter.

Example 1: A landowner seeks to enroll a 10-acre tract of land as agricultural use land. One acre of the 10-acre tract is comprised of farmstead land. All 10 acres of land shall be considered in determining whether the tract meets the 10 contiguous acres minimum acreage requirement for agricultural use land established in section 3(a)(1) of the act (72 P. S. § 5490.3(a)(1)).

Example 2: A landowner seeks to enroll a 10-acre tract of land as agricultural reserve land. One acre of the 10-acre tract is comprised of farmstead land. All 10 acres of land shall be considered in determining whether the tract meets the minimum acreage requirement for agricultural reserve land established in section 3(a)(2) of the act.

Example 3: A landowner seeks to enroll a 10-acre tract of land as forest reserve land. One acre of the 10-acre tract is comprised of farmstead land. All 10 acres of land shall be considered in determining whether the tract meets the minimum acreage requirement for “forest reserve” land established in section 3(a)(3) of the act.

(b) Farmstead land on agricultural use land shall be considered to be land that qualifies for preferential assessment under the act and this chapter.

(c) Farmstead land on agricultural reserve land shall only be considered to be land that qualifies for preferential assessment under the act and this chapter if at least one of the qualifications for preferential assessment in § 137b.51(g)(2)(i)—(iii) (relating to assessment procedures) has been met.

(d) Farmstead land on forest reserve land shall only be considered to be land that qualifies for preferential assessment under the act and this chapter if at least one of the qualifications for preferential assessment in § 137b.51(g)(3)(i)—(iii) has been met.

APPLICATION PROCESS

§ 137b.42. Deadline for submission of applications.

(a) *General.* A landowner seeking preferential assessment under the act shall apply to the county by June 1. If

the application is approved by the county assessor, preferential assessment shall be effective as of the commencement of the tax year of each taxing body commencing in the calendar year immediately following the application deadline.

Example 1: A landowner applies for preferential assessment on or before June 1, 2001. The application is subsequently approved. Preferential assessment shall be effective as of the commencement of the tax year for each taxing body in calendar year 2002.

Example 2: A landowner applies for preferential assessment on or after June 2, 2001, but not later than June 1, 2002. The application is subsequently approved. The application deadline is June 1, 2002. Preferential assessment shall be effective as of the commencement of the tax year for each taxing body in calendar year 2003.

(b) *Exception: years in which a county implements countywide reassessment.* In those years when a county implements a countywide reassessment, or a countywide reassessment of enrolled land, the application deadline shall be extended to either a date 30 days after the final order of the county board for assessment appeals or by October 15 of the same year, whichever date is sooner. This deadline is applicable regardless of whether judicial review of the order is sought.

PREFERENTIAL ASSESSMENT

§ 137b.51. Assessment procedures.

(a) *Use values and land use subcategories to be provided by the Department.* The Department will determine the land use subcategories and provide county assessors use values for each land use subcategory. The Department will provide these land use subcategories and use values to each county assessor by May 1 of each year.

(b) *Determining use values and land use subcategories.*

(1) *Agricultural use and agricultural reserve.* In calculating appropriate county-specific agricultural use values and agricultural reserve use values, and land use subcategories, the Department will consult with the Department of Agricultural Economics and Rural Sociology of the College of Agricultural Sciences at the Pennsylvania State University, the Pennsylvania Agricultural Statistics Service, USDA-ERS, USDA-NRCS and other sources the Department deems appropriate. In determining county-specific agricultural use and agricultural reserve use values, the Department will use the income approach for asset valuation.

(2) *Forest reserve.* In calculating appropriate county-specific forest reserve use values and land use subcategories, the Department will consult with the Bureau of Forestry of the Department of Conservation and Natural Resources.

(c) *County assessor to determine total use value.*

(1) For each application for preferential assessment, the county assessor shall establish a total use value for land in agricultural use, including farmstead land, and for land in agricultural reserve, by considering available evidence of the capability of the land for its particular use utilizing the USDA-NRCS Agricultural Land Capability Classification system and other information available from USDA-ERS, the Pennsylvania State University and the Pennsylvania Agricultural Statistics Service. Contributory value of farm buildings, as calculated in accordance with § 137b.54 (relating to calculating the contributory value of farm buildings), shall be used. With respect to agricultural reserve land, the total use value includes

farmstead land if at least one of the qualifications for preferential assessment in subsection (g)(2) has been met.

(2) For each application for preferential assessment, the county assessor shall establish a total use value for land in forest reserve by considering available evidence of the capability of the land for its particular use. Contributory value of farm buildings, as calculated in accordance with § 137b.54 shall be used. The total use value includes farmstead land if at least one of the qualifications for preferential assessment in subsection (g)(3) has been met.

(d) *Determining preferential assessment.* The preferential assessment of land is determined by multiplying the number of acres in each land use subcategory by the use value for that particular land use subcategory, adding these products and multiplying the total by the county's established predetermined ratio. The Department will establish land use subcategories as part of the procedure to establish use values.

(e) *Option of county assessors to establish and use lower use values.* A county assessor may establish use values for land use subcategories that are less than the use values established by the Department for those same land use subcategories. A county assessor may use these lower use values in determining preferential assessments under the act. Regardless of whether the county assessor applies use values established by the Department or lower use values established by the county assessor, the county assessor shall apply the use values uniformly when calculating or recalculating preferential assessments, and shall apply these use values to the same land use subcategories as established by the Department. Calculation and recalculation of preferential assessments shall be made in accordance with § 137b.53 (relating to calculation and recalculation of preferential assessment). A county assessor may not, under any circumstances, establish or apply use values that are higher than those use values established by the Department.

(f) *Option of county assessors to select between county-established use values and use values provided by the Department.* When a county assessor has established use values for land use subcategories, and the use values for some—but not all—of these land use subcategories are lower than those provided by the Department, the county assessor has the option to apply the lower use value with respect to each individual land use subcategory, without regard to whether it was provided by the Department or established by the county assessor.

(g) *Valuation of farmstead land.*

(1) *Farmstead land on agricultural use land.* Farmstead land that is located on land enrolled as agricultural use land shall be assessed at agricultural use value.

Example: Landowner has a 100-acre contiguous property that is enrolled for preferential assessment. Some of this land is enrolled as agricultural use land and the remainder is enrolled as forest reserve land. The farmstead land is located on the agricultural use land. The farmstead land shall be assessed at agricultural use value.

(2) *Farmstead land on agricultural reserve land.* Farmstead land that is located on land enrolled as agricultural reserve land shall receive normal (fair market value) assessment, rather than assessment at agricultural use value, unless one of the following is true:

(i) The county commissioners have adopted an ordinance to include farmstead land in the total use value for

land in agricultural reserve, as permitted in section 3(g)(1) of the act (72 P. S. § 5490.3).

(ii) A majority of the land in the application for preferential assessment applicable to that farmstead land is agricultural use land.

(iii) Noncontiguous tracts of land are included in the application for preferential assessment applicable to that farmstead land and a majority of the land on the contiguous tract where the farmstead land is located is enrolled as agricultural use land.

(3) *Farmstead land on forest reserve land.* Farmstead land that is located on land enrolled as forest reserve land shall receive normal (fair market value) assessment, rather than assessment at forest reserve use value, unless one of the following is true:

(i) The county commissioners have adopted an ordinance to include farmstead land in the total use value for land in forest reserve, as permitted in section 3(g)(2) of the act.

(ii) A majority of the land in the application for preferential assessment applicable to that farmstead land is agricultural use land.

(iii) Noncontiguous tracts of land are included in the application for preferential assessment applicable to that farmstead land and a majority of the land on the contiguous tract where the farmstead land is located is enrolled as agricultural use land.

(4) *Examples.*

Example 1: Landowner has a 100-acre contiguous property that is enrolled for preferential assessment. Fifty-one acres (a majority of the land in the application for preferential assessment) are enrolled as agricultural use land. Forty-nine acres are enrolled as agricultural reserve land or forest reserve land, or a combination of the two. The farmstead land is located on the agricultural use land. The farmstead shall be assessed at agricultural use value.

Example 2: Same facts as Example 1, except that the farmstead land is located on agricultural reserve land or forest reserve land. The farmstead shall be assessed at agricultural use value.

Example 3: Landowner has a 100-acre contiguous property that is enrolled for preferential assessment. Fifty-one acres (a majority of the land in the application for preferential assessment) are enrolled as agricultural reserve land or forest reserve land, or a combination of the two. Forty-nine acres are enrolled as agricultural use land. The farmstead land is located on the agricultural use land. The farmstead shall be assessed at agricultural use value.

Example 4: Same facts as Example 3, except that the farmstead land is located on agricultural reserve land or forest reserve land. The farmstead land may not receive preferential (agricultural use value) assessment.

Example 5: Landowner has 100 acres enrolled for preferential assessment. The acreage consists of two noncontiguous parcels of 50 acres each. One 50-acre tract is enrolled as forest reserve land, agricultural use land, agricultural reserve land or a combination of the three. The other 50-acre tract contains farmstead land and consists of 26 acres of enrolled agricultural use land and 24 acres of enrolled agricultural reserve land, forest reserve land or a combination of the two. Since the majority of the land on the tract where the farmstead tract is located is enrolled as agricultural use, the farmstead shall be assessed at agricultural use value,

regardless of whether it is located on the agricultural use land, agricultural reserve land or forest reserve land.

Example 6: Same facts as Example 5, except the 50-acre tract that contains the farmstead land consists of 24 acres of enrolled agricultural use land and 26 acres of agricultural reserve land, forest reserve land or a combination of the two. If the farmstead land is located on that portion of the 50-acre tract that is enrolled as agricultural use land, the farmstead shall be assessed at agricultural use value. If the farmstead land is located on that portion of the 50-acre tract that is enrolled as agricultural reserve land or forest reserve land, the farmstead may not receive preferential (agricultural use value) assessment.

Example 7: One of the six fact situations described in Examples 1—6 except that the county commissioners have adopted an ordinance to include farmstead land in the total use value for land in agricultural reserve or forest reserve in accordance with section 3(g)(1) of the act. The farmstead shall be assessed at agricultural use value.

§ 137b.52. Duration of preferential assessment.

(a) *General.* Enrolled land shall remain under preferential assessment for as long as it continues to meet the minimum qualifications for preferential assessment or until removed from preferential assessment in accordance with the procedure in subsection (b). Land that is in agricultural use, agricultural reserve or forest reserve shall remain under preferential assessment even if its use changes to either of the other two land use categories.

Example: A landowner owns a 100-acre tract of enrolled land, consisting of 85 acres in agricultural use and 15 acres in forest reserve. If the landowner later amends his application to one in which 60 acres are in agricultural use, 30 acres are in agricultural reserve and 10 acres are in forest reserve, the entire 100-acre tract continues to receive preferential assessment (although different use values and land use subcategories may apply in recalculating the preferential assessment).

(b) *Removal of land from preferential assessment.*

(1) A landowner receiving preferential assessment under the act may remove land from preferential assessment if:

(i) The landowner provides the county assessor written notice of this removal by June 1 of the year immediately preceding the tax year for which the removal is sought.

(ii) The entire tract or tracts enrolled on a single application for preferential assessment is removed from preferential assessment.

(iii) The landowner pays rollback taxes on the entire tract or tracts as provided for in section 5.1 of the act (72 P. S. § 5490.5a).

(2) Land removed from preferential assessment under this subsection or under section 8.1 of the act (72 P. S. § 5490.8a) is not eligible to be subsequently re-enrolled in preferential assessment by the same landowner.

(3) Nothing in this subsection or section 8.1 of the act prohibits a landowner whose land was terminated from preferential assessment under authority other than this subsection or section 8.1 of the act from re-enrolling the land in preferential assessment.

(c) *Split-offs, separations, transfers and other events.* Split-offs that meet the size, use and aggregate acreage requirements in section 6(a.1)(1)(i) of the act (72 P. S. § 5490.6(a.1)(1)(i)), separations and transfers under the act or this chapter will not result in termination of

preferential assessment on the land which is retained by the landowner and which continues to meet the requirements of section 3 of the act (72 P. S. § 5490.3). In addition, the following events will not result in termination of preferential assessment on that portion of enrolled land which continues to meet the requirements of section 3 of the act:

* * * * *

§ 137b.53. Calculation and recalculation of preferential assessment.

(a) *New values each year.* As described in § 137b.51 (relating to assessment procedures), the Department will determine the land use subcategories and provide to a county use values for each land use subcategory. The Department will provide these land use subcategories and use values to each county assessor by May 1 of each year.

(b) *Option of county assessor in calculation of preferential assessment.* A county assessor shall calculate the preferential assessment of enrolled land using one of the following methods:

(1) Calculate the preferential assessment of all of the enrolled land in the county each year.

(2) Establish a base year for preferential assessment of enrolled land in the county, and use this base year in calculating the preferential assessment of enrolled land in the county, unless recalculation is required under subsection (c), (d), (e) or (f).

(c) *Required recalculation of preferential assessment if current assessment is based upon use values higher than those provided by the Department.* A county assessor shall calculate the preferential assessment of all enrolled land in the county using either the current use values and land use subcategories provided by the Department or lower use values established by the county assessor.

Example 1: All of the enrolled land in a particular county receives a preferential assessment under the act that is calculated with use values that are lower than the use values provided by the Department. The county has the option of either continuing to assess all enrolled land using its lower use values or recalculating the preferential assessment of all enrolled land using the use values provided by the Department.

Example 2: All of the enrolled land in a particular county receives a preferential assessment under the act that is calculated with use values that are higher than the use values provided by the Department. The county shall recalculate the preferential assessment of all enrolled land using either the use values provided by the Department or lower use values determined by the county assessor.

(d) *Required recalculation of preferential assessment if farmstead land has not been preferentially assessed as agricultural use, agricultural reserve or forest reserve.* A county assessor shall recalculate the preferential assessment on any tract of enrolled land which contains farmstead land if the farmstead land has not been assessed as required under § 137b.51.

(e) *Required recalculation of preferential assessment if contributory value of farm buildings has not been used in determining preferential assessment of land in agricultural use, agricultural reserve or forest reserve.* A county assessor shall recalculate the preferential assessment on any tract of enrolled land if the earlier calculation did not consider the contributory value of any farm buildings on that land. This recalculation shall be accomplished in accordance with § 137b.51.

(f) *Required recalculation of preferential assessment in countywide reassessment.* If a county undertakes a countywide reassessment, or a countywide reassessment of enrolled land, the county assessor shall recalculate the preferential assessment of all of the enrolled land in the county, using either the current use values and land use subcategories provided by the Department, or lower use values established by the county assessor and land use subcategories provided by the Department.

(g) *Required recalculation of preferential assessment of forest reserve land when initial assessment was calculated using county-specific average timber value.* A county assessor shall recalculate the preferential assessment of any tract of enrolled forest reserve land if the current assessment was calculated using a county-specific average timber value provided by the Department and the landowner provides documentation to the county assessor verifying that the value of the timber on the enrolled tract is lower than the timber value that was estimated using that county-specific average timber value.

IMPACT OF SPECIFIC EVENTS OR USES ON PREFERENTIAL ASSESSMENT

§ 137b.72. Direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit.

(a) *General.* An owner of enrolled land may apply up to 2 acres of enrolled land toward direct commercial sales of agriculturally related products and activities, or toward a rural enterprise incidental to the operational unit, without subjecting the entirety of the enrolled land to roll-back taxes and interest, if both of the following apply to the commercial activity or rural enterprise:

(1) The commercial activity or rural enterprise does not permanently impede or otherwise interfere with the production of an agricultural commodity on the remainder of the enrolled land.

(2) The commercial activity or rural enterprise is owned and operated by the landowner or persons who are Class A beneficiaries of the landowner for inheritance tax purposes, or by a legal entity owned or controlled by the landowner or persons who are Class A beneficiaries of the landowner for inheritance tax purposes.

(b) *Roll-back taxes and status of preferential assessment.*

(1) If a tract of 2 acres or less of enrolled land is used for direct commercial sales of agriculturally related products and activities, or toward a rural enterprise incidental to the operational unit, and paragraph (2) is not applicable, the 2 acre or less tract shall be subject to roll-back taxes and interest, and preferential assessment of that 2 acre or less tract shall end. The remainder of the enrolled land shall continue under preferential assessment as long as that remainder continues to meet the requirements for eligibility in section 3 of the act (72 P. S. § 5490.3).

(2) If a tract of 1/2 acre or less of enrolled land is used for direct commercial sales of agriculturally related products, roll-back taxes or interest are not due and breach of preferential assessment will not be deemed to have occurred on that tract if:

(i) At least 50% of the agriculturally related products are produced on the enrolled land.

(ii) The direct commercial sales of agriculturally related products do not require new utilities or buildings.

(3) Enrolled land that is used for ingress, egress and parking with respect to the direct commercial sales and

agriculturally related activities described in paragraphs (1) and (2) shall be counted toward the acreage totals referenced in those paragraphs.

(c) *Inventory by county assessor to determine ownership of goods.* A county assessor may inventory the goods sold at the business to ensure that they are owned by the landowner or persons who are Class A beneficiaries of the landowner for inheritance tax purposes, or by a legal entity owned or controlled by the landowner or persons who are Class A beneficiaries of the landowner for inheritance tax purposes, and that the goods meet the requirements of this section.

§ 137b.73a. Gas, oil and coal bed methane.

(a) *General.*

(1) Land subject to preferential assessment may be leased or otherwise devoted to both of the following:

(i) The exploration for and removal of gas and oil, including the extraction of coal bed methane.

(ii) The development of appurtenant facilities, including new roads and bridges, pipelines and other buildings or structures, related to exploration for and removal of gas and oil and the extraction of coal bed methane.

(2) Portions of land subject to preferential assessment may be used for both of the following:

(i) The exploration for and removal of gas and oil, including the extraction of coal bed methane.

(ii) The development of appurtenant facilities, including new roads and bridges, pipelines and other buildings or structures, related to those activities.

(b) *Roll-back tax liability.*

(1) Roll-back taxes shall be imposed upon those portions of land actually devoted to activities in subsection (a)(2), except for the following:

(i) Land devoted to subsurface transmission or gathering lines is not subject to roll-back tax.

(ii) Notwithstanding any other provision in this section, a roll-back tax may not be imposed upon a landowner for activities related to the exploration for or removal of oil or gas, including the extraction of coal bed methane, conducted by parties other than the landowner that hold the rights to conduct these activities pursuant to an instrument, conveyance or other vesting of the rights if the transfer of the rights occurred before:

(A) The land was enrolled for preferential assessment under this act.

(B) December 26, 2010.

Example 1: Landowner sold coal bed methane exploration and extraction rights with respect to a tract to another person in 2008 and enrolled that tract for preferential assessment under the act in 2009. The other person erects a well, a pond used to support hydrofracturing and other appurtenant facilities related to the removal of coal bed methane on the enrolled land. Roll-back taxes may not be imposed with respect to the enrolled land on which these appurtenant facilities are located.

Example 2: Same facts as Example 1, except the landowner sold coal bed methane rights with respect to the tract to another person after the tract was enrolled for preferential assessment under the act. Roll-back taxes are due with respect to the enrolled land on which the appurtenant facilities are located.

Example 3: Same facts as Example 1, except the landowner sold something less than a 100% interest in

coal bed methane exploration and extraction rights to another person. Roll-back taxes may not be imposed with respect to the enrolled land on which these appurtenant facilities are located.

Example 4: Same facts as Example 2, except the landowner sold something less than a 100% interest in coal bed methane exploration and extraction rights to another person. Roll-back taxes are due with respect to the enrolled land on which the appurtenant facilities are located.

(2) The portion of land that is subject to roll-back tax is the well site and land which is incapable of being immediately used for the agricultural use, agricultural reserve or forest reserve activities required under section 3 of the act (72 P. S. § 5490.3). The portion of land that is subject to roll-back tax under this paragraph shall be determined as follows:

(i) If a well production report is required to be submitted to the Department of Environmental Protection in accordance with section 3222 of the Oil and Gas Act (relating to well reporting requirements) and 25 Pa. Code § 78.121 (relating to production reporting), the determination shall be made when that well production report is first due to the Department of Environmental Protection. Section 6(c.1)(3) of the act (72 P. S. § 5490.6(c.1)(3)) requires the Department of Environmental Protection to provide the county assessor a copy of the well production report within 10 days of its submission by the well operator.

(ii) If a well production report as described in subparagraph (i) is not required to be submitted to the Department of Environmental Protection, the landowner shall, in writing, report the circumstances (activities and structures) that render a portion of the land incapable of being immediately used for the agricultural use, agricultural reserve or forest reserve activities required under section 3 of the act, and the area of the affected land, to the county assessor within 10 days of the occurrence of those circumstances. The county assessor shall determine the portion of the land that is subject to roll-back taxes under this subsection.

Example: A tract of enrolled land does not contain a well site and is not required to submit the well production report described in subparagraph (i) but contains one or more appurtenant facilities related to exploration for and removal of gas and oil (including the extraction of coal bed methane) on other land. These appurtenant facilities include a pond used to support hydrofracturing, a compressor station, aboveground pipeline facilities, or other structures or facilities. The landowner shall report these appurtenant facilities and the acreage to the county assessor who will determine the portion of the land that is subject to roll-back taxes.

(c) *Retroactive application.* The fair market value of the well site and land which is incapable of being immediately used for the agricultural use, agricultural reserve or forest reserve activities required under section 3 of the act shall be adjusted retroactively to the date a permit was approved under section 3211 of the Oil and Gas Act (relating to well permits).

(d) *Due date.* The tax calculated based on the adjusted fair market value shall be due and payable in the tax year immediately following the year in which a production report is provided to the county assessor. Roll-back taxes shall become due upon the receipt of a well production report by the county assessor.

(e) *Continued preferential assessment.* The utilization of a portion of land for activities in subsection (a)(2) does not invalidate the preferential assessment of the land which is not so utilized and the land shall continue to receive preferential assessment if it continues to meet the requirements of section 3 of the act.

(f) *Land use category of land used for subsurface transmission or gathering lines.* The land use category of a portion of enrolled land beneath which subsurface transmission or gathering lines as described in subsection (b)(1)(i) are installed does not have to change.

Example: Subsurface transmission or gathering lines are installed beneath enrolled land that is enrolled as forest reserve land. Trees are cleared from the surface of the land along the route of the subsurface line. It is not necessary for that cleared portion of the land to be reclassified as agricultural reserve land rather than forest reserve land.

§ 137b.73b. Temporary leases for pipe storage yards.

The owner of enrolled land may temporarily lease a portion of the land for pipe storage yards provided that roll-back taxes shall be imposed upon those portions of land subject to preferential assessment that are temporarily leased or otherwise devoted for pipe storage yards and the fair market value of those portions of land shall be adjusted accordingly. The imposition of roll-back taxes on portions of land temporarily leased or devoted for pipe storage yards does not invalidate the preferential assessment of land which is not so leased or devoted and that land shall continue to be eligible for preferential assessment if it continues to meet the requirements of section 3 of the act (72 P. S. § 5490.3). Only one lease under this section is permitted to a landowner and a copy of the lease shall be provided to the county assessor within 10 days of its signing by the landowner. The lease may not exceed 2 years and may not be extended or renewed. Following the expiration of the lease, the land shall be restored to the original use which qualified it for preferential assessment, and preferential assessment shall resume unless the county assessor determines upon inspection that this restoration requirement has not been met.

§ 137b.73c. Small noncoal surface mining.

(a) The owner of property subject to preferential assessment may lease or otherwise devote land subject to preferential assessment to small noncoal surface mining as provided for under the Noncoal Surface Mining Conservation and Reclamation Act.

(b) Roll-back taxes shall be imposed upon those portions of land leased or otherwise devoted to small noncoal surface mining and the fair market value of those portions of the land shall be adjusted accordingly. Roll-back taxes on those portions of the land do not invalidate the preferential assessment of the land which is not leased or devoted to small noncoal surface mining and the land shall continue to be eligible for preferential assessment if it continues to meet the requirements of section 3 of the act (72 P. S. § 5490.3).

(c) Only one small noncoal surface mining permit may be active at any time on land subject to a single application for preferential assessment.

(d) Land that is no longer actively mined may be re-enrolled if the land is reclaimed and it continues to meet the requirements of section 3 of the act.

§ 137b.73d. Wind power generation systems.

(a) Portions of land subject to preferential assessment may be leased or otherwise devoted to a wind power generation system.

(b) Roll-back taxes shall be imposed upon those portions of the land actually devoted by the landowner for wind power generation system purposes and the fair market value of those portions of the land shall be adjusted accordingly. The wind power generation system must include the foundation of the wind turbine and the area of the surface covered by the appurtenant structures including new roads and bridges, transmission lines, substations and other buildings or structures related to the wind power generation system. The utilization of a portion of the land for a wind power generation system does not invalidate the preferential assessment of land which is not utilized and the land shall continue to receive preferential assessment if it continues to meet the requirements of section 3 of the act (72 P. S. § 5490.3). An owner who is subject to roll-back taxes under this subsection shall submit a notice of installation of a wind power generation system to the county assessor within 30 days following the beginning of electricity generation at the wind power generation system. Roll-back taxes shall become due on the date the notice of installation of a wind power generation system is received by the county assessor.

(c) This section does not apply to land devoted to the development and operation of an alternative energy system when a majority of the energy annually generated from that system is used on the tract. The impact of this type of alternative energy system is addressed in §§ 137b.12—137b.14 (relating to agricultural use; agricultural reserve; and forest reserve).

§ 137b.74. Option to accept or forgive roll-back taxes in certain instances.

(a) *Option to accept or forgive principal on roll-back taxes.* The taxing body of the taxing district within which a tract of enrolled land is located may accept or forgive roll-back taxes that are otherwise due and payable if the use of some portion of the land is changed for the purpose of granting or donating some portion of the land to one of the following:

- (1) A school district.
- (2) A municipality.
- (3) A county.
- (4) A volunteer fire company.
- (5) A volunteer ambulance service.

(6) A nonprofit corporation that qualifies as tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C.A. § 501(c)(3)), if prior to accepting ownership of the land, the corporation enters into an agreement with the municipality wherein the subject land is located guaranteeing that the land will be used exclusively for recreational purposes, all of which shall be available to the general public free of charge. If the corporation changes the use of all or a portion of the land or charges admission or any other fee for the use or enjoyment of the facilities, the corporation shall immediately become liable for all roll-back taxes and accrued interest previously forgiven.

(7) A religious organization, if the religious organization uses the land only for construction or regular use as a church, synagogue or other place of worship, including

meeting facilities, parking facilities, housing facilities and other facilities which further the religious purposes of the organization.

(b) *No option to forgive interest on roll-back taxes.* The taxing body of the taxing district within which a tract of enrolled land is located may not forgive interest due on roll-back taxes with respect to that portion of the enrolled land that is granted or donated to any one of the entities or for any of the uses described in subsection (a)(1)—(7). That interest shall be distributed in accordance with section 8(b.1) of the act (72 P. S. § 5490.8(b.1)).

§ 137b.77. Recreational activities on agricultural use or forest reserve land.

(a) *Agricultural use land.* An owner of enrolled agricultural use land who performs recreational activities on that land, or who permits or authorizes others to perform these activities, does not violate the requirements for preferential assessment and is not responsible to pay roll-back taxes if the recreational activity does not render the land incapable of being immediately converted to agricultural use.

(b) *Forest reserve land.* An owner of enrolled forest reserve land who performs recreational activities on that land, or who permits or authorizes others to perform these activities, does not violate the requirements for preferential assessment and is not responsible to pay roll-back taxes if the recreational activity does not render the land incapable of producing timber or other wood products.

(c) *Assessment of fees or charges by a landowner.* Subsections (a) and (b) apply regardless of whether the landowner assesses fees or charges with respect to the recreational activity or allows another to assess these fees or charges.

(d) *Recreational leases.* Subsections (a) and (b) apply regardless of whether the landowner leases enrolled land to another person for hunting or other recreational activities and receives fees or charges in return.

LIABILITY FOR ROLL-BACK TAXES**§ 137b.81. General.**

If an owner of enrolled land changes the use of the land to something other than agricultural use, agricultural reserve or forest reserve, or changes the use of the enrolled land so that it otherwise fails to meet the requirements of section 3 of the act (72 P. S. § 5490.3), that landowner shall be responsible for the payment of roll-back taxes and interest, and preferential assessment shall end on that portion of the enrolled land which fails to meet the requirements of section 3 of the act. The owner of enrolled land will not be liable for any roll-back tax triggered as a result of a change to an ineligible use by the owner of a split-off tract. A transfer of enrolled land under a single application will not trigger liability for roll-back taxes unless there is a subsequent change of use so that it fails to meet the requirements of section 3 of the act, in which case the landowner changing the use shall be liable for payment of roll-back taxes on the enrolled land under that single application.

§ 137b.82. Split-off tract.

(a) *Criteria.* When a split-off tract meets the following criteria, which are set forth in section 6(a.1)(1) of the act (72 P. S. § 5490.6(a.1)(1)), roll-back taxes and interest are only due with respect to the split-off tract and are not due with respect to the remainder:

- (1) The tract split off does not exceed 2 acres annually, except that a maximum of the minimum residential lot

size requirement annually may be split off if the property is situated in a local government unit which requires a minimum residential lot size of 2 acres to 3 acres.

(2) The tract is used for agricultural use, agricultural reserve or forest reserve or for the construction of a residential dwelling to be occupied by the person to whom the land is conveyed.

(3) The total tract split off does not exceed the lesser of 10 acres or 10% of the entire tract of enrolled land. In calculating the total tract split off, the total includes the acreage of the tract that was split-off from the enrolled tract since enrollment.

Example: A landowner owns a 60-acre tract of land that is enrolled and receiving preferential assessment. The landowner splits-off 2 acres for one or more of the uses described in paragraph (2) and the split-off otherwise meets the requirements of this subsection. Roll-back taxes are due with respect to the 2-acre split-off tract, but not with respect to the remaining 58 acres. The owner of the 60-acre tract who split-off the 2-acre tract is responsible to pay these roll-back taxes.

(b) *Responsibility of landowner.* The criteria in subsection (a) shall be applied to the entire tract that was the subject of the application for preferential assessment. For this reason, a landowner should engage with the county assessor in advance of a planned split-off to determine the extent to which the criteria in subsection (a) apply, or whether the planned split-off would trigger liability for payment of roll-back taxes and interest with respect to the entire enrolled tract. In addition, § 137b.63 (relating to notice of change of application) requires a landowner to provide the county assessor at least 30 days' advance written notice of a planned split-off.

§ 137b.89. Calculation of roll-back taxes.

A county assessor shall calculate roll-back taxes using the following formula:

(1) If preferential assessment has been in effect for 7 tax years or more, calculate the difference between preferential assessment and normal assessment in the current tax year, and in each of the 6 tax years immediately preceding the current tax year. If preferential assessment has been in effect for less than 7 tax years, calculate the difference between preferential assessment and normal assessment in the current tax year, and in each of the tax years in which the enrolled land was preferentially assessed.

(2) With respect to each of these sums, multiply the tax difference determined under Step (1) by the corresponding factor, which reflects simple interest at the rate of 6% per annum from that particular tax year to the present:

<i>Year</i>	<i>Factor</i>
Current Tax Year	1.00
1 Tax Year Prior	1.06
2 Tax Years Prior	1.12
3 Tax Years Prior	1.18
4 Tax Years Prior	1.24
5 Tax Years Prior	1.30
6 Tax Years Prior	1.36

(3) Add the individual products obtained under Step (2). The sum equals total roll-back taxes, including simple interest at 6% per annum on each year's roll-back taxes.

Example 1: Landowner's liability for roll-back taxes is triggered on July 1, 7 or more tax years after preferential

assessment began. The county assessor calculates the difference between the preferential assessment and normal assessment in the current tax year and in each of the 6 tax years preceding the current tax year, in accordance with this section. The county assessor determines the appropriate sum to be \$2,000 in each full year.

<i>Year</i>	<i>Amount Multiplied by Factor</i>
Current Tax Year	\$1,000 x 1.00 = \$1,000
1 Tax Year Prior	\$2,000 x 1.06 = \$2,120
2 Tax Years Prior	\$2,000 x 1.12 = \$2,240
3 Tax Years Prior	\$2,000 x 1.18 = \$2,360
4 Tax Years Prior	\$2,000 x 1.24 = \$2,480
5 Tax Years Prior	\$2,000 x 1.30 = \$2,600
6 Tax Years Prior	\$2,000 x 1.36 = \$2,720
TOTAL ROLL-BACK	\$15,520

TAXES, WITH INTEREST:

Example 2: Landowner's liability for roll-back taxes is triggered on July 1, less than 7 tax years after preferential assessment began. The county assessor calculates the difference between the preferential assessment and normal assessment in the current tax year and each of the tax years since preferential assessment began, in accordance with this section. The county assessor determines the appropriate sum to be \$2,000 in each of these years. The county assessor would calculate roll-back taxes and interest in accordance with the chart set forth in Example 1, calculating for only those tax years in which preferential assessment occurred.

§ 137b.93. Disposition of interest on roll-back taxes.

(a) *"Eligible county" explained.* A county is an "eligible county" under the Agricultural Area Security Law (3 P. S. §§ 901—915), and for purposes of this chapter, if it has an agricultural conservation easement purchase program that has been approved by the State Agricultural Land Preservation Board in accordance with that statute.

(b) *Disposition in an eligible county.*

(1) *County treasurer.* If a county is an eligible county, the county treasurer shall make proper distribution of the interest portion of the roll-back taxes it collects to the county commissioners or the county comptroller, as the case may be. The county commissioners or comptroller shall designate all of this interest for use by the county agricultural land preservation board. This interest shall be in addition to other local money appropriated by the eligible county for the purchase of agricultural conservation easements under section 14.1(h) of the Agricultural Area Security Law (3 P. S. § 914.1(h)).

(2) *County agricultural land preservation board.* A county agricultural land preservation board that receives interest on roll-back taxes in accordance with paragraph (1) shall segregate that money in a special roll-back account. Notwithstanding any other provisions of the Agricultural Area Security Law, the eligible county board under the Agricultural Area Security Law shall, at its discretion and in accordance with its approved county agricultural conservation easement purchase program, give priority to the purchase of agricultural conservation easements from agricultural security areas located within the municipality in which the land subject to the roll-back tax is located, when using the funding from the special roll-back account.

(c) *Disposition in a county that is not an eligible county.* If a county is not an eligible county, the county treasurer

shall forward the interest portion of the roll-back taxes it collects to the Agricultural Conservation Easement Purchase Fund. The county treasurer shall coordinate with the Department's Bureau of Farmland Preservation at the address in § 137b.4 (relating to contacting the Department) to accomplish this transfer.

DUTIES OF COUNTY ASSESSOR

§ 137b.112. Submission of information to the Department.

A county assessor shall, by January 31 of each year, compile and submit the information required by the Department under § 137b.3(b) (relating to responsibilities of the Department). This includes the following information:

- (1) The cumulative number of acres of enrolled land in the county, by land use category, at the end of the previous year.
- (2) The number of acres enrolled in each land use category during the previous year.
- (3) The number of acres of land, by land use category, with respect to which preferential assessment was terminated within the previous year.
- (4) The dollar amount received as roll-back taxes within the previous year.
- (5) The dollar amount received as interest on roll-back taxes within the previous year.

[Pa.B. Doc. No. 15-1200. Filed for public inspection June 26, 2015, 9:00 a.m.]

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Industrial Housing and Components; Advance Notice of Final Rulemaking

The Department of Community and Economic Development (Department) is soliciting comments on changes it recommends be made to the proposed rulemaking published at 44 Pa.B. 5026 (July 26, 2014) regarding Chapter 145 (relating to industrial housing and components). The public comment period closed on August 25, 2014. The Department received nine comments from eight commentators.

This draft final-form rulemaking satisfies amendments to the Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12) requiring the Department to promulgate regulations to administer a certification program to oversee the production, installation and inspection of new commercial modular buildings. Commercial modular buildings that are produced under this certification program will be deemed to comply with the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103).

A. Summary of Advance Notice of Final-Form Rulemaking Changes

In response to comments received during the official public comment period on the proposed rulemaking, the

Department prepared a draft final-form rulemaking for public comment. The draft final-form rulemaking contains changes in several areas. These changes include:

Section 145.1 (relating to definitions) is revised to delete the definition of “permanent foundation.”

Section 145.3 (relating to scope) is revised to state that the regulation applies to new industrialized housing, buildings and housing, or building components.

Section 145.31 (relating to requirement of certification) is revised to provide that the regulation applies to industrialized housing, buildings, or housing or building components produced after the effective date of the regulation.

Section 145.33 (relating to manufactured homes excluded) is revised to provide a definition of “permanent foundation,” which was previously undefined.

While there is not a legal requirement to provide an opportunity to comment upon the Department's recommendations for final-form rulemaking, the Department believes this advance notice of final rulemaking provides for the opportunity to serve the public interest in building consensus on regulations prior to submittal of the final-form rulemaking as recommended by the Independent Regulatory Review Commission in its comments.

B. Contact Persons

For further information or to request a copy of the draft final-form rulemaking, contact Mark Conte, Department of Community and Economic Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@pa.gov.

Electronic or written comments should be sent to Mark Conte at the previously listed address. Comments must be received by July 27, 2015. A subject heading of the rulemaking and a return name and address must be included in each letter or transmission. Comments will not be accepted by facsimile or voicemail.

DENNIS DAVIN,
Secretary

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS

GENERAL PROVISIONS

§ 145.1. Definitions.

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

* * * * *

Approved—Approved by the Department, or agent of the Department, under this chapter.

Building system—[The industrialized housing or housing components described in the building system documentation.] The method of constructing a type of industrialized home, building, or housing or building component described by plans, specifications and other documentation which together establish a set of limits meeting the building stan-

dards in §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards), as well as the compliance control program requirements of § 145.58 (relating to basic requirements for a compliance control program), including installation details.

Building system documentation—[The plans, specifications and other documentations which together describe industrialized housing or a housing component, including variations and installation detail, consistent with § 145.41 or § 145.42 (relating to adoption of standards; and alternate standards).] The plans, specifications, procedures and other documentation, approved by an evaluation agency under § 145.52 (relating to approval of building system documentation), which together describe industrialized home, building, or housing or building components, including any variation, installation detail and instruction consistent with this chapter.

Certification or certified—Conforming to the requirements of this chapter.

Compliance assurance program—The system of policies and procedures implemented by the manufacturer and the inspection agency to assure that industrialized housing, buildings, or housing or building components are manufactured, transported and installed at the site in accordance with the approved building system documentation.

Compliance control program—The system of policies and procedures utilized by the manufacturer to assure that industrialized housing, buildings, or housing or building components, as the case may be, are manufactured, transported and installed at the site in accordance with the approved building system documentation.

* * * * *

ICC—International Code Council.

Industrialized building or industrialized commercial building—A structure designed for commercial occupancy classified within nonresidential use groups in accordance with the standards in § 145.41. The structure is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

Industrialized building component or industrialized commercial building component—A closed wall subsystem or subassembly designed for use as a structure or a part of a structure which is classified within the nonresidential use groups in accordance with the standards in § 145.41. The closed wall subsystem or subassembly is fabricated in a manufacturing facility to be separately transported to the building site and cannot be inspected at the site without disassembly. Components may be installed with or without a permanent foundation.

Industrialized commercial building module—

(i) A closed wall structure or substantial part of a closed wall structure incorporating or designed to be assembled to form one or more rooms used as habitable, occupiable or mechanical/equipment space which is classified within nonresidential use groups in accordance with the standards in

§ 145.41. The structure is fabricated in a manufacturing facility to be separately transported to the building site and cannot be inspected at the site without disassembly.

(ii) The term includes industrialized building components that are subsystems or assemblies, or other systems of closed construction designed for use in or as a part of an industrialized commercial building.

Industrialized housing—

(i) A structure designed primarily for residential occupancy or classified within Residential Group R in accordance with the standards adopted under § 145.41 and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

(ii) The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401_5426).

Industrialized housing module—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.

Insignia of certification—The label [, emblem or mark] conforming to the requirements of this chapter which, when attached to industrialized housing [or], housing components, industrialized building or building components under this chapter, evidences that the industrialized housing [or housing], buildings, or industrialized housing or building components have been certified.

Inspection agency—An agency, private or public, which is approved by the Department under § 145.73 to perform the functions assigned by this chapter to an inspection agency. If the Department performs the functions of the inspection agency under § 145.70, the Department will be the inspection agency for the purposes of this title.

Installation—The assembly of industrialized housing or buildings onsite and the process of affixing industrialized housing [or], housing components, industrialized buildings or components to land, a foundation, footings, utilities or an existing building, and may include the process of affixing housing or building components to or within the [housing] structure for which they are designed.

Manufacturing facility—A place, other than the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming or assembling industrialized housing or housing components, industrialized buildings or building components.

* * * * *

Mobile home—A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufac-

tured Housing Construction and Safety Standards Act of 1974 [(42 U.S.C.A. §§ 5401—5426)].

[**Module**—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.]

NCSBCS—National Conference of States on Building Codes and Standards.

NFPA—The National Fire Protection Association.

Notice of Approval—A notice issued by the Department to each manufacturer of industrialized housing [or], housing components, **industrialized buildings or building components** that indicates the approval of the manufacturer's building systems documentation, compliance assurance program, and the authority to receive and attach insignias of certification to industrialized housing [or], housing components, **industrialized building or building components as applicable**.

Person—An individual or organized group of any character, including partnerships; corporations; other forms of associations; Federal, State and local instrumentalities, political subdivisions[,] or officers, including the Department when indicated by the context.

Residential occupancy—Occupancy of a structure or building, or part thereof, classified as a [**one or two family**] **one-family or two-family** dwelling, townhouse or within Residential Group R in accordance with the standards adopted under § 145.41, by families, households or individuals for purposes of shelter and sleeping, without regard to the availability of cooking or dining facilities.

Site Installation Inspection [**Report Form**—The element of the compliance control program that will identify] **Checklist**—A part of the manufacturers building system documentation or design package that identifies the various aspects of construction that [**must**] shall be completed [**on site by the builder or contractor**] onsite, for inspection by the local code official, that when properly completed will result in a conforming home **or building**.

Site or building site—The entire tract, subdivision or parcel of land on which industrialized housing [or], housing components, **industrialized building or industrialized building components** are installed.

* * * * *

§ 145.2. Purpose.

This chapter interprets and makes specific the provisions of the [**Industrialized Housing Act**] act, as provided in section 5 of the act (35 P. S. § 1651.5). This chapter establishes administrative procedures for the implementation of the act which will facilitate the use of industrialized housing, **buildings**, and housing **or building** components in this Commonwealth consistent with safeguarding the health, safety and welfare of citizens of [**the**] this Commonwealth and will carry out the purposes set forth in the legislative findings in section 2 of the act (35 P. S. § 1651.2). More specifically, this chapter is intended primarily to achieve the following objectives:

(1) Establish uniform standards affecting health, safety and welfare for the design, use of materials and methods of construction for industrialized housing, **buildings**, and

housing **or building** components intended for sale, lease or installation for use in this Commonwealth.

(2) Establish uniform procedures to assure that industrialized housing, **buildings**, and housing **or building** components intended for sale, lease or installation for use in this Commonwealth will be manufactured, transported and installed in compliance with the uniform standards adopted by this chapter. In particular, this chapter establishes procedures under which the essential structural, electrical, mechanical and plumbing elements of industrialized housing, **buildings**, and housing **or building** components are subjected to compliance assurance procedures, including inspections, in the manufacturing facilities during the manufacturing process, thereby eliminating the need for subsequent inspections at the building site of those elements which are enclosed within the walls which might otherwise be subjected to disassembly, damage or destruction in the course of onsite inspections.

(3) Establish procedures which will facilitate the movement of industrialized housing, **buildings**, and housing **or building** components between the Commonwealth and the other States for the mutual benefit of the manufacturers and citizens of this Commonwealth.

(4) Preserve for local governments within this Commonwealth responsibilities and functions specifically reserved to local governments by the act and otherwise not inconsistent with the achievement of the purposes of the act.

§ 145.3. Scope.

Except to the extent otherwise stated in the act and the provisions of this chapter and in other applicable laws of the Commonwealth which are not inconsistent with or superseded by the act and this chapter, this chapter governs the design, manufacture, storage, transportation and installation of industrialized housing, **buildings**, and housing **or building** components which are sold, leased or installed, or are intended for sale, lease or installation, for use on a site in this Commonwealth. This chapter applies to **new** industrialized housing, **buildings**, and housing **or building** components manufactured in manufacturing facilities located within or outside this Commonwealth.

SCOPE

§ 145.31. Requirement of certification.

(a) [**Except as otherwise provided in § 145.121(b) (Reserved), after January 1, 1975, no**] A person may **not** sell, lease or install for use on a site in this Commonwealth [**an**] industrialized housing [**or housing component**], **buildings**, or housing **or building components** unless the industrialized housing, **building**, or housing **or building** component is certified and bears insignia of certification issued by the Department. The insignia of certification issued by the Department shall be attached to the industrialized housing, **building**, or housing **or building** component under this chapter, and [**they shall be**] **it is** subject to subsequent removal [**from the industrialized housing and housing component**] in accordance with this chapter.

(b) Industrialized housing, **buildings**, and housing **or building** components of the manufacturer which have never been occupied and which serve for model or demonstration purposes for the manufacturer do not have to bear insignia of certification under this chapter, until the

time that the industrialized housing, **building**, or housing or **building** components are first offered for sale or lease.

[(c) The sale or lease of an industrialized housing or housing structure in which housing components have been installed, which sale or lease occurs after the completion of installation may not be subject to this chapter, unless the person offering the industrialized housing or housing structure for sale or lease made an offer to a person prior to the completion of installation or unless the sale or lease was by or on behalf of or for the benefit of the manufacturer of the industrialized housing or housing components for the purpose of avoiding the certification requirements of this chapter. Nothing in this section shall be construed to prevent the application of this chapter to the installation of an industrialized housing or housing components.]

(c) This chapter applies to industrialized housing, buildings or housing or building components produced after the effective date of the regulation.

§ 145.33. Manufactured homes excluded.

* * * * *

(c) For the purpose of this chapter, permanent foundation means a foundation constructed in accordance with the prescriptive provisions of the adopted building code or, when required, designed by a licensed professional engineer. A permanent foundation must have attachment points to anchor and stabilize the home to transfer all code required loads to the underlying soil or rock. Whether a foundation is constructed in accordance with the prescriptive provisions of the adopted building code or, when required, designed by a licensed professional engineer, it must meet the following criteria:

(1) A permanent foundation must be designed for the following:

(i) *Vertical stability:*

(A) Footings must be properly sized to prevent overloading of the soil.

(B) Minimum depth of footings below undisturbed ground surface must be 12 inches or as required by the local code, whichever is greater.

(C) Shallow foundation footings must be constructed of cast-in-place concrete.

(D) Masonry walls and piers must be mortared.

(ii) *Lateral stability:*

(A) Anchorage capacity must be sufficient to prevent uplift, sliding, and overturning or other movement of the structure.

(B) May not utilize tension-only steel straps.

(C) May not utilize screw-in soil anchors.

(2) A Permanent foundation must:

(i) Be constructed of durable materials i.e., concrete, mortared masonry, or treated wood. (This includes precast foundation systems).

(ii) Not include any alternative systems or components labeled only for use under one or more of the following standards:

(A) 24 CFR 3280, Manufactured Home and Safety Standards (MHCSS)

(B) 24 CFR 3286, Manufactured Home Installation Program (MIS)

(C) NFPA 225 Model Manufactured Home Installation Standard

(D) ANSI A225.1 NFPA 501A Manufactured Home Installations

(E) International Residential Code, Appendix E § 145.36. Applicability of locally-enacted codes and ordinances.

(a) Industrialized housing [**and**], housing components, **industrialized buildings or building components** bearing [**insignia**] insignias of certification issued under this chapter [**shall**] will be deemed to comply with the requirements of building and related codes and ordinances enacted by local governments of the Commonwealth which codes and ordinances conform with the following:

(1) Are applicable to [**housing or home building in**] residential or commercial construction, plumbing, heating, electrical and other related codes pertaining to the construction and equipment contained within.

(2) Would otherwise be applicable to the industrialized housing [**and**], housing components, **industrialized buildings or building components** certified under this chapter as described in their building system documentation.

(b) (Reserved).

(c) If the building site is within a fire district designated by an ordinance of the local government, the requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and [**procedure for adoption of amendments**] adoption and effective dates—code amendments) for the fire district is applicable to the industrialized housing [**or**], housing components, **industrialized buildings or building components**. If the fire district designated by the ordinance of the local government is different from a fire district described in the applicable codes and standards adopted under §§ 145.41, 145.42 and 145.44 the requirements for that fire district described in the applicable codes and standards which in the judgment of the evaluation agency bears the closest similarity to the description of the applicable fire district under the locally enacted ordinance is applicable.

(d) Industrialized housing and [**housing structures in which housing**] buildings in which industrialized housing or building components have been installed shall comply with codes and ordinances of the local governments with jurisdiction over the building site which apply to the design, installation and maintenance of waterline connections from the exterior walls of housing to their main source of supply, sewer drainage connections from the exterior walls of housing to main sewers or septic systems, and electrical line connections or other energy supply connections from the exterior walls of housing to their main source of power, notwithstanding [**that the industrialized housing and housing components bear**] the appropriate insignia of certification as provided for in § 145.60 (relating to insignia of certification).

(e) Nothing in the act or this chapter shall be construed as amending, repealing or superseding a local

zoning ordinance, subdivision regulation, designation of fire districts or related land development code, regulation or ordinance enacted by a local government of the Commonwealth.

(f) A dispute between a person and a local enforcement agency with respect to the application of this section shall be referred to and decided by the Department under § 145.96 (relating to interpretation of this chapter).

STANDARDS

§ 145.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing [**and**], housing components, **industrialized buildings or building components** for purposes of this chapter:

- (1) The ICC International Building Code.
- (2) The ICC International Mechanical Code.
- (3) The ICC International Plumbing Code.
- (4) The International Energy Conservation Code.
- (5) The National Electric Code (NFPA No. 70).
- (6) The ICC International Residential Code (for one and two family dwellings and town homes)[.] **except:**

(i) **Section R313.2, regarding automatic fire sprinkler systems in one-family and two-family dwellings, of the 2009 International Residential Code. Successor triennial revisions are excluded.**

(ii) **Sections R602.10—R602.12.1.6, regarding wall bracing requirements, are excluded and replaced by §§ R602.10—R602.11.3 of the 2006 International Residential Code.**

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of all code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

(c) Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. [**Industrialized-modular-housing builders or contractors**] **Builders or contractors of industrialized houses or buildings** may supply and install the required floor or foundation wall insulation. If the floor or foundation wall insulation is not installed at the manufacturing facility, the manufacturer shall indicate on the Site Installation Inspection [**Report**] **Checklist** referenced in § 145.91(e) (relating to reports to **the** Department) that the insulation must be installed [**on site**] **onsite**.

(d) The provisions of the codes in subsection (a) that relate specifically to the interpretation, administration and enforcement of the codes and to matters which are not within the authority conferred on the Department by the act and this chapter are not adopted under this chapter and are not applicable in the administration and enforcement of this chapter. If there is an inconsistency or conflict between the provisions of a code adopted under this chapter and this chapter, this chapter will prevail.

(e) Only listed and labeled materials listed for use as documented shall be used in all construction.

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufact-

urer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

(1) As an alternate to the ICC International Residential Code, Chapter 11, regarding energy efficiency, the manufacturer may use **the appropriate edition** of one of the following:

(i) The prescriptive methods for residential buildings in the International Energy Conservation Code compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™).

(ii) Pennsylvania's Alternative Residential Energy Provisions developed by the Pennsylvania Housing Research Center at the Pennsylvania State University.

(2) As an alternate to the ICC International Residential Code, Chapter 3, regarding building planning, in regards to stairway construction, the manufacturer may use the following standard:

* * * * *

(v) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stairway.

(3) **As an alternate to the ICC International Building Code, Chapter 13, regarding energy efficiency, the manufacturer may use the appropriate edition of prescriptive methods for buildings or structures in the current version of the International Energy Conservation Code compliance guide containing state maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (COMcheck™).**

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

CERTIFICATION

§ 145.51. General requirements for certification.

Industrialized housing [**and**], housing components, **industrialized buildings or building components** shall be certified if the building system documentation [**for the industrialized housing or housing components**] and the compliance assurance program relating to its design, materials, manufacture, transportation and installation have been approved by an evaluation agency **under contractual arrangement with the Department as provided in § 145.78(b) (relating to contractual arrangements)**, and if the industrialized housing [**or**], housing components, **industrialized buildings or building components** have been manufactured under approved building system documentation [**and an approved compliance assurance program**], inspected and approved by an inspection agency. Certification shall be evidenced by insignia of certification which conform to the requirements of this chapter and which shall be issued for each [**dwelling unit**] **module** of industrialized housing, **industrialized building** and for each housing **or building** component or set of [**housing**]

components that, upon installation, are incorporated in a [single-dwelling unit] dwelling unit or building as applicable.

§ 145.53. Variations.

Building system documentation approved under § 145.52 (relating to approval of building system documentation) may contain variations or a range of variations for one or more elements of the industrialized housing [or], housing components, **industrialized buildings or building components** described in the building system documentation, provided that the approved building system documentation conforms to all of the applicable requirements of the applicable codes and standards under each variation or set of variations within the range of variations. Any material deviation from variations contained within the approved building system documentation must be approved by the evaluation agency, consistent with this chapter, prior to the start of construction.

§ 145.54. Building System Approval Report and Summary.

At the time that an evaluation agency approves a set of building system documentation under § 145.52 (relating to approval of building system documentation) and the related compliance assurance program under § 145.57 (relating to approval of compliance assurance program), it [must] shall prepare a Building System Approval Report (BSAR) and a Building System Approval Summary. The BSAR [shall] must contain a list of the identification numbers of each sheet constituting the approved building system documentation, the Compliance Control Manual of the manufacturer, an Index of Code Compliance in the form specified by the Department for industrialized housing **or buildings**, a statement of the fire districts, if any, in which the industrialized housing **or buildings** can be installed, and the additional information relating to the building system documentation and the compliance assurance program as the evaluation agency deems necessary or as the Department may require. The Building System Approval Summary shall be prepared on a form furnished by the Department. The evaluation agency shall furnish to the Department and to the manufacturer one copy each of the BSAR and the Building System Approval Summary, clearly stating the date it is effective. The BSAR shall be revised monthly as needed.

§ 145.57. Approval of compliance assurance program.

An evaluation agency shall approve a compliance assurance program for purposes of this chapter if the evaluation agency determines that the manufacturer's compliance control program, described in the compliance control manual, meets the requirements of this chapter, and the compliance control program will be monitored by an approved inspection agency. The evaluation agency shall review the manufacturer's building system documentation, the manufacturer's compliance control manual and the manufacturer's proposed implementing contract with an inspection agency, shall inspect each of the manufacturer's manufacturing facilities where the industrialized housing [or], housing components, **industrialized buildings or building components** are to be manufactured for installation on sites in this Commonwealth, and shall review the other data and information as the evaluation agency may deem necessary.

§ 145.58. Basic requirements for a compliance control program.

(a) An evaluation agency shall approve a compliance control program if it determines that the implementation of the compliance control program will assure that the industrialized housing [or], housing components, **industrialized buildings or building components**, when installed at the site, will conform to the approved building system documentation, the manufacturer possesses the facilities, personnel and organization to implement its compliance control program properly, and the requirements of this section are met. It is the policy of the Department to recognize that the level of sophistication of a compliance control program of a manufacturer will depend on many factors, including the level of sophistication and technological characteristics of the building system and the manufacturing process. It is further the policy of the Department that the maximum respect shall be accorded to a manufacturer's customary business practice consistent with achievement of the purposes of the act and this chapter. It is further the policy of the Department that the approval of a compliance control program under this chapter does not relieve the manufacturer and the inspection agency of responsibility for assuring that industrialized housing [and], housing components, **industrialized buildings or building components** manufactured for sale, lease or installation for use on sites in this Commonwealth conform in every material respect to the approved building system documentation.

(b) To facilitate review and approval, the manufacturer's compliance control program shall present an overview of its policies and procedures on the following:

(1) The placement, storage and handling of construction materials.

(2) The manufacturing process within the manufacturing facilities, including the jigs and fixtures necessary for production.

(3) The storage and transportation of industrialized housing [and], housing components, **industrialized buildings or building components** to the site, including detailed lifting calculations.

(4) The installation of industrialized housing [and], housing components [at the site], **industrialized buildings or building components at the site, including the Site Installation Inspection Checklist, referenced in § 145.91(e) (relating to reports to the Department), identifying specific functions and techniques that are of critical importance.**

(c) For approval, except as modified under subsection (e), the compliance control program shall include requirements on the following items:

(1) Specific assignments of responsibility to designated divisions or [employees] **employees** of the manufacturer for every significant phase in the production, transportation and installation of the industrialized housing [or], housing components, **industrialized buildings or building components.**

(2) Procedures under which [employees] **employees** of the manufacturer inspect and approve each significant process in every significant phase of the manufacture, transportation and installation of the industrialized housing [or], housing components, **industrialized buildings or building components.**

(3) Procedures for marking identified deficiencies—such as serialized colored tags that can be attached to the deficiency—and for assuring their correction or the disposal of the deficient item.

(4) Procedures to assure that the fabrication or shop drawings for the industrialized housing [**and**], housing components, **industrialized buildings or building components** conform to the approved building system documentation or to the drawings approved by the third-party agency with whom the manufacturer has an implementing contract.

(5) Procedures to maintain, file and control fabrication or shop drawings and documents constituting the building system.

(6) Procedures to maintain complete and reliable records of the manufacture, transportation and installation of the industrialized housing [**and**], housing components, **industrialized buildings or building components**, each unit of which shall be assigned a manufacturer's serial number to facilitate identification.

(7) Procedures employed by the manufacturer to request, store and attach the insignia of certification issued to it by the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification).

(8) Procedures for controlling the storage and transportation of industrialized housing [**and**], housing components, **industrialized buildings or building components** from the manufacturing facilities to the site, identifying specific functions and techniques that are of critical importance.

(9) Procedures for controlling the installation of industrialized housing [**and**], housing components, **industrialized commercial buildings or industrialized commercial building components** at the site [, **identifying specific functions and techniques that are of critical importance**].

(10) A brief identification and description of physical testing to be performed at a point during a phase of manufacture, transportation and installation, the frequency of its performance, and the identification and qualifications of the persons performing the testing.

(d) The list of topics set forth in subsection (c) is not exclusive and is not intended to preclude additional items and greater details prior to approving a compliance control program.

(e) If a manufacturer transfers title to and effective control over its industrialized housing [**or**], housing components, **industrialized buildings or building components** to other, unrelated persons at a point prior to its installation at the site, the manufacturer shall be responsible for furnishing to the persons responsible for transportation and installation adequate information [**and**], manuals, **checklists, Notices of Approval, and the like**, relating to the transportation and installation of the industrialized housing [**and**], housing components, **industrialized buildings or building components**, including the relevant portions from its compliance control program referred to in subsections (c)(8)—(10), but the manufacturer may not be responsible for implementation after the transfer of title and effective control.

(f) An evaluation agency's approval of a compliance control program shall be evidenced by the stamp of approval of the evaluation agency affixed to the title page

of the compliance control manual and signed and dated by a designated [**employee**] **employee** of the evaluation agency.

§ 145.60. Insignia of certification.

(a) Certified industrialized housing [**constituting a single dwelling unit**] must bear an insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). The manufacturer shall permanently attach the insignia of certification for each module adjacent to the data plate located in a visible location in a cabinet under the kitchen sink, or if this cabinet is not available, the location must be clearly identified on the Site Installation Inspection [**Report**] **Checklist** referenced in § 145.91(e) (relating to reports to the Department). Insignias may not be attached to doors or other easily removable features of the home. Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED HOUSING

Serial No.

This insignia certifies that this dwelling unit of industrialized housing has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act[, **Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12,**] and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(b) Each certified housing component or components comprising a [**project in**] **single unit or added to** a single dwelling unit must bear an insignia of certification for housing components. The insignia of certification [**must**] will be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification to the housing component in a visible location identified in the building system documentation and [**in the Building System Approval Report**] **must be clearly identified on the Site Installation Inspection Checklist referenced in § 145.91(e)**. Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR HOUSING COMPONENTS

Serial No.

This insignia certifies that this housing component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act[, **Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12,**] and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(c) [**Insignia of certification issued by the Department will be of a size and design and of materials and will provide for the methods of at-**

tachment as determined by the Department.] Certified industrialized commercial buildings must bear insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification for each module in a visible location adjacent to the electrical panel box. If this area is unavailable, the location must be clearly identified on the Site Installation Inspection Checklist referenced in § 145.91(e). The insignia may not be attached to a door or other easily removable feature of the building. Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED COMMERCIAL BUILDINGS

Serial No.

This insignia certifies that this industrialized building module has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(d) Certified industrialized commercial building components, comprising a single building or unit, must bear insignia of certification for building components. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification for each module in a visible location identified in the building system documentation and clearly identified on the Site Installation Inspection Checklist referenced in § 145.91(e). Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED COMMERCIAL BUILDING COMPONENTS

Serial No.

This insignia certifies that this industrialized building component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(e) An insignia of certification issued by the Department will be of a size and design and of materials and provide for the methods of attachment as determined by the Department.

§ 145.61. Insignia of inspection agencies.

(a) The inspection agency shall attach [to a housing component] its label, seal or other insignia adjacent to the data plate for each industrialized housing or building module.

(b) The inspection agency shall attach its label, seal or other insignia or other identification for certified housing [components comprising a project in a single dwelling unit] or building components, or group of components, that are transported separately to the building site.

(c) The label, seal or other insignia of the inspection agency must identify the name [and address] of the inspection agency and have a serial number. In other respects, the inspection agency may design its label, seal or other insignia as it wishes, provided that the label, seal or other insignia does not contain statements which the Department determines are inconsistent with the act or this chapter. [Each label, seal or other insignia must be attached in a clearly visible location to the housing component or element of the industrialized housing or housing component, as applicable, by the time of its arrival at the building site, but the] The label, seal or other insignia may be covered up during the process of assembly and installation at the building site so that it is not permanently visible.

§ 145.62. Data plates.

(a) A dwelling unit of certified industrialized housing must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location as specified in § 145.60(a) (relating to insignia of certification). [The data plate must contain sufficient space to permit the attachment of insignia of certification as provided in § 145.60(a) and of the label, seal or other insignia of the inspection agency as provided in § 145.61(a) (relating to insignia of inspection agencies).] The data plate must contain, but not be limited to, the following information:

* * * * *

[(8) Serial or other identifying numbers of each module of industrialized housing.

(9) [(8) Minimum Btu output of furnace needed to maintain average 70° F interior temperature at outside design temperature of ___F.

[(10) (9) Annual degree days for which the house has been designed.

[(11) (10) Snow loads-maximum.

[(12) (11) Wind loads—maximum.

[(13) (12) Floor loads-maximum, sleeping/non-sleeping.

[(14) (13) Other special environmental factors.

[(15) (14) Tests required and actually conducted.

[(16) (15) Applicable codes, including name of code, edition or year of publication.

(b) [A housing structure containing certified] Certified housing components shall [contain] be provided with a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location [in the utility room or utility area, if feasible, and otherwise in other areas identified in the plans for the housing structure] identified in the Site Installation Inspection Checklist referenced in § 145.91(e) (relating to reports to the Department). If attachment in the factory is not possible, the data plate

may be tethered to the certified housing components for attachment at the site. The manufacturer shall provide instructions for attachment along with the data plate. The insignia of certification of the Department may not be attached to the data plate. The data plate must contain, but not be limited to, the following information relating to the housing components:

* * * * *

(5) Manufacturer's serial number and date of manufacture for housing components.

(6) Inspection and evaluation agencies' serial numbers.

(7) [Serial number of Department's insignia of certification attached to each housing component.] Department insignia of certification numbers.

(8) Snow loads—maximum.

(9) Wind loads—maximum.

(10) Other special environmental factors, if applicable.

(11) [Applicable codes, including name of code, edition, year of publication and applicable supplement, if any.] Tests required and actually conducted.

(12) [Date data plate attached to dwelling unit.] Thermal transmittance values.

(13) [Tests required and actually conducted.] Applicable codes, including name of code, edition, year of publication and applicable supplement, if any.

(c) Additional information may be included on the data plate for dwelling units of certified industrialized housing and housing structures containing certified housing components if there is no conflict with the requirements of the act or this chapter. If less than the minimum data required in this section is deemed necessary, prior approval shall be obtained from the Department.

(d) To insure that proper installation equipment is utilized for the lifting of industrialized housing units or housing components, a manufacturer shall indicate on the data plate the total shipping weight in tons per component.

(e) Certified industrialized commercial buildings must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location as specified in § 145.60(c). The data plate must contain, but not be limited to, the following information:

(1) Name of manufacturer.

(2) Address of principal office of manufacturer.

(3) Address of manufacturing facility where the industrialized building or its principal elements were produced.

(4) Manufacturer's model name.

(5) Manufacturer's serial number and date of manufacture.

(6) Inspection and evaluation agencies' serial numbers.

(7) Department insignia of certification numbers.

(8) Occupancy classification as provided for in § 145.41 (relating to adoption of standards).

(9) Construction classification.

(10) Snow loads—maximum.

(11) Wind loads—maximum.

(12) Floor loads—maximum.

(13) Thermal transmittance values.

(14) Other special environmental factors.

(15) Tests required and actually conducted.

(16) Applicable codes, including name of code, edition or year of publication.

(f) Certified industrialized commercial building components must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location identified in the Site Installation Inspection Checklist referenced in § 145.91(e). If attachment in the factory is not possible, the data plate may be tethered to the certified building component for attachment at the site. The manufacturer shall provide instructions for attachment along with the data plate. The insignia of certification of the Department may not be attached to the data plate. The data plate must contain, but not be limited to, the following information:

(1) Name of manufacturer.

(2) Address of principal office of manufacturer.

(3) Address of manufacturing facility where the industrialized housing or its principal elements were produced.

(4) Manufacturer's model name.

(5) Manufacturer's serial number for dwelling unit and date of manufacture.

(6) Inspection and evaluation agencies' serial numbers.

(7) Department insignia of certification numbers.

(8) Occupancy classification as provided for in § 145.41.

(9) Construction classification.

(10) Snow loads—maximum.

(11) Wind loads—maximum.

(12) Floor loads—maximum.

(13) Thermal transmittance values.

(14) Other special environmental factors.

(15) Tests required and actually conducted.

(16) Applicable codes, including name of code, edition or year of publication.

§ 145.63. Procedures for requesting, controlling and attaching insignia of certification.

(a) A manufacturer with an approved building system documentation and related approved compliance assurance program may request the Department to issue to it insignia of certification, in a quantity not less than five and not more than the quantity needed for the manufacturer's reasonably estimated production during a 1-month period. The manufacturer's request shall be made on a Request for Insignia of Certification Form furnished by the Department and shall be accompanied by a check [or], money order [,] or electronic payment in an amount calculated in accordance with the fee schedule in § 145.94 (relating to fees). If the manufacturer's request is complete and the fee payment is correct and the manufacturer and its third-party agency have fulfilled all of their obligations under this chapter, the

Department will promptly issue to the manufacturer the requested number of insignia of certification. Each individual insignia of certification shall bear a separate insignia serial number written thereon by the Department. The insignia of certification issued to the manufacturer shall be accompanied by an Insignia of Certification Inventory Control List, on a form furnished by the Department [, on which the Department has written the serial number of each insignia and the date of shipment to the manufacturer, and with space to permit additional information to be recorded regarding the storage and disposition of each insignia of certification]. The Department will send a copy of the Insignia of Certification Inventory Control List to the appropriate inspection agency.

(b) The manufacturer shall entrust the custody of the insignia of certification received from the Department only to employees designated in the compliance control program as responsible for the custody and control of the insignia of certification. The manufacturer shall attach the insignia [to dwelling units of industrialized housing or to housing components] only in the circumstances prescribed in the compliance control program and only with the prior specific authorization from the inspection agency. The manufacturer shall attach the insignia of certification in the manner specified by the Department intended to assure that the insignia cannot be removed without destroying the insignia. The manufacturer shall promptly record the attachment of each insignia of certification on the Insignia of Certification Inventory Control List. A copy of the Insignia of Certification Inventory Control List, with all columns filled out by the manufacturer, shall be sent by the manufacturer to the Department and to the inspection agency promptly following the use of all the insignias listed on the list. The manufacturer shall report to the Department and to the inspection agency the status of all insignias issued to them on a monthly basis, utilizing a method approved by the Department.

(c) The manufacturer shall return to the Department unused insignia of certification that have been issued to it within 10 days following the suspension of approval under § 145.66(a) (relating to emergency suspension) or previously approved building system documentation or compliance assurance programs of the manufacturer, or following the suspension under § 145.66(b) of the manufacturer's right to receive or attach insignia of certification, or following recall under § 145.69 (relating to suspension of certificate of approval of out-of-State manufacturer for lack of activity) or following the manufacturer's discontinuance of the manufacture of industrialized housing, buildings, or housing or building components for sale, lease or installation for use in this Commonwealth, or following the bankruptcy or dissolution of the manufacturer or the discontinuance of the manufacturer's business for whatever reason, or following the manufacturer's determination that the insignia of certification is no longer needed. The Department will cause the manufacturer to be refunded a portion of the fee already paid for the insignia equal to the product of the number of insignia of certification returned by the manufacturer and the fee per insignia paid by the manufacturer, less \$50 to be retained by the Department for handling expenses. Insignia returned to the Department under § 145.69 will not be subject to the charge for handling expenses.

(d) A manufacturer may not use, transfer, sell or otherwise dispose of insignia of certification issued to it by the Department in any manner not specifically authorized of this chapter.

§ 145.64. Modification [of industrialized housing or housing components] after certification.

(a) Certified industrialized housing, buildings and certified housing or building components bearing the insignia of certification may not be modified after the insignia of certification has been attached, unless the modification is approved in advance by the evaluation agency on the basis that the industrialized housing, building, or housing or building component, as so modified, will still conform to the approved building system documentation. Approvals of modifications which are consistent with the approved building system documentation may be by oral authorization by an officer or [employe] employee of the evaluation agency, but in [such] this event each approval shall be subsequently evidenced by a letter from the evaluation agency to the manufacturer within 10 days after the oral authorization. Proposed modifications which are inconsistent with the approved building system documentation shall be treated as proposed amendments to the building system documentation subject to the approval of the evaluation agency under § 145.55 (relating to general requirements for approval of amendments to building system documentation).

(b) Modifications of certified industrialized housing, buildings, or certified housing or building components are not prohibited under the act or [the provisions of] this chapter if the modifications are made after the issuance of a certificate of occupancy [, or other similar permit,] by the local enforcement agency [or, if the industrialized housing or housing components have been installed for use in a jurisdiction of local government which does not issue certificates of occupancy, or other similar permit, after occupancy of such industrialized housing or housing structure containing the housing components by a person intending to reside therein for a continuous period of 6 months, unless the modifications are made by the manufacturer or other person with an intent to evade the requirements of the act or this chapter]. The modifications referred to in this subsection [shall be] are subject to other applicable laws, codes and ordinances of the Commonwealth and of the local government of the jurisdiction in which the industrialized housing or [housing] building structure is located.

(c) Nothing in this section shall prevent a manufacturer, on its own motion or at the order of the inspection agency or of the Department, from repairing damage to or remedying a defect found in an industrialized housing component.

§ 145.66. Emergency suspension.

* * * * *

(d) No industrialized housing [or], housing components, industrialized building or building components may be certified and insignia of certification attached thereto while an emergency suspension under this section pertaining to the manufacturer shall remain in effect, unless otherwise permitted by order of the Department.

§ 145.67. Revocation of certification [**of industrialized housing and housing components**].

(a) The Department or the appropriate third-party agency may send by certified mail a notice of intent to revoke:

* * * * *

(2) The authority of the manufacturer to receive and to attach insignia of certification to industrialized housing [**or**], housing components, **industrialized building or building components** following a determination by the agency that the manufacturer is possibly failing in any material respect to conform with its approved building system documentation or to meet its responsibilities under the approved compliance assurance program or that the manufacturer is in violation in any material respect of the act or this title.

* * * * *

(c) If the manufacturer fails to correct the violations within the time allowed, the Department will schedule a hearing to consider revocation of:

(1) The certification of industrialized housing [**and**], housing components, **industrialized building or building components**.

* * * * *

§ 145.69. **Suspension of certificate of approval of out-of-State manufacturer for lack of activity.**

A manufacturer certified to ship industrialized housing [**or**], housing components, **industrialized buildings or building components** into this Commonwealth and whose plant is located in another state will have its certificate suspended if it fails to [**ship any units into**] **manufacture units for installation on a site in** this Commonwealth for 2 consecutive years. Written notice of this suspension will be provided to the manufacturer. If the manufacturer desires to ship a unit into this Commonwealth within 1 year of its suspension, approval may be reinstated through a letter submitted by an approved third-party agency to the Department which provides that the manufacturer meet the requirements of the laws and this title, including the submission to the Department of its current approved building system documentation and compliance assurance program if the previous submissions to the Department have been revised. The Department will review the third-party evaluation and then conduct an inspection of the plant. If a manufacturer has not made shipments into this Commonwealth for 1 year from the date of the suspension of its certificate, the certificate will lapse. To be reapproved, the manufacturer shall comply with this title in the same manner as would another manufacturer applying for initial approval.

THIRD-PARTY AGENCIES

§ 145.70. **Departmental evaluation and inspection.**

A manufacturer producing industrialized housing [**or**], housing components, **industrialized buildings or building components** for installation in this Commonwealth has the option of electing the Department to evaluate or inspect, or both, its products for certification. The Department will provide the services requested subject to the availability of staff. The following are applicable:

(1) The manufacturer shall enter into an implementing contract with the Department which shall include, but not be limited to, a specific time period for the contract, a

mutual termination clause with a minimum of 45 days of notice to terminate period, the services to be provided, and the fees to be charged to the manufacturer for services in accordance with § 145.94(e) (relating to fees).

(2) Evaluation services by the Department will include:

(i) Investigation, evaluation, testing, and, if justified, approval of each set of building system documentation, and each amendment thereto submitted to it by a manufacturer for compliance with all of the applicable requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.43 (relating to adoption of standards; alternate standards; and amendment policy).

(ii) Investigation, evaluation, and, if justified, approval of the compliance assurance program and each amendment thereto—relating to the manufacture, transportation and installation of industrialized housing [**or**], housing components, **industrialized buildings or industrialized building components** described in each set of building system documentation approved under this section—submitted by the manufacturer for compliance with the requirements of this title.

(iii) Preparation and periodic revisions as necessary of the Building System Approval Report for each set of approved building system documentation and related compliance program.

(3) Inspection services by the Department will include:

(i) Monitoring the manufacturer’s compliance control program for the manufacture, transportation and installation of industrialized housing [**or**], housing components, **industrialized buildings or building components** of each manufacturer having an implementing contract.

(ii) Verification that the industrialized housing [**or**], housing components, **industrialized buildings or building components** have been manufactured under approved building documentation and an approved compliance assurance program and authorization to the manufacturer for the attachment of insignia of certification to the industrialized housing [**or**], housing components, **industrialized buildings or building components**.

(4) Procedure for requesting, controlling and attaching insignia of certification shall be the same as detailed in § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). Manufacturers shall purchase their insignia of certification at fees indicated in [**§ 145.94(c) and (d)**] **§ 145.94(e) and (f)**, and the cost of the insignia is not included in their evaluation or inspection, services, or both, provided by the Department under [**paragraphs (1)—(3)**] **§ 145.94(e)**.

(5) The specification document defining the requirements for submission of drawings, specifications, calculations and related material for Departmental approval will be provided upon request of the manufacturer.

§ 145.71. **Responsibilities of evaluation agencies.**

Each evaluation agency shall discharge under [**these regulations**] **this chapter** the following responsibilities:

* * * * *

(2) Investigation, evaluation and, if justified, approval of the compliance assurance program, and each amendment thereto, relating to the manufacture, transportation and installation of the industrialized housing [**or**], housing components, **buildings or building components** described in each set of building system documen-

tation approved under subsection (a), submitted to it by a manufacturer with which it has an implementing contract for compliance with the requirements of this chapter.

* * * * *

§ 145.72. Responsibilities of inspection agencies.

Each inspection agency shall discharge under this chapter the following responsibilities:

(1) Monitoring the manufacturer's compliance control program for the manufacture, transportation and installation of industrialized housing [or], housing components, **buildings or building components** of each manufacturer with which it has an implementing contract.

(2) Verification that industrialized housing [or], housing components, **buildings or building components** have been manufactured under approved building system documentation and an approved compliance assurance program and authorization to the manufacturer of the attachment of insignia of certification to the industrialized housing [or], housing components, **buildings or building components**.

(3) Preparation of reports to the Department as are required by this chapter or as may be required by the Department in carrying out its responsibilities under the act and this chapter.

(4) Performance of its obligations under its contract with the Department.

§ 145.72a. Frequency of inspections.

(a) In carrying out its monitoring responsibilities under § 145.72 (relating to responsibilities of inspection agencies), an inspection agency shall observe the [**following**] minimum frequency of inspection requirements[:] **in this subsection. During the inspection agency's initial work at the factory or after revocation under § 145.67 (relating to revocation of certification), the inspection agency shall monitor the manufacturer's approved compliance control program by inspecting industrialized housing, buildings, or housing or building components until it can be certified that the manufacturer is producing conforming industrialized housing, buildings, or housing or building components on an ongoing basis. Due to the varied nature and complexities of these products prior to beginning this certification process, the third-party agency shall submit to the Department its recommendation as to the minimum inspection frequency required to certify, and the frequency of inspections for routine inspection surveillance to assure the manufacturer is producing conforming housing or building components on an ongoing basis. The Department will review and determine if the third-party agency's proposal is adequate to grant the manufacturer authority to receive and attach insignias of certification. At any time during the certification process, the inspection agency may modify the proposal and submit the revised proposal to the Department for further review.**

[(1) During the inspection agency's initial work at the factory or after revocation under § 145.67 (relating to revocation of certification of industrialized housing and housing components), the inspection agency shall monitor the manufacturers approved compliance control program by inspecting industrialized homes throughout every work sta-

tion, until it can be certified that the manufacturer is producing conforming homes on an ongoing basis.

(2) **At a minimum, ten industrialized homes shall be inspected at every work station prior to granting the manufacturer authority to receive and attach insignias of certification for industrialized housing. At least one home through this certification process must be an industrialized house or housing component destined for a site in this Commonwealth.**

(b) **In carrying out its monitoring responsibilities under §§ 145.72(1), an inspection agency shall inspect every major subsystem of every dwelling unit produced which is to bear the insignia of certification when the inspection agency label is not being attached to every dwelling unit produced in the factory.]**

[(c)] (b) An inspection agency's monitoring responsibilities under § 145.72(1) [**and (2)**] include, **at a minimum**, the monthly inspection of the storage and transportation methods and facilities employed by or on behalf of the manufacturer for as long as the manufacturer retains title to or effective control over the [**dwelling**] units to insure that the units are not altered from the manner in which they were approved.

[(d)] (c) In carrying out its monitoring responsibilities under § 145.72(1) [**and (2)**], an inspection agency shall inspect industrialized housing **and buildings** at the site after installation is complete in a manner and frequency, consistent with factors set forth in subsection [(e)] (d), necessary to confirm that the manufacturer's approved compliance control program is effective in assuring installation consistent with the manufacturer's approved building system documentation. Documentation of the onsite inspections must be on file in each manufacturing facility and be provided to the Department within 30 days of the Department's request for the documentation.

[(e)] (d) The minimum frequency of inspection requirements of this section are not intended to substitute for the professional judgment of an inspection agency in determining whether a greater frequency of inspections is necessary to discharge its responsibilities properly. Factors that should be considered in establishing an appropriate frequency of inspection level for any manufacturer are the production volume of the factory, the design complexity of the [**dwelling**] units, the qualifications of the manufacturer's compliance control personnel and the experience record of the manufacturer.

§ 145.73. Criteria for approval of evaluation and inspection agencies.

(a) The Department will [**approve**] **accept** a written application from the designated [**employee**] **employee** of an agency who [**applies to it**] **wishes** to become an evaluation agency or an inspection agency [**if**] **for industrialized housing or industrialized buildings, or both. If the Department determines, on the basis of the inquiry as the Department deems necessary and appropriate, that the agency possesses the capacity of discharging reliably, objectively and without bias the responsibilities assigned by this chapter to an evaluation agency or to an inspection agency, as the case may be, the Department will approve the application. In making the determination, the Department will consider that:**

(1) There is a sufficient breadth of interest or activities so that the loss or award of a specific contract to an agency determining compliance of a product with this chapter would not be a substantial factor in the financial well-being of the agency performing the required functions.

(2) Employment security of personnel is free of influence or control by any manufacturer, supplier or vendor.

(3) The agency is not engaged in the promotion of products that they shall determine to be in compliance with this chapter.

(b) The Department will evaluate information on the following factors that relate to the ability of the applying agency to discharge the responsibilities that would be assigned to it as an approved evaluation agency or an approved inspection agency, as the case may be:

(1) The legal character and good standing of the applying agency.

(2) The financial strength of the applying agency.

(3) The **current** qualifications of the management and technical personnel of the applying agency. **A list of the required qualifications will be published in the Pennsylvania Bulletin annually.**

(4) The range of salaries and other compensation of the technical personnel, including inspectors of the applying agency, excluding principals, principal officers, and directors of the applying agency.

(5) The policies and procedures of the applying agency for the hiring, training and supervision of technical personnel, including education and training following changes in the codes and standards applicable under this chapter.

(6) The extent, if any, to which the applying agency will engage independent consultants and the functions the independent consultants will perform; in general, the Department will not approve an applying agency who utilizes as key technical or supervisory personnel anyone who is an independent consultant. Also, the Department will not permit the use, by an inspection agency, of part-time inspectors unless the inspection agency's present volume of business in designated geographic areas does not justify full-time personnel or unless there are other compelling justifications.

(7) The prior experience **and level of performance** of the applying agency in performing similar or related functions.

(8) The capability, if any, of the applying agency to perform testing, including the nature of the testing and the facilities and personnel to perform it, and the identity, facilities, experience and key personnel of an independent testing agency with which arrangements have been made for testing services and the nature of the testing services.

(9) The extent, if any, to which the applying agency is affiliated with or influenced or controlled by a producer, manufacturer, supplier or vendor of products, supplies or equipment used in industrialized housing or **[housing components] industrialized buildings.**

(10) The procedures to be used by the applying agency in discharging the responsibilities under this chapter of an evaluation agency or inspection agency, as the case may be. An applying agency seeking approval as an inspection agency **[should furnish representative examples of compliance assurance manuals] shall furnish the complete procedures for monitoring the**

manufacturer's compliance control program it would use for each type of construction for which it seeks approval, and state its policy with respect to the frequency at which it will conduct inspections of each phase of the manufacture, transportation and installation of industrialized housing **[and], housing components, industrialized buildings or building components.**

(c) The Department may consider information with respect to other factors that it may deem relevant to its determination of approval or disapproval. In approving an evaluation or inspection agency, the Department may limit the scope of the agency's approved activities to particular types of industrialized housing, **buildings, or housing or building components**, geographic area or the number of manufacturers the Department determines an agency can effectively evaluate or inspect, or both.

§ 145.74a. Prohibition on consulting services.

A third-party agency may not perform consulting engineering services relating to industrialized housing **[or], housing components, industrialized buildings or building components** for a manufacturer for as long as the third-party agency has an implementing contract with the manufacturer **or related manufacturer** under § 145.78(c) (relating to contractual arrangements).

§ 145.76. Reapprovals of third-party agencies.

* * * * *

(b) Within 30 days following the receipt by the Department of an application for reapproval, the Department will make its determination whether the applying third-party agency continues to meet the requirements of this chapter for an **industrialized housing evaluation agency or commercial building evaluation agency, or both, or an industrialized housing inspection agency or commercial building inspection agency, or both.** In the event of a disapproval, the Department will provide the applying third-party agency with a brief written explanation of the reasons for the disapproval. In the event of a reapproval, the Department will provide the applying third-party agency with a brief written letter of reapproval. A reapproval shall expire on the date of the next anniversary of the date of the scheduled expiration of the current approval from the Department.

(c) The Department may, on its own motion or at the request of an evaluation agency or inspection agency, grant a temporary reapproval of an evaluation agency or inspection agency for a period not to exceed 60 days. The applying third-party agency seeking reapproval shall be subject to procedures that satisfy the Department of its ability to perform its functions. The procedures shall require annual interviews of third-party agency personnel at their headquarters **or by teleconference** to assess the desired performance.

§ 145.78. Contractual arrangements.

* * * * *

(c) A manufacturer seeking certification of industrialized housing **[or], housing components, industrialized buildings or building components** that it manufactures shall enter into implementing contracts with an evaluation agency and an inspection agency with contracts with the Department under subsection (b). Each third-party agency shall send a copy of each implementing contract to the Department.

(d) A manufacturer of industrialized housing **[or], housing components, industrialized buildings or building components** approved under this title shall

have a current implementing contract with an approved evaluation agency and an approved inspection agency or have alternate arrangement for evaluation or inspection, or both, of its products with the Department under § 145.70 (relating to Departmental evaluation and inspection).

(e) A manufacturer of industrialized housing [or], housing components, **industrialized buildings or building components** operating under an implementing contract with an approved evaluation agency and an approved inspection agency, who wishes to enter into an implementing contract with a different evaluation or inspection agency, shall provide justification and receive approval from the Department prior to entering into the new contract, **except as provided for in § 145.79(e) (relating to suspension and revocation of third-party agencies).**

§ 145.79. Suspension and revocation of third-party agencies.

* * * * *

(f) If the Department determines that there is a substantial threat to the health, safety or welfare of the occupants of industrialized housing or housing structures containing housing components [**because the industrialized housing or housing components**] or **industrialized buildings or structures containing industrialized building components**, because they were manufactured in accordance with building system documentation and related compliance assurance program approved by an evaluation agency whose approval has been suspended or revoked by the Department under this section or were certified by an inspection agency whose approval has been suspended or revoked by the Department under this section, the Department may require the manufacturer to take the actions with respect to the industrialized housing or housing components, **industrialized buildings or building components** as may be necessary to eliminate substantially the threat to the health, safety or welfare of the occupants.

(g) Upon the suspension or revocation of an evaluation agency or inspection agency under this section, the Department will, upon the request of a manufacturer with an implementing contract with the suspended or revoked third-party agency, consult with the manufacturer to establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease and install industrialized housing [and], housing components, **industrialized buildings or building components** in conformity with the act and this chapter until the suspension or revocation is lifted or an implementing contract entered into with another third-party agency. For these purposes, the Department may in its sole discretion discharge some or all of the responsibilities of a third-party agency. The Department may also approve another temporary arrangement which the Department determines would best promote the purposes of the act and this chapter under the circumstances.

LOCAL ENFORCEMENT AGENCIES

§ 145.81. Responsibilities of local enforcement agencies.

(a) Local enforcement agencies, **building code and construction code officials** can make an important contribution to the effective administration of the act and this chapter. In addition to discharging the responsibility under local law for the enforcement of applicable locally-enacted codes and ordinances governing site preparation

work and water, sewer, electrical and other energy supply connections as described more particularly in § 145.36 (relating to applicability of locally-enacted codes and ordinances), and in view of the responsibilities of local enforcement agencies under State and local law and of the responsibilities of local governments to cooperate with agencies of the Commonwealth to protect the health, safety and welfare of the citizens of [the] this Commonwealth, local enforcement agencies shall assist the Department in enforcing the act and this chapter for industrialized housing [and], housing components, **industrialized buildings or building components** at the time of installation in the jurisdiction of their local government in the following respects:

(1) Site inspections of industrialized housing [and], housing components, **industrialized buildings or building components**, upon arrival at the site, [**but prior to installation,**] for apparent damage occurring during transportation from the manufacturing facilities to the site and other apparent nonconformity with the approved building system documentation.

(2) Site inspections of the installation of the industrialized housing [**and housing components at the site for nonconformity with**], housing components, **industrialized buildings or building components consistent with those elements of installation addressed in the Site Installation Inspection Checklist required under § 145.91(e) (relating to reports to the Department)** and the installation instructions in the Building System Approval Report.

(3) Notifications to the **Department and the manufacturer** [**and to the inspection agency with an implementing contract with the manufacturer**] of damage and nonconforming elements found in the industrialized housing [and], housing components, **industrialized buildings or building components** as a result of the site inspections, as well as additional site inspections of efforts made to remedy or repair the damage and nonconforming elements shall be [**channelled**] **channelled** through the Department.

(4) Notification to the Department of violations of the act and this chapter by the manufacturer, inspection agency or other person, including instances in which industrialized housing [and], housing components, **industrialized buildings or building components** are installed or are intended for installation without bearing the required insignia of certification.

(5) Cooperation with the Department in efforts to take action to remedy the violations and prevent future occurrences.

(b) Site inspections of industrialized housing and housing components which a local enforcement agency performs under this chapter shall include, and be limited to, any type of visual exterior inspection and monitoring of tests performed by other persons during installation in accordance with the installation requirements in the Building System Approval Report. Destructive disassembly of the industrialized housing [or], housing components, **industrialized buildings or building components** may not be performed, and nondestructive disassembly may not be performed in the course of an inspection except to the extent of opening access panels and cover plates.

§ 145.82. Issuance of building permits.

(a) A person seeking a building permit from a local enforcement agency for industrialized housing or a housing structure in which will be installed housing components, **industrialized buildings or structures containing industrialized commercial building components** shall furnish **installation documentation required under § 145.58(b)(4) (relating to basic requirements for a compliance control program)** and a current Notice of Approval under § 145.92(a)(5) (relating to reports by the Department) and a statement signed by the person seeking the building permit or, if a corporation, by an officer or authorized representative of the corporation, that the work to be performed under the building permit will include the installation of certified industrialized housing [or certified], housing components, **industrialized buildings or building components** bearing the appropriate insignia of certification issued by the Department under the act and this chapter.

(b) The local enforcement agency may not withhold the issuance of a building permit for certified industrialized housing or a housing structure in which will be installed certified housing components, **industrialized buildings or structures containing industrialized building components** if the applicant submits the documents required by this section, and the application for a building permit complies with applicable locally-enacted codes and ordinances with regard to set-up and site details, [consistent with the approved building system documentation] and land use.

§ 145.83. Issuance of certificates of occupancy.

The local enforcement agency may not withhold the issuance of a certificate of occupancy or other similar permit for certified industrialized housing or a housing structure in which has been installed certified housing components [if the industrialized housing or housing], **industrialized buildings or structures containing building components if the properly completed Site Installation Inspection Checklist required under § 145.91 (relating to reports to the Department) is submitted and the structure** was constructed and installed on the site under a validly issued building permit and in other respects complies with applicable locally-enacted codes and ordinances not preempted by the act and this chapter.

ADMINISTRATIVE PROVISIONS

§ 145.91. Reports to the Department.

* * * * *

(e) A person installing industrialized housing [or], housing components, **industrialized buildings or building components** for use on a site in a jurisdiction in this Commonwealth shall [prepare] **complete** and return to the manufacturer and provide a copy to the local building code official a Site Installation Inspection [Report] Checklist on a form furnished by the manufacturer [as part of the approved compliance control program]. The manufacturer is responsible for furnishing to the person performing the installation a copy of the Site Installation Inspection [Report] Checklist Form and instructions as to its intended use.

§ 145.92. Reports by the Department.

(a) The Department will send [periodic reports, no less frequently than once every calendar quarter,]

reports to third-party agencies and manufacturers with approved building system documentation which [reports shall] will include all of the following:

* * * * *

(4) A current list of the names and addresses of currently approved third-party agencies.

(5) A Notice of Approval to each manufacturer that is approved as provided for in § 145.72a (relating to frequency of inspections).

(b) Each report may contain additional information relating to the administration of this chapter.

* * * * *

§ 145.93. Factory inspections; right of entry.

(a) Authorized inspections by Department.

(1) The Department is authorized to inspect:

(i) A manufacturing facility of a manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 (relating to issuance of insignia of certification).

(ii) The transportation facilities utilized for the transport of certified industrialized housing [or], housing components, **industrialized commercial buildings or industrialized commercial building components**.

(iii) The building sites on which certified industrialized housing [or], housing components, **industrialized commercial buildings or industrialized commercial building components** have been or are intended to be installed.

(iv) The books and records—wherever maintained—of a manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 which relate to the manufacture, sale, lease or installation of industrialized housing [or], housing components, **industrialized commercial buildings or industrialized commercial building components** for use on a site in this Commonwealth.

(v) The facilities and the books and records of a third-party agency which relate to the discharge of its responsibilities under this chapter.

(2) A manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 and every approved evaluation agency and approved inspection agency shall grant to authorized representatives of the Department the right of entry on its property at reasonable times during normal business hours for the purpose of conducting the inspections and examinations as authorized under this section.

(3) Persons selling, acquiring or leasing the industrialized housing [or], housing components, **industrialized buildings or building components**, and persons engaged in its transportation to and installation at the building site, shall grant to authorized representatives of the Department the same right of entry on their property as the manufacturer is required to grant under this chapter.

(b) Yearly inspections. A factory or manufacturing facility with approved building system documentation will be inspected at least once each year by the Department. The inspections are to verify the effectiveness of the sponsor's quality program and compliance with approved building systems documentation.

(c) *Inspection upon complaints or suspected violations.* A manufacturer with approved building system documentation shall grant to authorized representatives of an evaluation and inspection agency with which it has an implementing contract the right of entry on its property at least twice per year during normal business hours and at other times upon complaint or a reasonable belief that violations of this chapter may exist, for the purpose of conducting inspections and examination as the evaluation or inspection agency deems necessary to discharge its responsibilities under this chapter and under its contract with the manufacturer. Persons selling, acquiring or leasing the industrialized housing [or], housing components, **industrialized buildings or building components**, and persons engaged in its transportation to and installation on the building site, shall grant to an evaluation and inspection agency with an implementing contract with the manufacturer the same right of entry on their property as the manufacturer is required to grant under this chapter.

(d) *Inspection restrictions.* Upon entry onto a manufacturer's property or other property for the purpose of conducting an inspection under this section, the Department's [**employee**] **employee** or representative will state the scope of the intended inspection and that the inspection will be conducted under the act.

§ 145.94. Fees.

(a) A person submitting an application to the Department under § 145.75(a) (relating to procedures for obtaining approvals of evaluation and inspection agencies) for approval as an **industrialized housing** evaluation agency or inspection agency shall pay a fee of \$1,000. If the person seeks approval as both an **industrialized housing** evaluation agency and an inspection agency, the combined fee [**shall be**] is \$2,000.

(b) A third-party agency submitting an application to the Department under § 145.76 (relating to reapprovals of third-party agencies)[,] for reapproval as an **industrialized housing** evaluation agency or inspection agency shall pay a fee of \$500. If the person seeks reapproval as both an **industrialized housing** evaluation agency and an inspection agency, the combined fee [**shall be**] is \$1,000.

(c) [**Each manufacturer requesting the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification) to issue insignia of certification shall pay a fee of \$40 for the insignia of certification for each module of industrialized housing.**] A person submitting an application to the Department under § 145.75(a) for approval as an **industrialized buildings** evaluation agency or inspection agency shall pay a fee of \$1,000. If the person seeks approval as both an evaluation agency and an inspection agency, the combined fee is \$2,000.

(d) [**Each manufacturer requesting the Department under § 145.63 to issue insignia of certification for housing components shall pay a fee of \$40 for each housing component which will bear insignia of certification.**] A third-party agency submitting an application to the Department under § 145.76, for reapproval as an **industrialized buildings** evaluation agency or inspection agency shall pay a fee of \$500. If the person seeks reapproval as

both an **industrialized buildings** evaluation agency and an inspection agency, the combined fee is \$1,000.

(e) For manufacturing facilities in this Commonwealth, the insignia of certification fee is:

(1) \$40 per insignia for each module of an industrialized housing.

(2) \$40 per insignia for each industrialized housing component. The fee payable under this paragraph for industrialized housing components installed in or on a single dwelling unit may not exceed \$40.

(3) \$60 per insignia for each transportable section of an industrialized building.

(4) \$60 per insignia for each industrialized building module or component. A manufacturer may request special consideration from the Department in the event the manufacturer believes that insignia placement on individual modules or components is unreasonable due to the unique scope of a particular project.

(f) For manufacturing facilities outside of this Commonwealth, the insignia of certification fee is:

(1) \$60 per insignia for each module of an industrialized housing unit.

(2) \$60 per insignia for each industrialized housing component. The fee payable under this paragraph for industrialized housing components installed in or on a single dwelling unit may not exceed \$60.

(3) \$90 per insignia for each transportable section of an industrialized building.

(4) \$90 per insignia for each industrialized building module or component. A manufacturer may request special consideration from the Department in the event the manufacturer believes that insignia placement on individual modules or components is unreasonable due to the unique scope of a particular project.

[(e)] (g) When the Department is authorized to monitor or inspect under § 145.93 (relating to factory inspections; right of entry) or otherwise, or provide evaluation or inspection services, or both, under § 145.70 (relating to Departmental evaluation and inspection), the manufacturer shall pay to the Department the following fees:

(1) Engineering services—[\$400 per day or \$60] \$75 per hour.

(2) Administrative services—[\$175 per day or \$25] \$40 per hour.

(3) Travel and per diem expenses—current Commonwealth travel and per diem expenses.

[(f)] (h) The Department may establish reasonable handling and other administrative fees as indicated elsewhere in this chapter, subject to the stated limitations in amount.

[(g)] (i) Fees paid to the Department under this chapter are nonrefundable except as otherwise specifically set forth in this chapter. Fees must be paid **electronically (as determined by the Department)**, by check or money order.

§ 145.97. Amendments to this chapter.

The Department may propose amendments to this chapter. The Department will [mail a copy of] publish each proposed amendment in the *Pennsylvania Bulletin* and provide notice of the amendment to third-party agencies and to manufacturers with approved building system documentation. The Department will hold public hearings on proposed amendments to this chapter. A proposed amendment shall become effective upon compliance with the applicable requirements of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102, 1201—1208 and 1602) and 45 Pa.C.S. [Chapters 5, 7 and 9, known as the Commonwealth Documents Law] Part II (relating to publication and effectiveness of Commonwealth documents).

§ 145.99. Remedies.

The Department may seek an order from a court of applicable jurisdiction in this Commonwealth for the enforcement of the act or this chapter, including without limitation an order for injunctive relief to enjoin the sale, lease, delivery or installation of [an] industrialized housing [or], housing components, buildings or building components which have not been manufactured, transported or installed in conformity with the requirements of the act or this chapter, or for the refusal of a party to comply with the act or this chapter.

INTERSTATE ACCEPTABILITY

§ 145.101. General authority.

The Department is authorized under section 6 of the act (35 P.S. § 1651.6) to issue insignia of certification to approved manufacturers [of industrialized housing and housing components] under this program for their industrialized housing [or], housing components, industrialized buildings or building components which have been certified by any competent authority within a [State] state of the United States following a finding by the Department that the certifications have been granted on the basis of standards substantially equivalent to this chapter. Sections 145.102 and 145.103 (relating to determinations of acceptability of certifications of a competent [State] state authority; and issuance of insignia of certification) set forth more detailed criteria to support a finding by the Department that the standards are substantially equivalent to this chapter and establish additional procedures necessary to safeguard the health, safety and welfare of the citizens of this Commonwealth from noncomplying industrialized housing [and], housing components, industrialized buildings or building components certified by a competent [State] state authority.

§ 145.102. Determinations of acceptability of certifications of a competent [State] state authority.

(a) The Department may, on the basis of its review of the applicable statutes, regulations and administrative practices and experience and the other information as it may consider necessary for an informed finding, find that the standards of a competent authority of a [State] state of the United States under which industrialized housing [or], housing components, industrialized buildings or building components are certified, are substantially equivalent to the provisions of this chapter. The finding by the Department [shall] will be based on the following subsidiary findings:

(1) An agency, authority or division of the government of a [State] state of the United States has established and is actively administering under valid legislative authority a program for the certification of industrialized housing [or], housing components, industrialized buildings or building components or type of industrialized housing [or], housing components, industrialized buildings or building components similar in its purposes to the program authorized by the act.

(2) The codes and standards utilized by the competent authority of the other [State] state governing the design, materials and method of construction [of the industrialized housing or housing components] are substantially equivalent to the codes and standards adopted by the Department under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and adoption and effective dates—code amendments). The determination of substantial equivalency [shall] will be based on a finding that the degree of protection to the health, safety and welfare of the citizens of this Commonwealth would not be materially less under other codes and standards than under the codes and standards adopted by the Department under §§ 145.41, 145.42 and 145.44. It is not intended that findings of substantial equivalency be limited to codes adopted by other jurisdictions which are identical or substantially identical with the codes adopted under §§ 145.41, 145.42 and 145.44. In addition, a finding of substantial equivalency may be limited to designated types of buildings or methods of construction for buildings.

(3) The competent [State] state authority will not certify industrialized housing [or], housing components, industrialized buildings or building components unless there has been a finding that the manufacturer is administering an acceptable compliance control program or, if third-party agencies are utilized, there is an acceptable compliance assurance program.

(4) The evaluation of the building system documentation of manufacturers for conformity with the adopted codes and standards and of the related compliance control program or compliance assurance program, as the case may be, is performed by personnel possessing satisfactory qualifications to assure determinations that are reliable, objective and without bias.

(5) The procedures adopted by the competent [State] state authority are satisfactory to assure effective enforcement of the regulations and standards adopted by that jurisdiction.

(b) If the Department makes a finding of substantial equivalency under subsection (a), it shall further determine whether there are procedures adopted by the competent [State] state authority with respect to which the finding of substantial equivalency is made under which the Department would be promptly notified in the event of the suspension or revocation of approval of any manufacturer or third-party agency or of any other approval issued by the competent [State] state authority relating to the enforcement of its applicable regulations. If there are no procedures for prompt notification to the Department, the Department may seek agreement from the competent [State] state authority for the establishment of notification procedures.

(c) Promptly after the Department makes a finding of substantial equivalency under subsection (a) with respect to the standards adopted by a competent [State] state

authority under which industrialized housing or housing components are certified by the authority, and further determines that the competent [**State**] **state** authority has adopted the notification procedures prescribed in subsection (b), the Department will notify third-party agencies and manufacturers with approved building system documentation that, on compliance with the requirements of § 145.103 (relating to issuance of insignia of certification), the Department will issue to a manufacturer insignia of certification for attachment to industrialized housing [**or**], housing components, **industrialized buildings or building components** certified by the competent [**State**] **state** authority with respect to which the findings have been made.

§ 145.103. Issuance of insignia of certification.

(a) A manufacturer, regardless of whether its building system documentation and related compliance assurance program have been approved under this chapter, may request that the Department issue to it insignia of certification for attachment to industrialized housing [**or**], housing components, **industrialized buildings or building components** which have been or will be certified by a competent [**State**] **state** authority with respect to which the Department has made the requisite findings required by § 145.102 (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority). In addition to meeting all of the requirements of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification), the manufacturer's request shall contain the following additional information:

(1) A list of the building system documentation which was approved by the competent [**State**] **state** authority for the industrialized housing [**or**], housing components, **industrialized buildings or building components** to which the insignia of certification are to be attached.

(2) Evidence that building system documentation and related compliance assurance program or compliance control program, as the case may be, was approved under the policies and procedures of the competent [**State**] **state** authority as conforming to the standards with respect to which the Department's determination of substantial equivalency was made.

(3) The name and address of an inspection agency, approved by the Department, which will participate in the compliance assurance program and authorize the attachment of the insignia of certification to the industrialized housing [**or**], housing components, **industrialized buildings or building components** to be sold, leased or installed for use on a site in this Commonwealth.

(b) If the competent [**State**] **state** authority uses its own personnel for monitoring a manufacturer's compliance control program and inspecting industrialized housing or housing components, the manufacturer seeking the issuance of insignia of certification under subsection (a) may eliminate the requirement of subsection (a)(3) for utilizing an inspection agency to monitor its compliance control program and authorize the attachment of insignia of certification, provided that the Department and the competent [**State**] **state** authority have entered into an agreement under which the competent [**State**] **state** authority will institute procedures, acceptable to the Department, for authorizing the attachment of the insignia of certification for industrialized housing [**or**], hous-

ing components, **industrialized buildings or building components** intended for sale, lease or installation for use on sites in this Commonwealth. The Department will enter into an agreement only if it determines that the procedures for controlling the use of the insignia of certification contain adequate safeguards and that the competent [**State**] **state** authority has the satisfactory organization and personnel to discharge its obligations under the agreement and will not charge the approval or reapproval fees as outlined in § 145.94(a) and (b) (relating to fees).

§ 145.104. Reciprocal agreements.

(a) The Department is authorized to enter into agreements with the United States Department of Housing and Urban Development or with a competent authority within a [**State**] **state** of the United States which has established under valid legislative authority a program for the certification of industrialized housing [**or**], housing components, **industrialized buildings or building components** under which each party to an agreement will recognize the certification [**of industrialized housing or housing components**] issued under the laws, regulations and administrative procedures of the other party. An agreement shall establish procedures additional to those set forth in this chapter and shall in respects be consistent with the act.

(b) The reciprocal agreement may also establish that acceptability of the competent [**State**] **state** authority insignia of certification for industrialized housing units [**or**], components, **industrialized buildings or building components** shall be recognized by the Department [**in lieu**] **instead** of the provisions set forth in §§ 145.102 and 145.103 (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority; and issuance of insignia of certification).

(c) The inspection and evaluation agency fees outlined in § 145.94(a) and (b) (relating to fees) will not be charged to a competent [**State**] **state** authority entering into a reciprocal agreement, as outlined in this chapter, using its own personnel for monitoring a manufacturer's compliance control program and inspecting industrialized housing [**or**], housing components, **industrialized buildings or building components**.

§ 145.105. Suspension and revocation.

(a) The Department, on the basis of its review of the applicable statutes, regulations and administrative practices and experience and other information that it may consider necessary for an informed finding, determine that its finding that the standards of a competent [**State**] **state** authority, previously found by the Department to be substantially equivalent to this chapter, is no longer justified under the criteria set forth in § 145.102(a) (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority) or the procedures for notification set forth in § 145.102(b) are no longer effective. The Department will promptly notify third-party agencies and manufacturers with approved building system documentation or possessing insignia of certification issued to them under § 145.103 (relating to issuance of insignia of certification) of its finding. If requested by the Department, manufacturers possessing insignia of certification issued under § 145.103 shall promptly return the insignia to the Department and, upon receipt by the Department of the returned insignia, the fee paid by the manufacturer for the insignia

[shall] will be refunded in full. No additional insignia of certification will be issued by the Department under § 145.103 with respect to industrialized housing or housing components certified by the competent [State] state authority with respect to which the finding by the Department was made. In addition, the Department will be authorized to remove, or cause the removal of, insignia of certification theretofore attached to industrialized housing [or], housing components, **industrialized buildings or building components** certified by the competent [State] state authority, if the Department determines that there is a substantial threat to the health, safety or welfare of the occupants of the industrialized housing or housing structures containing the housing components, **industrialized buildings or structures containing building components** unless [such industrialized housing or housing components are] brought into compliance with this chapter.

(b) The suspension or revocation of the certification of a manufacturer or third-party agency or of an industrialized housing [or], housing components, **industrialized buildings or building components** by a competent [State] state authority shall automatically suspend the right of a manufacturer affected in a material respect by the suspension or revocation to utilize an insignia of certification issued to it under § 145.103. The manufacturer may thereafter request the Department to determine in writing those circumstances in which it may continue to use the insignia of certification.

(c) Nothing in this section shall be construed to limit or restrict the rights of suspension and revocation of the Department under this chapter.

[Pa.B. Doc. No. 15-1201. Filed for public inspection June 26, 2015, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Optometrists

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) adds § 43b.25 (relating to schedule of civil penalties—optometrists) to read as set forth in Annex A.

Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will apply to violations that occur on or after the effective date.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards.

Background and Purpose

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, a licensee who receives an Act 48 citation retains due process rights to a hearing prior to the imposition of judgment. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts. Section 5(b)(4) of Act 48 authorizes the State Board of Optometry (Board), as a licensing board within the Bureau, to levy a civil penalty of not more than \$10,000 on any licensee or unlicensed person who violates a provision of the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12) or Board regulations. However, section 5(a) of Act 48 limits the civil penalty levied by citation to no more than \$1,000 per violation.

This is the first time that the Board will participate in the Act 48 citation program. The Board and the Commissioner believe that it is necessary to implement the civil penalties in this final-form rulemaking to streamline the disciplinary process to be more efficient and cost effective.

This schedule of civil penalties sets forth penalties for practicing on a lapsed license as well as for failure to complete the required 30 hours of approved continuing education. The civil penalty schedule for failure to complete the required hours of continuing education in accordance with § 23.82(a) (relating to continuing education hour requirements) is in addition to and not instead of the requirement under section 5(b) of the act (63 P. S. § 244.5(b)) that licensees may not renew a license if the licensee has not completed the required hours of continuing education. That is, the Board will not renew a license unless the licensee certifies to the Board that all required continuing education has been completed. The Board intends to follow this final-form rulemaking with a rulemaking that, among other things, clarifies that a licensee who receives a citation for continuing education violations must make up the deficiency and that the hours of continuing education submitted to the Board to make up for a deficiency may not be used to satisfy the continuing education requirement for the current biennium.

Summary of Comments

The proposed rulemaking was published at 44 Pa.B. 2247 (April 12, 2014) with a 30-day public comment period. On May 8, 2014, the Pennsylvania Optometric Association submitted a letter stating that they "have reviewed these proposed penalties and have no additional recommendations." The Commissioner did not receive other public comments. On June 11, 2014, the Independent Regulatory Review Commission (IRRC) sent a letter to the Commissioner indicating that IRRC did not have objections, comments or recommendations to offer on the proposed rulemaking. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Public Licensure Committee (SCP/PLC) submitted comments on the proposed rulemaking.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will reduce the paperwork requirements of the Commonwealth and the regulated community by eliminating the need for orders to show

cause, answers, consent agreements, and adjudications and orders for those violations subject to the Act 48 citation process. The only fiscal impact of the final-form rulemaking is borne by those persons who violate the act or the regulations of the Board and are subject to the civil penalties in this schedule.

Sunset Date

The Commissioner and the Board continuously monitor the effectiveness of their regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 28, 2014, the Board submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 2247, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 27, 2015, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective May 27, 2015.

Contact Person

Further information may be obtained by contacting the Commissioner or the State Board of Optometry, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-optometry@pa.gov.

Findings

The Commissioner finds that:

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

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

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by adding § 43b.25 to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

IAN J. HARLOW,
Acting Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 2961 (June 13, 2015).)

Fiscal Note: Fiscal Note 16A-5212 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.25. Schedule of civil penalties—optometrists.

STATE BOARD OF OPTOMETRY

<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 244.8(d)	Practicing or offering to practice optometry by person whose license is expired.	1st offense—less than 5 months—\$250; 5 months to 8 months—\$500; over 8 months to 12 months—\$1,000; over 12 months—formal action 2nd offense—less than 6 months—\$500; 6 months to 12 months—\$1,000; over 12 months—formal action 3rd or subsequent offense—formal action

Violation under
49 Pa. Code

§ 23.82(a)

Title/Description

Failure to complete required hours of continuing education during the 2 years preceding renewal or reactivation.

Civil Penalty

1st offense—20 or fewer hours of deficiency—\$50 per hour; more than 20 hours of deficiency—formal action

2nd offense—10 or fewer hours of deficiency—\$100 per hour; more than 10 hours of deficiency—formal action

3rd or subsequent offense—formal action

[Pa.B. Doc. No. 15-1202. Filed for public inspection June 26, 2015, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Corrective Amendment to 58 Pa. Code § 147.673

The Game Commission (Commission) has discovered a discrepancy between the agency text of 58 Pa. Code § 147.673 (relating to eligibility and application for DMAP) as deposited with the Legislative Reference Bureau and published at 41 Pa.B. 1766 (April 2, 2011), the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 439) and as currently appearing in the *Pennsylvania Code*. The amendments made by the Commission at 41 Pa.B. 1766 were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: the Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 147.673. The corrective amendment to 58 Pa. Code § 147.673 is effective as of June 4, 2011, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 147.673 appears in Annex A.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL DEER

MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.673. Eligibility and application for DMAP.

(a) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies shall apply for the DMAP on a form provided by the Commission.

(1) Applications shall be submitted to a regional office by May 1 immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

(2) One DMAP harvest permit will be allocated for every 5 acres of land enrolled in the DMAP where

material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented. One DMAP harvest permit will be allocated for every 50 acres of land enrolled in the DMAP for all other lands. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(3) Applications will not be accepted for the following areas without an approved management plan:

(i) Areas within 1 air mile of another DMAP area that is owned, leased or controlled by the same person, political subdivision or governmental agency.

(ii) Areas owned or leased by a Federal agency, State agency or municipal political subdivision.

(iii) Areas with less than 5 acres of cultivated crops, fruit trees or vegetables, or less than 50 acres of other lands.

(b) Management plans must include at least the following information:

(1) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(2) A description of the management area delineated on the map in paragraph (1) including the size in acres, cover types (forested or nonforested), principle land uses, huntable areas and safety zones.

(3) An explanation of the deer management goals and objectives for the area.

(4) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing the use of DMAP in the area. Area specific information shall be provided that supports the deer management goals and objectives.

(c) Upon approval of the application, the location and boundaries of the area shall be designated in a manner approved by the Commission.

(d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to. In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.

[Pa.B. Doc. No. 15-1203. Filed for public inspection June 26, 2015, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 16, 2015.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-15-2015	WSFS Financial Corporation Wilmington New Castle County, DE Application for approval to acquire 100% of Alliance Bancorp, Inc. of Pennsylvania, Broomall, and thereby indirectly acquire 100% of Greater Delaware Valley Savings Bank d/b/a Alliance Bank, Broomall.	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-15-2015	Royal Bank America Narberth Montgomery County Application for approval to purchase assets and assume liabilities of one branch of First Cornerstone Bank, King of Prussia, located at: 2 West Baltimore Avenue Media Delaware County	Filed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-1204. Filed for public inspection June 26, 2015, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Juniata College to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Juniata College to amend its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in

accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 15-1205. Filed for public inspection June 26, 2015, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of

this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060445 (Sewage)	Pennsylvania Historical and Museum Commission Eckley Miners' Village WWTP 2 Eckley Main Street Weatherly, PA 18255	Luzerne County Foster Township	Unnamed Tributary to Black Creek (05D)	N

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

<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>
PA0038806 (Sewage)	Beautyline Park STP 258 Beautyline Drive Salix, PA 15952	Cambria County Adams Township	Otto Run (18-E)	N
PA0096229 (Sewage)	Marianna W Bethlehem STP East End Of Broad Street Marianna, PA 15345	Washington County West Bethlehem Township	Tenmile Creek (19-B)	Y
PA0216186 (Sewage)	Mining Technology & Training Center STP 197 Dunn Station Road Prosperity, PA 15329-1625	Greene County Washington Township	Ruff Creek (19-B)	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>
PA0240192 (sewage)	Frank R & Myranda S Hyden SFTF 24478 State Street Meadville, PA 16335	Crawford County Blooming Valley Borough	Unnamed Tributary to Woodcock Creek (16-A)	Y

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

PA0054551, SIC Code 4952, **Jonathan D. Snyder**, 4 Fox Run Lane, Newtown Square, PA 19073-1004. Facility Name: Snyder SRSTP. This existing facility is located in Willistown Township, **Chester 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 Ridley Creek, is located in State Water Plan watershed 3-G and is classified for High Quality Waters—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 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

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

- A. AMR to DEP
- B. DMR to DEP
- C. Septage and Scum Measurement
- D. Septic Tank Pumping
- E. Chlorine Minimization
- F. No Stormwater
- G. Acquire Necessary Property Rights
- H. Proper Sludge Disposal Abandon STP when Municipal Sewers Available

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.

PA0244741, SIC Code 4922, **Columbia Gas Transmission, LLC**, 5151 San Felipe, Suite 2400, Houston, TX 77056. Facility Name: East Side Expansion Project. This proposed facility is located in West Vincent, Upper Uwchlan, Uwchlan, East Brandywine, Caln, and West Bradford Townships and Downingtown Borough, **Chester County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated hydrostatic test water.

The receiving stream(s), Unnamed Tributary to East Branch Brandywine Creek, East Branch Brandywine Creek, Unnamed Tributary to Beaver Creek, Unnamed Tributaries to Marsh Creek, and Unnamed Tributary to Pickering Creek are located in State Water Plan watershed 3-Hand 3-D and are classified for Warm Water Fishes, Cold Water Fishes, Migratory Fishes, High Quality Waters—Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001, 002, 003, 004 and 005 are based on a design flow of 100 GPMs.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (GPM)	Report	100	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report Total Time
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	<0.02	XXX	<0.02
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Oil and Grease	XXX	XXX	XXX	5.0	XXX	10.0
Total Iron	XXX	XXX	XXX	0.45	XXX	0.90
Total Volume (gal)	Report Total Monthly	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfalls 006 and 007 are based on a design flow of 100 GPMs.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (GPM)	Report	100	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report Total Time
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>		
Total Residual Chlorine	XXX	XXX	XXX	0.02	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Dissolved Iron	XXX	XXX	XXX	Report	XXX	7.0
Total Volume (gal)	Report Total Monthly	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 250 GPMs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>		
Flow (GPM)	Report	250	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report Total Time
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.02	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Dissolved Iron	XXX	XXX	XXX	Report	XXX	7.0
Total Volume (gal)	Report Total Monthly	XXX	XXX	XXX	XXX	XXX

The expected total volumes of discharge during each hydrostatic test event from Outfalls 001, 002, 003 004, 005, 006, 007 and 008 are 785 gallons, 99,042 gallons, 99,042 gallons, 60,511 gallons, 60,511 gallons, 78,795 gallons, 636 gallons and 1,281,915 gallons respectively.

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. ELG Reopener
- D. Dry Stream
- E. Method of Analysis
- F. No Other Wastewater
- G. Best Management Practices
- H. EDMR Requirement

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.

PA0038903, Storm Water, SIC Code 4226, 5171, **Sunoco Partners Market & Terminal LP**, 1000 Crown Point Road, Westville, NJ 08093. Facility Name: Sunoco Malvern Market Terminal. This existing facility is located in East Whiteland Township, **Chester County**.

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

The receiving stream(s), Little Valley Creek, is located in State Water Plan 3F watershed and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	15	XXX	30

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

- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Best Management Practices (BMPs)
- Annual Inspection and Compliance Evaluation
- Stormwater Sampling Requirements
- Property Rights
- Solids Handling

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

The EPA Waiver is in effect.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0275743, Stormwater, SIC Code 3272, **GAF Premium Products, Inc.**, 440 Katherine Road, Wind Gap, PA 18091. Facility Name: GAF Premium Products. This existing facility is located in Wind Gap Borough, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of stormwater.

The receiving stream, Unnamed Tributary to Little Bushkill Creek, is located in State Water Plan watershed 01-F and is classified for High Quality Waters—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 MGD (stormwater only).

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Other requirements applicable to stormwater outfalls including: PPC Plan, Stormwater BMPs, Annual Inspection and Compliance Evaluation.

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 in effect.

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

PA0088072, Storm Water, SIC Code 4953, **Stericycle Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543. Facility Name: Stericycle, Inc. This existing facility is located in Robeson Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of stormwater associated with industrial activities.

The receiving stream(s), Hay Creek, is located in State Water Plan watershed 3-C and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 007, which serves as the representative outfall, are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements applicable to Stormwater Outfalls
- BMPs specific to SIC Code 4953 and General BMPs from the PAG-03 NPDES Permit

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.

Application No. PA0260495, Concentrated Animal Feeding Operation (CAFO), **Hershey Steve (Steve Hershey Farm CAFO)**, 2024 Donegal Springs Road, Mount Joy, PA 17552-8906.

Hershey Steve has submitted an application for an Individual NPDES permit for an existing CAFO known as Steve Hershey Farm CAFO, located in East Donegal Township, **Lancaster County**.

The CAFO is situated near Donegal Creek and Unnamed Tributary to Donegal Creek in Watershed 7-G, which is classified for High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 572.8 animal equivalent units (AEUs) consisting of 475 Beef Cows, 500 Swine and 242,000 Poultry (Pullets). Poultry manure is stored inside the bird house until export. The liquid swine and liquid beef will be stored in an underbarn storage until it is land applied or exported. At the older cow barns manure is handled as solid bedpack. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0266108, Industrial Wastewater—Hydrostatic Test Discharge, SIC Code 4619, **Transcontinental Gas Pipe Line Co., LLC**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056. Facility Name: Transcontinental Rock Springs Expansion Project MP 5.5. This proposed facility is located in Fulton Township, **Lancaster County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of hydrostatic testing water from a new pipeline.

The receiving stream(s), Peters Creek, is located in State Water Plan watershed 7-K and is classified for Exceptional Value Waters—Warm Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average</i>		
Flow (GPM)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	10
Oil and Grease	XXX	XXX	XXX	Report	XXX	5
Dissolved Iron	XXX	XXX	XXX	Report	XXX	1.5

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.

PA0266094, Industrial Wastewater—Hydrostatic Test Discharge, SIC Code 4619, **Transcontinental Gas Pipe Line Co., LLC**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056. Facility Name: Transcontinental—Rock Springs Expansion Project MP 0.0. This proposed facility is located in Drumore Township, **Lancaster County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of hydrostatic testing water from a new pipeline.

The receiving stream(s), Fishing Creek, is located in State Water Plan watershed 7-K and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average</i>		
Flow (GPM)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	10
Oil and Grease	XXX	XXX	XXX	Report	XXX	5
Dissolved Iron	XXX	XXX	XXX	Report	XXX	1.5

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.

PA0027952, Sewage, SIC Code 5541, **HMS Host**, PO Box 8, Middletown, PA 17057. Facility Name: Lawn Service Plaza. This existing facility is located in South Londonderry Township, **Lebanon County**.

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

The receiving stream(s), Unnamed Tributary of Conewago Creek, is located in State Water Plan watershed 7-G 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 0.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Nitrate-Nitrite as N (lbs/mo)	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (lbs/mo)	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
Total Kjeldahl Nitrogen (lbs/mo)	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (lbs/mo)	Report	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	304	XXX	XXX	XXX	XXX
		Total Annual				

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.

PA0026735, Sewage, SIC Code 4952, 221320, 562213, **Swatara Township Authority Dauphin County**, 599 Eisenhower Boulevard, Harrisburg, PA 17111-2304. Facility Name: Swatara Township STP. This existing facility is located in Swatara Township, **Dauphin 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), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, Migratory Fishes and 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 6.3 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (CFU/100 ml)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
May 1 - Oct 31	998	1,576	XXX	19	30	38
Nov 1 - Apr 30	1,313	2,101	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	1,576	2,364	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	338	XXX	XXX	6	XXX	12
Nov 1 - Apr 30	900	XXX	XXX	18	XXX	36
Total Phosphorus	105	XXX	XXX	2.0	XXX	4.0
Free Available Cyanide	Report	XXX	XXX	Report	XXX	Report

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	118,339	XXX	XXX	XXX
Net Total Phosphorus	Report	15,866	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- The permittee is granted 300 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
- Stormwater Requirements
- Pretreatment Program Implementation

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 not in effect.

PA0044628, Industrial Waste, SIC Code 4911, **York Haven Power Company, LLC**, PO Box 67, York Haven, PA 17370-67. Facility Name: York Haven Hydroelectric Power Station. This existing facility is located in York Haven Borough, **York County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-G 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 IMP 101 are based on a design flow of 0.259 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature	XXX	XXX	XXX	XXX	Report	XXX

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

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.

PA0025941, Sewage, **Canonsburg Houston Joint Authority**, 68 E Pike Street, Canonsburg, PA 15317-1375. Facility Name: Canonsburg Houston Joint WWTP. This existing facility is located in Cecil Township, **Washington 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), Chartiers Creek, is located in State Water Plan watershed 20-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 6 MGDs.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.4	XXX	1.0
CBOD ₅						
May 1 - Oct 31	1,001.4	1,502.1	XXX	20	30	40
Nov 1 - Apr 30	1,251.8	1,877.6	XXX	25	37.5	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	1,502.1	2,253.2	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean XXX	Report Daily Max	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	175.4	265.5	XXX	3.5	5.3	7.0
Nov 1 - Apr 30	350.7	526.1	XXX	7.0	10.5	14.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Iron	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is not in effect.

PA0214396, Storm Water, SIC Code 5052, **Three Rivers Marine & Rail Terminal, LP**, 17 Arentzen Boulevard, Charleroi, PA 15022. Facility Name: Three Rivers Marine & Rail Dock. This proposed facility is located in Glassport Borough, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Storm Water.

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-C 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 Outfalls 001 and 002 are based on a precipitation based flow.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	Report	50	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	7	XXX
					Max	
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX

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

In accordance with 40 CFR 423.12(b)(10) outfalls 001 and 002 shall not be subject to the effluent limitations set forth in 40 CFR 423.12(b)(9) during a 10-year 24-hour or larger precipitation event (or snowmelt of equivalent volume). The permittee shall have the burden of demonstrating that the prerequisites to this exemption have been met. These outfalls are still subject to pH limitations and monitoring requirements during discharge (40 CFR 423.12(b)(1)).

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.

PA0254584, Industrial Waste, SIC Code 3339 & 4911, **Horsehead Corporation**, 4955 Steubenville Pike Suite 405, Pittsburgh, PA 15205-9604. Facility Name: Horsehead Corporation Landfill. This existing facility is located in Potter Township, **Beaver County**.

The following notice reflects changes to the notice published in the March, 22, 2014, edition of the *Pennsylvania Bulletin*:

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of treated residual waste landfill leachate and storm water runoff.

The receiving stream(s), Raccoon Creek, is located in State Water Plan watershed 20-D 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 006 are based on a design flow of 0.216 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	3.8	7.0	XXX
Total Antimony	XXX	XXX	XXX	Report	Report	XXX
Total Arsenic	XXX	XXX	XXX	Report	Report	XXX
Total Barium	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium	XXX	XXX	XXX	Report	Report	XXX
Total Chromium	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	5.0	12.0	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	0.14	0.22	XXX
Total Mercury	XXX	XXX	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	Report	Report	XXX
Total Selenium	XXX	XXX	XXX	0.07	0.14	XXX
Dissolved Selenium	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.006	0.010	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Zinc	XXX	XXX	XXX	0.6	1.0	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

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

- A Toxics Reduction Evaluation for total thallium and chemical additives requirements.

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 not in effect.

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

PA0026301 A-1, Sewage, SIC Code 4952, **Erie City Sewer Authority Erie County**, 68 Port Access Road, Erie, PA 16507. Facility Name: Erie City STP. This existing facility is located in Erie City, **Erie County**.

Description of Existing Activity: An NPDES permit amendment to extend the compliance date for meeting the final bacteria (fecal coliform & E. coli) limitations seven additional months.

The receiving stream, Lake Erie, is located in State Water Plan watershed 15 and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

PA0273091, Sewage, SIC Code 8800, **Stephen G. Paxson**, 51 Quarry Hill Road, Greenville, PA 16125. Facility Name: Stephen G. Paxson SRSTP. This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream, an Unnamed Tributary of the Shenango River, is located in State Water Plan watershed 20-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 0.0004 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

WQM Permit No. 1515250, CAFO, **Walton Farms, LLC**, 42 Walton Drive, Cochranville, PA 19330.

This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Seeking permit approval for the expansion of an existing dairy operation and the construction of an additional HDPE-lined manure storage pond.

WQM Permit No. 2815201, CAFO, **Leshers Poultry Farm, Inc.**, 1153 Swamp Fox Road, Chambersburg, PA 17202-8865.

This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of a new proposed 14' x 135' circular concrete manure pit on an existing poultry farm.

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

WQM Permit No. 3092201-A2, Industrial, **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, Jefferson, PA 15344.

This proposed facility is located in Cumberland Township, **Greene County**.

Description of Proposed Action/Activity: Proposed construction of a centrifuge, gravity thickener and sludge holding tank.

WQM Permit No. 6515401, Sewage, **Mon Valley Sewer Authority**, 20 S Washington St, Donora, PA 15033-1394.

This proposed facility is located in Donora Borough, Washington County and Monessen City, **Westmoreland County**.

Description of Proposed Action/Activity: Sewer separation project consisting of the construction of approximately 16,000 lineal feet of sanitary sewer and appurtenances.

WQM Permit No. 6312404, Sewage, **Mon Valley Sewage Authority**, 20 South Washington Street, Donora, PA 15033.

This proposed facility is located in City of Monessen, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed construction of satellite treatment facility for a Combined Sewer Overflow Outfall 007 in the City of Monessen, Westmoreland County.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010910003R	James C. Baker 1748 Central Park Orefield, PA 18069	Bucks	Springfield Township	Cook Creek EV-MF
PAI010915006	Highland Realty Management 306 West Cuthbert Boulevard Westmont, NJ 08108	Bucks	Bristol Township	Neshaminy Creek WWF
PAI011515009	20 Moores Road Assoc. LP 55 Country Club Drive Downingtown, PA 19335 Co-Applicant Address: Stonebridge Life Insurance Co., A Vermont Corporation 4333 Edgewood Road, NE Cedar Rapids, IA 52499	Chester	East Whiteland Township	Unnamed Tributary to Valley Creek EV Valley Creek EV
PAI011515011	Land Development Toll PA IV, L.P. 250 Gibraltar Road Horsham, PA 19044-2323	Chester	Upper Uwchlan Township	Marsh Creek HQ-TSF
PAI011515008	IHM Villa Maria 1140 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Ridley Creek HQ-TSF-MF
PAI011514052	Honey Brook Community Church 644 Ranck Road New Holland, PA 17554	Chester	Honey Brook Township and Honey Brook Borough	West Branch Brandywine Creek HQ-TSF
PAI012315005	Monroe Energy, LLC 4101 Post Road Trainer, PA 19061	Delaware	Trainer Borough	Stony Creek WWF-MF
PAI012315006	Tinicum Township 629 N. Governor Printz Boulevard Essington, PA 19029	Delaware	Tinicum Township	Delaware Estuary WWF-MF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023915009	Nader Hamati Above & Beyond, Inc. 514 N 22nd St. Allentown, PA 18104	Lehigh	Upper Macungie Township	Little Lehigh Creek (HQ-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>
PAI044115001	Sunoco Logistic Partners LP 525 Fritztown Rd Sinking Springs, PA 19608	Lycoming	Gamble Township	UNT to Wallis Run EV, TSF
PAI044115002	Sunoco Logistic Partners LP 525 Fritztown Rd Sinking Springs, PA 19608	Lycoming	Cascade & Gamble Twps	UNT to Salt Run EV, TSF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050215003	Uber Advanced Technologies Center (UATC) 91 43rd Street Pittsburgh, PA 15201	Allegheny	City of Pittsburgh	Allegheny River (WWF-N)
PAI055615001	Horvath Communications 312 West Colfax Avenue South Bend, IN 46601	Somerset	Conemaugh Township	South Fork of Bens Creek (HQ-CWF)
PAI055615003	Horvath Communications 312 West Colfax Avenue South Bend, IN 46601	Somerset	Conemaugh Township	Bens Creek (CWF) and South Fork of Bens Creek (HQ-CWF)
PAI056315005	McDowell Development, LLC 242 Station St Bridgeville, PA 15017	Washington	North Strabane Township	Little Chartiers Creek (HQ-WWF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063315001	Brookville Municipal Authority 18 Western Avenue, Suite A Brookville, PA 15825	Jefferson	Pine Creek Township and Brookville Borough	Redbank Creek TSF; North Fork Redbank Creek HQ-CWF; UNT North Fork HQ-CWF; Mill Creek CWF

STATE CONSERVATION COMMISSION

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

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

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

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

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Huber Villa Farm John Huber 2701 Fruitville Pike Lancaster, PA 17601	Perry	0	916.28	Swine	NA	Renewal
Samuel Stalter 48 Rehrersburg Road Bethel, PA 19507	Berks	13	377.86	Layers	N/A	Renewal
Aaron Hawbaker 6842 Buttermilk Road Waynesboro, PA 17266	Franklin	254.8, 244.8 acres available for manure	123.95	Poultry— Ducks	NA	Renewal
Country View Family Farms, LLC Deerfield TWP Sow Farm Doan Rd Knoxville, PA 16928	Tioga	445	2,979.55	Sow	NA	New

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 1315501, Public Water Supply.

Applicant	Blue Ridge, LLC 2230 Fireline Road Palmerton, PA 18071
[Township or Borough]	Lower Towamensing Township Carbon County
Responsible Official	Timothy Nagle, General Manager
Type of Facility	PWS
Consulting Engineer	Timothy A. Miller, PE Keystone Consulting Engineers, Inc. 6235 Hamilton Boulevard Wescosville, PA 18106
Application Received Date	June 4, 2015
Description of Action	Construction of disinfection facilities and demonstration of 4-log treatment of viruses for the Blue Shamrock Golf Club.

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

Permit No. 3615509 MA, Minor Amendment, Public Water Supply.

Applicant **Columbia Water Company**
 Municipality Marietta Borough
 County **Lancaster**
 Responsible Official David Lewis, Superintendent
 1195 River Road
 PO Box 302
 Marietta, PA 17547-0302
 Type of Facility Public Water Supply
 Consulting Engineer Gerald R. McClune, PE
 Rettew Associates, Inc.
 3020 Columbia Avenue
 Lancaster, PA 17603
 Application Received: 6/2/2015
 Description of Action Installation of new chlorine contact piping for the Lancaster (Chickies) Well Nos. 2 and 3.

Permit No. 0715501, Public Water Supply.

Applicant **Williamsburg Municipal Authority**
 Municipality Woodbury Township
 County **Blair**
 Responsible Official Edgar C. Pattercon, Chairman
 305 East 2nd St.
 Williamsburg, PA 16693
 Type of Facility Public Water Supply
 Consulting Engineer John C. Clabaugh, PE
 Stiffler, McGraw and Associates, Inc.
 1731 N. Juniata Street
 Hollidaysburg, PA 16648
 Application Received: 6/4/2015
 Description of Action Installation of a booster pump station to serve the existing customers in the Akes Hill area of the distribution system.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit No. 0215519, Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222
 [Township or Borough] City of Pittsburgh
 Responsible Official Richard Lieb, Design Manager
 Pittsburgh Water & Sewer Authority
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222
 Type of Facility Water system

Consulting Engineer Pittsburgh Water & Sewer Authority
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222

Application Received Date June 12, 2015

Description of Action Chemical addition at the Aspinwall water treatment plant.

Permit No. 0215520, Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222
 [Township or Borough] City of Pittsburgh
 Responsible Official Richard Lieb, Design Manager
 Pittsburgh Water & Sewer Authority
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222
 Type of Facility Water system
 Consulting Engineer Pittsburgh Water & Sewer Authority
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222
 Application Received Date June 12, 2015
 Description of Action Chemical addition at the Highland #1 membrane plant.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 4515502 MA, Minor Amendment.

Applicant **Tri Valley Eldo Lake Division**
 [Township or Borough] Polk Township, **Monroe County**
 Responsible Official Greg Sander
 Tri Valley Water Supply System
 Eldo Lake Division
 P. O. Box 60
 Lehighton, PA 18235
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received Date May 28, 2015
 Description of Action Proposed to change chemical from Calcium Hypochlorite powder to liquid Sodium Hypochlorite for disinfection at existing water system.

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

Application No. 0215517MA, Minor Amendment.

Applicant **Aleppo Township Authority**
100 North Drive
Suite 2
Sewickley, PA 15143

[Township or Borough] Glenfield Borough

Responsible Official John M. Seifarth, Chairman
Aleppo Township Authority
100 North Drive
Suite 2
Sewickley, PA 15143

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date May 20, 2015

Description of Action Installation of approximately 1,098 feet of 12-inch diameter waterline and appurtenances.

Application No. 0315504MA, Minor Amendment.

Applicant **Cowanshannock Township Municipal Authority**
PO Box 127
NuMine, PA 16224

[Township or Borough] Plumcreek Township

Responsible Official Peter Catanese, Vice Chairman
Cowanshannock Township
Municipal Authority
PO Box 127
NuMine, PA 16224

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date June 8, 2015

Description of Action Installation of an emergency interconnection with Kittanning-Plumcreek Water Authority.

Application No. 0215518MA, Minor Amendment.

Applicant **Monroeville Municipal Authority**
219 Speelman Lane
Monroeville, PA 15146

[Township or Borough] Monroeville Borough

Responsible Official James Hunter, General Manager
Monroeville Municipal Authority
219 Speelman Lane
Monroeville, PA 15146

Type of Facility Water system

Consulting Engineer Chester Engineers
1555 Coraopolis Heights Road
Moon Township, PA 15108

Application Received Date May 22, 2015

Description of Action Installation of approximately 4,600 feet of 12-inch diameter waterline and appurtenances (SR 22 Waterline Relocation Project).

Application No. 5615509MA, Minor Amendment.

Applicant **Somerset Township Municipal Authority**
PO Box 247
Somerset, PA 15501

[Township or Borough] Somerset Township

Responsible Official Carolyn Zambanini, Manager
Somerset Township Municipal Authority
PO Box 247
Somerset, PA 15501

Type of Facility Water system

Consulting Engineer The EADS Group
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date May 23, 2015

Description of Action Installation of waterlines for the Highland Hill Development.

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

WA32-271B, Water Allocations. **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, **Indiana County**. The applicant is requesting a Succession of Water Rights for the change in name from Western Pennsylvania American Water Company to Pennsylvania American Water Company.

WA-323B, Water Allocations. **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, **Cambria County**. The applicant is requesting a Succession of Water Rights for the change in ownership from the Borough of Barnesboro.

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 mediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the mediator 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Michael Barone Property, 35 East Lisburn Road, Mechanicsburg, PA, Upper Allen Township, **Cumberland County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Michael Barone, 35 East Lisburn Road, Mechanicsburg, PA 17055, 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. Future use of the site remains residential. The Notice of Intent to Remediate was published in the *Patriot-News* on March 12, 2015.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received, withdrawn, denied or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD067098822: Cycle Chem, Inc., 550 Industrial Drive, Lewisberry, PA 17339

An application for a Class 3 Permit Modification for RCRA Part B Permit Number PAD067098822 to add TSCA waste storage for PCBs at the Cycle Chem, Inc. facility located at 550 Industrial Drive, Lewisberry, PA 17339 in Fairview Township, **York County**, was determined to be administratively complete on June 10, 2015.

Persons wishing to comment on the permit application may submit comments to John Oren, PE, Facilities Manager, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the permit application may contact the Southcentral Regional Office, Waste Management Program at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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 general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

66-00001E: Proctor and Gamble Paper Products Co. (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) for the replacement of (2) two diaper lines with new state-of-the-art lines, which will operate at higher production speed than the existing lines at their facility in Washington Township, **Wyoming County**.

66-00001F: Procter & Gamble Paper Products Co. (PO Box 32, Mehoopany, PA 18629-0032) for the modification of their existing hazardous air pollutant (HAP) emissions limitation to less than 10 tons per year of a single HAP and less than 25 tons per year of combined HAPs from the their facility located in Washington Twp., **Wyoming County**.

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: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

15-0037F: Oberthur Technologies (523 James Hance Court, Exton, PA 19341; Attn: Mr. Chris Simone), for the installation of one new lithographic press, designated as Litho Press #8 (Source ID 114), at their facility located in West Whiteland Township, **Chester County**. This facility is a Title V facility. The new lithographic press will have a potential-to-emit of 3.35 tons of VOC per year and less than 0.01 ton of HAP per year. All emissions will be fugitive. The permittee is subject to a Plantwide Applicability Limit (PAL) of 47.895 tons per year for VOC. The facility will continue to comply with the PAL. The Plan Approval will contain monitoring and recordkeeping requirements designed to keep the lithographic press operating within the allowable emissions and all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

67-03172A: Panebaker Funeral Home, Inc. (43 Amy Way, Hanover, PA 17331) for construction of a human crematory controlled by an afterburner at the funeral home in Heidelberg Township, **York County**. The facility has the following potential air emissions: 3.3 tons per year of CO, 1.0 ton per year of NO_x, 2.3 tons per year of PM, 0.8 ton per year of SO_x, and 1.0 ton per year of VOC. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The plan approval and subsequent State-Only operating permit will include emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

41-00088A: Compass Natural Gas Partners LP (1865 Center St., Camp Hill, PA 17011-1703) for the construction of one 2,328 bhp Caterpillar model G3516C natural gas-fired engine to drive a generator capable of producing 1,660 kW of electricity equipped with a Caterpillar model Clariant Catalyst Element—ENVICAT-6314-33.5 x 3.5-300 cpsi oxidation catalyst. Additionally, this facility will include an 82 bhp Olympian model G45LG natural gas-fired emergency generator capable of produc-

ing 45 kW of electricity at the Compass-Quaker CNG Truck Terminal located in Upper Fairfield Township, **Lycoming County**.

The Department of Environmental Protection's (Department) review of the information submitted by Compass Natural Gas Partners LP indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including [40 CFR Part 60 Subpart JJJJ and Part 63 Subpart ZZZZ] and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emission from each proposed source included in this project will not exceed the following limits for the 2,328 bhp Caterpillar model G3516C engine equipped with an oxidation catalyst: (a) nitrogen oxides (NO_x, expressed as NO₂)—0.50 gram per brake horsepower-hour and 9.91 tons in any 12 consecutive month period, (b) carbon monoxide (CO)—0.15 gram per brake horsepower-hour and 2.97 tons in any 12 consecutive month period, (c) total combined volatile organic compounds (VOCs)—0.15 gram per brake horsepower-hour and 2.97 tons in any 12 consecutive month period, (d) formaldehyde—0.05 gram per brake horsepower-hour and 0.99 ton in any 12 consecutive month period.

In addition to the emission limitations, the following is a description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements.

1. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of visible air contaminants into the outdoor atmosphere from the Caterpillar G3516C engine shall not occur in such a manner that the opacity of the emission is either of the following: (a) Equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour, (b) Equal to or greater than 30% at any time.

2. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, all engines shall be fired only on natural gas.

3. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the Caterpillar G3516C engine shall be equipped with an air-to-fuel ratio controller.

4. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the Caterpillar G3516C engine and the Olympian model G45LG emergency engine shall be equipped with a non-resettable meter that will indicate the hours of operation.

5. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the Caterpillar G3516C engine shall not be operated more than 7,722 hours in any 12 consecutive month period and the Olympian model G45LG emergency engine shall not be operated more than 500 non-emergency hours in any 12 consecutive month period.

6. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, Source ID P101 is a Caterpillar G3516C four stroke, ultra lean burn, natural gas-fired compressor engine and shall be equipped with a Caterpillar model Clariant Catalyst Element—ENVICAT-6314-33.5 x 3.5-300 cpsi oxidation catalyst.

7. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the Caterpillar model Clariant Catalyst Element—ENVICAT-6314-33.5 x 3.5-300 cpsi oxidation catalyst shall be equipped with a catalyst bed temperature monitor and pressure differential monitor. Should the monitor detect a low or high temperature or abnormal pressure differential event, an alarm will sound.

8. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep accurate and comprehensive records of the number of hours each engine is operated on a monthly basis as well as emissions calculations to demonstrate compliance with the emission limitations.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 41-00088A, the requirements established in the plan approval will be incorporated into State Only Operating Permit 41-00088 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

*Contact: Mark R. Gorog, PE, Environmental Engineer
Manager—Telephone: 412-442-4150*

03-00975C: Armstrong Power, LLC (2313 State Route 156, Shelocta, PA 15774-3005) for intent to issue Air Quality Plan Approval to authorize an increase in combined annual natural gas usage at the Armstrong Power Electric Generating Station, a Title V facility located in South Bend Township, **Armstrong County**.

Affected sources at the facility include four (4) General Electric 7 FA dual-fuel simple-cycle turbines, each nominally rated at 165.1 megawatts (1,545 MMBtus/hr) with maximum rating of 195.9 megawatts (1,926 MMBtus/hr).

Based on the proposed increase in annual natural gas usage in these units of 1.22 billion standard cubic feet, annual potential to emit from the facility will increase by no greater than 24.0 tons of NO_x, 12.0 tons of CO, 1.5 ton of VOC, 7.0 tons of PM, 7.0 tons of PM₁₀, and 74,900 tons of greenhouse gases (CO₂e). The proposed emissions increases are not considered significant for criteria pollutants or greenhouse gases and therefore do not subject the facility to Nonattainment New Source Review under 25 Pa. Code Subchapter E and Prevention of Significant Deterioration under 40 CFR 52.21.

The units will remain subject to previously established LAER and BACT emission limitations for NO_x and SO₂ and the monitoring, testing, recordkeeping, reporting and work practice requirements of its Title V operating permit which were derived from applicable requirements of 25 Pa. Code Chapters 123, 127, and 139, and 40 CFR Part 60 Subpart GG (Standards of Performance for Stationary Gas Turbines).

Copies of the application, the Department's analysis, and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To

schedule an appointment to review the Plan Approval Application and related documents, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412-442-4000.

Any person may submit comments or object to the plan approval or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office. A 30-day comment period, from the date of this publication, will exist for the submission of comments.

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A protest shall include the following:

The name, address and telephone number of the person filing the protest; identification of the proposed plan approval issuance being opposed (Plan Approval 03-00975C); and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants 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 determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Devin P. Tomko, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the plan approval or the issuance procedure, contact Devin P. Tomko at 412-442-5231.

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

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

24-016I: Keystone Powdered Metal (251 State Street, Saint Marys, PA 15857) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department of Environmental Protection (DEP) intends to issue a plan for an increase in VOC emissions from greater utilization of an existing immersion cold cleaning degreaser machine used to deposit dry lubricant on parts at their Facility located in the City of Saint Marys, **Elk County**. This plan approval will also set emission restrictions allowing the permittee to pursue a state only operating permit in place of their current Title V operating permit in the future. The restrictions include a facility wide VOC emission rate limit of 45 tpy, a facility wide total HAP emission limit of 24.9 tpy, and a facility wide single hap emission limit of 9.9 tpy.

This facility currently has a Title V operating permit, number TV-24-00016. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the operating permit through an administrative amendment at a later date if the applicant does not apply for a non-Title V operating permit before the plan approval expiration.

VOC emissions from the Dry Lube Operation (Source 1005) will increase to annual emissions no greater 6.0 tons. The proposed VOC emission increase of 3.0 tpy would prevent the increase in Source 1005's utilization from creating a violation with the facility's current operating permit or plan approval 24-016H.

The source currently has record keeping, reporting, and work practice requirements which will remain sufficient after the issuance of this plan approval. The frequency of VOC emission reporting for source 1005 will increase to once monthly.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [24-016I] 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

Additional information can be obtained by contacting David G. Balog, PE of the PA DEP at (814) 332-6121.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

60-00002: NGC Industries, LLC (PO Box 210, West Milton, PA 17886-0210) to issue a renewal Title V Operating Permit for their Milton Plant located in White Deer Township, **Union County**. The facility is currently operating under Title V Operating Permit 60-00002. The facility's main sources include two gas-fired boilers, several storage tanks, and two emergency reciprocating internal combustion engines.

The facility has potential emissions of 201 tons per year (tpy) nitrogen oxides, 84 tpy carbon monoxide, 9.3 tpy volatile organic compounds, 7.7 tpy particulate matter, 0.7 tpy sulfur oxides, 1.9 tpy of combined hazardous air pollutants, and 119,679 tpy of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Parts 63 and 70 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) 327-0550.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00098: SAP America Inc., (3999 W Chester Pike, Newtown Square, PA 19073) for the renewal of a Synthetic Minor Operating Permit in Newtown Township, **Delaware County**. The initial operating permit was issued on August 01, 2005. SAP America Inc. operates a computer software development and support facility in Newtown Square. Sources of emissions from this facility are 8 boilers and 6 emergency generators. The potential emissions from this facility are: NO_x—24.9 TPY, VOCs—1.1 TPY, PM/PM₁₀/PM_{2.5}—2.7 TPY, SO_x—50.8 TPY, and CO—20.7 TPY. The boilers are subject to 40 CFR Subpart JJJJJ. Emergency generators are subject to 40 CFR Subpart IIII. The facility is subject to site level NO_x emissions limit of 24.9 TPY. The permit contains monitoring, recordkeeping, reporting, and work practice standards 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: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

39-00075: Stonemoor PA Subsidiary, LLC (1035 Virginia Drive, Suite 300, Fort Washington, PA 19034) The Department intends to issue a renewal operating permit for a crematory located in Whitehall Township, **Lehigh County**. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

40-00108: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104-1645) for the operation of a stone quarry operation in Jenkins Township, **Luzerne County**. The sources consist of three crushers and associated screens and conveyors. The sources are controlled by a water spray system. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

41-00024: Divine Providence Hospital (1100 Grampian Boulevard, Williamsport, PA 17701), for the Divine Providence Hospital located in the City of Williamsport, **Lycoming County**. The facility's main sources include five (5) natural gas/No. 2 fuel oil-fired boilers and four (4) No. 2 fuel oil-fired emergency generators. The facility has the potential to emit particulate matter (PM₁₀), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), and combined and individual hazardous air pollutants (HAP) emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the sulfur oxides (SO_x) emissions below the major threshold. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. 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 the following potential emissions: 24.93 TPY of carbon monoxide; 33.38 TPY of nitrogen oxides; 0.56 TPY of sulfur oxides; 1.83 TPY of particulate matter; 1.81 TPY of volatile organic compounds and 34,490 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subpart IIII and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subparts ZZZZ and JJJJJJ. The operating permit will include emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

41-00027: Muncy Valley Hospital (1100 Grampian Boulevard, Williamsport, PA 17701), for the Muncy Valley Hospital located in Muncy Creek Township, **Lycoming County**. The facility's main sources include three (3) natural gas/No. 2 fuel oil-fired boilers and four (4) No. 2 fuel oil-fired emergency generators. The facility has the potential to emit particulate matter (PM₁₀), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SO_x) below the major emission thresholds. The proposed operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. 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 the following potential emissions: 5.12 TPY of carbon monoxide; 8.99 TPY of nitrogen oxides; 0.30 TPY of sulfur oxides; 0.59 TPY of particulate matter; 0.43 TPY of volatile organic compounds and 6,404 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subpart IIII and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subparts ZZZZ and JJJJJ. The operating permit will include emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

59-00009: PA State System of Higher Education (115 Sherwood Street, Mansfield, PA 16933) to issue a renewal State Only Operating Permit for the Mansfield University campus located in Mansfield Borough, **Tioga County**. The facility is currently operating under State Only Operating Permit 59-00009. The facility's main sources include three natural gas/No. 2 fuel oil-fired institutional boilers; twenty-three emergency generator engines; various smaller boilers, water heaters and furnaces; two No. 2 fuel oil storage tanks.

The facility has potential emissions of 41.46 TPY of CO; 26.36 TPY of NO_x; 0.94 TPY of SO_x; 3.53 TPY of PM/PM₁₀; 2.50 TPY of VOCs; 1.44 TPY HAPs; 55,101 TPY GHGs.

All generator engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Seven of the generator engines are additionally subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark

Ignition Internal Combustion Engine. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60 and 63.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

41-00015: Pennsylvania Department of Corrections (P.O. Box 598, Camp Hill, PA 17001-0598) for a State Only (Synthetic Minor) operating permit renewal for their Muncy Correctional Institution located in Clinton Township, **Lycoming County**. The facility's sources include two (2) natural gas-fired boilers, seven (7) #2 fuel oil-fired small combustion units, three (3) propane-fired small combustion units and six (6) emergency generators, which have the potential to emit less than the major thresholds of all criteria pollutants. The proposed operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. 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 the following potential emissions: 34.44 TPY of carbon monoxide; 50.23 TPY of nitrogen oxides; 3.30 TPY of sulfur oxides; 3.10 TPY of particulate matter; 2.44 TPY of volatile organic compounds and 34,490 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subparts IIII and JJJJ and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subpart ZZZZ. The operating permit will include emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

10-00265: National Underground Storage (1137 Branchton Road, Boyers, PA 16020) intends to issue a Natural Minor Operating Permit for the data storage facility in Cherry Township, **Butler County**. The facility's primary emission sources are 17 emergency fired diesel engines ranging from 324 hp to 3,353 hp. The permit contains the requirements of plan approval 10-265A, GP9 10-265A, GP9 10-265B, GP-10-265C, the requirements of 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for

Stationary Reciprocating Internal Combustion Engines, and the requirements of 40 CFR 60 Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The NO_x, VOC, PM₁₀, PM_{2.5}, CO, and SO_x potential emissions are less than 30.88 TPY, 2.13 TPY, 0.71 TPY, 0.69 TPY, 12.80 TPY, and 0.2 TPY, respectively. The facility is an area source of Hazardous Air Pollutants (HAPs). Total HAPs are less than 0.02 TPY. The permit contains emission restrictions, testing requirements, monitoring requirements, recordkeeping requirements, reporting requirements, work practice requirements, and additional requirements

61-00208: Specialty Fabrications & Powder Coating LLC (455 Allegheny Blvd., Franklin, PA 16323-0790) for a Natural Minor Permit to operate a sheet metal fabrication facility. The facility is located at Sugar creek Borough, **Venango County**. The updated emitting Sources are: 1) Miscellaneous Natural Gas Usage, 2) Paint Line, 3) Drying/Curing Powder Coat, 4) Burn Off—Oven and, 5) Laser Cutter (1). The Potential emissions provided in the permit renewal application are: PM: 6.82 Tons per year (PM₁₀) NO_x: 4.34 TPY, SO_x: 0.03 TPY, VOC: 7.90 TPY, CO: 3.65, HAPs: 0.37 TPY.

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, Subchapters B and 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: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

66-00013A: UGI Energy Services, Inc., (1 Meridian Boulevard, Wyoming, PA 19610) for their facility located Washington Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to UGI Energy Services, Inc., (1 Meridian Boulevard, Wyoming, PA 19610) for a Liquefied Natural Gas (LNG) Processing, Storage, and Distribution Facility at their facility located Washington Township, Wyoming County. This Plan Approval No. 66-00013A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 66-00013A is for the installation and operation of the following equipment:

- Solar Taurus 60-7800S Turbine W/SoLoNO_x Dry Low NO_x and Lean Preemix
- LNG Pressurized storage Tanks
- Natural Gas Fired Regeneration Heater
- Diesel-fired emergency generator
- LNG tank truck loading operations

The source main emissions for the new sources are NO_x, CO, and VOC. The new sources will meet all applicable requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 66-00013A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841317. Consol Pennsylvania Coal Company, LLC, (1525 Pleasant Grove Road, P.O. Box J, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County**, Morris Township, Washington County for installation of the 4 North 1 Waterline. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 10.6. No additional discharges. The application was considered administratively complete on June 10, 2015. Application received March 26, 2015.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56140101 and NPDES No. PA0269441, Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County** affecting 110.3 acres. Receiving streams: unnamed tributaries "A," "B," "C," "D," "E," "F" and "G" to Miller Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 4, 2015.

The application includes a stream encroachment to (describe proposed encroachment activities)

The application also includes a request for Section 401 Water Quality Certification.

Permit No. 5679123 and NPDES No. PA0599166. Rosebud Mining Co., P.O. Box 157, Meyersdale, PA

15552, renewal of NPDES permit in Southampton Township, **Somerset County**. Receiving streams: unnamed tributary to/and Shoemaker Run, classified for the following uses: There are no potable water supply intakes within 10 miles downstream. Application received: May 28, 2015.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17840123 and NPDES No PA0609382. River Hill Coal Company, Inc. (P.O. Box 141, Kylertown, PA 16847). Modification to the NPDES for a non-discharge alternative pit water treatment facility located in Karthaus Township, **Clearfield County** affecting 233.6 acres. Receiving stream(s): Unnamed Tributaries to Saltlick Run and Saltlick Run to the West Branch Susquehanna River classified for the following use(s): HQ-CWF. Application received: May 21, 2015.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

65-15-01 and NPDES Permit No. PA0278131. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Application for commencement, operation and restoration for a Government Financed Contractual Contract, located in Loyalhanna and Bell Townships, **Westmoreland County**, affecting 35.2 acres. Receiving streams: Wolford Run and unnamed tributaries to Wolford Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 12, 2015.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 40850203R6. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream: Newport Creek, classified for the following use: cold water fishes. Application received: June 8, 2015.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 54150301. Rausch Creek Mining, LLC, (978 Gap Street, Valley View, PA 17983), commencement, operation and restoration of a quarry operation in Porter Township, **Schuylkill County** affecting 594.0 acres, receiving streams: Good Spring Creek and East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: June 2, 2015.

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.

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 limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0215317 (Mining Permit No. 17831601), River Hill Coal Company, (P. O. Box 141, Kylertown, PA 16847). A revision to the NPDES and mining activity permit for the Belford Siding in Karthaus Township, **Clearfield County** to relocate the permitted NPDES Outfall from Salt Lick Run to the West Branch of Susquehanna River. (*Note:* Mining Permit No. was incorrect in the *Pennsylvania Bulletin* on June 6, 2015.) Surface Acres Affected 16.0. Receiving stream: West Branch Susquehanna River, classified for the following use: WWF. West Branch Susquehanna River TMDL. The application was considered administratively complete on May 6, 2015. Application received September 10, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

Outfall 001R discharges to: West Branch Susquehanna River

The proposed effluent limits for *Outfall 001R* (Lat: 41° 07' 36.3" Long: 78° 04' 48.3") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		1.5	3.0	3.75
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)			Monitor and Report	

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0235105 (Mining Permit No. 56990102), Heritage Coal & Natural Resources, LLC, 208 W. Mud Pike, Rockwood, PA 15557, renewal NPDES permit for a surface coal site having reclamation only status in Elk Lick Township, **Somerset County**, affecting 87.8 acres. Receiving streams: unnamed tributaries to/and Tub Mill Run; unnamed tributaries to/and Casselman River, classified for the following use: Cold and Warm Water Fishes. Application received: November 25, 2014.

No outfalls are present on the permit site—reclamation only status.

NPDES No. PA0262544 (Mining Permit No. 05070101), J&J Svonavec Excavating, Inc., 618 Samuels Road Somerset, PA 15501, renewal of an NPDES permit for discharge of water resulting from surface coal mining in Broad Top Township, **Bedford County**, affecting 110.0 acres. Receiving streams: unnamed tributary to/and Brewster Hollow Run, classified for the following use: Warm Water Fishes. This receiving stream is included in the Six Mile Run TMDL. Application received: May 18, 2015.

The outfalls listed below discharge to an unnamed tributary to/and Brewster Hollow Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004 (TF-1)	N
005 (TF-2)	N
006 (TF-3)	N
001 (SP-1)	N
002 (SP-2)	N
003 (SP-3)	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 004, 005, & 006 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
<i>Outfalls: 001, 002, & 003 (Dry Weather)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 001, 002, & 003 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times.			

NPDES No. PA0262803 (Mining Permit No. 56090108), Hoffman Mining, Inc., P.O. Box 130, Friedens, PA 15541, renewal of an NPDES permit for a bituminous surface mine in Shade Township, **Somerset County**, affecting 100.9 acres. Receiving streams: unnamed tributary to/and Dark Shade Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: May 18, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfalls listed below discharge to unnamed tributary to/and Dark Shade Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N
007	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times.			

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0259586 (Permit No. 33140102). P. and N. Coal Company, Inc. (P.O. Box 332, Punxsutawney, PA 15767) New NPDES permit for a bituminous surface and auger mine in Porter Township, **Jefferson County**, affecting 512.2 acres. Receiving streams: Unnamed tributaries to Foundry Run and Foundry Run, unnamed tributary to Mahoning Creek, all classified for the following uses: CWF. TMDL: Foundry Run. Application received: February 17, 2015.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities. The outfall(s) listed below discharge to unnamed tributaries to Foundry Run and Foundry Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Y
TB2	Y
TB3	Y
TB4	Y
TB5	Y
TB6	Y
TB9	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	9
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Foundry Run and Foundry Run, unnamed tributary to Mahoning Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y
D	Y
E	Y
F	Y
G	Y
H	Y
I	Y
J	Y
K	Y
ST1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below discharge to unnamed tributary to Mahoning Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB7	Y
TB8	Y
TB10	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	9
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

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 18701-1915, Telephone 570-826-2511.

E39-535. Jandl Land Company, 3150 Coffeetown Road, Orefield, PA 18069, in Lower Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Spring Creek Road and Mertztown Road Improvements Project: 1. Removal of a portion of Weilers Road within the floodway of Little Lehigh Creek (HQ-CWF, MF); 2. Reconstruction and widening of a portion of Spring Creek Road within the floodway of Little Lehigh Creek (HQ-CWF, MF); and 3. A stormwater outfall consisting of a 24-inch reinforced concrete pipe, concrete endwalls, and an R-4 riprap apron in the floodway of Little Lehigh Creek (HQ-CWF, MF). The project is located immediately south of the intersection of Spring Creek Road and Weilers Road (Allentown West, PA Quadrangle, Latitude: 40°31'40.51"; Longitude: -75°36'33.70").

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900

E23-515. Delaware County, 201 W. Front Street, Media PA 19063, Upper Darby Township, **Delaware County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the construction of approximately one mile of Pedestrian walking trail and bike path in the floodway and floodplain of Darby Creek (TSF, MF). Specific water obstruction and encroachment are:

1. To construct and maintain approximately 10 feet wide asphalt paved trail running approximately 2,632 feet (from Sta 26+66.86 to Sta 52+98.36) which connects to an existing paved Creek Road forming the new construction aspect of the project.

2. To construct and maintain within an approximate 290 linear feet segment of the proposed trail length (from Sta 42+40 to Sta 45+30), removal of existing pavement and regarding to facilitate the construction of 5 feet wide grass shoulders on each side of the proposed trail within the specified segment.

3. To conduct excavation and fill activities and placement of retaining walls where feasible at various points along the length of the proposed trail leading to the designed finish grade within the floodway of the stream, to accommodate recommended AASHTO standards for safe bike slopes speed and stabilizing the stream banks at those points.

4. To construct and maintain where necessary to enhanced the aesthetics of the proposed trail, riparian buffer enhancement, streambanks restoration, landscaping, fences and railings etc.

The proposed trail commences just south of Swedish Cabin and runs in a southeasterly direction and ends

approximately 300 feet northeast of North Marple Avenue in Upper Darby Township, Delaware County. (Meridian at the end of the River Reach near Marple Avenue Bridge—Latitude 39° 56' 05" Longitude 75° 17' 19").

E23-516. Monroe Energy, Trainer Refinery, 4101 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain Area 3 cooling tower facility, approximate size 250 feet by 50 feet at the Trainer Refinery within the floodway and floodplain of Stoney Creek (WWF). The project is associated with providing cooling water to the refinery instead of presently withdrawing water from the Delaware River.

The site is located at 4101 Post Road (Marcus Hook—PA USGS Quadrangle latitude 39.825968, longitude -75.400646.

E51-268. Philadelphia Water Department, 1101 market Street, 4th floor, Aramark Tower, Philadelphia, PA 19107-2934, City and **County of Philadelphia**, ACOE Philadelphia District.

To construct and maintain upgrades to Pier 264 North Emergency Intake Gate House. A Temporary coffer dam will be constructed in the Delaware River for safe access to the gate house to restore the structure and replace mechanical components. Additionally a sub-aqueous bulkhead with associated rip-rap slope protection will be constructed from the gate house to the Raw Water Basin Dividing Dike.

The site is located at 8401 State Road, Philadelphia, PA 19136 (USGS Quadrangles, Frankford—PA and Beverly, NJ) latitude 40.034432, longitude -74.998908.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E41-666. Williamsport Municipal Airport Authority, 700 Airport Drive, Montoursville, PA 17754. Runway 9-27 Approach Improvements in Montoursville Borough, Fairfield Township and Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Montoursville South, PA Quadrangle N: 41° 14' 32.50"; W: -76° 54' 48.90").

Williamsport Municipal Airport Authority is proposing to improve the approach to Runway 9-27. The project includes, but is not limited, to the construction of a 255 ft. threshold displacement for Runway 27, installation of a new medium-intensity approach lighting system with runway alignment indicator lights, relocating the existing glide slope antenna, grading the glide slope critical area for the new location and relocating the runway edge and threshold lights. In addition, the project requires obstruction removal beyond each end of the runway. The purpose of the project is to reduce the Runway 9-27 approach minimums to the greatest extent possible while complying with current FAA airport safety and design standards.

As proposed, the project will require fill to be placed and maintained in 19,167 square feet (0.44 acre) of Palustrine Scrub-Shrub (PSS) wetland in the West Branch Susquehanna River watershed (Warm Water Fishery and Migratory Fishery). The project will have no direct impacts to streams, as proposed.

The applicant proposes to mitigate impacts to wetlands off-site by converting 0.66 acre of farm field to wetlands adjacent to existing wetlands.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E02-1654-A1. Riverlife, 425 Sixth Avenue Pittsburgh, PA 15219; City of Pittsburgh, **Allegheny County**; ACOE Pittsburgh District.

The applicant is proposing to construct and maintain a concrete pedestrian/bicycle ramp, and a kayak ramp along the right bank of the Monongahela River (WWF & N) for the purpose of linking Point State Park and the downtown Pittsburgh area to the Three Rivers Heritage Trail and the Great Allegheny Passage. The project is located at the Smithfield Street Bridge, approximately 4,000.0 feet upstream from the confluence of the Monongahela, Allegheny and Ohio Rivers (Pittsburgh West, PA Quadrangle N: 11.2 inches; West: 0.2 inches; Latitude: 40°26'12"; Longitude: -80°00'05") in the City of Pittsburgh, Allegheny County and will impact approximately 489.0 linear feet of stream channel.

E32-506. PennDOT District 10-0, 2550 Oakland Avenue Indiana, PA 15701; Center Township, **Indiana County**; ACOE Pittsburgh District

The applicant is proposing the following:

1. Extend the existing 470' long mixed 36" plastic pipe and 48" corrugated metal pipe culvert carrying a perennial Unnamed Tributary to Two Lick Creek (CWF) with a drainage area of 163 acres by 133' for a total structure length of 603'. The extension is a 60" elliptical reinforced concrete pipe;

2. Remove the existing 70' long 6.33' span by 2.17' rise concrete box culvert and the existing mixed 315' long 6.33' span by 2.17' rise concrete box culvert and two 36" diameter plastic pipes and the existing 33' long 2' span by 2.67' rise stone arch culvert conveying the same UNT to Two Lick Creek; construct and maintain a replacement 600' long 7' span by 3' rise concrete box enclosure;

3. Remove the existing 19' long 5' span by 3' rise elliptical pipe carrying the same UNT to Two Lick Creek and restore the natural channel;

4. Remove the existing 40' long 2.67' span by 3.75' rise stone arch culvert conveying the same UNT to Two Lick Creek; construct and maintain a replacement 60' long 7' span by 3' rise concrete box culvert;

5. Fill 65' of channel carrying an intermittent UNT to Two Lick Creek (CWF) with a drainage area less than 100 acres and incorporate the stream into the stormwater management system;

6. Fill 33' of an intermittent UNT to Yellow Creek (CWF) with a drainage area less than 100 acres; construct and maintain a replacement 33' long relocated channel;

7. In addition place and maintain fill in a de minimis 0.037 acre of PEM wetland; install and maintain road associated stormwater outfalls; temporarily impact 0.115 acre of PEM wetland and 430' of stream; and install and remove temporary floodplain encroachments associated with construction;

8. Stream mitigation will occur offsite on Two Lick Creek (CWF) approximately 3.6 miles northeast of the project site in White Township, Indiana County (Brush Valley PA Quadrangle; North 17.5 inches and West 16.5 inches; Latitude 40° 35' 51.2' and Longitude -79° 7' 26.6").

This work is associated with the SR 119 Homer City Connector Road project, with these encroachments located approximately 2 miles south of the SR 119/422 interchange in Center Township, Indiana County (Indiana PA quadrangle; North 9.6 inches and West 4.75 inches; Latitude 40° 33' 13.3" and Longitude -79° 9' 36").

Township of Upper St. Clair, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241; Upper St. Clair, **Allegheny County**; ACOE: Pittsburgh District.

The applicant is proposing to remove a floodplain obstruction in accordance with 25 Pa. Code Chapter 106 at 108 Hays Road, Upper St. Clair, PA 15241 near the intersection of Old Washington Road and Pa Rt. 19 (Bridgeville, PA USGS topographic quadrangle, N: 10.2 inches; W: 13.0 inches; Latitude: 40° 18' 26"; Longitude: -80° 05' 32.5"), in in the Township of Upper St. Clair, Allegheny County.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E10-08-006, EM Energy Pipeline Pennsylvania, LLC, 1800 Main Street, Suite 220, Cannonsburg PA. 15317, Constellation Pipeline Extension Project in Allegheny, Concord, Parker, and Washington Townships, **Butler County**, ACOE Pittsburgh District. (Starting at N 41.15850; W -79.855593 East Butler Quadrangle and ending N 41.158505, W -79.746778 Emlenton Quadrangle).

The applicant proposes to install approximately 16.37 miles of 24" diameter welded steel natural gas pipeline, 4.84 miles of 20" diameter welded steel natural gas pipeline and 1.19 mile of 8" diameter welded steel natural gas pipeline all with associated temporary access roads. The project will result in 750 linear feet of temporary stream impacts and 0.203 acre of temporary wetland impacts and 0.65 acre of permanent wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline and associated access roads are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to Connoquenessing Creek (HQ-WWF) and its associated floodway, having 245 linear feet of permanent impact.	40°58'9.4794"N -79°51'0.3594"W
2	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross Connoquenessing Creek (HQ-WWF) and its associated floodway, having 241 linear feet of permanent impact. And 50 linear feet of impact to palustrine emergent wetland (PEM).	40°58'46.20"N -79°50'53.87"W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
3	One (1) 24" diameter natural gas pipeline with associated right of way in the floodway of UNT to Connoquenessing Creek (HQ-WWF), having 34 linear feet of permanent impact.	4° 58' 4.4794"N -79° 50' 49.55"W
4	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to Connoquenessing Creek (HQ-WWF) and its associated floodway, having a permanent impact of 172 linear feet.	40° 58' 46.20"N -79° 50' 53.87"W
5	One (1) 24" diameter natural gas pipeline with associated right of way in the floodway of UNT to Connoquenessing Creek (HQ-WWF), having 61 linear feet of permanent impact.	40° 58' 55.91"N -79° 50' 5.64"W
6	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to Connoquenessing Creek (HQ-WWF) and its associated floodway, having a permanent impact of 265 linear feet.	40° 58' 56.28"N -79° 49' 45.84"W
7	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to Connoquenessing Creek (HQ-WWF) and its associated floodway, having a permanent impact of 190 linear feet.	40° 59' 6.36"N -79° 49' 45.84"W
8	One (1) 24" diameter natural gas pipeline with associated right of way in the floodway of UNT to Connoquenessing Creek (HQ-WWF), having 33 linear feet of permanent impact.	40° 59' 6.36"N -79° 49' 45.12"W
9	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross two (2) UNT to Connoquenessing Creek (HQ-WWF) and its associated floodway, having a permanent impact of 117 linear feet.	40° 59' 28.68"N -79° 49' 18.47"W
10	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross a palustrine emergent wetland (PEM) having a permanent impact of 0.01 acre.	40° 59' 48.8394"N -79° 48' 36.36"W
11	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to Bear Creek (CWF) and its associated floodway, having a permanent impact of 213 linear feet.	40° 59' 48.8394"N -79° 48' 36.36"W
12	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having a permanent impact of 130 linear feet.	41° 0' 35.27"N -79° 49' 19.56"W
13	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having a permanent impact of 173 linear feet.	41° 0' 36.36"N -79° 49' 29.6394"W
14	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having a permanent impact of 170 linear feet.	41° 0' 42.83"N -79° 49' 44.75"W
15	One (1) 24" diameter natural gas pipeline with the associated right of way and a temporary road crossing to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having a permanent impact of 132 linear feet.	41° 0' 58.68"N -79° 50' 9.96"W
16	One (1) 24" diameter natural gas pipeline with the associated right of way impacting a palustrine emergent wetland, palustrine scrub shrub wetland and palustrine forested wetland (PEM/PSS/PFO) having a permanent impact of 0.01 acre.	41° 01' 09"N -79° 50' 34"W
17	One (1) 24" diameter natural gas pipeline with the associated right of way using a horizontal directional bore, impacting a palustrine forested wetland (PFO) having a permanent impact of 0.01 acre.	41° 1' 12" N -79° 50' 34"W
18	One (1) 24" diameter natural gas pipeline with the associated right of way using a horizontal directional bore, to cross under a pond having a permanent impact of 0.01 acre.	41° 1' 28.2"N 79° 50' 35.87"W
19	One (1) 24" diameter natural gas pipeline with the associated right of way using a horizontal directional bore, impacting a palustrine emergent wetland (PEM) having a permanent impact of 0.01 acre.	41° 1' 29.99"N -79° 50' 36.6"W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
20	One (1) 24" diameter natural gas pipeline with the associated right of way using a horizontal directional bore (HDD) to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having a permanent impact of 129 linear feet.	41° 1' 31.76"N -79° 50' 36.95"W
21	One (1) 24" diameter natural gas pipeline with the associated right of way using a horizontal directional bore (HDD) to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having a permanent impact of 92 linear feet.	41° 1' 32.87"N -79° 50' 37.31"W
22	One (1) 24" diameter natural gas pipeline with associated right of way in the floodway of UNT to South Branch Slippery Rock Creek, having 80 linear feet of permanent impact.	41° 1' 36.48"N -79° 50' 37.68"W
23	One (1) 24" diameter natural gas pipeline with the associated right of way, impacting a palustrine emergent wetland (PEM) having a permanent impact of 0.04 acre.	41° 01' 45"N -79° 50' 37"W
24	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to South Branch Slippery Rock Creek (CWF) and its associated floodway, having 260 linear feet of permanent impact.	41° 2' 12.84"N -79° 49' 46.55"W
25	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to Christy Run and its associated floodway, having 182 linear feet of permanent impact. One (1) 24" diameter natural gas pipeline and associated right of way and a temporary road crossing to cross a palustrine emergent wetland (PEM) with a permanent impact of 0.05 acre.	41° 2' 50.99"N -79° 49' 18.12"W
26	One (1) 24" diameter natural gas pipeline with associated right of way in the floodway of UNT to Christy Run (CWF), having 13 linear feet of permanent impact.	41° 3' 9.72"N -79° 49' 26.76"W
27	One (1) 24" diameter natural gas pipeline with the associated right of way, impacting a palustrine emergent wetland (PEM) having a permanent impact of 0.08 acre.	41° 3' 29.88"N -79° 49' 17.4"W
28	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross Christy Run (CWF) and its associated floodway, having 169 linear feet of permanent impact.	41° 3' 38.88"N -79° 49' 6.6"W
29	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to Christy Run (CWF) and its associated floodway, having 169 linear feet of permanent impact.	41° 3' 52.55"N -79° 49' 6.6"W
30	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to Slippery Rock Creek (CWF) and its associated floodway, having 184 linear feet of permanent impact.	41° 5' 31.1994"N -79° 47' 50.63"W
31	One (1) 24" diameter natural gas pipeline with associated right of way in the floodway of UNT to Slippery Rock Creek (CWF), having 216 linear feet of temporary impact.	41° 5' 31.91"N -79° 47' 55.31"W
32	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to Slippery Rock Creek (CWF) and its associated floodway, having 108 linear feet of permanent impact.	41° 5' 48.83"N -79° 46' 9.11"W
33	One (1) temporary crossing with associated right of way in the floodway of UNT to North Branch Bear Creek (CWF), having 74 linear feet of permanent impact.	41° 5' 48.48"N -79° 46' 8.04"W
34	One (1) temporary crossing with associated right of way in the floodway of UNT to North Branch Bear Creek (CWF), having 20 linear feet of temporary impact.	41° 5' 45.24"N -79° 46' 2.63"W
35	One (1) 24" diameter natural gas pipeline with the associated right of way, impacting a palustrine emergent wetland (PEM) having a permanent impact of 0.03 acre.	41° 5' 44.87"N -79° 46' 0.84"W
36	One (1) 24" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to North Branch Bear Creek (CWF) and its associated floodway, having 354 linear feet of permanent impact. One (1) 24" diameter natural gas pipeline and associated right of way and a temporary road crossing to cross a palustrine emergent wetland (PEM) with a permanent impact of 0.17 acre.	41° 5' 47.39"N -79° 44' 50.27"W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
37	One (1) temporary crossing with associated right of way in the floodway of UNT to North Branch Bear Creek (CWF), having 107 linear feet of permanent impact.	41° 5' 46.67"N -79° 44' 52.44"W
38	One (1) 20" diameter natural gas pipeline with the associated right of way, and temporary road crossing impacting a palustrine emergent wetland (PEM) having a permanent impact of 0.18 acre.	41° 6' 2.87"N -79° 44' 52.44"W
39	One (1) 20" diameter natural gas pipeline with associated right of way in the floodway and temporary crossing of UNT to North Branch Beaver Creek (CWF), having 223 linear feet of temporary impact.	41° 6' 12.59"N 79° 44' 52.07"W
40	One (1) 20" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross North Branch Bear Creek (CWF) and its associated floodway, having 159 linear feet of permanent impact.	41° 6' 17.64"N -79° 44' 48.83"W
41	One (1) 20" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to North Branch Bear Creek (CWF) and its associated floodway, having 177 linear feet of permanent impact.	41° 8' 11.76"N -79° 44' 54.6"W
42	One (1) 20" diameter natural gas pipeline and associated right of way and a temporary road crossing to cross a palustrine emergent wetland (PEM) with a permanent impact of 0.04 acre.	41° 8' 31.2"N -79° 44' 41.27"W
43	One (1) 8" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross UNT to Lowrey Run (CWF-Wild Trout) and its associated floodway, having 187 linear feet of permanent impact.	41° 8' 31.2"N -79° 44' 40.2"W
44	One (1) 8" diameter natural gas pipeline with associated right of way and a temporary road crossing to cross Lowrey Run (CWF-Wild Trout) and its associated floodway, having 187 linear feet of permanent impact.	41° 9' 7.55"N -79° 44' 22.55"W

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460

D40-018EA. Pennsylvania-American Water Company, 800 Hershey Park Drive, Hershey, PA 17033. Jackson Township, **Luzerne County**, USACOE Baltimore District.

Project proposes to modify Pikes Creek Dam to address inadequate spillway capacity and slope stability. The project will impact approximately 0.23 acre of wetland (PEM) and 0.25 acre of wetland (PEM) will be constructed onsite as compensation for unavoidable impacts. The dam

is located across Pikes Creek (HQ-CWF, MF) (Harvey's Lake, PA Quadrangle; Latitude: 41.2642, Longitude: -76.0450).

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460

D15-422. Arcadia Tredyffrin, LLC, 114 Forest Avenue, Suite 201, Narberth, PA 19072. To construct, operate, and maintain Wayne Glen Detention Basin across a tributary to Trout Creek (WWF), for the purpose of mitigating flooding of Walker Road (Valley Forge, PA Quadrangle Latitude: 40.0425; Longitude: -76.7006) in Tredyffrin Township, **Chester County**.

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).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0093475 A-1 (Sewage)	Potato Garden Run STP Findlay Township Municipal Authority 1271 Route 30 P O Box 409 Clinton, PA 15026-1536	Allegheny County Findlay Township	Potato Garden Run (20-D)	N

Description of Existing and Proposed Activity: Issuance of an NPDES Permit Amendment to reflect both an existing and proposed expanded discharge of treated sewage.

<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>
PA0038806 (Sewage)	Beautyline Park STP 258 Beautyline Drive Salix, PA 15952	Cambria County Adams Township	Otto Run (18-E)	N
PA0096229 (Sewage)	Marianna W Bethlehem STP East End Of Broad Street Marianna, PA 15345	Washington County West Bethlehem Township	Tenmile Creek (19-B)	Y
PA0216186 (Sewage)	Mining Technology & Training Center STP 197 Dunn Station Road Prosperity, PA 15329-1625	Greene County Washington Township	Ruff Creek (19-B)	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>
PA0091065 (Sewage)	Charles M. Truman SFTF 114 Cobham Lane Cabot, PA 16023	Butler County Winfield Township	Unnamed Tributary to the Little Buffalo Creek (18-F)	Y
PA0037923 (Industrial Waste)	North East Borough WTP 8152 Filter Plant Road North East, PA 16428	Erie County North East Township	Unnamed Tributary to Sixteenmile Creek (15-A)	Y
PA0221759 (Sewage)	Robert L. Shuttleworth SFTF Jerry Road Wilcox, PA 15870	Elk County Jones Township	Unnamed Tributary to Swamp Creek (17-A)	Y

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

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

Amplified Public Notice for NPDES Permit No. PA0002208, Industrial Waste, SIC Code 3339, **Shell Chemical Appalachia LLC**, 910 Louisiana Street, Houston, TX 77002. This existing facility is located in Potter Township, **Beaver County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for existing discharges of treated and untreated storm water. This notice reflects changes from the notice published in the December 6, 2014 *Pennsylvania Bulletin*. The Draft permit was published with Horsehead Corporation as the permittee. The Final permit is transferred and issued to Shell Chemical Appalachia LLC.

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

NPDES Permit No. PA0051951, Sewage, **Marc Messenger**, 51 Grays Lane, Elverson, PA 19520-9715.

This proposed facility is located in Warwick Township, **Chester County**.

Description of Action/Activity: To discharge from a facility known as Messenger SRSTP to unnamed Tributary to French Creek in Watershed(s) 3-D.

NPDES Permit No. PA0056294, Sewage, **Barts Country Club, Inc., d/b/a Hickory Valley Golf Course**, 1921 Ludwig Road, Gilbertsville, PA 19525.

This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: To discharge to a facility known as Hickory Valley Golf Course to Swamp Creek in Watershed(s) 3-E.

NPDES Permit No. PA0012882, Industrial Waste, **Philadelphia Gas Works**, 800 W. Montgomery Avenue, Philadelphia, PA 19122-2806.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: To discharge to a facility known as Philadelphia Gas Works Richmond Plant to Delaware River in Watershed(s) 3-J.

NPDES Permit No. PA0058882, Industrial Waste, **Trans Fleet Concrete Inc.**, 101 1st Avenue, P.O. Box 26483, Collegeville, PA 19426-2351.

This proposed facility is located in West Whiteland Township, **Chester County**.

Description of Action/Activity: To discharge from a facility known as Trans-Fleet Concrete to unnamed Tributary to Valley Creek in Watershed(s) 3-H.

NPDES Permit No. PA0056758, Sewage, **Warrington Township**, 852 Easton Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: To discharge from a facility known as Tradesville Wastewater Treatment Plant to Mill Creek in Watershed(s) 2-F.

NPDES Permit No. PA0055395, Sewage, **Green Top Management LLC**, P.O. Box 677, Morgantown, PA 19543.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: To discharge from a facility known as Green Top MHP STP to unnamed Tributary of Tohickon Creek in Watershed(s) 2-D.

NPDES Permit No. PA0056081, Sewage, **1073 Mill Creek LLC**, 937 Worthington Mill Road, Wrightstown, PA 18940.

This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: To discharge from a facility known as Wycombe Pub STP to unnamed Tributary to Mill Creek in Watershed(s) 2-F.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES Permit No. PA0065587, Stormwater, SIC Code 5093, **JFR Salvage, Inc.**, 6500 Sullivan Trail, Wind Gap, PA 18091.

This existing facility is located in Plainfield Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for an existing discharge of stormwater associated with an industrial activity.

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

NPDES Permit No. PA0001988, SIC Code 2865, **Indspec Chemicals Corporation**, 133 Main Street, Petrolia, PA 16050-0307.

This existing facility is located in Petrolia Borough, **Butler County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste.

NPDES Permit No. PA0272957, SIC Code 8800, **Darlene T. Kimmel**, 8638 North Frederick Pike, Cross Junction, VA 22025.

This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

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. 4014402, Sewage, SIC Code 8211, **Bear Creek Foundation, Inc.**, 1900 Bear Creek Boulevard, Bear Creek Township, PA 18702.

This proposed facility is located in Bear Creek Township, **Luzerne County**.

Description of Proposed Action/Activity: The project is for the construction of a new 0.0056 MGD sanitary sewage treatment facility and an effluent drip dispersal system to serve the new Bear Creek Community Charter School.

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

WQM Permit No. 0771402 Amendment No. 2, Sewerage, **Tyrone Borough Blair County**, 1100 Logan Avenue, Tyrone, PA 16686-1624.

This proposed facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Amendment approval for the construction of sewage facilities consisting of the replacement of the existing UV unit with a new UV.

WQM Permit No. WQG01211502, Sewerage, **Arlington R. Miller**, 440 Wildwood Road, Carlisle, PA 17015.

This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence.

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

WQM Permit No. 6596409 A-2, Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690.

This existing facility is located in Washington Township, **Westmoreland County**.

Description of Proposed Action/Activity: Modifications to the South Primary School STP to better achieve the effluent limits and treat the current expected design flow.

WQM Permit No. 0414200, Industrial Waste, **West View Borough Municipal Authority Allegheny County**, 210 Perry Hwy, Pittsburgh, PA 15229.

This proposed facility is located in Baden Borough, **Beaver County**.

Description of Proposed Action/Activity: Construction of a waste water treatment system which includes two lagoons, disk filter, two gravity thickening tanks, belt filter press sludge holding tank, belt filter press and approximately 7,766 feet of 18-inch diameter water drain line from the new Beaver County Water Treatment Plant to Tevebaugh Run.

WQM Permit No. 0478205 T-3, Industrial Waste, SIC Code 3339, **Shell Chemical Appalachia LLC**, 910 Louisiana Street, Houston, TX 77002.

This existing facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Permit transfer from Horsehead Corporation to Shell Chemical Appalachia LLC.

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

WQM Permit No. 3092201-A2, Industrial, **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, Jefferson, PA 15344.

This proposed facility is located in Cumberland Township, **Greene County**.

Description of Proposed Action/Activity: Proposed construction of a centrifuge, gravity thickener and sludge holding tank.

WQM Permit No. 6515401, Sewage, **Mon Valley Sewer Authority**, 20 S Washington St, Donora, PA 15033-1394.

This proposed facility is located in Donora Borough, **Washington County** and Monessen City, **Westmoreland County**.

Description of Proposed Action/Activity: Sewer separation project consisting of the construction of approximately 16,000 lineal feet of sanitary sewer and appurtenances.

WQM Permit No. 6312404, Sewage, **Mon Valley Sewage Authority**, 20 South Washington Street, Donora, PA 15033.

This proposed facility is located in City of Monessen, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed construction of satellite treatment facility for a Combined Sewer Overflow Outfall 007 in the City of Monessen, Westmoreland County.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI132221	South Whitehall Township, 4444 Walbert Avenue, Allentown, PA 18104-1699	Lehigh	South Whitehall Township	Cedar Creek, Jordan Creek, Little Cedar Creek and Haasen Creek/HQ-CWF, MF, TSF and MF
PAI132246	Carbondale City 1 N Main Street, Suite 1, Carbondale, PA 18407-2356	Lackawanna	Carbondale City	Fall Brook, Lackawanna River and Racket Brook/CWF, MF, HQ-CWF and MF

V. NPDES Waiver Stormwater Discharges from MS4 Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI132253	Stockertown Borough, 209 Main Street, Stockertown, PA 18083	Northampton	Stockertown Borough	Bushkill Creek/HQ-CWF and MF

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010915003	Mr. Brian Finney 7701 Carlton Road Coopersburg, PA 18036	Bucks	Durham Township	Cooks Creek and Unnamed Tributary of Delaware River WWF-MF
PAI010913001(2)	Waste Management of Fairless, LLC 1000 New Ford Mill Road Morrisville, PA 19067	Bucks	Falls Township	Delaware River WWF-MF
PAI011505060-R	Willow Creek LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Chester	Lower Oxford Township	Unnamed Tributary to West Branch of Big Elk Creek HQ-TSF
PAI011514028	Community Evangelical Free Church 52 South Brick Lane P.O. Box 299 Elverson, PA 19520	Chester	Elverson Borough	South Branch of French Creek EV
PAI011514050	Sr. Regina Ryan 370 Central Avenue Malvern, PA 19355	Chester	Willistown Township	Unnamed Tributary to Little Valley Creek EV
PAI011514044	RLD Atwater JV, LLC 124 Cedar Avenue Conshohocken, PA 19428	Chester	East Whiteland Township	Valley Creek EV-MF
PAI014614007	The Cutler Group, Inc. 5 Apollo Road, Suite 1 Plymouth Meeting, PA 19462	Montgomery	Upper Dublin Township	Unnamed Tributary to Wissahickon Creek

Northeast Region: Waterways and Wetlands 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>
PAI023914007	Sharp Corporation c/o Mr. George Burke 7451 Keebler Way Allentown, PA 18106	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)
PAI023914032	Lehigh Valley Health Network c/o Mr. Brian S. Hardner Facilities & Construction Dept., 3rd Floor 2100 Mack Boulevard, P.O. Box 4000 Allentown, PA 18105	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)
PAI023914021	Concordia Lutheran Church of Macungie c/o Mr. Warren Riggins, PE 2623 Brookside Road Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)
PAI024014012	Department of Conservation and Natural Resources 400 Market St. Harrisburg, PA 17101-2301	Luzerne	Fairmount Township	Kitchen Creek (HQ-CWF, 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>
PAI056314009	First Pennsylvania Resource, LLC 380 Southpointe Blvd, Plaza II Suite 405 Canonsburg, PA 15317	Washington	Cross Creek Township	Unnamed Tributaries to South Fork Cross Creek (HQ-WWF)

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI090408001R(1)	Attention: Patrick M. Webb Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Beaver County	South Beaver Township	Brush Run, HQ-CWF, Unnamed Tributary to Brush Run, HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
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 Petroleum Product Contaminated Groundwater 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 Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bedminster Township Bucks County	PAG02000914088	John Beljan 3031 Myers Court Bedminster, PA 18910	Deer Run—Tributary to Tohickon Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG02000915047	Stephen C. Yates 140 Bridgeview Drive Perkasie, PA 18944	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG02000915044	Warrington Real Estate, L.P. 636 Old York Road, 2nd Floor Jenkintown, PA 19046	Little Neshaminy & Neshaminy Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Rockhill Township Bucks County	PAG02000915038	Balmer Farms, Ltd Partnership 3000 Meetinghouse Road Telford, PA 18969	Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG02002308044R-1	Main Line Health, Inc. 240 Radnor Chester Road Suite 270 Radnor, PA 19087	Unnamed Tributary to Webb Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Scranton Lackawanna County	PAG02003513019(1)	PennDOT Dist 4-0 Susan Hazleton 55 Keystone Ind Park Dunmore, PA 18512	Roaring Brook (CWF, MF)	Lackawanna County Conservation District 570-392-3086
South Whitehall Twp Lehigh County	PAG02003914010	Minichi Inc. 453 Ziegler ST Dupont, PA 18641 Wildlands Conservancy Christopher Kocher 3701 Orchid Place Emmaus, PA 18049	Jordan Creek (TSF, MF)	Lehigh Conservation District 610-391-9583

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 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>
Logan Township Blair County	PAG02000714009 Issued	Christopher Reighard 738 Chapel Drive Altoona, PA 16602	UNT to Brush Run/WWF, WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877, Ext. 5

<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>
Silver Spring Township and Hampden Township Cumberland County	PAG02002115005 Issued	PA Dept. of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Conodoguinet Creek/Simmons Creek/UNT to Conodoguinet—All WWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Derry Township Dauphin County	PAG02002215002 Issued	Middletown Wood Rd Partners, LP 120 N. Point Blvd. Suite 301 Lancaster, PA 17601	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lykens Township Dauphin County	PAG02002215015 Issued	Linford Snyder PO Box 870 Jonestown, PA 17038	Deep Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Brecknock Township Lancaster County	PAG02003615043 Issued	Leroy Martin 522 Staver Road Reinholds, PA 17569	UNT to Little Muddy Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Earl Township Lancaster County	PAG02003615044 Issued	Elvin Zimmerman 231 Grist Mill Road New Holland, PA 17557	UNT—Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
East Lampeter Township Lancaster County	PAG02003615050 Issued	High Properties, LP 1853 William Penn Way Lancaster, PA 17605	UNT to Stauffer Run/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Colerain Township Lancaster County	PAG02003615052 Issued	Rustin Herr 200 Hawkins Road Oxford, PA 19363	UNT to East Branch Octoraro Creek/ TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Greene Township Franklin County	PAG02002815016 Issued	Mountain Shadows S&A Custom Homes 2966 Philadelphia Avenue Chambersburg, PA 17201	UNT to Conococheague Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Warren Township Franklin County	PAG02002815013 Issued	Saunders Park 5909 Little Cove Road Mercersburg, PA 17232	Little Cove Creek/ CWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Greene Township Franklin County	PAG02002815012 Issued	The Woods at Orchard Estates Kirk Martin 1153 Ragged Edge Road Chambersburg, PA 17201	UNT to Conococheague Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Guilford Township Franklin County	PAG02002814040 Issued	Lahinch Dennis Zimmerman White Rock 3720 Clubhouse Drive Fayetteville, PA 17222	UNT to West Branch of Antietam Creek/ CWF, MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

<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>
Borough of Chambersburg Franklin County	PAG02002815014 Issued	YB Welding 1005 S. Main Street Chambersburg, PA 17201	Conococheague Creek/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Antrim Township Franklin County	PAG02002815017 Issued	Shanks Church Road/ ATMA 10655 Antrim Church Road Greencastle, PA 17225	Rockdale Run/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Brady Twp	PAG02001712016R(1)	Martin Belella 1143 Sunset Lake Rd Rockton, PA 15856	UNT to Little Anderson Creek CWF UNT to Rock Run CWF	Clearfield County Conservation District 511 Spruce St., Ste 6 Clearfield, PA 16830 (814) 765-2629
Columbia County Berwick Boro	PAG02001915005	Berwick Area Jt Sewer Auth 1108 Freas Ave Berwick, PA 18603	Susquehanna River WWF, MF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Union County East Buffalo Twp	PAG02006015006	Christina & Tarun Bhalla 112 Gotshall Rd Danville, PA 17821	UNT to Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

Northwest Regional Office-Waterways and Wetlands, 230 Chestnut Street, Meadville, PA 16335

<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>
Penn Township Butler County	PAG02001015011	Mountain Gathering LLC 810 Houston Street Fort Worth, TX 76102	UNT Thorn Creek CWF	Butler County Conservation District 724-284-5270
Slippery Rock Township Butler County	PAG02001015015	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	UNT Wolf Creek CWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001015020	St. Kilian Parish 7676 Franklin Road Cranberry Township, PA 16066	UNT Kaufman Run WWF	Butler County Conservation District 724-284-5270
Snyder Township Jefferson County	PAG02003315001	Brockway Borough Municipal Authority 501 Main Street Brockway, PA 15824	UNT Rattlesnake Creek CWF; Rattlesnake Creek CWF; Whetstone Branch CWF	Jefferson County Conservation District 814-849-7463
Springfield Township Mercer County	PAG02004313007(1)	Springfield Investment Group LP 512 Sampson Street New Castle, PA 16101	UNT Black Run CWF	Mercer County Conservation District 724-662-2242
Findley Township, Pine Township and Grove City Borough Mercer County	PAG02004315003	American Transmission Systems Inc (A First Energy Company) 76 South Main Street Akron, OH 44308	Pine Run TSF, Wolf Creek CWF, UNT Pine Run TSF, UNT Wolf Creek CWF	Mercer County Conservation District 724-662-2242

NOTICES

3405

<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>
Saltlick Township, Fayette County	PAG02302615001	Bureau of Conservation and Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Newmyer Run (CWF)	Attention: Craig R. Treese PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
<i>General Permit Type—PAG-03</i>				
<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 City Lehigh County	PAR112227	Bosch Rexroth Corporation 2315 City Line Road Bethlehem, PA 18017-2131	Unnamed Tributary to Lehigh River—2-C CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Washington Township Lehigh County	PAR602246	Hanna's Auto Works and Recycling 3512 Sharon Circle Schnecksville, PA 18078	Unnamed Tributary of Trout Creek—2-C CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Tunkhannock Township Wyoming County	PAR222205	Deer Park Lumber, Inc. 3042 SR 6 Tunkhannock, PA 18657-5724	Tunkhannock Creek (4-F) TSF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Bethlehem City Lehigh County	PAG032212	Fedex Ground 1000 Fedex Drive Moon Township, PA 15108	Unnamed Tributary to Lehigh River—	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
York County Peach Bottom Township	PAG033521	Lafarge North America 5160 Main Street Whitehall, PA 18052 Lafarge Delta Concrete Plant Atom Road Delta, PA 17314	UNT to Susquehanna River/7-1	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Shaler Township Allegheny County	PAR326114	Pannier Corporation 1130 Old Butler Plank Road Glenshaw, PA 15116-2664	Pine Creek—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Washington City Washington County	PAR806148	USPS Washington 15 Jefferson Avenue Washington, PA 15301-9721	Catfish Creek—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

<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>
Marshall Township Allegheny County	PAR806152	USPS Warrendale 300 Brush Creek Road Warrendale, PA 15086-9998	Unnamed Tributary to Brush Creek— 20-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Penn Hills Township Allegheny County	PAR806149	USPS Penn Hills 11650 Penn Hills Drive Pittsburgh, PA 15235-9721	Duffs Run—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County/ Lower Frankford Township	PAG043944	Arlington R. Miller 440 Wildwood Road Carlisle, PA 17015	Locust Creek/WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Unity Township Westmoreland County	PAG046453	Michael Nath 746 Bethel Church Road Latrobe, PA 15650	Unnamed Tributary of Loyalhanna Creek—18-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—Biosolids PAG-07

<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>
Washington Township Indiana County	PAG076104	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Creekside Compost Unit Washington Township, PA	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Berks County Bethel Township	PAG123675	Anthony Oberholtzer Anthony Oberholtzer Poultry Farm 1500 Pine Grove Road Bethel, PA 19507	UNT Meck Creek/CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 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
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hillandale Gettysburg, LP Bailey Farms, Site 1 & 2 2820 Daron Road Spring Grove, PA 17362	York	25.2	9,387.43	Poultry— Layer	None	Approved
H. Lamar & Ruth Zimmerman 1908 Shumaker Road Manheim, PA 17545	Lancaster	100	373.97	Broilers	NA	Approved
Beaver Run Farms Inc. Curtis Brubaker 3038 Beaver Run Road Mifflinburg, PA 17844	Union	108	510.26	Swine & Poultry	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1515511 , Public Water Supply.	
Applicant	Borough of Oxford 401 Market Street P.O. Box 380 Oxford, PA 19363
Borough	Oxford
County	Chester
Type of Facility	PWS
Consulting Engineer	SSM Group, Inc. 1047 North Park Road P.O. Box 6307 Wyomissing, PA 19610
Permit to Construct Issued	June 1, 2015

Operations Permit # 0915510 issued to: **Trumbauersville Borough**, 1 Evergreen Drive, Trumbauersville, PA, 18970 [(PWSID)] Trumbauersville [Borough], **Bucks County** on June 9, 2015 for Certification of 4-Log Treatment of Viruses at Entry Point 101.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 4914501—Construction—Public Water Supply.

Applicant	Cherokee Pharmaceuticals LLC, a Subsidiary of Merck Sharp & Dohme Corp.
Township/Borough	Riverside Borough
County	Northumberland
Responsible Official	Brian Killen, Plant Manager Cherokee Pharmaceuticals LLC, a Subsidiary of Merck Sharp & Dohme Corp. 100 Avenue C Riverside, PA 17868
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	June 11, 2015
Description of Action	Operation of two new river water inflow meters, three replacement second stage river water pumps, and a carbon dioxide chemical feed system for pH adjustment.

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

Permit No. 3015501, Public Water Supply.

Applicant	Southwestern Pennsylvania Water Authority PO Box 187 1442 Jefferson Road Jefferson, PA 15344
[Borough or Township]	German Township
County	Greene
Type of Facility	Gates #2 water storage tank
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Permit to Construct Issued	June 5, 2015

Operations Permit issued to: **Rolling Rock Farms**, PO Box 717, Ligonier, PA 15658, (PWSID #5650390) Ligonier Township, **Westmoreland County** on June 5, 2015 for the operation of facilities approved under Construction Permit # 6514504MA.

Operations Permit issued to: **Indian Creek Valley Water Authority**, PO Box 486, 2019 Indian Head Road, Indian Head, PA 15446, (PWSID #5260011) Springfield Township, **Fayette County** on June 5, 2015 for the operation of facilities approved under Construction Permit # 2614504MA.

Operations Permit issued to: **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, (PWSID #4110003) Barr Township, **Cambria County** on June 5, 2015 for the operation of facilities approved under Construction Permit # 1113507.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Independence and Jefferson Townships, **Washington County** on June 16, 2015 for the operation of facilities approved under Construction Permit # 0214506MA.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Cecil Township, **Washington County** on June 16, 2015 for the operation of facilities approved under Construction Permit # 0214507MA.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Mount Pleasant Township, **Washington County** on June 16, 2015 for the operation of facilities approved under Construction Permit # 0214509MA.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Buffalo Township, **Washington County** on June 16, 2015 for the operation of facilities approved under Construction Permit # 0214510MA.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Mount Pleasant Township, **Washington County** on June 16, 2015 for the operation of facilities approved under Construction Permit # 0214516MA.

Permit No. 1115508MA, Minor Amendment. Public Water Supply.

Applicant	Marshall Pointe Real Estates, LLC d/b/a Kings II Mobile Home Park PO Box 451 Hershey, PA 17033
[Borough or Township]	East Carroll Township
County	Cambria
Type of Facility	Water system
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	June 5, 2015

Permit No. 0215518MA-E, Minor Amendment. Public Water Supply.

Applicant	Monroeville Municipal Authority 219 Speelman Lane Monroeville, PA 15146
[Borough or Township]	Monroeville Borough
County	Allegheny
Type of Facility	Water system
Consulting Engineer	Chester Engineers 1555 Coraopolis Heights Road Moon Township, PA 15108
Permit to Construct Issued	June 16, 2015

Permit No. 0415503MA, Minor Amendment. Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
1425 Eighth Avenue
Beaver Falls, PA 15010

[Borough or Township] Eastvale Borough

County **Beaver**

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct Issued June 16, 2015

Permit No. 0215513MA, Minor Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County Allegheny

Type of Facility Water system

Consulting Engineer

Permit to Construct Issued June 5, 2015

Permit No. 3015504MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Morgan and Jefferson Townships

County **Greene**

Type of Facility SR 0188 & SR 0221 waterline

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued June 16, 2015

Permit No. 3013509MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
PO Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Cumberland Township

County **Greene**

Type of Facility Crucible Road waterline

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Operate Issued June 5, 2015

Permit No. 3014514MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
PO Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Franklin Township

County **Greene**

Type of Facility Horseshoe Lane waterline

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Operate Issued June 5, 2015

Permit No. 5026467-183, Minor Amendment. Public Water Supply.

Applicant **GW Services d/b/a Glacier Water**
1385 Park Center Drive
Vista, CA 92081

[Borough or Township]

County **Somerset**

Type of Facility Save A Lot

Consulting Engineer

Permit to Operate Issued June 5, 2015

Permit No. 5026467-182, Minor Amendment. Public Water Supply.

Applicant **GW Services d/b/a Glacier Water**
1385 Park Center Drive
Vista, CA 92081

[Borough or Township]

County **Cambria**

Type of Facility Save A Lot

Consulting Engineer

Permit to Operate Issued June 5, 2015

Permit No. 5613508GWR, Minor Amendment.

Applicant **HiTop, LLC**
PO Box 1180
Chambersburg, PA 17201

[Township or Borough] Somerset Township

County **Somerset**

Type of Facility Brook Haven Acres Estates
Mobile Home Park

Consulting Engineer

Permit to Operate Issued June 5, 2015

National Pike Water Authority (Public Water Supply), Fayette County: On June 8, 2015, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for National Pike Water Authority. The personnel involved with the development of this SWP

Plan are to be commended for taking these proactive steps to protect this water source for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program and Pennsylvania Rural Water Association.

Nemacolin Woodlands, Inc. (Public Water Supply), Fayette County: On June 8, 2015, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Nemacolin Woodlands, Inc. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect this water source for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program and Pennsylvania Rural Water Association.

New Meadow Run (Public Water Supply), Fayette County: On June 8, 2015, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for New Meadow Run. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect this water source for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program and Pennsylvania Rural Water Association.

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

Operation Permit issued to Summit Township Water Authority, PWSID No. 6250090, Waterford Township, Erie County. Permit Number 2514505 issued June 10, 2015 for the operation of the public water supply. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 21, 2015.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Plan Location: Bell Acres Borough, Allegheny County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bell Acres Borough	1151 Camp Meeting Road Sewickley, PA 15143	Allegheny

Plan Description: The approved plan provides for the elimination of three sewage treatment plants and the rehabilitation of a fourth sewage treatment plant (WWTP #3). Each treatment plant will be replaced with a pump station and the flow transferred via a network of force mains and existing gravity lines to the Leetsdale Sewage Treatment Plant. The Charleston Square Pump Station will not receive the flow from the other pump stations but will still convey it existing flows to the proposed force main in Leet Township to be treated at the Leetsdale Borough Sewage Treatment Plant.

The Department's review of the sewage facilities Special Study has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	8 Boonetown Road, Birdsboro, PA 19508	Berks

Plan Description: Approval of a revision to the official plan of Robeson Township, Berks County. The project is known as the Green Hills Estates Subdivision. The plan provides for 55 new single family residential lots to be served by a new wastewater treatment plant. The treatment plant will be designed to accept flows of 35,000 gallons per day from the 55 proposed single family residences as well as from an additional 44 existing equivalent dwelling units (at 350 gallons per day) from the surrounding area. The proposed discharge is to an unnamed tributary to Allegheny Creek on the site of the new development. The project is located east of Green Hills Road, north of the intersection with Seton Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-06954-247-3 and the APS Id is 867796. Any permits must be obtained in the name of the developer.

**HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF
OCTOBER 18, 1988**

Public Notice of Proposed Consent Order and Agreement

Plumstead Fire HSCA Site, Plumstead Township, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. §§ 6020.101—6020.1305, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A. §§ 9601—9675, has entered into a Consent Order and Agreement ("Agreement") with Dennis K. Rice; Dale L. Cotton; and Douglas R. Patridge and Custom Particle Reduction, Incorporated, (collectively the "Property Owners") for the payment of response costs related to activities undertaken by the Department in conjunction with the Plumstead Fire HSCA Site.

The Property Owners own the property located at 5189 Stump Road in the Plumstead Township, Bucks County, PA. On June 29, 2010, a fire occurred on the Property, which resulted in extensive damage to the structure at the Property. As a result of the fire and firefighting activities, in the course of which large quantities of water were sprayed on the fire, various chemical constituents that were stored on the property were released into the environment. Laboratory reports from water samples collected by the Department from neighboring residential wells indicated the presence of volatile organic compounds, semi-volatile organic compounds, and metals at levels in excess of the Maximum Contaminant Levels established by EPA for public water supplies, and/or the Health Advisory Levels established by the EPA and/or the Pennsylvania Department of Health. In order to address potential threats to human health and the environment from the releases of hazardous substances, the Department conducted various response actions under the authority of HSCA.

Pursuant to the terms of the Agreement, the Property Owners shall pay the total amount of \$475,000 to the Pennsylvania Hazardous Sites Cleanup Fund. Following an initial payment, follow-up installments will be paid annually, with the last payment due June 1, 2018.

This notice is provided under Section 1113 of the HSCA, 35 P. S. § 6020.1113. The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, Pennsylvania, 19401 by contacting either Bonnie McClennen (484) 250-5965 or Anderson Hartzell at (484) 250-5866. They may also be contacted electronically at bmcclennen@pa.gov and ahartzell@pa.gov, respectively. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the Agreement within 60 days from the date of publication of this notice to the Department by submitting them to Bonnie McClennen at the previously listed address.

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 Pennsylvania 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.

Pedley Residence, 7241 State Route 374, Clifford Township, PA 18470, Clifford Township, **Susquehanna County**. Quad 3 Group Inc, 72 Glenmaura National Boulevard, Moosic, PA 18507, on behalf of Bluestone Environmental Inc., 77 Atco Road, Beach Lake, PA 18470, submitted a Final Report concerning remediation of site soils contaminated with Toluene, 3 & 4 Methylphenol, Carbon Disulfide, Bis(2-ethylhexyl)phthalate. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Carrar 1H Well Site, 1121 Valley View Road, Liberty Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of WPX Energy, 6000 Town Center Boulevard, Suite 210, Canonsburg, PA 15317, submitted a Notice of Intent to Remediate and Final Report concerning remediation of site soils contaminated with Chloride. The report is intended to document remediation of the site to meet the Background Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Michael Barone Property, 35 East Lisburn Road, Mechanicsburg, PA, Upper Allen Township, **Cumberland County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Michael Barone, 35 East Lisburn Road, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Harvey Building Products—Snyder & Lucinda Property, 415 Lancaster Pike, New Providence, PA 17560, Providence Township, **Lancaster County**. EP&S of Vermont, Inc., 2902 Reach Road, Williamsport, PA 17701, on behalf of Ronald Snyder and Anne Lucinda, 415 Lancaster Pike, New Providence, PA 17560 submitted Final Report concerning remediation of site soils contaminated with diesel fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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 Pennsylvania 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.

Bethlehem Commerce Center Corporate Campus Drive and Harvard Avenue, Corporate Campus Drive and Harvard Avenue, Bethlehem City, **Northampton County**. HDR Engineering, Inc. 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015 submitted a final report concerning remediation of site soil contaminated with thallium. The report is intended to document remediation of the site to meet the Site-Specific Standard. The Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on June 10, 2015.

Carrar 1H Well Site, 1121 Valley View Road, Liberty Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of WPX Energy, 6000 Town Center Boulevard, Suite 210, Canonsburg, PA 15317, submitted a Notice of Intent to Remediate and Final Report concerning remediation of site soils contaminated with Chloride. The report is intended to document remediation of the site to meet the Background Standard. The Final Report demonstrated attainment of the Background standard, and was approved by the Department on June 12, 2015.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Pine Terrace Apartments, 600-630 East Pine Street, Hamburg Borough, **Berks County**. REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, on behalf of M. Domer Leibensperger, 65 South 4th Street, Hamburg, PA 19526, submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning remediation of site soil and groundwater contaminated with lead from buried battery casings. The combined Report did not demonstrate attainment of the Residential Statewide Health and Site Specific Standards, and was disapproved by the Department on May 20, 2015.

Former Armstrong Environmental Services Facility, 205 Greenfield Road, Lancaster, PA, East Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of 205 Greenfield Road LLP, 5 Holland Street, Salunga, PA 17538, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The site is being remediated to a combination of Residential Statewide Health and Site Specific Standards. The combined Remedial Investigation Report and Cleanup Plan were approved by the Department on June 10, 2015.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Dryer Compressor Station, 819 Scenic Drive, Independence Township, **Washington County**. Tetra Tech, Inc., 6715 Tippecanoe Road, Canfield, OH 44408 on behalf of MarkWest Liberty Midstream & Resources, LLC., 4600 J. Barry Court, Suite 500, Canonsburg, PA 15317 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with benzene, toluene, ethylbenzene, xylene (BTEX) from a release of condensate from compressor skid dump tank. The Final Report demonstrated attainment of the residential Statewide Health standard for soil and groundwater and was approved by the Department on June 11, 2015.

Etna Riverfront Park, Bridge Street, Borough of Etna and City of Pittsburgh, **Allegheny County**. Tetra Tech, Inc., 661 Andersen Drive, Pittsburgh, PA 15220 on behalf of Borough of Etna, 437 Butler Street, Pittsburgh, PA 15223 submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soils contaminated with volatile & semi-volatile organic compounds (VOC's & SVOC's) and metals. The RI/RA/FR demonstrated attainment of a residential Site Specific standard for soil and was approved by the Department on June 12, 2015.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787

Weymouth Residence, 86 Rockyhill Road, Chadd Ford Township, **Delaware County**. Frank Lynch, Envirolike, Inc., 165 Daleville Road, Cochranville, PA 19330, Richard D. Williams, Suburban Propane, P. O. Box 4833, Syracuse, NY 13221 on behalf of George Weymouth, 86 Rockyhill Road, Chadds Ford, PA 19317 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on May 22, 2015. PF779231.

Tioga Pipe Supply Company/April Warehouse, 2201, 2301, 2335 and 2365 East Butler Street, City of Philadelphia, **Philadelphia County**. Thomas A. Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Steven Wolfson, BDP Realty and BDP Realty II, L.P., 120 Germantown Pike, Suite 120, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on May 20, 2014. PF650886.

Tioga Pipe Supply Company/April Warehouse, 2201, 2301, 2335 and 2365 East Butler Street, City of Philadelphia, **Philadelphia County**. Thomas A. Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Steven Wolfson, BDP Realty and BDP Realty II, L.P., 120 Germantown Pike, Suite 120, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 22, 2015. PF650886.

Mckee Residence, 4 Milyko Drive, Upper Makefield Township, **Bucks County**. Andrew Markoski, Patriot Environmental Management LLC, 21 Unionville Road, P. O. Box 629, Douglass, PA 19518, Bruce Harris, Harris Fuels, Inc., 206 Otter Street, Bristol, PA 19007-3610 on behalf of Augustus McKee 4, Milyko Drive, Washington Crossing, PA 18977 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 18, 2015. PF784561.

3225 Advance Lane, 3225 Advance Lane, Hatfield Township, **Montgomery County**. Mark Fortan, DelVal Soil Environmental Consultants, Inc., Sky Run II Suite A-1, 4050 Skyron Drive, Doylestown, PA 18902, John McCusker, McCusker Realty Enterprises, GP, P. O. Box 48, Line Lexington, PA 18932 on behalf of Gary Santabarbara, DGG Investment, LLC, 3224 Advance lane, Colmar, PA 18915 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 19, 2015. PF769841.

Graco Children's Production Inc., 47 Park Avenue, Borough of **Chester County**. Jeremy W. Boly, Patriot Environmental Management, P.O. Box 629, Douglassville, PA 19518 on behalf of Lou Meschede, Newell Rubbermaid, 2707 Butterfield Road, Suite 100, Oak Brook, IL 60523 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Remedial Investigation and Final Report were disapproved by the Department on May 21, 2015. PF667078.

RSB Investors LP Plants \$ &4A, 234 West Cayuga Street, City of Philadelphia, **Philadelphia County**. Pete Falnes, Gannett Fleming, Inc., Atrium I, Suite 300, 1000 Atrium Way, Mt. Laurel, NJ 08054-3905, Glen DePalantion, Cardone Industries, Inc., 5501 Whitaker, Philadelphia, PA 19124 on behalf of Allen Burns, Richard S. Burns Company, Inc., 4300 Rising Run Avenue, Philadelphia, PA 19140 has submitted a Final Report concerning the remediation of site groundwater contaminated with other organic. The Final report did not demonstrate attainment of the Statewide Health Standard was disapproved by the Department on May 19, 2015. PF687651.

Rite Aid Pharmacy/960 East Baltimore Avenue, 960 East Baltimore Avenue, Upper Darby Borough, **Delaware County**. John J. Engdahl, Hess Corporation, One Hess Plaza, Woodbridge, NJ 07095, Jeremy L. Fox, EMS Environmental Inc., 4550 Bath Pike, Bethlehem, PA 18017, Claude S. Vandever, EMS Environmental Inc., 4550 Bath Pike, Bethlehem, PA 18017 on behalf of Robin McGill, Longview Management, LP, 1055 Westlake Drive, Suite 170, Berwyn, PA 19312 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with mte and other organics. The Remedial Investigation was approved by the Department on May 8, 2015. PF648004.

Philadelphia Energy Solution Refining and Marketing, LLC, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Jim Oppenheim, Evergreen Resources Managements Operation, 2 Righter Parkway, Suite 20, Wilmington, DE 19083, Jennifer Menges, Stantec 1060 Andre Drive, Suite 140, West Chester, PA 19380 on behalf of Charles Barksdale, Jr., Philadelphia Energy Solutions Refining and Marketing, LLC, 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with lead and inorganics. The Risk Assessment Report was approved by the Department on May 6, 2015. PF780190.

Belmont Terminal, 2700 West Passyunk Avenue, 2700 West Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Jim Oppenheim, Evergreen Resources Managements Operation, 2 Righter Parkway, Suite 20, Wilmington, DE 19083, Jennifer Menges, Stantec 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Brad Fish, Sunoco Partner Marketing & Terminal, 4041 Market Street, Aston, PA 19014 has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Risk Assessment was approved by the Department on May 6, 2015. PF780561.

Wissahickon Charter School, 815-825 East Washington Lane, City of Philadelphia, **Philadelphia County**. Andrew Collings, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Jamal Elliott, M.Ed., Wissahickon Charter School, 4700 "G" Wissahickon Avenue, Philadelphia, PA 19144 has submitted a Risk Assessment/Final Report concerning the remediation of site soil contaminated with inorganics. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on May 12, 2015. PF765371.

Stoneback Residence, 220 East Broad Street, Souderton Borough, **Montgomery County**. Michael Kern, P.G., Mountain Research, LLC 825 25th Street, Altoona, PA 16601 on behalf of Glenda Stoneback, 220 East Broad Street, Souderton, PA 18964 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 6, 2015. PF778908.

Sunoco Marcus Hook Industrial Complex, 100 Green Street, Borough of Marcus, **Delaware County**. Jim Oppenheim, Evergreen Resources Managements Operation, 2 Righter Parkway, Suite 20, Wilmington, DE 19083, Jennifer Menges, Stantec 1060 Andre Drive, Suite 140, West Chester, PA 19380 on behalf of Brad Fish, Sunoco Partner Marketing & Terminal, 4041 Market Street, Aston, PA 19014 has submitted a Risk Assessment Report concerning the remediation of site soil and

groundwater contaminated with no. 2 fuel oil. The Risk Assessment Report was approved by the Department on May 6, 2015. PF780192.

Rittenhouse Square Parking Garage, 2028-2034 Rittenhouse Square, City of Philadelphia, **Philadelphia County**. Daniel E. Erdman, Keystone E-Science Group, Inc., 590 East Lancaster Avenue, Suite 200, Frazer, PA 19355 on behalf of Dr. Richard Pastcan, 397 Lakeview Drive, Napa, CA 94559 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2015. PF780090.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

PAD010154045. Envirite of Pennsylvania, Inc., 730 Vogelsong Road, York, PA 17404-1725, **York County**. A Class 1 Permit Modification for the update of the Compliance History, Form HW-C, necessitated by the stock purchase of Envirite of Pennsylvania, Inc.'s indirect corporate parent company, EQ Parent Company, Inc., by US Ecology, Inc. Permit was issued on June 10, 2015.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200

Permit No. 101681 Nolt Services, LLC (Septage Transfer Facility) 728 Rettew Mill Road, Lititz, PA 17543-9163 The application submitted is to renew the permit and for various modifications to the transfer facility. The permit expires August 31, 2016. This application was deemed administratively complete by the Southcentral Regional Office on June 12, 2015. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. 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.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

GP1-36-03109: Thaddeus Stevens College (750 East King Street, Lancaster, PA 17602) on June 5, 2015, for three existing boilers (NG/#2 oil) under GP1, at the educational facility located on King Street, in Lancaster City, **Lancaster County**. The general permit authorization was renewed.

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

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

GP5-08-358A: HEP Pennsylvania Gathering, LLC (17806 1H-10W, Suite 210, San Antonio, TX 78257) on June 1, 2015, authorize the change of ownership and continued operation of three (3) 90 MMscfs/day Exterran dehydrators pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP5) at the Stagecoach Connector Station located in Herrick Township, **Bradford County**.

GP5-41-708A: HEP Pennsylvania Gathering, LLC (17806 1H-10W, Suite 210, San Antonio, TX 78257) on May 28, 2015, authorize the change of ownership and continued operation of twelve (12) Caterpillar model G3516B lean-burn natural gas-fired compressor engines each rated at 1,380 brake horsepower equipped with Powertherm Company, Inc. model 201 VO-3-200-7114 oxidation catalyst, four (4) 80 million cubic foot per day, Exterran triethylene glycol dehydrators and a 155 brake horsepower, Kohler model 100ERESB, natural gas-fired emergency generator pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP5) at the Laurel Hill Compressor Station located in Cogan House Township, **Lycoming County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog, New Source Review Chief—Telephone: 412-442-4150

GP5-32-00146B: Mountain Gathering, LLC (810 Houston Street, Fort Worth, TX 76102) on June 02, 2015, to allow continued operation of the previously installed sources which include one (1) natural gas fired Ajax Engine rated at 400 bhps, one (1) TEG dehydrator, and one (1) storage tank at their existing Homer City Compressor Station located in White Township, **Indiana County**.

GP14-11-00534: Frank Duca Funeral Home, Inc. (1622 Menoher Boulevard, Johnstown, PA 15905) on May 29, 2015, for construction and operation of a natural gas fired human crematory incinerator at its facility located at 404 Waters Avenue in Geistown Borough, **Cambria County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

36-03161C: Compass Quarries Inc. (47 McIlvaine Road, Paradise, PA 17562) on June 5, 2015, for the construction of a new stone plant to replace the old stone plant at the Paradise Quarry located in Paradise Township, **Lancaster County**. A new baghouse and wet suppression system will control PM emissions.

06-05077D: Can Corporation of America (326 June Avenue, Blandon, PA 19510-0170) on June 1, 2015, for replacing a sheet coater and a sheet coater oxidizer in its Blandon plant located in Maiden creek Township, **Berks County**.

06-05112B: WBLF Acquisition Co., LLC—Western Berks Landfill (455 Poplar Neck Road, Birdsboro, PA 19508) on June 2, 2015, for the municipal waste landfill in Cumru Township, **Berks County**. The draft plan approval would modify the facility's existing Title V permit to remove the requirements for hazardous air pollutant (HAP) testing and for the determination of the HAP ambient impact.

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: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

46-0044B: Glasgow, Inc—McCoy (P.O. Box 1089, Glenside, PA 19038-1089) On June 8, 2015 for mining crushed and broken lime stone in Upper Merion Township, **Montgomery County**.

23-0001AD-Sunoco Inc. (100 Green Street, Marcus Hook, PA 19061) On June 8, 2015 for manufacturing petroleum refining in Marcus Hook Borough, **Delaware County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

21-05053B: PPL Renewable Energy, LLC (Two North Ninth Street, Allentown, PA 18101) on June 9, 2015, for construction of one landfill gas (LFG)-fired reciprocating internal combustion engine (RICE) at the Cumberland County Landfill in Hopewell Township, **Cumberland County**. The plan approval was extended.

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

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

18-00031A: Mountain Gathering, LLC (810 Houston Street, Fort Worth, TX 76102-6298) on June 6, 2015 to

extend the authorization to operate a natural gas compressor station located in Chapman Township, **Clinton County** on a temporary basis to December 3, 2015. The plan approval has been extended.

14-00002H: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on May 29, 2015, extended the authorization an additional 180 days from June 9, 2015 to December 6, 2015, to continue the evaluation for compliance with the plan approval conditions. Additionally, the extension allows continued operation of the existing kiln and the associated semi-wet scrubber and waste heat boiler which are located in Spring Township, **Centre County**, pending issuance of Title V operating permit. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150

32-00428A: Creps United Publications, LLP (1163 Water Street, Indiana, PA 15701) Extension effective June 13, 2015, to extend the period of temporary operation until December 13, 2015, for Creps United Publications, LLP's new commercial printing facility located in White Township, **Indiana County**.

65-00101C: MAX Environmental Technologies, Inc. (1815 Washington Road, Pittsburgh, PA 15241) Extension effective June 15, 2015, to extend the period of temporary operation of the electric arc furnace dust treatment system and dust collector authorized under plan approval PA-65-00101C until December 15, 2015, at the Yukon Facility located in South Huntingdon Township, **Westmoreland County**.

04-00738A: Aliquippa Metal Recovery, LLC (100 Bet Tech Drive, Aliquippa, PA 15001) Extension effective June 6, 2015, to extend the period of temporary operation until December 6, 2015, for Aliquippa Metal Recovery's slag processing and metals recovery facility located in Hopewell Township, **Beaver County**.

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

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

16-160A: Clarion Altela Environmental Services, LLC (3099 Piney Dam Road, Clarion, PA 16214) on June 12, 2015, effective June 30, 2015, has issued a plan approval extension for the construction of twelve additional AltelaRain 600 modules to process produced water and frac flow-back water generated by natural gas wells in Piney Township, **Clarion County**. This is a State Only facility.

20-037A: U.S. Bronze Foundry & Machine, Inc. (18649 Brake Shoe Road, Meadville, PA 16335) on June 11, 2015, effective June 30, 2015, will issue a plan approval extension for the construction of four new electric induction furnaces as part of Source 116 & 117 and the installation of a new baghouse (C116A) to control emissions from Source 116 & 117 and the removal of the old baghouse (C116). This permit is also for Orrville Bronze to install sources that will have their own controls and 4 furnaces that will exhaust into C116A & C117A. This is a State Only facility and is located in Woodcock Township, **Crawford County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00024: Waste Management of Pennsylvania, Inc. (1000 New Ford Mill Rd., Morrisville, PA 19067) On June 11, 2015 for renewal of the Title V Operating Permit for its Tullytown Resource Recovery Facility, a landfill located in Tullytown Borough, **Bucks County**. The renewal includes minor changes in standard conditions in accordance with current Department of Environmental Protection (DEP) guidelines. The listing of insignificant sources at the facility is updated. Concomitant to the renewal, a minor modification to remove a testing condition for NO_x emissions from a flare (Source ID C02) at elevated temperature is processed. DEP found no significant change in NO_x emissions at elevated temperature vs standard operating temperatures with review of testing for the flares at the facility since 1998. With the renewal, the applicable requirements of 40 CFR Part 63 Subpart ZZZZ, as amended January 30, 2013, for an emergency generator (Source ID 115) are incorporated. The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

53-00002: Transcontinental Gas Pipe Line Company, LLC (2800 Post Oak Boulevard, Houston, TX 77056) issued on June 9, 2015, the Title V operating permit for their Station 535 facility located in Wharton Township, **Potter County**. All of the applicable federal and state regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in TVOP 53-00002.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4150/5226

65-00163: Pennsylvania Department of Human Services (121 Longview Drive, Derry, PA 15627), In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on June 2, 2015, DEP has issued a Title V Operating Permit to Pennsylvania Department of Human Services for the continued operation of a hospital, known as the Torrance State Hospital, located in Derry Township, **Westmoreland County**.

The facility is a hospital. The facility contains air contamination sources consisting of two limited-use coal-fired boilers (45 & 17 MMBtus/hr, each), two natural gas-fired boilers with distillate oil backup (14.04 & 32.10 MMBtus/hr, each), eight emergency diesel engines (1,300-bhps total, largest engine 298-bhps), and five emergency LPG diesel engines (112-bhps total). The coal fired boilers are equipped with Breslove Separators to control particu-

late. The NG-fired boilers have low NO_x burners. The facility is limited to a maximum opacity from any processing equipment of 20 percent.

No emission or equipment changes have been approved 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, and 98 and PA Code Title 25, Article III, Chapters 121—145.

Operating Permits for Non-Title V Facilities Issued 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: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

54-00083: Trans Western Polymers, Inc. (31 Progress Avenue, Tamaqua, PA 18252) issued on 06/09/2015, for the operation of a plastic bag and pouch manufacturing facility in Rush Township, **Schuylkill County**. The sources consist of an extrusion operation and ink jet printing. This is a new State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226

11-00531: Sunoco Pipeline, LP (525 Fritztown Road, Sinking Spring, PA 19608) On June 10, 2015, DEP issued an Air Quality State Only Operating Permit (SOOP) to Sunoco Pipeline, LP to authorize the operation of natural gas liquid pumping facility known as the Ebensburg Station, located in Cambria Township, **Cambria County**.

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

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

43-00182: John Maneely Company dba Wheatland Tube Company (One Council Avenue, Wheatland, PA 16161) on June 9, 2015 for the renewal of a Title V Permit to operate a steel pipe and tubes manufacturing facility in Wheatland Borough, **Mercer County**. The facility's emitting sources include a 600 HPs Boiler, 400 HPs Boiler, 1,000 HPs Natural Gas Fired Boiler, Continuous Weld Furnace, #1 Galvanizing Kettle, #2 Galvanizing Kettle, Finishing Department Coating Line, Double Random Coating Line, Testing Department Coating Line, #1 Chromate Treatment, #2 Chromate Treatment, Coupling Department, #1 ID Blow Station, #2 ID Blow Station, #1 PM Threader, #2 PM Threader, #1 Galvanizing Furnace, #2 Galvanizing Furnace, Miscellaneous Heaters, Miscellaneous Parts Washers, Lime Silo, Wastewater Evaporator, One Waste Oil Space Heater, Natural Gas Fueled Emergency, Generators (2), #2 Blow Station. The #1 Blow Station is controlled by a cyclone and baghouse. The #2 Blow Station is controlled by cyclones and rotoclone. The Lime Silo is controlled by a dust collector. The facility is a major facility due to its potential to emit of Oxides of Nitrogen (NO_x) and Volatile Organic Compounds (VOC).

The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility provided the following 2014 emission inventory: Carbon Monoxide (CO): 32.85 Tons per year (TPY), Lead (Pb): 0.0002 TPY, Nitrogen Oxides (NO_x): 72.51 TPY, PM₁₀ (Particulate matter less than or equal to aerodynamic diameter 10 micron): 17.87 TPY, PM_{2.5} (Particulate matter less than or equal to aerodynamic diameter 2.5 micron): 2.97 TPY, Sulfur Di Oxide (SO_x): 0.24 TPY, Volatile Organic Compound (VOC): 95.97 TPY, Butane: 0.69 TPY, Ethane: 1.0176 TPY, Methane: 0.0579 TPY, Pentane: 0.8544 TPY, Propane: 0.5210 TPY, Ammonia: 29.27 TPY, Carbon Di Oxide: 47.01, Arsenic: 0.0001, Barium: 0.0014 TPY, Cadmium: 0.0003 TPY, Chromium: 0.0004 TPY, Copper: 0.0003 TPY, Mercury: 0.0001 TPY, Manganese: 0.0001, Molybdenum: 0.0003 TPY, Nickel: 0.0007 TPY, Vanadium: 0.0008 TPY, Zinc: 1.04 TPY, Formaldehyde: 0.0232, Hexane: 0.5899 TPY, Hydrochloric Acid: 0.50 TPY, Toluene: 0.0002 TPY, Benzene: 0.0001 TPY.

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

23-0108D: Barry Callebaut USA, LLC (903 Industrial Highway, Eddystone, PA 19022; Attn: Mr. Robert Gist) On June 11, 2015 for the minor modification of the Pre-Roasting Process (Source ID 102) at their cocoa processing facility located in Eddystone Borough, **Delaware County**. This facility is a non-Title V facility. Barry Callebaut currently controls emissions from the Pre-Roasting Process by means of a Pre-Roaster Cyclone (Source ID C01). Barry Callebaut proposed to further reduce emissions from the Pre-Roasting Process by sending the emissions from the Pre-Roaster Cyclone to an existing Anguil Regenerative Thermal Oxidizer (Source ID C06). Per this application, Barry Callebaut does not intend to make any changes to the current process operations, only to the controls for the Pre-Roasting Process (Source ID 102). The Pre-Roasting Process has no hourly restrictions on operation. However, the Pre-Roasting Process is restricted to a 12-month total throughput of 64,152 metric tonnes. VOC emissions from the facility will be reduced by approximately 15 tons per year. NO_x emissions will have an insignificant increase (<1 ton per year) due to the nitrogen content of PM being sent to the Anguil Regenerative Thermal Oxidizer. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

06-05036: Novipax, LLC (177 Tuckerton Road, Reading, PA 19605) on June 3, 2015, for the polystyrene foam products manufacturing facility located in Muhlenberg Township, **Berks County**. The Title V permit was administratively amended in order to reflect a change of ownership.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226

04-00033: NOVA Chemical Inc. Beaver Valley Plant (400 Frankfort Road, Monaca, PA 15061) on June 11, 2015 the Department Administratively Amended the Title V Operating Permit to incorporate the new Responsible Official. All sources, control devices, and conditions remain the same as in the previous issued operating permit. This facility is located in Potter Township, **Beaver County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

GP5-08-292B: Chesapeake Energy Corporation (414 Summers Street, Charleston, WV 25301), terminated General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) on July 9, 2015, for their VanNoy BRA Pad site located in Granville Township, **Bradford County**. The facility emits all air contaminants below the exemption emission thresholds.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

56841310 and NPDES No. PA0110914. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the NPDES permit for the Solar No. 7 Mine in Quemahoning Township, **Somerset County** to revise the NPDES effluent limits. No additional discharges. The application was considered administratively complete on March 13, 2015. Application received March 13, 2015. Permit issued June 9, 2015.

32081301 and NPDES No. PA0235946. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the NPDES permit for the Coral-Graceton Mine in Center Township, **Indiana County** to

revise the NPDES effluent limits. No additional discharges. The application was considered administratively complete on March 13, 2015. Application received March 13, 2015. Permit issued June 9, 2015.

56091301 and NPDES No. PA0235865. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the NPDES permit for the Stonycreek Mine in Quemahoning Township, **Somerset County** to revise the NPDES effluent limits. No additional discharges. The application was considered administratively complete on March 13, 2015. Application received March 13, 2015. Permit issued June 9, 2015.

30831303. Cumberland Coal Resources, LP, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to add acreage to the subsidence control permit area for development mining. Subsidence Control Plan Acres Proposed 3,016.0. No additional discharges. The application was considered administratively complete on December 6, 2012. Application received September 18, 2012. Permit issued June 12, 2015.

32141302 (formerly 32891701) and NPDES No. PA0124591. Bellaire Corporation, (196 Grange Hall Road, P.O. Box 245, Armagh, PA 15920-0245). To renew the permit for the Hutchinson Hollow Treatment Plant in East Wheatfield Township, **Indiana County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on October 23, 2014. Application received May 12, 2014. Permit issued June 4, 2015.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56030106 and NPDES No. PA0249513. Rosebud Mining Co., P.O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 353.0 acres. Receiving streams: unnamed tributaries to/and Casselman River and unnamed tributaries to/and Elk Lick Creek, classified for the following uses: warm water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 5, 2014. Permit issued: June 1, 2015.

Permit No. 56060107 and NPDES No. PA0268992, Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from Woodland to Pastureland/Land Occasionally Cut for Hay in Quemahoning Township, **Somerset County**, affecting 45.9 acres. Receiving stream: Higgins Run, a tributary to Quemahoning Creek classified for the following use: high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority & Johnstown Water Authority. Application received: January 15, 2015. Permit issued June 5, 2015.

Permit No. 56930110 and NPDES No. PA0212610, Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552-7728, commencement, operation and restoration of a bituminous surface mine to change the land use from Forestland to Cropland and unmanaged Natural Habitat and from Cropland to unmanaged Natural Habitat in Black Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to/and Rhoades Creek/unnamed tributary to Iers Run (topographic drainage only) and an unnamed tribu-

tary to Casselman River classified for the following uses: warm water fishery, exceptional value. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2014. Permit issued: June 5, 2015.

Permit No. 32090102 and NPDES No. PA0262773. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201. Transfer of an existing bituminous surface and auger mine from AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, located in Brush Valley Township, **Indiana County** affecting 274 acres. Receiving streams: unnamed tributaries to South Branch of Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 31, 2014. Permit issued: June 8, 2015.

Permit No. 56950101 and NPDES No. PA0213012. Rosebud Mining Co., 1117 Shaw Mines Road, Meyersdale, PA 15551, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 106.5 acres. Receiving streams: unnamed tributary to/and Piney Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 18, 2015. Permit issued: June 10, 2015.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

04154102. Wampum Hardware Company (2856 Stoystown Road, Friedens, PA 15441-7020) Blasting activity permit for construction blasting at Shell Horsehead Cracker Plant in Center Township, **Beaver County**. This blasting activity permit will expire on December 31, 2016. Permit Issued: May 12, 2015.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 48154105. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Lehigh Valley Industrial Park Lot 84 in the City of Bethlehem, **Northampton County** with an expiration date of May 28, 2016. Permit issued: June 10, 2015.

Permit No. 06154105. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Alvernia College Cemetery in the City of Reading, **Berks County** with an expiration date of June 5, 2016. Permit issued: June 11, 2015.

Coal NPDES Permits Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0215724 (Mining Permit No. 30753712), Emerald Coal Resources, LP, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). A revision to the renewed NPDES Permit issued on June 13, 2013

for the Emerald Mine No. 1—CRDA No. 1 in Franklin Township, **Greene County**; this NPDES Permit is also being published in compliance with the 25 Pa. Code § 92a.88, as a result of a settlement of an Environmental Hearing Board Appeal at the EHB Docket No. 2013-101.M. Surface Acres Affected 176.8. Receiving stream: UNT Smith Creek, classified for the following use: WWF. Monongahela River TMDL. The application was consid-

ered administratively complete on September 5, 2014. Application received September 5, 2014. Permit issued June 9, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

Outfall 001 discharges to: UNT Smith Creek

The proposed effluent limits for Outfall 001 (Lat: 39° 53' 04" Long: 80° 11' 47") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	1.0	2.0	2.5
Aluminum	(mg/l)	0.75	0.75	0.75
Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	50	50
Sulfates	(mg/l)	250	250	250
Chlorides	(mg/l)	179	358	448
Total Dissolved Solids	(mg/l)	500	778	1,255
Selenium	(mg/l)	-	-	REPORT
Bromide	(mg/l)	-	-	REPORT

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E23-517. Eddystone Rail Company, LLC, 5 Industrial Highway, Eddystone, PA 19022-1524, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To replace the existing temporary fire water intake and to construct and maintain new fire water intake to supply the Eddystone Rail Company with an adequate fire suppression system.

The system will include a concrete platform designed to support two pump houses and fire pumps suspended over the Delaware River to eliminate any impact.

The site is located near the confluence of Crum Creek and the Delaware River (Bridgeport, PA, USGS map, Lat. 39.8585; Long; -75.3278).

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)).

E15-853. B&B Homes Inc., 110 N. Phoenixville Pike, Malvern, PA 19355, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Linden Hall Project Residential Subdivision.

1. The project will impact 0.0043 acre of wetland (PEM, POW) for the construction of the roadway.
2. To construct and maintain a pedestrian bridge across a tributary to Valley Creek (EV, MF) having an approximate waterway opening of 12 feet wide by 5-foot high and measuring approximately 4-feet in length.
3. To rehabilitate and maintain the 15-foot extension of an existing 30-inch CMP pipe culvert located on Lancaster Avenue.

The site is located at about 100 feet northeast of the intersection of Lancaster Avenue and Sproul Road (Malvern—PA USGS Quadrangle Latitude 40.038219; Longitude -75.559368).

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)).

E09-992. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914-2912, Chalfont Borough, and New Britain Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 10-foot wide shared-use trail along the north side floodway/floodplain of the Neshaminy Creek (TSF, MF). The proposed trail will extend between Blue Jay Road in New Britain Township and an existing trail south of Lenape Lane in Chalfont Borough, which will serve as a connection between community facilities and other trails.

The site is located approximately 700 feet southwest of Lenape Lane (Doylestown, PA USGS Quadrangle, Latitude: 40.281179; Longitude: -75.197356).

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)).

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E14-557. BMW Partnership, 689 East College Avenue, Bellefonte, PA 16823-7544. BMW Partnership floodway crossing in Spring Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 40°52'9"; W: -77°45'15").

To construct and maintain a new road over seven, 54-foot long by 24-inch by 35-inch arch culverts with the appropriate end walls and roadway fill in a FEMA 100-year floodway that drains to Gap Run, which is a tributary of Logan Branch, for a new public road to a housing development in Spring Township, Centre County. This permit was issued under Section 105.13(e) "Small Projects."

E49-334. Warrior Run Community Corp, 4800 Susquehanna Trail, Turbotville, PA 17772-8679. Warrior Run Stream Crossing in Delaware Township, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle Lat: 41° 05' 25"; Long: -76° 52' 20").

To construct, operate and maintain a new pedestrian bridge along an existing walking trail in Delaware Town-

ship—Northumberland County. All the improvements are located within the floodway/floodplain of the West Branch Susquehanna River and Spring Run.

The proposed pedestrian bridge over Spring Run will be a 30 ft. long timber pedestrian bridge. The bridge will completely span the stream channel. The proposed bridge will be constructed as such that the grading associated with the proposed improvements is designed so there is no net increase of fill within the floodway.

The total estimated stream impacts for the project are approximately 427 ft² of permanent impacts. The proposed project will not permanently impact wetlands, cultural or archaeological resources, forests, recreational areas, landmarks, wildlife refuge or historical sites. Susquehanna River and Spring Run are classified with a designated use of Warm Water Fishery (WWF).

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E Bentleyville Borough, Fallowfield Township, and Somerset Township, **Washington County**, 825 North Gallatin Avenue, Uniontown, PA 15401; Bentleyville Borough, Fallowfield Township, and Somerset Township, Washington County; ACOE Pittsburgh District.

Has been given consent to remove the existing SR 70 5 span 66 ft wide 367.5 ft total length, 41 ft underclearance bridge; and construct and maintain a three span 112 ft wide 344 ft total length, 41 ft underclearance replacement bridge on the existing alignment over a rail line and Pigeon Creek with a drainage area of 37.8 square miles;

Remove the existing SR 2023 bridge and restore 20 ft of bridge site stream bank on a UNT to Pigeon Creek (WWF) with a drainage area of 3.3 square miles;

Construct and maintain a 56.5 ft upstream and 30.5 ft downstream extensions of an existing SR 70, 205 ft long, 20 ft wide, 10 ft center clearance arch culvert enclosure on a UNT to Pigeon Creek (WWF) with a drainage area of 3.3 square miles;

Construct and maintain a 35 ft upstream extension to an existing SR 70, 150 ft long, 6 ft by 6 ft box culvert enclosure on a UNT to Pigeon Creek (WWF) with a drainage area of 188 acres;

Construct and maintain a 51 ft upstream extension and downstream endwall on an existing SR 70, 154.5 ft long total, 5 ft by 5 ft box culvert narrowing to a 4 ft diameter enclosure on a UNT to Pigeon Creek (WWF).

In addition install and maintain road associated stormwater outfalls; minor repairs to existing encroachments; fill and maintain 175.5 ft of UNTs to Pigeon Creek (WWF) with drainage areas less than 100 acres; and construct and maintain a 138 ft long open channel of UNTs to Pigeon Creek with drainage areas less than 100 acres; place and maintain fill in a de minimis 0.028 acre of PEM wetland; temporarily impact of 2,431 ft of stream for construction of the encroachments. Stream mitigation will occur approximately 2.5 miles northwest of the project on the North Branch of Pigeon Creek (Hackett Quadrangle, North 4.75 and West 4.9 inches, Latitude 40° 9' 3.4" and Longitude -80° 1' 48.3").

This project is associated with the SR 70 Bentleyville interchange improvement project with these encroachments extending approximately half a mile east and west from the SR 917 and SR 70 intersection in Bentleyville Borough, Fallowfield Township, and Somerset Township, Washington County (Beginning Hackett Quadrangle,

North 2.1 inches and West 1.3 inches, Latitude 40° 8' 12" and Longitude -80° 0' 47"; and extending to Monongahela Quadrangle, North 1.3 inches and West 16.3 inches, Latitude 40° 7' 56" and Longitude -79° 59' 32").

E11-346. Jackson Township, 513 Pike Road, Johnstown, PA 15909; Jackson Township, **Cambria County**; ACOE Pittsburgh District.

Has been given consent to:

1. construct and maintain an 8" diameter SLCPP intake pipe in an unnamed tributary (UNT) to the South Branch Blacklick Creek (CWF),

2. construct and maintain a non-jurisdictional dam across another unnamed watercourse within the South Branch Blacklick Creek watershed (CWF), which has a drainage area less than 100 acres, and an appurtenant, 42" diameter SLCPP outlet pipe along the UNT (primary outlet structure), and another 12" diameter SLCPP outlet pipe along the unnamed watercourse, and

3. excavate and maintain a reservoir, behind the aforementioned, non-jurisdictional dam, in the unnamed watercourse and its floodplain,

For the purpose of creating a fishing/recreational pond, and to provide a water source for fire protection. (A fire company intake will be installed within the pond, during its construction.) Construction of this pond will affect approximately 594' of watercourse and a de minimus amount of wetland (<0.05 acre). The unnamed watercourse will be temporarily relocated during pond construction. The project is located along Loraine Road, near its intersection with Turkey Path Road (Nanty Glo, PA USGS Quadrangle; N: 15.39 inches; W: 13.18 inches; Lat: 40° 27' 35"; Long: -78° 50' 41"), in Jackson Township, Cambria County.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E10-491, FWH Development, LLC, 1028 Riviera Road, Emlenton, PA 16373 in Adams Township, **Butler County**, ACOE Pittsburgh District.

To permanently fill portions of 7 wetlands totaling 0.32 acre and to permanently impact 1,075 feet of 3 tributaries to Kaufman Run (each less than 100 acres drainage area) for the development of a 57 acre lot, located south of State Route 228 at its intersection with Myoma Road for commercial/residential uses including 130 townhome units, 30 single family lots, multiple commercial lots, a sports complex, and a hotel, along with associated infrastructure; to mitigate for wetland impacts by expanding existing, on-site wetlands in 5 locations totaling 0.38 acre; to mitigate for stream impacts by relocating 653 feet of perennial channel, creating 110 feet of ephemeral channel, and restoring 372 feet of perennial channel. (Mars, PA Quadrangle N: 40°41'31"; W: 80°02'54")

E10-495, PA DOT District 10-0, 2550 Oakland Ave., Indiana, PA 15701. SR 0079 Section 240 Slip Lining Project across UNT to Yellow Creek, Lancaster Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 50', 46.5"; W: -80°, 6', 8.9").

To operate and maintain a 209-foot long corrugated metal pipe with a Smooth Cor lining stream enclosure having an inside diameter of 6 feet carrying a tributary to Yellow Creek under I-79 at milepost 90.6 (Evans City, PA Quadrangle N: 40°, 50', 46.5"; W: -80°, 6', 8.9") in Lancaster Township, Butler County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

ESCP 2 # ESG 00 033 15 0001
Applicant Name Energy Corporation of America
Contact Person Michael S Fletcher
Address 101 Heritage Run Rd, Ste 1
City, State, Zip Indiana, PA 15701
County Clearfield
Township(s) Bradford & Goshen Townships
Receiving Stream(s) and Classification(s) WB
Susquehanna River—WWF; Bloody Run—CWF;
Pine Run—HQ-CWF; Trout Run—HQ-CWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESX14-019-0069—Manuel Pad
Applicant R.E. Gas Development LLC
Contact Richard Watson
Address 600 Cranberry Woods Drive, Suite 250
City Cranberry Township State PA Zip Code 16066
County Butler Township(s) Concord
Receiving Stream(s) and Classification(s) South Branch
Slippery Rock Creek/UNT to South Branch Slippery
Rock Creek—CWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX29-081-15-0020
Applicant Name Seneca Resources Corporation
Contact Person Michael Clinger, PE
Address 51 Zents Boulevard
City, State, Zip Brookville, PA 15825
County Lycoming
Township(s) Hepburn Township
Receiving Stream(s) and Classification(s) UNT Tributary
to Mill Creek (WWF)
Secondary—Mill Creek (WWF)

ESCGP-2 # ESX29-115-15-0016
 Applicant Name Williams Field Services Company, LLC
 Contact Person Sandra Lojek
 Address 200 Commerce Drive
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Harford Township
 Receiving Stream(s) and Classification(s) UNT to/and
 Leslie Creek, UNT to Nine Partners Creek (CWF,MF)
 Secondary—Upper Susquehanna

ESCGP-2 # ESX29-115-15-0022
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276-0120
 County Susquehanna
 Township(s) Auburn & Rush Townships
 Receiving Stream(s) and Classification(s) Elk Lake
 Stream #2955 (CWF-MF), UNT to Elk Lake Stream
 #32093 (CWF-MF), Riley Creek #6450 (CWF-MF), UNT
 to Riley Creek (CWF-MF)

ESCGP-2 # ESX10-131-0004(01)
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Wyoming
 Township(s) Windham Township
 Receiving Stream(s) and Classification(s) UNT Roaring
 Run (CWF-MF)
 Secondary—Roaring Run (CWF-MF)

ESCGP-2 # ESX12-081-0041(01)
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Rane Wilson
 Address 33 West Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Gamble Township
 Receiving Stream(s) and Classification(s) Shoemaker Run
 (HQ-CWF, MF)
 Secondary—Receiving water Lycoming Creek
 (HQ-CWF) (EV)

ESCGP-2 # ESX10-131-0009(01)
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Wyoming
 Township(s) Windham
 Receiving Stream(s) and Classification(s) Susquehanna
 River (WWF-MF)

ESCGP-2 # ESX29-115-15-0018
 Applicant Name Williams Field Services Company, LLC
 Contact Person Sandra Lojek
 Address 2000 Commerce Drive
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Auburn and Rush Townships

Receiving Stream(s) and Classification(s) Riley
 Creek (CWF-TSF) and UNT to Elk Lake Creek (CWF).
 Secondary—Receiving water Upper Susquehanna
*Southwest Region: Oil & Gas Program Mgr., 400 Water-
 front Dr., Pittsburgh, PA*

ESCGP-2 No: ESG15-059-0027
 Applicant Name: PA Land Resources LLC DBA PL
 Resources LLC
 Contact Person Scott Sweder
 Address: PO Box 247
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township: Franklin
 Receiving Stream(s) and Classifications: UNT to Smith
 Creek (WWF)/South Fork Tenmile Creek; Stewart Run-
 HQ-WWF/South Fork Tenmile Creek; HQ; Other WWF

ESCGP-2 No.: ESX15-007-0004
 Applicant Name: Cardinal PA Midstream LLC
 Contact Person: Tommy Baskin
 Address: 8150 North Central Expressway Suite 1725
 City: Dallas State: TX Zip Code: 75206
 County: Beaver Township(s): New Sewickley
 Receiving Stream(s) and Classifications: UNTs to Brush
 Creek—WWF; Other WWF

ESCGP-2 No.: ESX15-125-0026
 Applicant Name: Range Resources Appalachia LLC
 Contact Person: Karl Matz
 Address: 3000 Town Center Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Cross Creek &
 Jefferson
 Receiving Stream(s) and Classifications: UNTs to North
 Fork Cross Creek/Raccoon Creek; Other WWF

ESCGP-2 No.: ESX15-125-0012
 Applicant Name: Range Resources Appalachia LLC
 Contact Person: Glenn D Truzzi
 Address: 3000 Town Center Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Chartiers
 Receiving Stream(s) and Classifications: UNT to
 Chartiers Creek (WWF)/Chartiers Creek; Other
 WWF; Siltation-Impaired

ESCGP-2 No.: ESX14-059-0054
 Applicant Name: EQT Production Land PA
 Contact Person: Todd Klaner
 Address: 455 Racetrack Road Suite 101
 City: Washington State: PA Zip Code: 15301
 COUNTY Greene Township(s): Washington
 Receiving Stream(s) and Classifications: UNTs Ruff Creek
 WWF/Tenmile Creek; Other WWF

ESCGP-2 No.: ESX14-125-0002 Major Revision
 Applicant Name: Rice Poseidon LLC
 Contact Person: Kyle A Shirey
 Address: 400 Woodcliff Drive
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): West Pike Run
 Receiving Stream(s) and Classifications: #28665 Pike
 Run/Middle Monongahela River; Other Trout
 Stocked Fishes (TSF)

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of 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>
15-02-036	Patriot Drilling Fluids LLC, a division of Q'Max America 5290 DTC Parkway, Suite 170 Greenwood Village, CO 8011-2764 Attn: Steve Harvey	Allegheny	Leetsdale Borough	19 ASTs storing base oil and drilling fluids	399,000 gallons total

[Pa.B. Doc. No. 15-1206. Filed for public inspection June 26, 2015, 9:00 a.m.]

Availability of the Non-Regulatory Agenda

In accordance with the Department of Environmental Protection's (Department) Policy for Development and Publication of Technical Guidance, the Department provides notice of the availability of the Non-Regulatory Agenda (Agenda). The Department will publish notice of availability of the Agenda twice a year by February 1st and July 1st.

The Agenda serves as a guide and resource to the regulated community, the public, Department staff and members of the Department's advisory committees regarding the focus of the Department's policy development for the coming year. The types of documents listed in the Agenda include policies and technical guidance documents that provide directives, guidance or other relevant compliance related information.

The Agenda is available on the Public Participation Center of the Department's web site at www.dep.state.pa.us (Select "Public Participation Center," then "Public Comments," then "Technical Guidance").

Questions regarding the Agenda should be directed to Laura Henry, Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8727, ra-epthepolicyoffice@pa.gov.

Questions regarding the specific documents listed on the Agenda should be directed to the respective contact person listed on the Agenda.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1207. Filed for public inspection June 26, 2015, 9:00 a.m.]

Certification Program Advisory Committee Meeting Cancellation

The Certification Program Advisory Committee (Committee) meeting scheduled for Wednesday, July 22, 2015, at 9 a.m. in the 14th Floor Conference Room, Rachel

Carson State Office Building, 400 Market Street, Harrisburg, PA has been cancelled and will be rescheduled at a later date.

Questions concerning the meeting can be directed to Cheri Sansoni, (717) 772-5158, csansoni@pa.gov. Meeting materials for this Committee will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (Select "Public Participation Center," then "Advisory Committees," then "Certification Program Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1208. Filed for public inspection June 26, 2015, 9:00 a.m.]

Radiation Protection Advisory Committee Additional Meeting

The Radiation Protection Advisory Committee (Committee) has scheduled an additional meeting for July 23, 2015, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to finalize and endorse proposed comprehensive amendments to 25 Pa. Code Chapters 215—240 (relating to radiological health).

Questions concerning the next scheduled meeting of the Committee can be directed to Joseph Melnic, (717) 783-9730, jmelnic@pa.gov. The agenda and meeting materials for the July 23, 2015, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (Select "Public Participation Center," then "Advisory Committees," then "Radiation Protection Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1209. Filed for public inspection June 26, 2015, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Lawrence County

The Department of General Services (Department) will accept bids for the purchase of the former New Castle Youth Development Center, consisting of 149.96 ± acres of land and 13 buildings totaling 236,444 ± square feet, located at 1745 Frew Mill Road, New Castle, Shenango Township, Lawrence County. Bids are due Thursday, October 15, 2015. Interested parties wishing to receive a copy of Solicitation No. 94732 should view the Department's web site at www.dgs.pa.gov or call Andrew Lick, (717) 772-8842.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 15-1210. Filed for public inspection June 26, 2015, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Change to an Additional Class of Disproportionate Share Payments

The purpose of this notice is to announce the Department of Human Services' (Department) intent to increase the funding allotted for Fiscal Year (FY) 2014-2015 disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for this payment.

In making these payments, the Department ensures that no acute care general hospital receives a DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth is not exceeding its aggregate annual DSH allotment.

Fiscal Impact

The FY 2014-2015 fiscal impact as a result of this increase in the allocation for the additional class of DSH payments is \$54.154 million (\$26.091 million in State general funds and \$28.063 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, Attention: c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered by the Department.

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-960. (1) General Fund; (2) Implementing Year 2014-15 is \$26,091,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-1211. Filed for public inspection June 26, 2015, 9:00 a.m.]

Implementation of the Family Planning State Plan Option

The Department of Human Services (Department) is announcing its intent to seek the Centers for Medicare and Medicaid Services approval of a Family Planning State Plan option provided for under the Patient Protection and Affordable Care Act (ACA) (Pub. L. No. 111-148), effective July 1, 2015.

Discussion

Since February 1, 2008, the Commonwealth has been offering family planning services and supplies to women under a Section 1115 Demonstration Waiver of the State Plan, known as SelectPlan for Women (SelectPlan). SelectPlan currently provides coverage for certain family planning services, pharmaceuticals and supplies for eligible women 18 years of age or older, but under 45 years of age, who are not otherwise eligible for Medicaid and are at or below 214% of the Federal Poverty Level.

Since the implementation of SelectPlan, the Department has seen an overall decrease in the rate of births within the Medical Assistance (MA) population, resulting in lower MA Program costs for maternity and newborn services.

Effective July 1, 2015, the Department will offer expanded family planning services through the State Plan option provided for under the ACA. The State Plan option, known as Family Planning Services, will provide family planning and family planning-related services, pharmaceuticals and supplies to men and women of any age who are not otherwise eligible for MA and meet both of the following:

- Income at or below 215% of the Federal Poverty Limit.
- Who are not pregnant.

Family planning-related services include medical diagnosis and treatment services provided in a family planning setting as part of, or as follow-up to, a family

planning visit, and will include certain services for the prevention and treatment of sexually transmitted diseases.

All general MA eligibility requirements applicable to the MA Program will apply to Family Planning Service benefits, including rules relating to residence, citizenship or satisfactory immigration status and third-party insurance.

Women currently in SelectPlan will continue to receive their family planning services through SelectPlan until they are transitioned to the Family Planning Services benefit.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered.

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-961. (1) General Fund; (2) Implementing Year 2014-15 is \$0; (3) 1st Succeeding Year 2015-16 is \$196,000; 2nd Succeeding Year 2016-17 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$264,179,000; 2012-13 Program—\$450,835,000; 2011-12 Program—\$645,095,000; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-1212. Filed for public inspection June 26, 2015, 9:00 a.m.]

New Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is announcing its intent to create a new class of disproportionate share hospital (DSH) payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals to promote access to hospital services for MA eligible persons in this Commonwealth by providing additional support for the operations of academic medical programs through the medical education of health care professionals needed to treat the MA population.

Qualifying Criteria

For a hospital to qualify for this class of DSH payment, it must meet all of the following criteria, based on its State Fiscal Year (FY) 2011-2012 MA-336 Hospital Cost Report unless otherwise specified:

(a) The hospital is enrolled in the MA Program as a general acute care hospital, and provides a comprehensive array of inpatient services (acute, psychiatric and rehabilitation) including inpatient obstetrical and neonatal services to MA eligible persons.

(b) The hospital is accredited as an adult Level I Trauma Center according to the Pennsylvania Trauma Systems Foundation 2013 annual report.

(c) The hospital ranked at least three standard deviations above the mean for the total number of inpatient days provided to MA beneficiaries.

(d) The hospital ranked above the 99th percentile of all acute care hospitals for the total number of MA discharges.

(e) The hospital is an independent academic medical center and a member of the Alliance of Independent Academic Medical Centers.

Payment Determination

The Department will pay each qualifying hospital a proportionate amount of the funding allocated to this payment based on the hospital's ratio of MA inpatient days to the total MA inpatient days for all qualifying hospitals. The hospital's ratio is multiplied by the total amount allocated for these payments to determine its payment amount. The data used for purposes of this determination will be based on the FY 2011-2012 MA-336 Hospital Cost Report.

Fiscal Impact

The FY 2014-2015 impact is \$1.660 million (\$0.800 million in State general funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in establishing the final qualifying criteria and payment methodology for this new class of DSH payments.

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-962. (1) General Fund; (2) Implementing Year 2014-15 is \$800,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000; 2011-12 Program—\$12,618,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-1213. Filed for public inspection June 26, 2015, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Notice of Change in Formula for Calculating Budget Adjustment Factor

The Department of Human Services (Department) is announcing its intent to amend the Commonwealth's Title XIX State Plan to revise the formula for calculating the budget adjustment factor (BAF) applied to Medical Assistance (MA) payments for nursing facility services provided by nonpublic nursing facilities in Fiscal Year (FY) 2015-2016.

Background

Since 1996, the Department has used a case-mix prospective payment methodology to set per diem rate

payments for MA nursing facility providers. One of the reasons the Department adopted this payment methodology was that the prior retrospective cost-based payment system had proven to be “highly inflationary” and change was necessary to curb an “explosive growth of nursing facility expenditures.” See 25 Pa.B. 4477 (October 14, 1995). In 2006, the Department noted that “since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56% and, since 2000, have increased by 27.4% overall. During this same period, expenditures for MA nursing facility services have grown to nearly \$3 billion and expenditures for MA services to the elderly and disabled now consume approximately 70% of the \$14 billion MA Program budget.” See 36 Pa.B. 3207 (June 24, 2006).

Realizing that the MA Program could not continue to sustain the pace at which long-term care expenditures were growing, the Department amended the Commonwealth’s Title XIX State Plan and issued regulations changing the case-mix payment methodology effective July 1, 2005, to include the use of a BAF in annual rate-setting. See 35 Pa.B. 6232 (November 12, 2005). Application of a BAF was continued in 2007, 2008, 2011 and again in 2013. See the act of June 30, 2007 (P. L. 49, No. 16), the act of July 4, 2008 (P. L. 557, No. 44), the act of June 30, 2011 (P. L. 89, No. 22) and the act of July 9, 2013 (P. L. 369, No. 55). The BAF limits the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in effect for the fiscal year to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Since the implementation of the BAF, case-mix per diem rates have increased on an annual average basis by \$3.40 per day and in the aggregate by 20.5% overall from FY 2004-2005 through FY 2014-2015. In contrast, had the BAF not been used, rates would have increased on an annual average basis by \$6.64 per day and overall by 40%, well in excess of either the Consumer Price Index or the Centers for Medicare and Medicaid Services (CMS) Nursing Home without Capital Market Basket Index.

In addition, during the past 10 years the BAF has been in place, the Department has uncovered no evidence that the quality of care in this Commonwealth’s MA nursing facilities has been adversely impacted by use of the BAF. To the contrary, MA nursing facility providers continue to deliver a high quality of care. The Department does not expect the quality of care to decline in FY 2015-2016, and will continue our enforcement and monitoring activities to ensure that is the case.

Finally, although the BAF has served to moderate the overall aggregate increases in case-mix per diem rates, the adjusted case-mix per diem rate payments, together with the other supplemental payments to nursing facilities authorized under the Commonwealth’s approved State Plan, have been and will continue to be sufficient to assure that MA recipients have access to medically necessary nursing facility services. The vast majority of licensed nursing facilities in this Commonwealth participate as providers in the MA Program, and the MA Program pays for more days of nursing facility care than all other payors combined. The Department does not expect this to change in FY 2015-2016.

In short, use of the BAF has served to conserve taxpayer funds while assuring, and continuing to assure, that payments to nursing facilities under the MA Program are consistent with efficiency and economy and at

the same time sufficient to assure access to quality care.

Proposed BAF Methodology for Nonpublic Nursing Facilities for FY 2015-2016

Under the proposed State Plan Amendment (SPA) that the Department intends to submit to CMS to revise the BAF formula for FY 2015-2016 for nonpublic nursing facilities, the Department will continue to apply a BAF and make adjustments to nonpublic nursing facility payment rates in FY 2015-2016. As directed by the General Assembly, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year. Application of the revised BAF formula for the upcoming fiscal year is contingent on CMS approval.

From July 1, 2005, through June 30, 2011, the Department calculated one BAF each rate-setting year and applied that BAF to the nursing facility payment rates in effect for the rate-setting year. For the FY 2011-2012, the nursing facility industry requested and the Department responded by calculating a BAF each quarter of the fiscal year for nonpublic nursing facilities instead of calculating one BAF for the fiscal year. For FY 2012-2013, the Department returned to a formula very similar to the formula used in FYs 2009-2010 and 2010-2011, which allowed for an adjustment in the fourth quarter if certain conditions were met. For FYs 2013-2014 and 2014-2015, the Department used a formula very similar to FY 2012-2013.

After meeting with and receiving input from the nursing facility industry, the Department is proposing to calculate a facility-specific BAF in FY 2015-2016 for each nonpublic nursing facility that takes into account both the number of MA recipients the facility serves and the extent to which the facility operates efficiently. Each facility-specific BAF will be calculated as follows:

Facility-Specific BAF = Base BAF + MA Occupancy Adjustment for Qualified Facilities + Efficiency Adjustment.

The Base BAF will be calculated by comparing the rate computed using the data in the 2015-2016 rate-setting database without an acuity adjustment to the anticipated day-weighted average rate under the proposed appropriation.

The MA Occupancy Adjustment will only be applied to the Base BAF of each facility that satisfies both of the following:

- a. Over a 12-month period admitted 30 residents.
- b. Has an MA Day-One Occupancy Percentage that is equal to or greater than 50% of the County Average MA Day-One Occupancy Percentage of the county in which the nursing facility is located.

The MA Day-One Occupancy Percentage will be determined from data in the February 2015 Participation Review workbook, which may be accessed at <http://www.dhs.state.pa.us/dhsorganization/officeoflongtermliving/workbook/madayone/index.htm>.

The Efficiency Adjustment (EA) will be a function of the relationship of the facility to the peer group median. For facilities above the peer group median, there will be a negative adjustment. For facilities below the peer group median, there will be a positive adjustment. The EA will also be based on five tiers:

a. Nursing facilities with costs of 10% or more BELOW the Peer Group Median – Estimated EA = +0.375%.

b. Nursing facilities with costs between 10% BELOW and 10% ABOVE the Peer Group Median – Estimated EA = +0.75%.

c. Nursing facilities with costs between 10% and 15% ABOVE the Peer Group Median – Estimated EA = -1.50%.

d. Nursing facilities with costs 15% or more ABOVE the Peer Group Median – Estimated EA = -2.25%.

e. Nursing facilities with costs 10% or more ABOVE the Peer Group Median AND an MA occupancy of 80% or higher – Estimated EA = -0.75%.

f. Nursing facilities with no cost reports in the rate setting database – Estimated EA = +0.10%.

The actual value of the EA for each tier will be determined when the appropriations for nursing facility payments are finalized.

The Department will also adjust the facility-specific BAF for the facility-specific April 1 rate to determine if actual nursing facility payments are consistent with the appropriated amounts for nursing facility payments. Prior to establishing the April rate for the rate year, the Department will use the following formula to determine the April BAF and the facility-specific April BAFs:

The weighted average April rate using the facility-specific base BAFs will be compared to the April target rate. If the difference between the two rates is less than \$0.25, the facility-specific April BAFs are equal to the facility-specific base BAFs.

Fiscal Impact

No fiscal impact is anticipated as a result of these changes through June 30, 2016. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is solely based on the funding levels as proposed in the Governor's Executive Budget.

Public Comment

Interested persons are invited to submit written comments regarding the BAF formula to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the formula.

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-964. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 15-1214. Filed for public inspection June 26, 2015, 9:00 a.m.]

Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2015-2016

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2015-2016 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2015-2016, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index (CMI) for the appropriate picture date.

In addition, as required by section 443.1(7)(iv) of the Public Welfare Code (62 P.S. § 443.1(7)(iv)), regarding MA payments for institutional care, the Department intends to adjust each facility's CMI-adjusted quarterly rate by multiplying the rate by a budget adjustment factor (BAF). The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2015-2016.

A detailed description of the BAF formula for FY 2015-2016 is in the Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor notice published at 45 Pa.B. 3425 (June 27, 2015). The BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.¹

Finally, in calculating the proposed rates, the Department assumed that the General Appropriations Act of 2015 will include the level of funding in the Governor's Executive Budget and that CMS will approve the SPA including the BAF formula for nonpublic nursing facilities.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. CMS approved SPA 13-021 on November 7, 2013, which includes the BAF formula the

¹ The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2015-2016 and will reference the nonpublic nursing facilities' base BAF and facility-specific base BAFs in its notice announcing final MA nursing facility payment rates for the rate-setting year.

Department will use for county nursing facilities in FY 2015-2016. The formula is as follows: $BAF = 1.00 +$ the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year. In calculating the proposed rates, the Department assumed that the General Appropriation Act of 2015 will include the level of funding in the Governor's Executive Budget.²

The proposed annual per diem rates for FY 2015-2016, the facility-specific BAFs that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <http://www.dhs.state.pa.us/provider/doingbusinesswithdhs/longtermcarecasemixinformation/index.htm> and at local county assistance offices throughout this Commonwealth or by contacting Marilyn Yocum, Department of Human Services, Office of Long-Term Living at (717) 772-2549.

Fiscal Impact

If the proposed payment rates are adopted as final, there is no fiscal impact for per diem rate payments for nonpublic and county nursing facilities' FY 2015-2016. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is solely based on the funding levels as proposed in the Governor's Executive Budget.

Public Comment

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2015-2016 to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-963. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 15-1215. Filed for public inspection June 26, 2015, 9:00 a.m.]

Proposed Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waivers Services, Targeted Service Management and the Community Intellectual Disability Base-Funded Program

The purpose of this notice is to announce the Department of Human Services (Department) proposed Fee Schedule Rates for Targeted Service Management and select services funded through the Consolidated and Person/Family Directed Support waivers as well as the

² The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2015-2016 and will reference the county nursing facilities' annual BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

Department-established fees for residential ineligible services effective July 1, 2015. These proposed Fee Schedule Rates also serve as the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704), 55 Pa. Code Chapter 4300 (relating to county mental health and mental retardation fiscal manual) and 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services). The proposed Fee Schedule Rates and Department-established Fees effective July 1, 2015, are unchanged from the final rates established for Fiscal Year (FY) 2014-2015.

Fee Schedule Rates

The Fee Schedule Rates are identified under the following categories: Select Community-Based Services and Agency with Choice/Financial Management Services (AWC/FMS), including benefit allowance and excluding benefit allowance.

The Select Community-Based Services include behavior support, companion, home and community habilitation unlicensed, homemaker/chore, licensed day habilitation (adult training), prevocational services, therapy (physical, occupational, speech and language, individual behavior therapy, group behavior therapy and visual/mobility), nursing, older adult day, supplemental habilitation, additional individualized staffing, supported employment, supports broker, supports coordination, targeted service management, transitional work and all waiver-funded respite care services, excluding respite camp which is a vendor service.

The AWC/FMS (including and excluding benefit allowance) include home and community habilitation unlicensed, companion services, unlicensed in-home and out-of-home respite, supported employment, supports broker and homemaker/chore services. There are two separate tables for AWC/FMS: one provides the Fee Schedule Rate including a benefit allowance and the other provides the Fee Schedule Rate excluding a benefit allowance. The benefit allowance is provided as an option for the managing employer to include benefits such as disability insurance, life insurance, retirement savings and paid time off to the support service worker.

The Office of Developmental Programs (ODP) will be using the proposed Fee Schedule Rates to support claims processing in the Provider Reimbursement and Operations Management Information System in electronic format (PROMISe). A notice will be published announcing the final Fee Schedule Rates once a budget bill is passed and enacted for FY 2015-2016.

Enhanced Communication Services

The Enhanced Communication Services modifier, U1, is available for the following Consolidated Waiver fee schedule services: behavioral support; companion; supported employment; transitional work; prevocational services; home and community habilitation unlicensed; licensed day habilitation (adult training); therapy (physical, occupational, speech and language, individual behavior therapy, group behavior therapy and visual/mobility); nursing; older adult day; supplemental habilitation; additional individualized staffing; supports broker and all waiver-funded respite care services, excluding respite camp which is a vendor service.

Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services Rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov.

Department-Established Fees

The Department-established fees represent a per-person, per-day net fee based on the size of the home (such as a 1-individual home or 2-individual home) and type of home (defined by licensed, unlicensed or family living home). The fee does not include consideration for payment by the participant, as it is the provider's responsibility to collect that portion of payment from the participant.

The ODP will be using the proposed Department-established fees to support claims processing in PROMISE. A notice will be published announcing the final Department-established fees once a budget bill is passed and enacted for FY 2015-2016.

Geographic Areas

The geographic areas are as follows:

Area 1: Adams, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, York

Area 2: Allegheny, Berks, Bucks, Chester, Franklin, Fulton

Area 3: Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming

Fee Schedule Rates and Department-Established Fees Tables: Effective July 1, 2015

Modifier ET must be used with applicable procedure codes when billing for temporary Base-funded services.

The Supports Coordination Medical Assistance (MA) fee identified as follows and billed with procedure code W7210 is also applicable to base funded supports coordination.

Prior authorization must be obtained from the Department for services denoted by (PA) in the service row in the following table.

Fee Schedule Rates

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.36	\$10.76	\$10.05
		TE & ET						
		TE	16	161				
		TE & ET						
Nursing Services: RN	T2025	TD	05	051	15 min.	\$14.72	\$13.94	\$13.03
		TD & ET						
		TD	16	160				
		TD & ET						
Physical Therapy	T2025	GP	17	170	15 min.	\$21.61	\$20.46	\$19.12
		GP & ET						
Occupational Therapy	T2025	GO	17	171	15 min.	\$20.93	\$19.82	\$18.52
		GO & ET						
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$19.23	\$18.21	\$17.02
		GN & ET						
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$25.29	\$23.95	\$22.38
		HE & ET						
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 min.	\$8.09	\$7.66	\$7.16
		HE, HQ & ET						
Visual/Mobility Therapy	W7246		51	517	15 min.	\$19.23	\$18.21	\$17.02
		ET						
Companion, Basic staff support	W1724		51	363	15 min.	\$1.26	\$1.19	\$1.12
		ET						

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 1	W1725		51	363	15 min.	\$1.46	\$1.38	\$1.29
		ET						
Companion, level 2	W1726		51	363	15 min.	\$2.23	\$2.11	\$1.97
		ET						
Companion, level 3	W1727		51	363	15 min.	\$6.11	\$5.79	\$5.41
		ET						
Supplemental Habilitation, 1:1(PA)	W7070		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
		ET						
Supplemental Habilitation, 2:1(PA)	W7084		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
		ET						
Additional Individualized Staffing, 1:1(PA)	W7085		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
Additional Individualized Staffing, 2:1(PA)	W7086		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.57	\$2.43	\$2.27
		ET						
Behavioral Support	W7095		51	510	15 min.	\$19.42	\$18.39	\$17.19
		ET						
Supports Broker	W7096		51	510	15 min.	\$8.65	\$8.19	\$7.65
Licensed Day-Adult	W7072		51	514	15 min.	\$2.90	\$2.75	\$2.57
	W7073		51	514	15 min.	\$3.55	\$3.36	\$3.14
	W7074		51	514	15 min.	\$4.50	\$4.26	\$3.98
	W7075		51	514	15 min.	\$9.16	\$8.67	\$8.11
	W7076		51		15 min.	\$13.35	\$12.64	\$11.81
	W7035				15 min.	\$17.20	\$16.29	\$15.22
	W7036				15 min.	\$25.57	\$24.21	\$22.63
Prevocational	W7087				15 min.	\$2.06	\$1.95	\$1.82
	W7088				15 min.	\$2.43	\$2.30	\$2.15
	W7089				15 min.	\$3.26	\$3.09	\$2.88
	W7090				15 min.	\$9.06	\$8.58	\$8.02
	W7091				15 min.	\$12.59	\$11.92	\$11.14
	W7092				15 min.	\$17.75	\$16.81	\$15.71
	W7093				15 min.	\$24.82	\$23.50	\$21.96
Supports Coordination	W7210		21	218	15 min.	\$21.70	\$20.55	\$19.20
Targeted Services Management	T1017		21	218	15 min.	\$21.70	\$20.55	\$19.20
Supported Employment	W7235		53	530 531	15 min.	\$17.75	\$16.81	\$15.71
Transitional Work	W7237		51	516	15 min.	\$2.65	\$2.51	\$2.35
	W7239		51	516	15 min.	\$3.55	\$3.36	\$3.14
	W7241		51	516	15 min.	\$4.65	\$4.40	\$4.12
	W7245		51	516	15 min.	\$11.63	\$11.01	\$10.29

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Home and Community Habilitation	W7057		51	510	15 min.	\$2.54	\$2.41	\$2.25
	W7058		51	510	15 min.	\$3.52	\$3.33	\$3.12
	W7059		51	510	15 min.	\$4.47	\$4.23	\$3.96
	W7060		51	510	15 min.	\$7.21	\$6.83	\$6.38
	W7061		51	510	15 min.	\$11.09	\$10.50	\$9.81
		TD						
		TE						
	W7068		51	510	15 min.	\$13.96	\$13.22	\$12.35
	W7069		51	510	15 min.	\$23.97	\$22.70	\$21.21
		TD						
TE								
In Home Respite—24 hours	W7247		51	512	Day	\$85.20	\$80.68	\$75.40
	W7248		51	512	Day	\$110.80	\$104.92	\$98.05
	W7250		51	512	Day	\$241.92	\$229.07	\$214.09
	W7251		51	512	Day	\$381.84	\$361.57	\$337.91
	W7252		51	512	Day	\$475.82	\$450.56	\$421.08
	W7253		51	512	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								
In Home Respite—15 minutes	W7255		51	512	15 min.	\$2.13	\$2.02	\$1.88
	W7256		51	512	15 min.	\$2.77	\$2.62	\$2.45
	W7258		51	512	15 min.	\$6.11	\$5.79	\$5.41
	W7264		51	512	15 min.	\$9.55	\$9.04	\$8.45
	W7265		51	512	15 min.	\$11.90	\$11.27	\$10.53
	W7266		51	512	15 min.	\$18.89	\$17.89	\$16.72
		TD						
TE								
Respite—unlicensed out of home—24 hour	W8000		51	513	Day	\$85.20	\$80.68	\$75.40
	W8001		51	513	Day	\$110.80	\$104.92	\$98.05
	W8002		51	513	Day	\$241.92	\$229.07	\$214.09
	W8003		51	513	Day	\$381.84	\$361.57	\$337.91
	W8004		51	513	Day	\$475.82	\$450.56	\$421.08
	W8005		51	513	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								
Respite—unlicensed out of home—15 minute	W8010		51	513	15 min.	\$2.13	\$2.02	\$1.88
	W8011		51	513	15 min.	\$2.77	\$2.62	\$2.45
	W8012		51	513	15 min.	\$6.11	\$5.79	\$5.41
	W8013		51	513	15 min.	\$9.55	\$9.04	\$8.45
		TD						
	TE							
	W8014		51	513	15 min.	\$11.90	\$11.27	\$10.53
	W8015		51	513	15 min.	\$18.89	\$17.89	\$16.72
TD								
TE								

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—licensed out of home—24 hour	W7259		51	513	Day	\$111.11	\$105.21	\$98.33
		U2						
	W7260		51	513	Day	\$203.96	\$193.13	\$180.50
		U2						
	W7262		51	513	Day	\$269.98	\$255.64	\$238.92
		U2						
	W7263		51	513	Day	\$416.51	\$394.39	\$368.59
		U2						
	W7299		51	513	Day	\$524.61	\$496.75	\$464.26
		U2						
W7300		51	513	Day	\$817.68	\$774.26	\$723.61	
	TD							
	TE							
	U2							
Respite—licensed out of home—15 minutes	W7267		51	513	15 min.	\$2.78	\$2.63	\$2.46
	W7268		51	513	15 min.	\$3.68	\$3.48	\$3.26
	W7270		51	513	15 min.	\$6.75	\$6.39	\$5.97
	W7400		51	513	15 min.	\$10.41	\$9.86	\$9.21
		TD						
	TE							
	W7401		51	513	15 min.	\$13.12	\$12.42	\$11.61
	W7402		51	513	15 min.	\$20.44	\$19.35	\$18.09
TD								
TE								
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$19.44	\$18.41	\$17.20
			51	430 or 431				
Homemaker/Chore (temporary)	W7283	UA	43	430	1 hour	\$19.44	\$18.41	\$17.20
		UA & ET						
		UA	51	430 or 431				
		UA & ET						

Enhanced Communication Services for Consolidated Waiver—Requires ODP Approval

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE & U1	5	51	15 min.	\$12.56	\$11.89	\$11.12
		TE & U1	16	161				
Nursing Services: RN	T2025	TD & U1	5	51	15 min.	\$16.33	\$15.46	\$14.45
		TD & U1	16	160				
Physical Therapy	T2025	GP & U1	17	170	15 min.	\$23.82	\$22.56	\$21.08
Occupational Therapy	T2025	GO & U1	17	171	15 min.	\$23.06	\$21.84	\$20.41
Speech and Language Therapy	T2025	GN & U1	17	173	15 min.	\$21.15	\$20.03	\$18.72
Individual Behavioral Therapy	T2025	HE & U1	19	208	15 min.	\$27.96	\$26.48	\$24.74
Group Behavioral Therapy	T2025	HE & HQ & U1	19	208	15 min.	\$9.41	\$8.91	\$8.33
Visual/Mobility Therapy	W7246	U1	51	517	15 min.	\$21.15	\$20.03	\$18.72
Companion, Basic staff support	W1724	U1	51	363	15 min.	\$1.46	\$1.38	\$1.29

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 1	W1725	U1	51	363	15 min.	\$1.68	\$1.59	\$1.49
Companion, level 2	W1726	U1	51	363	15 min.	\$2.61	\$2.47	\$2.31
Companion, level 3	W1727	U1	51	363	15 min.	\$6.67	\$6.32	\$5.90
Supplemental Habilitation, 1:1(PA)	W7070	U1	52	456, 520, 521 or 522	15 min.	\$5.96	\$5.64	\$5.27
Supplemental Habilitation, 2:1(PA)	W7084	U1	52	456, 520, 521 or 522	15 min.	\$11.92	\$11.29	\$10.55
Additional Individualized Staffing, 1:1(PA)	W7085	U1	52	456, 520, 521 or 522	15 min.	\$5.96	\$5.64	\$5.27
Additional Individualized Staffing, 2:1(PA)	W7086	U1	52	456, 520, 521 or 522	15 min.	\$11.92	\$11.29	\$10.55
Older Adult Day Habilitation	W7094	U1	51	410	15 min.	\$2.81	\$2.66	\$2.49
Behavioral Support	W7095	U1	51	510	15 min.	\$21.36	\$20.23	\$18.90
Supports Broker	W7096	U1	51	510	15 min.	\$9.57	\$9.06	\$8.47
Licensed Day-Adult	W7072	U1	51	514	15 min.	\$3.18	\$3.01	\$2.81
	W7073	U1	51	514	15 min.	\$3.94	\$3.73	\$3.49
	W7074	U1	51	514	15 min.	\$5.08	\$4.81	\$4.50
	W7075	U1	51	514	15 min.	\$9.86	\$9.34	\$8.73
	W7076	U1	51	514	15 min.	\$14.56	\$13.79	\$12.88
		TD & U1						
		TE & U1						
	W7035	U1	51	514	15 min.	\$18.59	\$17.60	\$16.45
	W7036	U1	51	514	15 min.	\$28.00	\$26.51	\$24.78
		TD & U1						
		TE & U1						
Prevocational	W7087	U1	51	515	15 min.	\$2.27	\$2.15	\$2.01
	W7088	U1	51	515	15 min.	\$2.73	\$2.59	\$2.42
	W7089	U1	51	515	15 min.	\$3.76	\$3.56	\$3.33
	W7090	U1	51	515	15 min.	\$9.84	\$9.32	\$8.71
	W7091	U1	51	515	15 min.	\$13.81	\$13.08	\$12.22
		TD & U1						
		TE & U1						
	W7092	U1	51	515	15 min.	\$19.30	\$18.28	\$17.08
	W7093	U1	51	515	15 min.	\$27.25	\$25.80	\$24.12
		TD & U1						
		TE & U1						
Supported Employment	W7235	U1	53	530 or 531	15 min.	\$19.31	\$18.28	\$17.09
Transitional Work	W7237	U1	51	516	15 min.	\$3.10	\$2.94	\$2.74
	W7239	U1	51	516	15 min.	\$4.17	\$3.95	\$3.69
	W7241	U1	51	516	15 min.	\$5.46	\$5.17	\$4.83
	W7245	U1	51	516	15 min.	\$12.67	\$12.00	\$11.21

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Home and Community Habilitation	W7057	U1	51	510	15 min.	\$2.93	\$2.77	\$2.59
	W7058	U1	51	510	15 min.	\$4.08	\$3.86	\$3.61
	W7059	U1	51	510	15 min.	\$5.21	\$4.93	\$4.61
	W7060	U1	51	510	15 min.	\$7.86	\$7.44	\$6.96
	W7061	U1	51	510	15 min.	\$12.22	\$11.57	\$10.81
		TD & U1						
		TE & U1						
	W7068	U1	51	510	15 min.	\$15.25	\$14.44	\$13.50
	W7069	U1	51	510	15 min.	\$26.44	\$25.04	\$23.40
		TD & U1						
TE & U1								
In Home Respite—24 hours	W7247	U1	51	512	Day	\$99.69	\$94.40	\$88.22
	W7248	U1	51	512	Day	\$130.23	\$123.32	\$115.25
	W7250	U1	51	512	Day	\$264.17	\$250.14	\$233.78
	W7251	U1	51	512	Day	\$421.55	\$399.17	\$373.05
		TD & U1						
		TE & U1						
	W7252	U1	51	512	Day	\$520.29	\$492.66	\$460.43
	W7253	U1	51	512	Day	\$835.06	\$790.72	\$738.99
		TD & U1						
		TE & U1						
In Home Respite—15 minutes	W7255	U1	51	512	15 min.	\$2.50	\$2.37	\$2.21
	W7256	U1	51	512	15 min.	\$3.27	\$3.10	\$2.89
	W7258	U1	51	512	15 min.	\$6.67	\$6.32	\$5.90
	W7264	U1	51	512	15 min.	\$10.55	\$9.99	\$9.34
		TD & U1						
		TE & U1						
	W7265	U1	51	512	15 min.	\$13.02	\$12.33	\$11.52
	W7266	U1	51	512	15 min.	\$20.88	\$19.77	\$18.48
TD & U1								
TE & U1								
Respite—unlicensed out of home—24 hour	W8000	U1	51	513	Day	\$99.66	\$94.37	\$88.19
	W8001	U1	51	513	Day	\$130.20	\$123.29	\$115.22
	W8002	U1	51	513	Day	\$264.15	\$250.12	\$233.76
	W8003	U1	51	513	Day	\$421.56	\$399.18	\$373.06
		TD & U1						
		TE & U1						
	W8004	U1	51	513	Day	\$520.28	\$492.65	\$460.42
	W8005	U1	51	513	Day	\$835.09	\$790.75	\$739.02
TD & U1								
TE & U1								

NOTICES

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed out of home—15 minute	W8010	U1	51	513	15 min.	\$2.49	\$2.36	\$2.20
	W8011	U1	51	513	15 min.	\$3.26	\$3.09	\$2.88
	W8012	U1	51	513	15 min.	\$6.67	\$6.32	\$5.90
	W8013	U1	51	513	15 min.	\$10.54	\$9.98	\$9.33
		TD & U1						
		TE & U1						
	W8014	U1	51	513	15 min.	\$13.01	\$12.32	\$11.51
	W8015	U1	51	513	15 min.	\$20.88	\$19.77	\$18.48
		TD & U1						
		TE & U1						
Respite—licensed out of home—24 hour	W7259	U1	51	513	Day	\$128.51	\$121.69	\$113.73
		U2 & U1						
	W7260	U1	51	513	Day	\$238.74	\$226.06	\$211.27
		U2 & U1						
	W7262	U1	51	513	Day	\$294.29	\$278.66	\$260.43
		U2 & U1						
	W7263	U1	51	513	Day	\$459.13	\$434.75	\$406.31
		TD & U1						
		TE & U1						
		U2 & U1						
		TD & U2 & U1						
		TE & U2 & U1						
	W7299	U1	51	513	Day	\$573.22	\$542.78	\$507.27
		U2 & U1						
	W7300	U1	51	513	Day	\$902.92	\$854.98	\$799.04
		TD & U1						
		TE & U1						
		U2 & U1						
		TD & U2 & U1						
		TE & U2 & U1						
Respite—licensed out of home—15 minutes	W7267	U1	51	513	15 min.	\$3.22	\$3.05	\$2.85
	W7268	U1	51	513	15 min.	\$4.29	\$4.06	\$3.80
	W7270	U1	51	513	15 min.	\$7.36	\$6.97	\$6.51
	W7400	U1	51	513	15 min.	\$11.48	\$10.87	\$10.16
		TD & U1						
		TE & U1						
	W7401	U1	51	513	15 min.	\$14.33	\$13.57	\$12.68
	W7402	U1	51	513	15 min.	\$22.57	\$21.37	\$19.97
TD & U1								
TE & U1								

Department-Established Fees

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Community Homes—Ineligible	W6091				Day	\$72.71	\$67.93	\$62.35
	W6093					\$38.64	\$35.67	\$32.20
	W6095					\$27.32	\$24.95	\$22.18
	W6097					\$21.22	\$19.17	\$16.78
	W6099					\$16.78	\$14.97	\$12.86
Licensed Child Residential Services—Ineligible	W7011				Day	\$72.71	\$67.93	\$62.35
	W7013					\$38.64	\$35.67	\$32.20
	W7015					\$27.32	\$24.95	\$22.18
	W7017					\$21.22	\$19.17	\$16.78
	W7019					\$16.78	\$14.97	\$12.86
Licensed Community Residential Rehabilitation Services—Ineligible	W7021				Day	\$72.71	\$67.93	\$62.35
	W7023					\$38.64	\$35.67	\$32.20
	W7025					\$27.32	\$24.95	\$22.18
	W7027					\$21.22	\$19.17	\$16.78
	W7029					\$16.78	\$14.97	\$12.86
Unlicensed Residential Services—Ineligible	W7079				Day	\$15.28	\$13.56	\$11.56
	W7081					\$6.14	\$4.90	\$3.47
	W7083					\$5.46	\$4.26	\$2.87
Unlicensed Family Living Home—Ineligible	W7038				Day	\$2.70	\$1.65	\$0.43
	W7040					\$1.31	\$0.34	\$0.00
Licensed Adult Family Living Home—Ineligible	W7292				Day	\$2.70	\$1.65	\$0.43
	W7294					\$1.31	\$0.34	\$0.00
Licensed Child Family Living Home—Ineligible	W7296				Day	\$2.70	\$1.65	\$0.43
	W7298					\$1.31	\$0.34	\$0.00

Agency with Choice Financial Management Services, Including Benefit Allowance**

**No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727		54	540	15 min.	\$3.76	\$3.56	\$3.33
Supported Employment	W7235		54	540	15 min.	\$6.96	\$6.59	\$6.16
Unlicensed Habilitation, level 3	W7060		54	540	15 min.	\$5.66	\$5.36	\$5.01
Unlicensed Habilitation, level 3, enhanced	W7061		54	540	15 min.	\$8.82	\$8.35	\$7.81
		TD						
		TE						
Unlicensed Habilitation, level 4	W7068		54	540	15 min.	\$11.34	\$10.74	\$10.04
Unlicensed Habilitation, level 4, enhanced	W7069		54	540	15 min.	\$17.64	\$16.70	\$15.61
		TD						
		TE						
Supports Broker	W7096		54	540	15 min.	\$6.41	\$6.07	\$5.67
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$268.61	\$254.35	\$237.71
	W7258		54	540	15 min.	\$4.16	\$3.94	\$3.68

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$513.63	\$486.36	\$454.54
		TD						
		TE						
	W7264		54	540	15 min.	\$7.95	\$7.53	\$7.04
		TD						
		TE						
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$537.21	\$508.69	\$475.41
	W7265		54	540	15 min.	\$8.34	\$7.90	\$7.38
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1,027.25	\$972.71	\$909.07
		TD						
		TE						
	W7266		54	540	15 min.	\$15.92	\$15.07	\$14.09
		TD						
		TE						
Homemaker/Chore	W7283		54	540	1 hour	\$16.18	\$15.32	\$14.32
		UA						
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$268.61	\$254.35	\$237.71
	W8012		54	540	15 min.	\$4.16	\$3.94	\$3.68
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$513.63	\$486.36	\$454.54
		TD						
		TE						
	W8013		54	540	15 min.	\$7.95	\$7.53	\$7.04
		TD						
		TE						
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$537.21	\$508.69	\$475.41
	W8014		54	540	15 min.	\$8.34	\$7.90	\$7.38
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1,027.25	\$972.71	\$909.07
		TD						
		TE						
	W8015		54	540	15 min.	\$15.92	\$15.07	\$14.09
		TD						
		TE						

Enhanced Communication Agency with Choice Financial Management Services, Including Benefit Allowance, Consolidated Waiver Only—Requires ODP Approval**

**No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U1	54	540	15 min.	\$4.13	\$3.91	\$3.66
Supported Employment	W7235	U1	54	540	15 min.	\$7.67	\$7.27	\$6.79
Unlicensed Habilitation, level 3	W7060	U1	54	540	15 min.	\$6.26	\$5.93	\$5.54
Unlicensed Habilitation, level 3, enhanced	W7061	U1	54	540	15 min.	\$9.82	\$9.29	\$8.70
		TD & U1						
		TE & U1						
Unlicensed Habilitation, level 4	W7068	U1	54	540	15 min.	\$12.56	\$11.89	\$11.12

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 4, enhanced	W7069	U1	54	540	15 min.	\$19.65	\$18.61	\$17.39
		TD & U1						
		TE & U1						
Supports Broker	W7096	U1	54	540	15 min.	\$7.12	\$6.75	\$6.30
Respite—unlicensed, in home, level 2	W7250	U1	54	540	1 day	\$295.74	\$280.04	\$261.72
	W7258	U1	54	540	15 min.	\$4.58	\$4.34	\$4.05
Respite—unlicensed, in home, level 2, enhanced	W7251	U1	54	540	1 day	\$571.16	\$540.83	\$505.45
		TD & U1						
		TE & U1						
	W7264	U1	54	540	15 min.	\$8.84	\$8.38	\$7.83
		TD & U1						
		TE & U1						
Respite—unlicensed, in home, level 3	W7252	U1	54	540	1 day	\$591.47	\$560.06	\$523.42
	W7265	U1	54	540	15 min.	\$9.19	\$8.70	\$8.13
Respite—unlicensed, in home, level 3, enhanced	W7253	U1	54	540	1 day	\$1,142.31	\$1,081.66	\$1,010.90
		TD & U1						
		TE & U1						
	W7266	U1	54	540	15 min.	\$17.71	\$16.76	\$15.67
		TD & U1						
		TE & U1						
Respite—unlicensed, out of home, level 2	W8002	U1	54	540	1 day	\$295.74	\$280.04	\$261.72
	W8012	U1	54	540	15 min.	\$4.58	\$4.34	\$4.05
Respite—unlicensed, out of home, level 2, enhanced	W8003	U1	54	540	1 day	\$571.16	\$540.83	\$505.45
		TD & U1						
		TE & U1						
	W8013	U1	54	540	15 min.	\$8.84	\$8.38	\$7.83
TD & U1								
Respite—unlicensed, out of home, level 3	W8004	U1	54	540	1 day	\$591.47	\$560.06	\$523.42
	W8014	U1	54	540	15 min.	\$9.19	\$8.70	\$8.13
Respite—unlicensed, out of home, level 3, enhanced	W8005	U1	54	540	1 day	\$1,142.31	\$1,081.66	\$1,010.90
		TD & U1						
		TE & U1						
	W8015	U1	54	540	15 min.	\$17.71	\$16.76	\$15.67
		TD & U1						
TE & U1								

Agency with Choice Financial Management Services, Excluding Benefit Allowance **

**Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4	54	540	15 min.	\$3.14	\$2.97	\$2.78
Supported Employment	W7235	U4	54	540	15 min.	\$6.34	\$6.00	\$5.61
Unlicensed Habilitation, level 3	W7060	U4	54	540	15 min.	\$5.04	\$4.77	\$4.46
Unlicensed Habilitation, level 3, enhanced	W7061	U4	54	540	15 min.	\$8.20	\$7.76	\$7.26
		TD & U4						
		TE & U4						
Unlicensed Habilitation, level 4	W7068	U4	54	540	15 min.	\$10.10	\$9.56	\$8.94

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 4, enhanced	W7069	U4	54	540	15 min.	\$16.40	\$15.53	\$14.51
		TD & U4						
		TE & U4						
Supports Broker	W7096	U4	54	540	15 min.	\$5.79	\$5.48	\$5.12
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$228.95	\$216.79	\$202.61
	W7258	U4	54	540	15 min.	\$3.54	\$3.35	\$3.13
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$473.97	\$448.80	\$419.44
		TD & U4						
		TE & U4						
	W7264	U4	54	540	15 min.	\$7.33	\$6.94	\$6.49
		TD & U4						
		TE & U4						
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$457.89	\$433.58	\$405.21
	W7265	U4	54	540	15 min.	\$7.10	\$6.72	\$6.28
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$947.93	\$897.60	\$838.88
		TD & U4						
		TE & U4						
	W7266	U4	54	540	15 min.	\$14.68	\$13.90	\$12.99
		TD & U4						
		TE & U4						
Homemaker/Chore	W7283	U4	54	540	1 hour	\$13.70	\$12.97	\$12.12
		UA & U4						
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1 day	\$228.95	\$216.79	\$202.61
	W8012	U4	54	540	15 min.	\$3.54	\$3.35	\$3.13
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$473.97	\$448.80	\$419.44
		TD & U4						
		TE & U4						
	W8013	U4	54	540	15 min.	\$7.33	\$6.94	\$6.49
		TD & U4						
		TE & U4						
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$457.89	\$433.58	\$405.21
	W8014	U4	54	540	15 min.	\$7.10	\$6.72	\$6.28
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$947.93	\$897.60	\$838.88
		TD & U4						
		TE & U4						
	W8015	U4	54	540	15 min.	\$14.68	\$13.90	\$12.99

Enhanced Communication Agency with Choice Financial Management Services, Excluding Benefit Allowance, Consolidated Waiver Only—Requires ODP Approval**

**Modifier U4 must be used with all procedures codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4 & U1	54	540	15 min.	\$3.50	\$3.32	\$3.10
Supported Employment	W7235	U4 & U1	54	540	15 min.	\$7.04	\$6.66	\$6.23
Unlicensed Habilitation, level 3	W7060	U4 & U1	54	540	15 min.	\$5.65	\$5.35	\$5.00

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Unlicensed Habilitation, level 3, enhanced	W7061	U4 & U1	54	540	15 min.	\$9.20	\$8.70	\$8.14
		TD & U4 & U1						
		TE & U4 & U1						
Unlicensed Habilitation, level 4	W7068	U4 & U1	54	540	15 min.	\$11.31	\$10.70	\$10.01
Unlicensed Habilitation, level 4, enhanced	W7069	U4 & U1	54	540	15 min.	\$18.40	\$17.42	\$16.28
		TD & U4 & U1						
Supports Broker	W7096	U4 & U1	54	540	15 min.	\$6.49	\$6.15	\$5.74
Respite—unlicensed, in home, level 2	W7250	U4 & U1	54	540	1 day	\$256.05	\$242.45	\$226.59
	W7258	U4 & U1	54	540	15 min.	\$3.96	\$3.75	\$3.51
Respite—unlicensed, in home, level 2, enhanced	W7251	U4 & U1	54	540	1 day	\$531.47	\$503.24	\$470.32
		TD & U4 & U1						
		TE & U4 & U1						
	W7264	U4 & U1	54	540	15 min.	\$8.22	\$7.79	\$7.28
		TD & U4 & U1						
		TE & U4 & U1						
Respite—unlicensed in home, level 3	W7252	U4 & U1	54	540	1 day	\$512.09	\$484.90	\$453.17
	W7265	U4 & U1	54	540	15 min.	\$7.94	\$7.52	\$7.02
Respite—unlicensed, in home, level 3, enhanced	W7253	U4 & U1	54	540	1 day	\$1,062.91	\$1,006.47	\$940.63
		TD & U4 & U1						
		TE & U4 & U1						
	W7266	U4 & U1	54	540	15 min.	\$16.46	\$15.59	\$14.57
		TE & U4 & U1						
Respite—unlicensed, out of home, level 2	W8002	U4 & U1	54	540	1 day	\$256.05	\$242.45	\$226.59
	W8012	U4 & U1	54	540	15 min.	\$3.96	\$3.75	\$3.51
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4 & U1	54	540	1 day	\$531.47	\$503.24	\$470.32
		TD & U4 & U1						
		TE & U4 & U1						
	W8013	U4 & U1	54	540	15 min.	\$8.22	\$7.79	\$7.28
		TD & U4 & U1						
		TE & U4 & U1						

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, out of home, level 3	W8004	U4 & U1	54	540	1 day	\$512.09	\$484.90	\$453.17
	W8014	U4 & U1	54	540	15 min.	\$7.94	\$7.52	\$7.02
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4 & U1	54	540	1 day	\$1,062.91	\$1,006.47	\$940.63
		TD & U4 & U1						
		TE & U4 & U1						
	W8015	U4 & U1	54	540	15 min.	\$16.46	\$15.59	\$14.57
		TD & U4 & U1						
		TE & U4 & U1						

Fiscal Impact

It is anticipated that there will not be an additional cost to the Commonwealth in FY 2015-2016 and subsequent years as a result of continuing the established FY 2014-2015 MA Fee Schedule Rates in FY 2015-2016. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact associated with this notice is estimated.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCTY.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@state.pa.us, use subject header "PN Fee Schedule."

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-957. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 15-1216. Filed for public inspection June 26, 2015, 9:00 a.m.]

Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver-Funded and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System

The purpose of this notice is to announce the methodology used in the Prospective Payment System to develop rates, effective July 1, 2015, for residential habilitation eligible and transportation trip services, funded through the Consolidated and Person/Family Directed Support waivers and for the same service that is provided with base funding in a waiver-funded service location.

Rate-Setting Methodology for Residential Habilitation Eligible Services

Two methodologies were used to develop rates for residential habilitation eligible proposed payment rates. One applies to providers that chose to sign the addendum to the waiver provider agreement that was to be received by the Office of Developmental Programs no later than May 4, 2015 (hereafter referred to as the addendum). The other applies to providers that chose not to sign the addendum.

The following methodology applies to the residential habilitation eligible proposed payment rates for providers that chose to sign the addendum. The Fiscal Year (FY) 2015-2016 proposed rates for the residential habilitation

eligible services were developed from expenses reported in the approved Year 7 cost reports (based on the FY 2013-2014 Historical Expense Period) and authorizations included in the Home and Community Services Information Systems (HCSIS) as of December 31, 2014.

The following methodology applies to the residential habilitation eligible proposed payment rates for providers that chose not to sign the addendum. The FY 2015-2016 proposed rates for the residential habilitation eligible services were developed from expenses and utilization data reported in approved Year 7 cost reports (FY 2013-2014 Historical Expense Period), submitted by providers and approved in the desk review process, when the procedure codes and service locations in the cost reports were the same as those entered in the HCSIS Services and Supports Directory (SSD) as of December 31, 2014.

The FY 2015-2016 residential habilitation eligible proposed rates will be effective for services delivered on or after July 1, 2015, are subject to the adjustments described as follows, and are assigned at the Master Provider Index (MPI)—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Residential Outlier Review Process

For providers that chose to sign the addendum, the “total unit cost” for a provider and service is defined as the total expenses reported in the approved cost report for that provider and service divided by the total authorized units for that provider and service, including any applicable utilization adjustments. The total expenses are equal to Schedule A, Line 18 of the cost report. The total authorized units are equal to the number of authorizations included in HCSIS authorization as of December 31, 2014, with any applicable utilization adjustments based on a review of the available HCSIS data compared to cost report data and Provider Reimbursement and Operations Management Information System (PROMISE) data.

For providers that chose not to sign the addendum, the “total unit cost” for a provider and service is defined as the total expenses reported in the approved cost report for that provider and service divided by the total available units reported in the approved cost report for that provider and service. The total expenses are equal to Schedule A, Line 18. The total available units are equal to Schedule A, Line 19 (Units Available), including any applicable utilization adjustments based on a review of the cost report data compared to available HCSIS and PROMISE data.

For all providers, the Department identified and adjusted for outliers at the total unit cost level for each of the providers’ residential habilitation eligible services submitted in the Year 7 approved cost reports, as applicable. For all residential habilitation eligible services with 20 or more unique unit costs (unit costs by provider and service from separate, approved Year 7 cost reports), the Department applied the following process for each service:

- The average and standard deviation (SD) values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 7 cost report data.
- Total unit costs that were greater than the average plus one SD or that were less than the average minus two SD were flagged as outliers.
- Total unit costs that were flagged as outliers were subject to a review, as described as follows.

Total Unit Cost Review

For all providers, the Department performed a standardized review of all total unit cost outliers to ensure consistency across this Commonwealth. The review consisted of an evaluation of the Individual Support Plans (ISP) for waiver participants receiving services at the service locations impacted by the outlier unit cost. The review allowed the Department to determine whether the outlier unit cost was justified (such as an individual with complex needs) and the following was applied:

- Total unit cost outliers that were supported by the ISP reviews were not adjusted.
- Total unit cost outliers that were greater than the average unit cost plus one SD and were not supported by the ISP reviews were adjusted to the maximum unit cost from an approved Year 7 cost report below the average plus one SD for that service.
- Total unit cost outliers that were less than the average minus two SD and that were not supported by the ISP reviews were adjusted to the minimum unit cost from an approved Year 7 cost report above the average minus two SD for that service.

For all residential habilitation eligible services with fewer than 20 unique unit costs, the Department did not perform the standardized outlier review on the total unit costs since there were not enough data points available to produce statistically valid ranges. However, the Department did perform a review of the unit costs for these services in an effort to standardize payment rates across services. The review consisted of a comparison of the following:

- Other unit costs for that service, as applicable.
- The average unit cost and range of unit costs for similar services with 20 or more unit costs.
- The FY 2014-2015 Statewide average unit cost for that service based on FY 2014-2015 approved cost report data and any utilization adjustment made.

If based on the review, a unit cost appeared unreasonably high or low; the Department reviewed the ISPs for the individuals receiving services at the service locations impacted by the high/low unit cost to determine if the unit costs were justified. Based on these reviews, no adjustments were made.

Retention Factor

The retention factor solely applies to providers that chose to sign the addendum. The retention factor is a percentage addition to the provider’s calculated FY 2015-2016 residential habilitation eligible rates. The retention factor can be up to a maximum of 2% of the difference between FY 2015-2016 unit cost and FY 2014-2015 unit costs, if the total unit cost for a service decreased from the provider’s FY 2014-2015 unit cost. The application of the retention factor cannot cause the provider’s FY 2015-2016 rate to exceed the provider’s prior year’s PROMISE paid rate. Providers shall bill the retention factor separately from the residential eligible rate using the approved procedure codes and modifiers. At this time, the retention factor only includes the applicable state portion. The Department will adjust the retention factor to include the Federal share if approval is received from the Centers for Medicare and Medicaid Services (CMS).

Vacancy Factor

An adjusted vacancy factor was incorporated into the FY 2015-2016 proposed rates to recognize that providers may not deliver services at full capacity. The vacancy

factor adjusts the full capacity rate to account for days when the residential provider cannot bill due to a participant not receiving services. The provider cannot bill for days where a participant is not receiving services, but rather is paid a higher rate for days when the participant is receiving services.

The following vacancy factor applies to providers that chose to sign the addendum. After the unit costs for each residential habilitation eligible service were adjusted through the outlier review process a vacancy factor of 96% was applied to provider's payment rates to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$104.17 ($\$100/0.96$) after the vacancy factor was applied.

The following vacancy factor applies to providers that chose not to sign the addendum. After the unit costs for each residential habilitation eligible service were adjusted through the outlier review process, a vacancy factor of 97% was applied to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$103.09 ($\$100/0.97$) after the vacancy factor was applied. The 97% vacancy factor was based on an analysis of historical PROMISE utilization data.

Enhanced Communication Services

The Enhanced Communication Services modifier, U1, is available for residential habilitation eligible services. Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services Rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeaf Services@pa.gov.

Transportation Trip Services

The FY 2015-2016 proposed rates for transportation trip services were developed from expenses and utilization data reported in approved Year 7 transportation cost reports that are based on the FY 2013-2014 historical expense period, when the procedure codes submitted by providers are the same as those entered in the SSD as of March 31, 2015. The FY 2015-2016 transportation trip proposed rates will be effective for services delivered July 1, 2015, through June 30, 2016, are subject to the adjustments described as follows, and are assigned at the MPI—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Transportation Trip Outlier Review Process

The "total unit cost" for a provider and transportation trip service is defined as total expenses reported in the approved transportation cost report for that provider and service divided by the total utilization reported in the approved transportation cost report for that provider and service. The total expenses are equal to Schedule A, Line 12 (total net expenses). The total utilization is equal to Schedule A, Line 13. These proposed rates reflect consideration for trips with and without aides (as reported by the provider), which means each provider will be paid one payment rate for each trip service (that is, there will not be separate rates for trips with an aide versus without an aide).

The Department reviewed the development of each transportation trip unit cost submitted in approved transportation cost reports for accuracy and reasonableness, and to ensure compliance with Department's allowable cost policies. To support the Department's efforts to continue to standardize rates for similar services, the Department reviewed unit costs that were at the upper or lower end of the range of unit costs for each transportation trip service.

Cost of Living Adjustment (COLA)

After the unit costs for each residential habilitation eligible and transportation trip service were adjusted as previously described, a total COLA of 0.00% was applied to establish each provider's proposed rates for FY 2015-2016 (prior to application of the rate adjustment factor (RAF)).

RAF

The Department did not apply a RAF to the residential eligible proposed rates.

Rate Assignment Process

- For the FY 2015-2016 residential eligible and transportation trip services, the Department assigned proposed payment rates to providers with approved Year 7 cost reports and Year 7 transportation cost reports using the following methodology:

- The provider's cost-based payment rate for existing services and service locations submitted in the cost reports, based on the methodology previously described.
- The average of the provider's cost-based payment rates for an existing service at a new service location if the provider submitted cost report data for that service at other service locations.
- The area adjusted average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2013-2014.

The Department assigned payment rates to existing providers who do not have approved Year 7 cost reports based on the following methodology:

- The lowest payment rates calculated based on all approved cost reports for providers using the methodology previously described for an existing service for which the provider delivered at any service location in FY 2013-2014.
- The area adjusted average payment rate calculated based on all approved cost reports for providers using the methodology previously described for a new service for which the provider did not deliver at any service location in FY 2013-2014.

The Department assigned to new providers who did not provide any services in FY 2013-2014 the area adjusted average payment rate calculated based on all approved cost reports for providers using the methodology previously described.

All proposed payment rates for all waiver-funded services are contingent on the final budget enacted by the General Assembly and approval of the waiver amendments submitted to CMS. The proposed payment rates should be used to process claims submitted to the PROMISE in electronic format for services provided until a notice announcing final rates is published.

Fiscal Impact

It is anticipated that there will be an approximate cost to the Commonwealth of \$63.677 million (\$35.309 million State funds) in FY 2015-2016 and two subsequent fiscal years.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCTY.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@state.pa.us, use subject header "PN PPS Methodology."

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-966. (1) General Fund;

(7) Intellectual Disabilities—Community Base Program; (2) Implementing Year 2014-15 is \$0; (3) 1st Succeeding Year 2015-16 and 2nd Succeeding Year 2016-17 are \$34,754,000; 3rd Succeeding Year 2017-18 through 5th Succeeding Year 2019-20 are \$18,260,000; (4) 2013-14 Program—\$1,026,000,000; 2012-13 Program—\$931,885,000; 2011-12 Program—\$854,863,000;

(7) Intellectual Disabilities—Community Waiver Program; (2) Implementing Year 2014-15 is \$0; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$555,000; (4) 2013-14 Program—\$150,918,000; 2012-13 Program—\$151,223,000; 2011-12 Program—\$158,194,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

The increased costs anticipated for the Base Program will be absorbed within the current proposed funding levels. The increased costs associated with the Waiver Program appropriation have been incorporated into the funding amount reflected in the Governor's Executive Budget for FY 2015-2016.

[Pa.B. Doc. No. 15-1217. Filed for public inspection June 26, 2015, 9:00 a.m.]

DEPARTMENT OF REVENUE

Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (Act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the Act (10 P. S. § 376(a)(1) and (2)) for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the Act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.
- (13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.
- (14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.
- (15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.
- (16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.
- (17) Effective July 1, 2015—Program Service Revenues—\$11,843,045.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1218. Filed for public inspection June 26, 2015, 9:00 a.m.]

Pennsylvania The Wizard of Oz™ Instant Lottery Game; Change to Game Rules

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania The Wizard of Oz™ instant lottery game rules that were published at 45 Pa.B. 1465 (March 21, 2015) and amended at 45 Pa.B. 2798 (June 6, 2015).

The first amendment to the Pennsylvania The Wizard of Oz™ instant lottery game rules failed to state in section 10 that the non-winning drawing entries from The Wizard of Oz™ Grand Prize Drawing #1 shall be entered into The Wizard of Oz™ Grand Prize Drawing #2. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 45 Pa.B. 1465—1470, and amended at 45 Pa.B. 2798—2800:

* * * * *

10. *Second-chance drawing:* Pennsylvania Lottery's Second-Chance Game for The Wizard of Oz (hereafter, the "Game").

* * * * *

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

* * * * *

(4) The Lottery will conduct two Grand Prize Drawings from among all the entries received during the entry period. All The Wizard of Oz™ Grand Prize Drawings entries received after 11:59:59 p.m. March 22, 2015, through 11:59:59 p.m. June 11, 2015, will be entered into The Wizard of Oz™ Grand Prize Drawing #1. The first entry selected in the Grand Prize Drawing #1 will be the winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000, less required federal income tax withholding. This prize shall be paid as a lump-sum cash payment. The drawing will occur between June 12, 2015 and June 16, 2015. All The Wizard of Oz™ Grand Prize Drawings entries received after 11:59:59 p.m. June 11, 2015, through 11:59:59 p.m. August 27, 2015, will be entered into The Wizard of Oz™ Grand Prize Drawing #2. Additionally, the non-winning entries from The Wizard of Oz™ Grand Prize Drawing #1 will be entered into The Wizard of Oz™ Grand Prize Drawing #2. The first entry selected in the Grand Prize Drawing #2 will be the winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000, less required federal income tax withholding. This prize shall be paid as a lump-sum cash payment. The drawing will occur between August 28, 2015 and September 1, 2015.

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EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1219. Filed for public inspection June 26, 2015, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Pennsylvania Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, July 1, 2015—Data Systems Committee Conference Call at 10 a.m. and Thursday, July 16, 2015—Council Meeting at 10 a.m.

The meetings will be accessible at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 15-1220. Filed for public inspection June 26, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Lisa J. Gilchrist; Doc. No. SC15-06-010

Notice is hereby given of the Order to Show Cause issued on June 17, 2015, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(1), (2), (17) and (20) and 678-A(b) of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(1), (2), (17) and (20) and 310.78(b)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1221. Filed for public inspection June 26, 2015, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Section 1307(e) Reconciliation Statement Pilot Program

Public Meeting held
June 11, 2015

Commissioners Present: Gladys M. Brown, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Robert F. Powelson; Pamela A. Witmer

Section 1307(e) Reconciliation Statement Pilot Program;
Doc. No. M-2013-2345492

Final Implementation Order

By the Commission:

On July 1, 2013, the Pennsylvania Public Utility Commission (Commission) implemented a one-year pilot program (the Pilot Program or the Pilot) intended to streamline administrative procedures governing the filing and review of Section 1307(e) reconciliation statements. See Section 1307(e) Reconciliation Statement Pilot Program, Doc. M-2013-2345492 (Order entered May 9, 2013); see 66 Pa.C.S. § 1307(e). On June 30, 2014, the Commission, upon noting the success of the Pilot, extended the Pilot Program for an additional year through July 1, 2015. Through this final order, we make permanent the Section 1307(e) Reconciliation Statement Pilot Program.

Background

Automatic Adjustment Clauses

Section 1307 of the Public Utility Code sets forth procedures governing automatic adjustment clauses. 66 Pa.C.S. § 1307. An automatic adjustment clause is a cost recovery mechanism in a tariff provision that is intended to allow a public utility to recover, outside the context of a base rate case, certain variable operating costs, such as fuel or purchased power. Historically, Commission review of automatic adjustment clauses was a four-step process. First, the Commission reviewed a Section 1307(a) automatic adjustment clause proposed by the utility, approving a final version of the clause via Public Meeting action. See 66 Pa.C.S. § 1307(a). Second, the Commission reviewed subsequent automatic adjustment clause rate change filings. Third, the Commission reviewed and held an in-person, evidentiary hearing regarding the Section 1307(e) reconciliation statements and, absent any issues, approved via Public Meeting action. Fourth, the Commission conducted audits of reconciliation statements and, upon completion, the Bureau of Audits issued a public report via either Public Meeting action or via Secretarial Letter pursuant to delegated authority. The Two-Year Pilot Program streamlined administrative procedures governing Step Three: review of Section 1307(e) reconciliation statements.

History of the Section 1307(e) Reconciliation Statement Process

Section 1307 of the Public Utility Code is a ratemaking provision that involves automatic adjustment reports and proceedings. 66 Pa.C.S. § 1307. Section 1307 was designed to provide utilities with a method to increase or decrease rates to reflect changes in specific costs in an efficient manner without the extensive filing requirements and review process of a traditional base rate case.¹

¹ See *National Fuel Gas Distribution Corp. v. Pa. Public Utility Commission*, 473 A.2d 1109, 1117—1119 (Pa. Cmwlth. 1984) (describing the legislative intent behind

The specifics of a utility's automatic adjustment clause, such as the date of the reconciliation period, are contained in the utility's tariff. Section 1307(e)(1) requires public utilities using an automatic adjustment clause to annually file a statement showing revenues received and expenses incurred pursuant to the automatic adjustment clause within 30 days following the end of the 12-month period specified in the tariff. 66 Pa.C.S. § 1307(e)(1). The Code requires the Commission to "hold a public hearing" within 60 days of the filing of the reconciliation statement. 66 Pa.C.S. § 1307(e)(2). Within 60 days of that hearing, the Commission is required to issue an order directing refunds of over-collections to the utility's patrons or recovery of under-collections from the utility's patrons. Section 1307(e)(3). In actuality, these orders did not direct refunds or recovery in the vast majority of cases because the refund or recoupment of the over/under collection amounts in reconciliations had already been provided for as part of the automatic adjustment clause rate change filings that occur outside the Section 1307(e) reconciliation process. Thus, absent any issues raised pertaining to the utility's use of the automatic adjustment clause, those orders regarding the reconciliation statements became mere administrative formalities providing no additional substance or necessary legal effect.

Upon receiving a reconciliation statement required by Section 1307(e)(1), the Commission assigns the matter to the Bureau of Audits (Audits) to review the statement and verify mathematical accuracy and compliance with the tariff. Audits prepared a hearing exhibit and summary of the filing for the Bureau of Investigation and Enforcement (I&E). I&E then filed a notice of appearance in the Office of Administrative Law Judge (OALJ) proceeding. Parties could object to and challenge the reconciliation statement in writing. OALJ scheduled and held a hearing. An I&E attorney attended, sometimes with and an Audits employee who was occasionally sworn in as a witness. A utility's attorney would also attend with a witness. Several hearings were often held consecutively on the same day. The assigned Administrative Law Judge (ALJ) admitted the reconciliation statement into record on motion of the utility or I&E. I&E offered a statement into evidence indicating that acceptance of the statement is subject to further review as to accuracy or reasonableness of the underlying transactions. The ALJ then issued a recommended decision and accepted the filing insofar as it was undisputed, noting that it is subject to further review and revision as may be necessary as a result of an audit or other proceeding. The ALJ also noted that acceptance did not constitute approval of accuracy or reasonableness of underlying transactions. Finally, the Commission adopted the recommended decision through an order at Public Meeting. Since reconciliation statements were rarely contested, the Commission decided to embark on the Section 1307(e) Pilot Program.

Procedural History of This Proceeding

In an effort to save time and resources for the Commission and interested parties, the Commission issued a Tentative Order on February 28, 2013 proposing a one-year pilot program with streamlined procedures governing the filings of Section 1307(e) reconciliation statements. See Section 1307(e) Reconciliation Statement Pilot Program, Doc. M-2013-2345492 (Tentative Order entered Feb. 28, 2013).

Section 1307 of the Public Utility Code and emphasizing the Commission's power to "[design] detailed procedures by which a utility shall translate a mandatory rate adjustment mechanism prescribed by the Commission into particular customer charges".

In its Tentative Order, the Commission proposed eliminating an evidentiary hearing, a recommended decision, and Commission Public Meeting action regarding Section 1307(e) reconciliation statements when there is no material issue of fact in dispute. When there is no material issue of fact in dispute, the Commission proposed foregoing the evidentiary hearing process and instead issuing a Secretarial Letter accepting the reconciliation statement. When there is a material issue of fact in dispute or other challenge that requires an evidentiary hearing, the Commission proposed that OALJ, after hearing and briefing, issue an initial decision rather than a recommended decision. If no exceptions are filed and no Commission review is requested, the initial decision would become final by operation of law. This would eliminate the need for the Commission to act at a subsequent Public Meeting.

The Energy of Association of Pennsylvania (EAP) filed comments in response to the February 28, 2013 Tentative Order, concerned that the statutory language in the Public Utility Code may require a traditional, in-person hearing for the review of all 1307(e) reconciliation statements. See 66 Pa.C.S. § 1307(e)(2)—(3). Therefore, EAP suggested a statutory amendment would be the ideal course of action. The OCA in comments stressed that since Section 1307(e) reconciliation statements serve an important role in setting just and reasonable rates, any pilot program intended to streamline the process should ensure that all rights remain protected in accordance with due process and the Public Utility Code.

The Commission entered an order on May 9, 2013, which directed the implementation of the Section 1307(e) Reconciliation Statement Pilot Program for a one-year pilot period, effective for statements filed on or after July 1, 2013. See Section 1307(e) Reconciliation Statement Pilot Program, Doc. M-2013-2345492 (Implementation Order entered May 9, 2013). The Commission implemented the Pilot Program, as proposed in the Tentative Order, except that the Commission would issue a recommended decision instead of an initial decision when an interested party files written objections to a Section 1307(e) reconciliation statement filing. In the May 9, 2013 order, the Commission also provided a thorough legal framework responding to the due process concerns raised by EAP and the OCA. See *id.* at 5-8. The Commission also clarified that the Pilot Program would encompass all non-Section 1307(f) automatic adjustment clause tariff filings, including Section 1358 Distribution System Improvement Charges. See 66 Pa.C.S. § 1358(e).

On June 30, 2014, the Commission, upon noting the success of the Pilot, extended the Pilot Program for an additional year through July 1, 2015.

Discussion

During the Two-Year Pilot Program, the Commission eliminated an evidentiary hearing, a recommended decision, and Commission Public Meeting action for Section 1307(e) reconciliation statements when there is no material issue of fact in dispute. When there was no material issue of fact in dispute, the Commission would not hold an trial-type evidentiary hearing, and instead issued a Secretarial Letter accepting the reconciliation statement as to the statement's mathematical accuracy, subject to further review and revision as may be necessary as a result of an audit or other proceeding.

If there was a material issue of fact in dispute or other challenge, the Commission would provide parties with 30 days to file objections. The OALJ would have conducted

an evidentiary hearing and briefing, followed by the issuance of a recommended decision. The recommended decision would have been acted on by the Commission at a Public Meeting.

During the two year pilot program, the Commission and stakeholders saved significant financial and human resources. First, we will provide a legal framework for due process. Next, we will discuss the results and benefits of the two-year pilot program, including the costs and resources saved.

Legal Framework For Due Process

Determining the adequacy of particular due process procedures requires balancing the interests of a party in receiving certain procedural protections against the government's interest in proceeding without those protections. *Pa. Coal Mining Assoc. v. Ins. Dept.*, 370 A.2d 685, 689, 691 (Pa. 1977) (citing *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)). The protections already provided by current procedures will be considered in determining whether due process requires more procedures. *Id.* at 692 (citing *Boddie v. Conn.*, 401 U.S. 371, 378 (1971)). Notice, the most basic requirement of due process, should be reasonably calculated to inform interested parties of the pending action and to provide interested parties with an opportunity to present objections. *Id.* at 692-93.

In regard to hearings, the Pennsylvania Supreme Court has explained that while oral proceedings may be necessary for determinations likely to turn on witness credibility, written objections may be adequate when economic or statistical questions are at issue. *Id.* at 693 (citing *Matthews v. Eldridge*, 424 U.S. 319, 342 (1976)). If there is an absence of disputed facts and a lack of specific language in the statute requiring an oral hearing, the Commission's use of a "paper" hearing does not violate due process. *Diamond Energy v. Pa. PUC*, 653 A.2d 1360, 1367 (Pa. Cmwlth. 1995). The Commonwealth Court determined that a hearing or trial procedure is only necessary to resolve disputed questions of fact and is not required to decide questions of law, policy, or discretion. *Id.*; see also *Painter v. Pa. Public Utility Commission*, ___A.3d___, 2015 WL 2137628 (Pa. Cmwlth. May 8, 2015).

Additionally, the substance and not the form of the Commission action indicates whether the Commission has entered a final, definitive order. *Dept. of Highways v. Pa. Public Utility Commission*, 149 A.2d 552, 555 (Pa. Super. 1959) (determining that a letter issued by the Commission denying the reopening of a case had the effect of a law of an order); *West Penn Power v. Pa. PUC*, 100 A.2d 110, 113 (Pa. Super. 1953) (finding that a 'release' issued by the Commission had the same force of law as a Commission order based upon the substance of the release). Therefore, so long as a Commission Secretarial Letter orders, directs, or requires a party to do something, a Secretarial Letter will have the same equivalent force of law as a Commission Order. By reverse implication, if a Secretarial Letter does not order, direct, or require a party to do something, the Secretarial Letter will not have the force of law.

Due Process Concerns Regarding the Public Hearing Requirement in Section 1307(e)(2)

Because the Section 1307(e) reconciliation statement hearing process had become one of form with no real substance, the Commission proposed eliminating a trial-type evidentiary hearing and Public Meeting action regarding Section 1307(e) reconciliation statements when there is no material issue of fact in dispute. The Commis-

sion determined that its interest in eliminating those additional procedures is greater than proceeding with those procedures. See *Pa. Coal Mining*, 370 A.2d at 689, 691.

Section 1307(e) does require the Commission to “hold a public hearing” within 60 days of the filing of the reconciliation statement and to issue an “order” within 60 days of that hearing. 66 Pa.C.S. § 1307(e)(2)—(3). The EAP had expressed concern that the statute requires an oral, evidentiary trial-type hearing and the issuance of an order instead of a Secretarial Letter regardless of whether material factual issues have been raised. However, in the Commission’s judgment, requiring an oral, evidentiary trial-type hearing (and the issuance of an order instead of a Secretarial Letter regardless of whether material factual issues have been raised) is an overly restrictive, formalistic, and impractical reading of Section 1307(e).² Importantly, the Pilot Program fulfilled the basic due process requirements of providing interested parties with (1) adequate notice and (2) an opportunity to be heard and file objections.

Furthermore, the adjective “public” does not necessarily connote a physical, in-person presence. The Commonwealth Court has invoked the common, ordinary definition of “public” as “accessible to or shared by all members of the community.” *Council of Middletown Twp. v. Benham*, 496 A.2d 1293, 1296 (Pa. Cmwlth. 1985) (aff’d 523 A.2d 311 (Pa. Mar 23, 1987)). *Black’s Law Dictionary* similarly defines “public” as “open or available for all to use, share, or enjoy.” *Black’s Law Dictionary* (10th Ed. 2014). Therefore, as to the Section 1307(e)(2) “public hearing” requirement, the Commission reasonably interpreted a “public hearing” in Section 1307(e)(2) as an accessible, public forum that provides interested parties with an opportunity to be heard and to file objections, if desired. Indeed, it would be an unreasonable interpretation of Section 1307(e) to require an in-person, oral hearing when no factual issues or even objections have been raised regarding the reconciliation statement, after adequate notice has been provided to all interested parties.

During the Pilot Program, the Commission required a public utility to file the reconciliation statement with the Commission and serve the OCA, the Office of Small Business Advocate, and I&E. The Commission publicized the filing online at the Commission’s web site. Interested parties had 30 days to file objections. Therefore, public notice was reasonably calculated to inform interested parties of the filing and provided interested parties with an opportunity to present written objections. See *Pa. Coal Mining*, 370 A.2d at 692-693.

Here, written objections were sufficient since only arithmetic computations would have potentially been at issue and not matters of witness credibility. See *Pa. Coal Mining*, 370 A.2d at 693. As in *Diamond Energy*, the Commission does not violate due process by holding a “paper” or electronic hearing since an oral, trial-type hearing is only necessary to resolve disputed questions of fact. 653 A.2d at 1367. Therefore, the Commission’s procedures in the Pilot Program satisfied legal due process requirements.³

² The Rules of Statutory Construction provide that the object of all interpretation of statutes is “to ascertain and effectuate the intention of the General Assembly.” 1 Pa.C.S. § 1921(a). Where the words of a statute are clear and free from ambiguity, one must not look beyond the text to glean legislative intent. 1 Pa.C.S. § 1921(b); *Com v. McCoy*, 599 Pa. 599, 610 (2009). Importantly, we note here that, where there is ambiguity, the language should not be interpreted in a manner that would be “absurd, impossible of execution or unreasonable.” 1 Pa.C.S. § 1922(1).

³ The Commission is not aware of any due process concerns that arose during the two-year Section 1307(e) Reconciliation Statement Pilot Program.

Resource Benefits of the Two-Year Pilot Program

During the two year pilot program, the Commission and stakeholders saved significant financial and human resources by foregoing Section 1307(e) reconciliation statement hearings.

Since the inception of the 1307(e) Pilot Program in July 2013 through May 2015, the Commission’s Bureau of Audits processed 190 Section 1307(e) reconciliation statements. No complaints or other objections were filed against any of the statements as to any material factual issues. Moreover, the Commission has not received any negative comments, problems, or concerns from the utilities or interested parties concerning the lack of a formal, in-person hearing process to address Section 1307(e) statements. The Commission believes that the 1307(e) Pilot Program is working well and should be made permanent, as it streamlines the process and reduces the efforts needed and resources expended by the Office of Administrative Law Judge, the Bureau of Investigation & Enforcement, the Secretary’s Bureau, and the attorneys and witnesses of the utilities.

The Bureau of Audits has saved resources, as Audits no longer needs to assign a staff auditor to work with I&E to serve as a witness (as necessary), prepare a hearing exhibit, and attend a formal hearing. These savings have been partially offset by Audits’ new responsibility to prepare, for service by the Secretary’s Bureau, a Secretarial Letter accepting the 1307(e) statement subject to further review and revision as may be found necessary as the result of a subsequent Commission audit or some other proceeding. However, this saves time for the Secretary’s Bureau. The Bureau of Investigation of Enforcement no longer needs to send an attorney to work with a witness to prepare an exhibit and attend a formal hearing. The Secretary’s Bureau has also saved mailing and postage costs by not having to serve recommended decisions.

The Office of Administrative Law Judge has saved substantial resources by not having to process, schedule, coordinate, and hold Section 1307(e) reconciliation statement hearings. In 2012, the Office of Administrative Law Judge was responsible for conducting approximately 82 Section 1307(e) hearings. The Office strove to schedule multiple hearings on one day, but sometimes only one hearing could be scheduled on a particular day. The average hearing lasted 15 minutes, consisting of a ten page transcript. Commission employees at a hearing included the presiding administrative law judge, an I&E attorney, and I&E’s technical witness from the Bureau of Audits. Usually, an expert witness would also be present with the utility’s attorney. A court reporter, who transcribes the oral hearing, charged an appearance fee of \$45 for one of the last held hearings in 2013. The minimum additional charge was \$70, even if the transcript only came out to \$25 at a rate of \$2.50 per page. If multiple hearings were held on one day, an additional appearance fee would not be replicated, but the \$70 minimum charge would be replicated. Under an estimate that the Office of Administrative Law Judge incurred \$90 on average in fees per Section 1307(e) hearing for 82 hearings, then approximately \$7,380 was incurred per year to hold 1307(e) hearings. The Office also saved postage costs by not having to mail hearing notices and pre-hearing orders. That \$7,380 also does not include a monetary estimate of apportioned salaries and rates of Commission employees who expended their time and resources, during, before, and after a hearing on tasks such as case processing, case presiding, decision drafting, and decision review.

Notably, today the Commission no longer has to utilize its employees to execute a rather formalistic, non-substantive function; rather, the Commission can utilize its employees to tend to substantive matters involving actual disputes and issues. Likewise, utilities may reallocate their resources elsewhere and save money on attorney and witness fees. While difficult to monetize the precise value of costs saved due to variables in hours expended at various hourly rates, a rough, conservative estimate indicates that Commission staff expended roughly 30 hours per hearing for 82 hearings in 2012, resulting in an approximate value of \$80,000 annually in employee wages. In the 2014-2015 fiscal year the Commission utilized a Labor, Tax, and Benefit Load Factor of 60.07%, which accounts for personnel costs beyond payroll.⁴ Therefore, processing, preparing, and holding Section 1307(e) hearings and subsequently issuing recommended decisions likely cost the Commission, in terms of human resources and other expenses, at least \$135,000—\$140,000 annually.

Conclusion

Consistent with the above discussion, we will move forward and permanently implement the Section 1307(e) Reconciliation Statement Pilot Program. The Commission will no longer require a trial-type evidentiary hearing, a recommended decision, and Commission Public Meeting action regarding Section 1307(e) reconciliation statements when there is no material issue of fact in dispute. When there is no material issue of fact in dispute, the Commission will forego the trial-type evidentiary hearing process and issue a Secretarial Letter accepting the reconciliation statement as to the statement's mathematical accuracy, subject to further review and revision as may be necessary as a result of an audit or other proceeding.

When there is a material issue of fact in dispute or other challenge, the OALJ will conduct an evidentiary hearing, hear testimony, and accept briefs on the contested issues. The Commission will issue a recommended decision instead of an initial decision when an interested party has filed written objections to a Section 1307(e) reconciliation statement filing. A person or party must file a written objection within thirty (30) days to challenge a Section 1307(e) reconciliation statement. The recommended decision will then be acted on by the Commission at Public Meeting.

The Commission finds that permanently implementing the Section 1307 Reconciliation Statement Pilot Program is in the public interest; *Therefore,*

It Is Ordered That:

1. The respective Commission bureaus and offices permanently implement the above-noted procedures governing the filing and review of Section 1307(e) reconciliation statements as set forth in this Order.
2. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at www.puc.pa.gov.
3. A copy of this Order be served on the appropriate stakeholders in this matter, including all natural gas, electric, steam, water, and wastewater public utilities, the

⁴ The benefit load factor has increased in recent years from 47.90% in 2011-2012 to 67.90% in 2015-2016, primarily due to increases in healthcare costs and pension contributions. Here, we utilize the 60.07% benefit load factor from 2014-2015 as a conservative estimate in case those costs would fluctuate down at some point in the future.

Bureau of Investigation and Enforcement, the Bureau of Audits, the Office of Administrative Law Judge, the Office of Consumer Advocate, and the Office of Small Business Advocate.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1222. Filed for public inspection June 26, 2015, 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 July 13, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2015-2481532 (Corrected). Gan Eden Transportation Solutions, LLC (603 Chess Street, Pittsburgh, Allegheny County, PA 15211) for the right to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Indiana, Lawrence, Washington and Westmoreland, to Allegheny County Airport, Arnold Palmer Airport and Pittsburgh International Airport. *Attorney:* Gusty Sunseri, Esquire, Gusty AE Sunseri & Associates, PC, 1290 Freeport Road, Pittsburgh, PA 15238.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2015-2483632. Michael Maier, t/a Eveco Transp Svcs d/b/a Maier's Relocation Svc. Co. (2107 North Rockhill Road, Sellersville, PA 18960) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2015-2485995. Keith D. Snyder, t/a Punxsutawney Bus Company (65 Pleasant Hollow Road, Punxsutawney, Jefferson County, PA 15767) discontinuance of service and cancellation of the certificate, to

transport, as a common carrier, by motor vehicle, persons, on schedule, as more thoroughly described in the original ordering paragraphs at A-00089003, Folders 1, 2 and 3, et al.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1223. Filed for public inspection June 26, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due July 13, 2015, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Evergreen Trails Inc t/a Horizon Coach Lines; Docket No. C-2015-2479013

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 responsibilities. 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 Evergreen Trails Inc, t/a Horizon Coach Lines, (respondent) is under suspension effective April 17, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 4500 W Marginal Way SW, Seattle, WA 98106.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 19, 2013, at A-6415555.
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 or files an answer in compliance with the attached notice and/or 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-6415555 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: 4/28/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 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 Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

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 either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Oehme Carrier
Corp.; Docket No. C-2015-2479230**

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 responsibilities. 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 Oehme Carrier Corp., (respondent) is under suspension effective April 01, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 220, Lititz, PA 17543-0220.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 22, 1987, at A-00107327.

4. That respondent has failed to maintain evidence of Cargo 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 or files an answer in compliance with the attached notice and/or 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-00107327 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: 4/28/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 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 Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

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 either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Get-A-Way Tours LP; Docket No. C-2015-2479448

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 responsibilities. 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 Get-A-Way Tours LP, (respondent) is under suspension effective April 19, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6 Chatham Hill Rd, Stroudsburg, PA 18360.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 06, 2009, at A-6411177.

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 or files an answer in compliance with the attached notice and/or 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-6411177 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: 4/29/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 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 Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

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 either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Movers USA, Inc.; Docket No. C-2015-2480621

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 responsibilities. 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 Movers USA, Inc., (respondent) is under suspension effective April 11, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 4615 Hollins Ferry Road, Suite F, Halethorpe, MD 21220.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 03, 2006, at A-00121180.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo 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 or files an answer in compliance with the attached notice and/or 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-00121180 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: 5/11/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 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 Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

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Michael L. Swindler, First Deputy Chief
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

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
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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 either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

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 penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1224. Filed for public inspection June 26, 2015, 9:00 a.m.]

THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Adoption of Amendment 3 to the 7th Edition Sentencing Guidelines

On April 11, 2015, the Pennsylvania Commission on Sentencing published a proposed Amendment to the 7th Edition Sentencing Guidelines in the *Pennsylvania Bulletin*, in accordance with 42 Pa.C.S.A. § 2155(a)(1), and held public hearings on May 13, 2015 (Philadelphia), May 15, 2015 (Pittsburgh), and June 3, 2015 (Harrisburg).

On June 4, 2015, the Commission on Sentencing adopted Amendment 3 to the 7th Edition Sentencing Guidelines, which is published in Annex A pursuant to 42 Pa.C.S.A. § 2155(a)(2).

The 7th Edition Sentencing Guidelines, which the Commission adopted on September 13, 2012, apply to all offenses committed on or after their effective date of December 28, 2012. Amendment 1 of the 7th Edition Sentencing Guidelines was adopted on June 6, 2013 and became effective September 27, 2013; Amendment 2 of the 7th Edition Sentencing Guidelines was adopted on June 5, 2014 and became effective September 26, 2014.

The Commission subsequently adopted this third amendment to the 7th Edition Sentencing Guidelines to primarily address a legislative mandate to create a sentencing enhancement for offenses involving human trafficking (Act 105 of 2014). Additionally, offense gravity scores are assigned to several new offenses.

The Amendment to the 7th Edition Sentencing Guidelines as adopted by the Commission is summarized below and included in Annex A.

Commentary on Annex A

This Commentary provides selected highlights of the adopted Amendment to the guidelines. The adopted Amendment is set forth in Annex A.

Revisions to 303.1—Sentencing guideline standards

The 7th Edition Sentencing Guidelines, Amendment 2, were effective September 26, 2014. They are applicable to all offenses committed on or after that date.

Reporting requirement added. Effective for all sentences imposed on or after January 1, 2016, all subsequent revocations of probation, county intermediate punishment and state intermediate punishment and related resentences shall be reported to the Commission. The revocation/resentencing module has been available for use by counties since November 30, 2011; this new reporting requirement, authorized by 42 Pa.C.S. § 2153(a)(10) & (14), will support the development of guidelines for resentencing, mandated by 42 Pa.C.S. § 2154.4.

Revisions to 303.2—Procedure for determining the guideline sentence

No changes.

Revisions to 303.3—Offense gravity score (general)

No changes.

Revisions to 303.4—Prior record score (categories)

No changes.

Revisions to 303.5—Prior record score (prior convictions)

No changes.

Revisions to 303.6—Prior record score (prior juvenile adjudications)

No changes.

Revisions to 303.7—Prior record score (guideline points scoring)

No changes.

Revisions to 303.8—Prior record score (miscellaneous)

No changes.

Revisions to 303.9—Guideline sentence recommendations (general)

One enhancement is added.

Human Trafficking Enhancement is created pursuant to the legislative mandate in Act 105 of 2014. It requires an increase in the offense gravity score assignment when the violation related to trafficking or involuntary servitude involves certain other factors.

Revisions to 303.10—Guideline sentence recommendations (enhancements)

Human Trafficking Enhancement is added (see 303.9).

Revisions to 303.11—Guideline sentence recommendations (sentencing levels)

No changes.

Revisions to 303.12—Guideline sentence recommendations (sentencing programs)

No changes.

Revisions to 303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)

No changes.

Revisions to 303.14—Guideline sentence recommendations (economic sanctions)

Editorial corrections are made to reflect updated statutory references.

Revisions to 303.15—Offense listing

New or modified offenses:

18 Pa.C.S.A.

§§ 3011 to 3016. Human Trafficking

§ 3124.3. Sexual Assault by Sports Official, Volunteer or Employee of Non-Profit

§ 3131. Unlawful Dissemination of Intimate Image

§ 3503. Criminal Trespass

§ 3935. Theft of secondary metal

§ 5511.2. Illegal to Torture Police Animals

23 Pa.C.S.A.

§ 6319. Failure to Report or Refer Suspected Child Abuse

§ 6346. Willful Failure to Cooperate

35 P. S.

§ 780-113(a)(30). Controlled Substances (Other Schedule I drugs)

Resource Utilization

In accordance with 42 Pa.C.S.A. § 2153(a)(15), the Commission is required to determine resources required under current guidelines (7th Edition Amendment 2, effective September 26, 2014) and resources that would be required to carry out Amendment 3.

Changes to the sentencing guidelines may be in response to legislation enacted by the General Assembly or may be initiated by the Commission. The majority of changes contained in Amendment 3 are in response to the legislative mandate to create a sentencing enhancement for offenses involving human trafficking and the enactment of new offenses. The Commission subcategorized § 780-113(a)(30), Controlled Substances (Other Schedule I drugs) by weight.

Resource utilization can only be completed where reliable data are available. Given the human trafficking sentencing enhancement and offenses as noted under 303.15 are new, sentencing information is not available upon which to determine resource utilization.

Effective Date

The 7th Edition Amendment 3 Sentencing Guidelines shall become effective 90 days after publication in the *Pennsylvania Bulletin* unless disapproved by the General Assembly, pursuant to 42 Pa.C.S.A. § 2155(b). If not disapproved, the 7th Edition Amendment 3 Sentencing Guidelines will take effect September 25, 2015 and shall apply to all sentences for offenses committed on or after that date.

PROFESSOR STEVEN L. CHANENSON,
Chair

Annex A**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS****PART VIII. CRIMINAL SENTENCING****CHAPTER 303. SENTENCING GUIDELINES****§ 303.1. Sentencing guidelines standards.**

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

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

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

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

(2) The initial sentencing guidelines went into effect on July 22, 1982 and applied to all crimes committed on or after that date. Amendments to the guidelines went into effect in June 1983, January 1986 and June 1986. On October 7, 1987 the Pennsylvania Supreme Court invalidated the guidelines due to a procedural error that occurred in 1981 when the legislature rejected the first set of guidelines. New guidelines were drafted and became effective on April 25, 1988. Amendments to the guidelines went into effect August 9, 1991 and December 20, 1991. Revised sets of guidelines became effective August 12, 1994, June 13, 1997, June 3, 2005, December 5, 2008, and December 28, 2012. **[An Amendment] Amendments** to the guidelines went into effect September 27, 2013 **and September 26, 2014.**

(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)] (e)(1) 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.

(2) Effective for sentences imposed on or after January 1, 2016, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to report all subsequent revocations of probation, county intermediate punishment and state intermediate punishment and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

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

§ 303.2. Procedure for determining the guideline sentence.

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

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

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

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including Deadly Weapon Enhancement, Youth/School Enhancement, Criminal Gang Enhancement, and Third Degree Murder of a Victim Younger than Age 13 Enhancement (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

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

§ 303.3. Offense Gravity Score—general.

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

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

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

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

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

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

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

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score applicable.

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

(1) *Exception for prescription pills.* For violations of 35 P.S. § 780-113(a)(12), (a)(14), and (a)(30) involving nar-

cotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Score is applied in the following circumstances:

(1) when the offense is not otherwise listed in § 303.15, or

(2) when the grade or statutory maximum sentence of an offense listed in § 303.15 has changed, unless application of this section would result in a lower Offense Gravity Score for an increased grading or statutory maximum sentence of the offense.

Where the definition of an offense listed in § 303.15 is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score shall apply.

The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

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

(g) The Offense Gravity Score of 15 is assigned only for first and second degree murder when committed by offenders under age 18.

§ 303.4. Prior Record Score—categories.

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

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

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

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

§ 303.5. Prior Record Score—prior convictions.

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

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

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

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

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

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

§ 303.6. Prior Record Score—prior juvenile adjudications.

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

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

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

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

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

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

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

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

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

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

§ 303.7. Prior Record Score—guideline points scoring.

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

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

Murder, and attempt, solicitation or conspiracy to commit Murder

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

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

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

Ethnic Intimidation to any Felony 1 offense

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

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

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

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

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

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

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

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

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

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

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

Involuntary Manslaughter

Simple Assault (against child under 12 years of age by adult 18 years of age or older)

Luring a Child into a Vehicle

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

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

Recruiting Criminal Gang Members

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

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

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses, including a first lifetime conviction for

Driving Under the Influence of Alcohol or a Controlled Substance or Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, are designated by an "m" in the offense listing at § 303.15, and are scored as follows:

- (i) One point is added if the offender was previously convicted of two or three misdemeanors.
- (ii) Two points are added if the offender was previously convicted of four to six misdemeanors.
- (iii) Three points are added if the offender was previously convicted of seven or more misdemeanors.

§ 303.8. Prior Record Score—miscellaneous.

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

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

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

(d) *Former Pennsylvania offenses.*

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

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

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

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

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

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

(3) When there is no current equivalent Pennsylvania offense, determine the current equivalent Pennsylvania

grade of the offense based on the maximum sentence permitted, and then apply § 303.8(d)(2).

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

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

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

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

§ 303.9. Guideline sentence recommendation: general.

(a)(1) *Basic sentence recommendations.* Guideline sentence recommendations are based on the Offense Gravity Score and Prior Record Score. In most cases, the sentence recommendations are found in the Basic Sentencing Matrix (§ 303.16(a)). The Basic Sentencing Matrix specifies a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(2) *Sentences for offenders under age 18 for murder, murder of unborn child, or murder of law enforcement officer.* If an offender is under age 18 years at the time of the offense and the conviction occurred after June 24, 2012, the court has no authority to impose a sentence less than that required by the mandatory minimum provision established in statute and may impose a minimum sentence up to and including life (18 Pa.C.S. § 1102.1). If the court determines the convicted offender was under age 18 at the time of the offense and the conviction occurred after June 24, 2012, the court shall instead consider the Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder (§ 303.16(b)).

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

(c) *Youth/School Enhancement sentence recommendations.* If the court determines that an offender violated the drug act pursuant to § 303.10(b), the court shall consider the applicable matrix in 303.18, related to Youth, School, or Youth and School Enhancements. When applying the Youth Enhancement, 6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the School Enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When the Youth and School Enhancement is applied, 18 months are added to the bottom of the standard range and 36

months are added to the upper limit of the standard range. The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

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

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

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

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

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

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

(j) *Criminal Gang Enhancement sentence recommendations.* If the court determines that either a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a violation of possession with intent to deliver as defined in 35 P.S. § 780-113(a)(30) is committed in association with a criminal gang, the court shall instead consider the Criminal Gang Enhancement. The enhancement specifies a range

of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

(k) *Third Degree Murder of a Victim Younger than Age 13 Enhancement sentence recommendations.* If the court determines that the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the Third Degree Murder of a Victim Younger than Age 13 Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Third Degree Murder of a Victim Younger than Age 13 Enhancement adds 24 months to the lower limit of the standard range and assigns the statutory limit as the upper limit of the standard range. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(l) *Sexual Abuse of Children Enhancement sentence recommendations.* If the court determines that aggravating circumstances described in § 303.10(e) are present, the court shall instead consider the applicable Sexual Abuse of Children Enhancement related to number of images possessed by the offender or the nature and character of the abuse depicted:

(1) *When applying enhancement based on the number of images possessed by the offender.* If the offender possessed more than 50 images to 200 images, 6 months are added to the lower limit of the standard range and 6 months are added to the upper limit of the standard range. If the offender possessed more than 200 images to 500 images, 12 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. If the offender possessed more than 500 images, 18 months are added to the lower limit of the standard range and 18 months are added to the upper limit of the standard range.

(2) *When applying enhancement based on the nature and character of the abuse depicted.* The Offense Gravity Score is one point higher than the assignments for 18 Pa.C.S. § 6312 (relating to sexual abuse of children) listed in § 303.15.

(3) *When applying enhancement when both aggravating circumstances are present.* The court shall consider the enhancement with the higher sentence recommendation.

(m) *Arson Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(f) are present, the court shall instead consider the Arson Enhancement. When the Arson Enhancement is applied, the Offense Gravity Score is one point higher than the assignments listed for 18 Pa.C.S. § 3301 (relating to arson) in § 303.15.

(n) *Human Trafficking Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(g) are present, the court shall instead consider the Human Trafficking Enhancement. When the Human Trafficking Enhancement is applied, the Offense Gravity Score assignments listed for 18 Pa.C.S. § 3011 (relating to trafficking in individuals) and § 3012 (relating to involuntary servitude) in § 303.15 are increased by one point for each addi-

tional factor listed. The points for each factor (§ 303.10(g)(1)—(4)) shall be cumulative, for a maximum of four points.

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17(a)). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

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

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

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

(2) When the court determines that the offender used a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Used Matrix (§ 303.17(b)). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual:

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

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

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

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

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

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

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

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

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

(viii) Violations of the Pennsylvania Uniform Firearms Act

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

(x) If the Arson Enhancement under § 303.10(f)(1)(iii) is applied.

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

(b) *Youth/School Enhancement.*

(1) When the court determines that the offender distributed a controlled substance to a person or persons under the age of 18, the court shall consider the range of sentences described in § 303.9(c).

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

(3) When the court determines both (b)(1) and (b)(2) apply, the court shall consider the sentence recommendations described in § 303.9(c).

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

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

(c) *Criminal Gang Enhancement.*

(1) When the court determines that the offender committed a crime of violence as defined in 42 Pa.C.S. § 9714(g) in association with a criminal gang, the court shall instead consider the sentence recommendations described in § 303.9(j).

(2) When the court determines that the offender committed a violation of possession with intent to deliver as defined in 35 P. S. § 780-113(a)(30) in association with a criminal gang, the court shall instead consider the sentence recommendations described in § 303.9(j).

(3) The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.

(d) *Third Degree Murder of a Victim Younger than Age 13 Enhancement.*

(1) When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the sentence recommendations described in § 303.9(k).

(2) Third Degree Murder of a Victim Younger than Age 13 Enhancement shall apply to each violation which meets the criteria above.

(3) The sentence imposed will be served consecutive to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(e) *Sexual Abuse of Children Enhancement.*

(1) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the offender possessed more than 50 images, the court shall instead consider the sentence recommendations described in § 303.9(l)(1). For purposes of this enhancement, the number of images is defined as follows:

(i) Each photograph, picture, computer generated image, or any similar visual depiction shall be considered to be one image.

(ii) Each video, video-clip, movie, or similar visual depiction shall be considered to have 50 images.

(2) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the abuse depicted in the images possessed by the offender were of a sexual or violent nature or character, the court shall instead consider the sentence recommendations described in § 303.9(l)(2). This enhancement shall apply to any image possessed by the offender which portrays or contains any of the following:

(i) the bondage of a child;

(ii) a weapon used in a sexual context;

(iii) penetration or attempted penetration of a child; or
 (iv) an act which would constitute a crime under 18 Pa.C.S. Chapter 25 (relating to criminal homicide), 18 Pa.C.S. Chapter 27 (relating to assault) or 18 Pa.C.S. Chapter 31 (relating to sexual offenses).

(3) Sexual Abuse of Children Enhancement shall apply to each violation which meets the criteria above.

(f) *Arson Enhancement.*

(1) When the court determines that one or more of the following factors relating to arson as defined in 18 Pa.C.S. § 3301 are present, the court shall instead consider the sentence recommendations described in § 303.9(m):

(i) more than three persons were present inside the property at the time of the offense;

(ii) the fire caused more than \$1,000,000 in property damage; or

(iii) the actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting paramilitary training).

(2) Arson Enhancement shall apply to each violation which meets the criteria above.

(g) *Human Trafficking Enhancement.* When the court determines that the offender committed a violation of human trafficking as defined in 18 Pa.C.S. § 3011 (trafficking in individuals) or § 3012 (involuntary servitude) and any of the following factors were present and not otherwise included in the offense gravity score assignment in § 303.15, the court shall instead consider the sentence recommendations as described in § 303.9(n):

(1) the offender committed a violation involving sexual servitude;

(2) the victim was a minor less than 18 years of age;

(3) an additional point is added if the victim was a minor less than 13 years of age;

(4) in the course of committing a violation, the offender also violated one or more of the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping); or

18 Pa.C.S. § 3121 (relating to rape); or

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

§ 303.11. Guideline sentence recommendation: sentencing levels.

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

(b) *Sentencing levels.* The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

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

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

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

Total confinement in a county facility

Partial confinement in a county facility

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

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

(3) *Level 3*—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or County Intermediate Punishment, but in all cases permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. Included in Level 3 are those offenses for which a mandatory minimum sentence of 12 months or less applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

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

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

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

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

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

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility pursuant to 42 Pa.C.S. § 9762(b). The standard range is defined as having a lower limit of incarceration of 12 months or greater but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, pursuant to 42 Pa.C.S. § 9762(b), and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

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

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

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

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

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

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

Total confinement in a state facility

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

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

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

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

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

§ 303.12. Guideline sentence recommendations: sentencing programs.

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

(1) *Eligibility.*

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

37 Pa. Code § 451.1 et seq.

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

204 Pa. Code § 303.8 and § 303.9

(ii) Sentence recommendations which include an option of County Intermediate Punishment for certain offenders are designated in the guideline matrices.

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

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

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

(i) Restrictive Intermediate Punishments (RIP) either:

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

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

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

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

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

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

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

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

(i) Restorative sanction programs:

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

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

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

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

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

(A) if the offender is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) a sentence to

county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

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

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

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

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

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: 61 Pa.C.S. Chapter 39.

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

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

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

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for State Intermediate Punishment: 61 Pa.C.S. Chapter 41.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) In no case where the Criminal Gang Enhancement is applied may the mitigated sentence recommendation be lower than 12 months.

(9) In no case where the Third Degree Murder of a Victim Younger than Age 13 Enhancement is applied may the mitigated sentence recommendation be lower than 96 months.

(10) In no case shall a mitigated sentence for offenders under age 18 for murder of the first or second degree, murder of unborn child of the first or second degree, or murder of law enforcement officer of the first or second degree be less than the mandatory minimum established in statute (18 Pa.C.S. § 1102.1).

(11) In no case where the Sexual Abuse of Children Enhancement involving number of images is applied may the mitigated sentence recommendation be lower than 6 months for possession of greater than 50 to 200 images, be lower than 12 months for possession of greater than 200 to 500 images, and be lower than 18 months for greater than 500 images.

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

§ 303.14. Guideline sentence recommendations-economic sanctions.

(a) *Fines.*

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

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

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

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

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

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

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

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

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

(A) *OGS 1*

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

(B) *OGS 2*

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

(C) *OGS 3*

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

(D) *OGS 4*

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

(E) *OGS 5*

- i. PRS 0 225 hours-250 hours

(b) *Costs and fees.*

(1) Costs and fees [**may**] **shall** be added to any guideline sentence, as [**authorized**] **required** 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.)]

(i) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation Fund and Victim Witness Services Fund costs)

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

(iii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fee)

(iv) 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs)

(vii) 42 Pa.C.S. § 9728(b.2) (relating to mandatory payment of costs)

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

(i) 18 Pa.C.S. § 1109 (relating to costs)

(ii) 42 Pa.C.S. § 1725 (relating to establishment of fees and charges)

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

(iv) 42 Pa.C.S. § 1725.2 (relating to assumption of summary conviction costs by county)

(v) 42 Pa.C.S. § 1726.1 (relating to forensic exam costs for sexual offenses)

(vi) 42 Pa.C.S. § 1726.2 (relating to criminal prosecutions involving domestic violence)

(vii) 42 Pa.C.S. § 9728(g) (relating to costs, etc.)

(c) *Restitution.*

(1) Restitution shall be added to any guideline sentence, as [**authorized**] **required** 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)]

(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 Pa.C.S. § 1107.1 (relating to restitution for identity theft)

(iv) 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories)

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

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

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

§ 303.15. Offense Listing.

CRIMES CODE OFFENSES

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
901	Criminal attempt (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal solicitation (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal conspiracy (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing instruments of crime (criminal instruments)	M-1	3	m
907(b)	Possessing instruments of crime (weapon)	M-1	4	1
907(c)	Possessing instruments of crime (unlawful body armor)	F-3	5	1
908(a)	Prohibited offensive weapons	M-1	4	1
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	8	2
908.1(a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	5	1
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	7	2
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	4	1
909(a)	Manufacture/etc.-master key for motor vehicle	M-1	3	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	8	2
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	4	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	4	m
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	8	2
911(b)(1)	Corrupt organizations	F-1	8	3
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	8	3
911(b)(3)	Corrupt organizations-employee participation	F-1	8	3
911(b)(4)	Corrupt organizations-conspire	F-1	8	3
912(b)	Possession of weapon on school property	M-1	4	1
913(a)(1)	Possession of weapon in court facility	M-3	1	m
913(a)(2)	Possession of weapon in court facility (intend for crime)	M-1	3	1
2102(a)(1)	Desecration of flag (marks or writing)	M-3	1	m
2102(a)(2)	Desecration of flag (public view of defiled flag)	M-3	1	m
2102(a)(3)	Desecration of flag (manufactures for advertisement)	M-3	1	m
2102(a)(4)	Desecration of flag (defile/mutilate)	M-3	1	m
2103	Insults to national or Commonwealth flag	M-2	2	m
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(a)	Murder-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2502(a)	Murder-1st degree (offender 15-<18 yrs)	Murder of 1st Degree	15	4
2502(a)	Murder-1st degree (offender <15 yrs)	Murder of 1st Degree	15	4
2502(b)	Murder-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2502(b)	Murder-2nd degree (offender 15-<18 yrs)	Murder of 2nd Degree	15	4
2502(b)	Murder-2nd degree (offender <15 yrs)	Murder of 2nd Degree	15	4
2502(c)	Murder-3rd degree	F-1	14	4
2502(c)	Murder-3rd degree (victim <13 yrs)	F-1	14	4
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	11	4
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	11	4
2503(b)	Voluntary manslaughter (believe justified)	F-1	11	4
2504(a)	Involuntary manslaughter (victim <12 yrs)	F-2	8	2
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter	M-1	6	1
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	14	4
2505(a)	Suicide, causing (as homicide/vol manslaughter)	F-1	11	4
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	6	1
2505(a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs)	F-2	8	2
2505(a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv)	M-1	8	1
2505(b)	Suicide, aiding or soliciting (positive result)	F-2	6	2
2505(b)	Suicide, aiding or soliciting (no result)	M-2	2	m
2506(a)	Drug delivery resulting in death	F-1	13	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	14	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2507(a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2507(a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2507(a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2507(b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2507(b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2507(c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	14	4
2507(c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	14	4
2507(c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	14	4
2507(d)	Manslaughter of law enforcement officer (2nd degree)	F-2	9	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2604(a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2604(a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2604(c)(1)	Murder of unborn child-3rd degree	F-1	14	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	11	4
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	11	4
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	10	3
2701(a)(1)	Simple assault-attempt/cause BI	M-2	3	m
2701(a)(1)	Simple assault-attempt/cause BI (against child <12 by adult >=18)	M-1	4	1
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	1	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	3	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18)	M-1	4	1
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	1	m
2701(a)(3)	Simple assault-cause fear of SBI	M-2	3	m
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult >=18)	M-1	4	1
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	1	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	3	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18)	M-1	4	1
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	1	m
2702(a)(1)*	Aggravated assault-cause SBI	F-1	11	4
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	10	3
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	11	4
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	10	3
2702(a)(3)	Aggravated assault-cause BI to police/enumerated persons	F-2	6	2
2702(a)(4)	Aggravated assault-cause BI w/ deadly weapon	F-2	8	2
2702(a)(5)	Aggravated assault-cause BI to teacher, etc	F-2	6	2
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	6	2
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	6	2
2702(a)(8)	Aggravated assault-attempt/cause BI (against child <6 by person >=18)	F-2	7	2
2702(a)(9)*	Aggravated assault-cause SBI (against child <13 by person >=18)	F-1	12	4
2702(a)(9)*	Aggravated assault-attempt SBI (against child <13 by person >=18)	F-1	11	4
2702.1(a)	Assault of law enforcement officer-discharge firearm (1st degree)	F-1	13	4
2703(a)	Assault by prisoner	F-2	7	2
2703.1	Aggravated harassment by prisoner	F-3	6	1
2704	Assault by life prisoner	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	14	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly endangering another person	M-2	3	m
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	3	m
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	1
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	3	m
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	1
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	3	m
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	1
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	3	m
2707(b)	Propulsion of missiles onto a roadway	M-2	2	m
2707.1(a)	Discharge of firearm into an occupied structure	F-3	10	1
2708(a)	Use of tear gas in labor dispute	M-1	3	m
2709(a)(1)	Harassment-subject other physical contact (prev. violation of order)	M-3	1	m
2709(a)(2)	Harassment-follow in public place (prev. violation of order)	M-3	1	m
2709(a)(3)	Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)	M-3	1	m
2709(a)(4)	Harassment-lewd communication	M-3	1	m
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	1	m
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	1	m
2709(a)(7)	Harassment-repeated communication: other	M-3	1	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712(a)	Assault-sports official	M-1	3	m
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	10	3
2713(a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	4	m
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	10	3
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	4	m
2714	Unauthorized administration of intoxicant	F-3	8	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	m
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	2
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	m
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	1
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	4
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	13	4
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	13	4
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	13	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(2)	Terrorism-influence govt (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(2)	Terrorism-influence govt (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2717(a)(2)	Terrorism-influence govt (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2901(a)(1)	Kidnapping-for ransom (victim >=18 yrs)	F-1	10	4
2901(a)(2)	Kidnapping-to facilitate a felony (victim >=18 yrs)	F-1	10	4
2901(a)(3)	Kidnapping-to inflict terror, BI (victim >=18 yrs)	F-1	10	4
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs)	F-1	10	4
2902(a)(1)	Unlawful restraint-risk SBI	M-1	3	m
2902(a)(2)	Unlawful restraint-involuntary servitude	M-1	3	m
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs)	F-2	8	2
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs)	F-2	8	2
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs)	F-2	8	2
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs)	F-2	8	2
2903(a)	False imprisonment (victim >=18 yrs)	M-2	2	m
2903(b)	False imprisonment (victim <18 yrs)	F-2	8	2
2903(c)	False imprisonment by parent (victim<18 yrs)	F-2	7	2
2904(a)	Interfere with custody of children	F-3	6	1
2904(a)	Interfere with custody of children-good cause/time <24 hrs.	M-2	3	m
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	8	2
2905(a)	Interfere with custody of committed person	M-2	4	m
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	2	m
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	m
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	m
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	m
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	2	m
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	m
2906(a)(4)	Criminal coercion-threaten official act	M-2	2	m
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	m
2907	Disposition of ransom	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	1
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	1
2910(a)	Luring child into motor vehicle/structure	M-1	5	1
2910	Luring a child into motor vehicle/structure (child <13 yrs)	F-2	8	2
[3002(a)]	[Trafficking of persons]	[F-2]	[9]	[2]
[3002(a)]	[Trafficking of persons (victim <18 yrs)]	[F-1]	[10]	[4]
[3002(a)]	[Trafficking of persons-w/ BI]	[F-1]	[10]	[4]
3011(a)(1)	Human trafficking-trafficking in individuals (recruits, entices, solicits, harbors, etc.)	F-2	9 [7 omnibus]	2
3011(a)(2)	Human trafficking-trafficking in individuals (knowingly benefits financially)	F-2	9 [7 omnibus]	4
3011(b)	Human trafficking-trafficking in minors (activities in (a) result in minor's sexual servitude)	F-1	12 [8 omnibus]	4
3012(b)(1)*	Human trafficking-involuntary servitude (cause serious harm)	F-1	10 [8 omnibus]	3
3012(b)(1)*	Human trafficking-involuntary servitude (threaten serious harm)	F-1	9 [8 omnibus]	3
3012(b)(2)*	Human trafficking-involuntary servitude (physically restrain another)	F-1	10 [8 omnibus]	3
3012(b)(2)*	Human trafficking-involuntary servitude (threaten to physically restrain another)	F-1	9 [8 omnibus]	3
3012(b)(3)*	Human trafficking-involuntary servitude (kidnap)	F-1	11 [8 omnibus]	4
3012(b)(3)*	Human trafficking-involuntary servitude (attempt to kidnap)	F-1	10 [8 omnibus]	3
3012(b)(4)*	Human trafficking-involuntary servitude (abuse legal process)	F-1	10 [8 omnibus]	3
3012(b)(4)*	Human trafficking-involuntary servitude (threaten to abuse legal process)	F-1	9 [8 omnibus]	3
3012(b)(5)	Human trafficking-involuntary servitude (taking/retaining personal property)	F-1	10 [8 omnibus]	3
3012(b)(6)	Human trafficking-involuntary servitude (unlawful conduct of documents)	F-1	10 [8 omnibus]	3
3012(b)(7)	Human trafficking-involuntary servitude (extortion)	F-1	10 [8 omnibus]	3
3012(b)(8)	Human trafficking-involuntary servitude (fraud)	F-1	10 [8 omnibus]	3
3012(b)(9)	Human trafficking-involuntary servitude (criminal coercion)	F-1	10 [8 omnibus]	3
3012(b)(10)*	Human trafficking-involuntary servitude (duress through force)	F-1	10 [8 omnibus]	3
3012(b)(10)*	Human trafficking-involuntary servitude (duress through threat of force)	F-1	9 [8 omnibus]	3
3012(b)(11)	Human trafficking-involuntary servitude (debt coercion)	F-1	10 [8 omnibus]	3
3012(b)(12)	Human trafficking-involuntary servitude (facilitate/restrict access to controlled substance)	F-1	10 [8 omnibus]	3

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3012(b)(13)	Human trafficking-involuntary servitude (cause believe harm/restraint to another)	F-1	10 [8 omnibus]	3
3013(a)	Human trafficking-patronizing victim of sexual servitude	F-2	10 [7 omnibus]	2
3014(1)	Human trafficking-unlawful conduct regarding documents (passport/other immigration document)	F-3	6 [5 omnibus]	1
3014(2)	Human trafficking-unlawful conduct regarding documents (government ID document)	F-3	6 [5 omnibus]	1
3015(a)(1)	Human trafficking-nonpayment of wages (<\$2,000)	M-3	2 [1 omnibus]	m
3015(a)(2)(i)	Human trafficking-monpayment of wages (=>\$2,000)	F-3	6 [5 omnibus]	1
3015(a)(2)(ii)	Human trafficking-nonpayment of wages (2nd/subsq. violation)	F-3	6 [5 omnibus]	1
3015(a)(2)(iii)	Human trafficking-nonpayment of wages (falsely denies amount due or validity of claim)	F-3	6 [5 omnibus]	1
3016	Human trafficking-obstruction of justice; interfere with enforcement of Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30
3121(a)(1)	Rape-forcible compulsion	F-1	12	4
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(2)	Rape-threat of forcible compulsion	F-1	12	4
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(3)	Rape-unconscious victim	F-1	12	4
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	13	4
3121(a)(4)	Rape-substantially impaired victim	F-1	12	4
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	13	4
3121(a)(5)	Rape-mentally disabled victim	F-1	12	4
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	13	4
3121(c)	Rape-child (victim <13 yrs)	F-1	14	4
3121(d)	Rape-child w/ SBI (victim <13 yrs)	F-1	14	4
3122.1(a)(1)	Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older)	F-2	7	2
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older)	F-2	8	2
3122.1(b)	Statutory sexual assault-victim <16 yrs (person >=11 yrs older)	F-1	9	3
3123(a)(1)	IDSI-forcible compulsion	F-1	12	4
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	12	4
3123(a)(3)	IDSI-unconscious victim	F-1	12	4
3123(a)(4)	IDSI-substantially impaired victim	F-1	12	4
3123(a)(5)	IDSI-mentally disabled victim	F-1	12	4
3123(a)(7)	IDSI-victim <16 yrs (person >=4 yrs older)	F-1	12	4
3123(b)	IDSI-child (victim <13 yrs)	F-1	14	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3123(c)	IDSI-child w/ SBI (victim <13 yrs)	F-1	14	4
3124.1	Sexual assault	F-2	11	4
3124.2(a)	Institutional sexual assault-generally	F-3	6	1
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs)	F-3	6	1
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	6	1
3124.2(a.3)	Institutional sexual assault-by child care volunteer/employee	F-3	6	1
3124.3(a)	Sexual assault by sports official of non-profit association	F-3	6 [5 omnibus]	1
3124.3(b)	Sexual assault by volunteer or employee of non-profit association	F-3	6 [5 omnibus]	1
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	10	4
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	4
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	4
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	4
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	4
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	4
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	4
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	4
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	4
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	4
3125(a)(7)	Aggravated indecent assault-victim <13 yrs	F-2	10	4
3125(a)(8)	Aggravated indecent assault-victim <16 yrs (person ≥4 yrs older)	F-2	10	4
3126(a)(1)	Indecent assault-w/o consent	M-2	4	m
3126(a)(2)	Indecent assault-forcible compulsion	M-1	5	m
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	5	m
3126(a)(4)	Indecent assault-unconscious victim	M-1	5	m
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	5	m
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	5	m
3126(a)(7)	Indecent assault-victim <13 yrs	M-1	5	1
3126(a)(7)	Indecent assault-victim <13 yrs (2nd/subsq)	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/course of conduct	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's	F-3	6	1
3126(a)(8)	Indecent assault-victim <16 yrs (person ≥4 yrs older)	M-2	4	m
3127(a)	Indecent exposure	M-2	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3127(a)	Indecent exposure-victim <16 yrs	M-1	4	1
3129	Sexual intercourse with animal	M-2	2	m
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	5	1
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	5	1
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	5	1
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	5	1
3131(a)	Unlawful dissemination of intimate image (person depicted is minor <18 yrs)	M-1	3 [omnibus]	m
3131(a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs)	M-2	2 [omnibus]	m
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	10	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	9	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause SBI to civilian)	F-1	11	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause BI to firefighter, etc.)	F-1	11	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	10	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	9	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause SBI to civilian)	F-1	11	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause BI to firefighter, etc.)	F-1	11	4
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to civilian	F-1	10	4
3301(a.1)(1)(i)*	Aggravated arson-cause BI to civilian	F-1	11	4
3301(a.1)(1)(i)*	Aggravated arson-attempt SBI to civilian	F-1	11	4
3301(a.1)(1)(i)*	Aggravated arson-cause SBI to civilian	F-1	12	4
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to firefighter, etc.	F-1	11	4
3301(a.1)(1)(i)*	Aggravated arson-cause BI to firefighter, etc.	F-1	12	4
3301(a.1)(1)(ii)	Aggravated arson-other felony arson (when person present inside property)	F-1	10	4
3301(a.1)(2)	Aggravated arson-fire/explosion causes death of any person	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
3301(a.2)(1)	Arson of historic resource-w/ intent (fire/explosion)	F-2	7	2
3301(a.2)(2)	Arson of historic resource-aids/pays (fire/explosion)	F-2	7	2
3301(c)(1)	Arson endangering property-intent to destroy unoccupied bldg	F-2	6	2
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	6	2
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	6	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg)	F-3	5	1
3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	5	1
3301(e)(1)	Arson-failure to control/report (duty)	M-1	3	m
3301(e)(2)	Arson-failure to control/report (own property)	M-1	3	m
3301(f)	Arson-possess explosive material (intent to use)	F-3	5	1
3301(g)	Arson-failure to disclose true owner	M-3	1	m
3302(a)	Catastrophe-causing (intentionally)	F-1	10	3
3302(a)	Catastrophe-causing (recklessly)	F-2	6	2
3302(b)	Catastrophe-risking	F-3	4	1
3303(1)	Failure to prevent catastrophe-duty	M-2	2	m
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000)	F-3	5	1
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000)	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$500)	M-3	1	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	5	1
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	2	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	1	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	5	1
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	2	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	1	m
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	5	1
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	2	m
3304(a)(4)	Criminal mischief-graffiti (>\$150)	M-3	1	m
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	5	1
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	2	m
3304(a)(5)	Criminal mischief-damage property (>\$500)	M-3	1	m
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	5	1
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	2	m
3304(a)(6)	Criminal mischief-paintball (>\$500)	M-3	1	m
3305	Tampering w/ fire apparatus/hydrants	M-3	1	m
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	5	1
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	2	m
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	2	m
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	2	m
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	5	1
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	2	m
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	2	m
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	2	m
3309(a)	Agricultural vandalism (>\$5,000)	F-3	5	1
3309(a)	Agricultural vandalism (>\$1,000)	M-1	3	m
3309(a)	Agricultural vandalism (>\$500)	M-2	2	m
3309(a)	Agricultural vandalism (<=\$500)	M-3	1	m
3310(a)	Agricultural crop destruction	F-2	7	2
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-1)	F-1	14	4
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-1)	F-1	14	4
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)

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3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-3)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	3	m
3313(a)	Illegal dumping of methamphetamine waste	F-3	5	1
3502(a)(1)	Burglary-home/person present	F-1	9	4
3502(a)(2)	Burglary-home/no person present	F-1	7	3
3502(a)(3)	Burglary-not a home/person present	F-1	6	3
3502(a)(4)	Burglary-not a home/no person present	F-2	5	2
3502(a)(4)	Burglary-not a home/no person present (commit theft of drugs)	F-1	7	3
3503(a)(1)(i)	Criminal trespass-buildings	F-3	3	1
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	4	2
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	1	m
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	1	m
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	1	m
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	1	m
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	3	m
3503(b.1)(1)(iv)	Criminal trespass-simple trespasser (to take secondary metal)	M-1	3 [omnibus]	m
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	m

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3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	m
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	m
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	m
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	m
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	m
3504(b)	Railroad protection-stowaways prohibited	M-3	1	m
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	12	4
3701(a)(1)(i)	Robbery-inflicts SBI (drug-related)	F-1	13	4
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	10	4
3701(a)(1)(ii)	Robbery-threaten SBI (drug-related)	F-1	11	4
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	9	4
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2 (drug-related)	F-1	10	4
3701(a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	7	2
3701(a)(1)(iv)	Robbery-inflicts/threatens BI (drug-related)	F-1	8	3
3701(a)(1)(v)	Robbery-takes property by force	F-3	5	1
3701(a)(1)(v)	Robbery-takes property by force (drug-related)	F-1	6	3
3701(a)(1)(vi)	Robbery-demand money from financial institution	F-2	7	2
3702(a)*	Robbery of motor vehicle-with SBI	F-1	12	4
3702(a)*	Robbery of motor vehicle-without SBI	F-1	9	4
3921(a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (disaster)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (firearm)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (=>\$500,000)	F-1	8	3
3921(a)	Theft by unlaw taking-movable property (\$100,000-<\$500,000)	F-2	7	2
3921(a)*	Theft by unlaw taking-movable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3921(a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000)	F-3	5	1
3921(a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	2	m
3921(a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	1	m
3921(b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	8	2

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3921(b)	Theft by unlaw taking-immovable property (disaster)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (firearm)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (=>\$500,000)	F-1	8	3
3921(b)	Theft by unlaw taking-immovable property (\$100,000-<\$500,000)	F-2	7	2
3921(b)*	Theft by unlaw taking-immovable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3921(b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000)	F-3	5	1
3921(b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	2	m
3921(b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	1	m
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (=>\$500,000)	F-1	8	3
3922(a)(1)	Theft by deception-false impression (\$100,000-<\$500,000)	F-2	7	2
3922(a)(1)*	Theft by deception-false impression (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000)	F-3	5	1
3922(a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	2	m
3922(a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	1	m
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (=>\$500,000)	F-1	8	3
3922(a)(2)	Theft by deception-conceal information (\$100,000-<\$500,000)	F-2	7	2
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000)	F-3	5	1
3922(a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	2	m

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3922(a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	1	m
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (=>\$500,000)	F-1	8	3
3922(a)(3)	Theft by deception-fail to correct (\$100,000-<\$500,000)	F-2	7	2
3922(a)(3)	Theft by deception-fail to correct (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000)	F-3	5	1
3922(a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	2	m
3922(a)(3)	Theft by deception-fail to correct (<\$50/no threat)	M-3	1	m
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (=>\$500,000)	F-1	8	3
3923(a)(1)	Theft by extortion-commit crime (\$100,000-<\$500,000)	F-2	7	2
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000)	F-3	5	1
3923(a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(1)	Theft by extortion-commit crime (<\$50/no threat)	M-3	1	m
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (=>\$500,000)	F-1	8	3
3923(a)(2)	Theft by extortion-accuse of crime (\$100,000-<\$500,000)	F-2	7	2
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000)	F-3	5	1
3923(a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(2)	Theft by extortion-accuse of crime (<\$50/no threat)	M-3	1	m

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3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (>= \$500,000)	F-1	8	3
3923(a)(3)	Theft by extortion-expose secret (\$100,000-<\$500,000)	F-2	7	2
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000)	F-3	5	1
3923(a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	2	m
3923(a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	1	m
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (>= \$500,000)	F-1	8	3
3923(a)(4)	Theft by extortion-official action (\$100,000-<\$500,000)	F-2	7	2
3923(a)(4)*	Theft by extortion-official action (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000)	F-3	5	1
3923(a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	2	m
3923(a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	1	m
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (>= \$500,000)	F-1	8	3
3923(a)(5)	Theft by extortion-strike/boycott (\$100,000-<\$500,000)	F-2	7	2
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000)	F-3	5	1
3923(a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	2	m
3923(a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	1	m
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	8	2
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	8	2

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3923(a)(6)	Theft by extortion-testimony (=>\$500,000)	F-1	8	3
3923(a)(6)	Theft by extortion-testimony (\$100,000-<\$500,000)	F-2	7	2
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000)	F-3	5	1
3923(a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	2	m
3923(a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	1	m
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (=>\$500,000)	F-1	8	3
3923(a)(7)	Theft by extortion-inflict harm (\$100,000-<\$500,000)	F-2	7	2
3923(a)(7)	Theft by extortion-inflict harm (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000)	F-3	5	1
3923(a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	2	m
3923(a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	1	m
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	8	2
3924	Theft of property-lost/mislaid (firearm)	F-2	8	2
3924	Theft of property-lost/mislaid (=>\$500,000)	F-1	8	3
3924	Theft of property-lost/mislaid (\$100,000-<\$500,000)	F-2	7	2
3924*	Theft of property-lost/mislaid (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000)	F-3	5	1
3924	Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	3	m
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	2	m
3924	Theft of property-lost/mislaid (<\$50/no threat)	M-3	1	m
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	8	2
3925(a)	Theft by receiving stolen property (disaster)	F-2	8	2
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	9	3
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	8	2
3925(a)	Theft of receiving stolen property (=>\$500,000)	F-1	8	3

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3925(a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	7	2
3925*	Theft of receiving stolen property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000)	F-3	5	1
3925(a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	2	m
3925(a)	Theft by receiving stolen property (<\$50/no threat)	M-3	1	m
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	8	2
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	8	2
3926(a)(1)	Theft of services-obtain service (=>\$500,000)	F-1	8	3
3926(a)(1)	Theft of services-obtain service (\$100,000-<\$500,000)	F-2	7	2
3926(a)(1)*	Theft of services-obtain service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000)	F-3	5	1
3926(a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	1	m
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (=>\$500,000)	F-1	8	3
3926(a)(1.1)	Theft of services-obtain telecommunications (\$100,000-<\$500,000)	F-2	7	2
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000)	F-3	5	1
3926(a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	8	2
3926(b)	Theft of services-divert service (firearm)	F-2	8	2
3926(b)	Theft of services-divert service (=>\$500,000)	F-1	8	3

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3926(b)	Theft of services-divert service (\$100,000-<\$500,000)	F-2	7	2
3926(b)*	Theft of services-divert service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000)	F-3	5	1
3926(b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	3	m
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (<\$50/no threat)	M-3	1	m
3926(e)	Theft of services-transfer device/plan	M-3	1	m
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (=>\$500,000)	F-1	8	3
3927(a)	Theft by failure-req. disposition funds (\$100,000-<\$500,000)	F-2	7	2
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000)	F-3	5	1
3927(a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	2	m
3927(a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	1	m
3928(a)	Unauthorized use of auto	M-2	2	m
3928(a)	Unauthorized use of auto (disaster)	F-2	8	2
3929(a)(1)	Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	2	m
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	3	1
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	8	2
3929(a)(2)	Retail theft-alter price (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	2	m
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	3	1
3929(a)(2)	Retail theft-alter price (disaster)	F-2	8	2
3929(a)(3)	Retail theft-transfer container (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	2	m
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	3	1

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3929(a)(3)	Retail theft-transfer container (disaster)	F-2	8	2
3929(a)(4)	Retail theft-under-rings (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	2	m
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	3	1
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	8	2
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	3	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	8	2
3929.1(a)	Library Theft (1st/2nd off & >=\$150)	M-1	3	m
3929.1(a)	Library Theft (2nd off & <\$150)	M-2	2	m
3929.1(a)	Library Theft (3rd/Subsq off)	F-3	5	1
3929.2(a)	Unlawful possession-retail/library theft instruments	M-1	3	m
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	7	2
3929.3(a)	Organized retail theft (\$5,000-\$19,999)	F-3	6	1
3930(a)(1)	Theft of trade secrets-by force	F-2	7	2
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	7	2
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	7	2
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	5	1
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	5	1
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	5	1
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	2	m
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	1	m
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	8	2
3932(a)	Theft of leased property (firearm)	F-2	8	2
3932(a)	Theft of leased property (=>\$500,000)	F-1	8	3
3932(a)	Theft of leased property (\$100,000-<\$500,000)	F-2	7	2
3932(a)*	Theft of leased property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3932(a)*	Theft of leased property (>\$2,000-\$25,000)	F-3	5	1
3932(a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	3	m
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	2	m
3932(a)	Theft of leased property (<\$50/no threat)	M-3	1	m
3934(a)	Theft from a motor vehicle (3rd/subsq w/in 5 yrs)	F-3	6	1
3934(a)	Theft from a motor vehicle (>\$200)	M-1	3	m

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3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	2	m
3934(a)	Theft from a motor vehicle (<\$50)	M-3	1	m
3935(a)	Theft of secondary metal-value <\$50 (1st or 2nd offense)	M-3	1 [omnibus]	m
3935(a)	Theft of secondary metal-value \$50 to <\$200 (1st or 2nd offense)	M-2	2 [omnibus]	m
3935(a)	Theft of secondary metal-value \$200 to <\$1,000 (1st or 2nd offense)	M-1	3 [omnibus]	m
3935(a)	Theft of secondary metal-value =>\$1,000 (1st or 2nd offense)	F-3	5 [omnibus]	1
3935(a)	Theft of secondary metal (3rd or subsq offense)	F-3	5 [omnibus]	1
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(1)	Forgery-altered writing (will/deed/other legal doc)	F-3	3	1
4101(a)(1)	Forgery-altered writing (other)	M-1	3	m
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(2)	Forgery-unauthorized writing (will/deed/other legal doc)	F-3	3	1
4101(a)(2)	Forgery-unauthorized writing (other)	M-1	3	m
4101(a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(3)	Forgery-utter forged writing (will/deed/other legal doc)	F-3	3	1
4101(a)(3)	Forgery-utter forged writing (other)	M-1	3	m
4102	Simulating objects of antiquity	M-1	3	m
4103	Fraudulent destruction of recordable instruments	F-3	5	1
4104(a)	Tampering w/records or identification	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	1
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	m
4105(a)(1)	Bad checks—issues/passes check (\$500-<\$1,000)	M-2	2	m
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	m
4105(a)(1)	Bad checks—issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	1
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	5	1
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	m

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4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	1
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	3	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	5	1
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	4	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	3	m
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	5	1
4106(a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	4	m
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	3	m
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	5	1
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	2	m
4106.1(a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	6	1
4106.1(a)(2)	Unlawful device-making equipment (possesses)	M-1	4	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	3	m
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2

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4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	2	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	2	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	1

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4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	2	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107.1(a)	Deception relating to kosher food products	M-3	1	m
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	4	1
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	1
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	1
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	1
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	m
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	m
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	2	m
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	m
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	m
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	m
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	m
4110	Defrauding secured creditors	M-2	2	m
4111	Fraud in Insolvency	M-2	2	m
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	m
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	2	m
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	m
4112	Receiving deposits in failing financial institution	M-2	2	m
4113(a)	Misapplication of entrusted property (>\$50)	M-2	2	m
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	1	m

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4114	Securing execution of documents by deception	M-2	2	m
4115	Falsely impersonating persons privately employed	M-2	2	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	3	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	3	m
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	m
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	m
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	2
4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	m
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	1
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	m
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	1

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4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	1
4117(a)(2)	Insurance fraud-false insurance claim	F-3	4	1
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	4	1
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	4	1
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	4	1
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	4	1
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	4	1
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	4	1
4117(b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	3	m
4117(b)(2)	Insurance fraud-unlawful compensation by provider	M-1	3	m
4117(b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	3	m
4117(b)(4)	Insurance fraud-false insurance application	M-1	3	m
4118	Washing vehicle titles	F-3	4	1
4119(a)(1)	Trademark counterfeiting-mfr.	M-1	3	m
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(2)	Trademark counterfeiting-sells	M-1	3	m
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	3	m
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(4)	Trademark counterfeiting-displays	M-1	3	m
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(5)	Trademark counterfeiting-advertises	M-1	3	m
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(6)	Trademark counterfeiting-distributes	M-1	3	m
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1

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4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(7)	Trademark counterfeiting-transport	M-1	3	m
4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4120(a)	Identity theft (>=\$2,000)	F-3	5	1
4120(a)	Identity theft (<\$2,000)	M-1	3	m
4120(a)	Identity theft (3rd/subsq off)	F-2	7	2
4120(a)	Identity theft (furtherance of conspiracy)	F-3	5	1
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs/care-dependent)	F-3	5	1
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim <18 yrs)	F-3	5	1
4120(a)	Identity theft (>=\$2,000 and victim <18 yrs)	F-2	7	2
4120(a)	Identity theft (3rd/subsq off and victim <18 yrs)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim <18 yrs)	F-2	7	2
4301(a)	Bigamy (by married person)	M-2	3	m
4301(b)	Bigamy (knowing other person committing bigamy)	M-2	3	m
4302(a)	Incest (victim >18 yrs.)	F-2	9	4
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	9	4
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	9	4
4303(a)	Concealing death of child	M-1	3	m
4304(a)(1)	Endangering welfare of children-violate duty of care	M-1	5	1
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	5	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	1
4305	Dealing in infant children	M-1	4	1
4701(a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	5	1
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	1
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	1
4702(a)(1)	Threats-to influence decision as public servant	M-2	2	m
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	1
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	m

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4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	1
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	2	m
4702(a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	5	1
4703	Retaliation for past official action	M-2	2	m
4902(a)	Perjury	F-3	5	1
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	2	m
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	2	m
4903(b)	False swearing-statement required to be sworn	M-3	1	m
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	2	m
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	2	m
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	2	m
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	1	m
4905(a)	False alarms to agency of public safety	M-1	3	m
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	5	1
4906(a)	False reports-falsely incriminate another	M-2	2	m
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	3	m
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	3	m
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	1	m
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	2	m
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information	M-3	1	m
4906(b)(2)	False Reports-fictitious report of information (report of theft/loss of firearm)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information (state of emergency)	M-2	2	m
4906.1	False reports of child abuse	M-2	2	m
4909	Witness or informant taking bribe	F-3	5	1
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	2	m
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	1
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	2	m
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	1
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	m
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	1

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4912	Impersonating a public servant	M-2	2	m
4913(a)	Impersonating a notary public	M-2	2	m
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	3	m
4914(a)	False identification to law enforcement authorities	M-3	1	m
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	8	2
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	2

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4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	8	2
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	10	3
4915.1(a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	5	m
4915.1(a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	5	m
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	9	2
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	7	1
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	m
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	2
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	1
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	m
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	2
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	1
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	m
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	2
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	1
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	m
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	2
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	1

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4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	m
4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	9	2
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	7	1
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	5	m
4953(a)	Retaliation against witness/victim-listed factor	F-3	8	1
4953(a)	Retaliation against witness/victim-general	M-2	5	m
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	9	2
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	6	m
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc.	M-2	5	m
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (benefit)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (other person)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report	M-2	5	m
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information	M-2	5	m
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (benefit)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (other person)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (prior conv)	F-2	7	2

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4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information	M-2	5	m
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (force, etc.)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (benefit)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (furtherance consp)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (other person)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/ attempt false/misleading information (prior conv)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process	M-2	5	m
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (force)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (benefit)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (furtherance consp)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (other person)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/ attempt evade etc. request/legal process (prior conv)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process	M-2	5	m
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (force)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (benefit)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (furtherance consp)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (other person)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/ attempt fail appear/participate legal process (prior conv)	F-2	7	2
4958(b)	Retaliation child abuse cases	M-2	5	m
4958(b)	Retaliation child abuse cases (force)	F-2	8	2
4958(b)	Retaliation child abuse cases (benefit)	F-2	8	2
4958(b)	Retaliation child abuse cases (furtherance consp)	F-2	8	2
4958(b)	Retaliation child abuse cases (other person)	F-2	8	2
4958(b)	Retaliation child abuse cases (prior conv)	F-2	8	2
4958(b.1)	Obstruction child abuse cases	M-2	5	m
4958(b.1)	Obstruction child abuse cases (force)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (benefit)	F-2	7	2

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4958(b.1)	Obstruction child abuse cases (furtherance consp)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (other person)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (prior conv)	F-2	7	2
5101	Obstructing admin. of law/other govt. function	M-2	3	m
5102(a)	Obstructing/impeding justice by picketing	M-2	2	m
5103	Unlawfully listening into deliberations of jury	M-3	1	m
5104	Resisting arrest, etc.	M-2	2	m
5104.1(a)	Disarming law enforcement officer	F-3	5	1
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	2	m
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	4	1
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	2	m
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	4	1
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	2	m
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	4	1
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	2	m
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	4	1
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	2	m
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2)	F-3	4	1
5107(a)	Aiding consummation of crime	M-2	2	m
5107(a)	Aiding consummation of crime (principal off is F1/F2)	F-3	5	1
5108(a)	Compounding	M-2	2	m
5109	Barratry-vex with unjust/vexatious suits	M-3	1	m
5110	Contempt of General Assembly	M-3	1	m
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	8	3
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	8	3
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	8	3
5112(a)	Obstructing emergency services	M-3	1	m
5121(a)	Permitting/facilitating escape	M-2	3	m
5121(a)	Escape	M-2	3	m
5121(a)*	Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Escape (all other specified escapes)	F-3	6	1
5121(a)*	Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	6	1
5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	8	m

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5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	4	m
5123(a)	Contraband-provide controlled substance to inmate	F-2	7	2
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	7	2
5123(b)	Contraband-provide money to inmate	M-3	1	m
5123(c)	Contraband-provide other contraband to inmate	M-1	3	m
5123(c.1)	Contraband-provide telecom. device to inmate	M-1	5	m
5123(c.2)	Contraband-possession of telecom. device by inmate	M-1	3	m
5124(a)	Default in required appearance (felony)	F-3	4	1
5124(a)	Default in required appearance (non-felony)	M-2	2	m
5125	Absconding witness	M-3	1	m
5126(a)	Flight to avoid apprehension (felony)	F-3	5	1
5126(a)	Flight to avoid apprehension (misd.)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs)	F-2	7	2
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	2	m
5301(2)	Official oppression-denies another enjoyment of rights	M-2	2	m
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	2	m
5302(2)	Speculating/wagering on official action-speculates on information	M-2	2	m
5302(3)	Speculating/wagering on official action-aids another	M-2	2	m
5501(1)	Riot-intent to commit felony/misd.	F-3	4	1
5501(2)	Riot-intent to prevent/coerce official action	F-3	4	1
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	4	1
5502	Failure to disperse upon official order	M-2	2	m
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	1	m
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	1	m
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	1	m
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	1	m
5506	Loitering and prowling at night time	M-3	1	m
5507(a)	Obstructing highway, etc.-after warning	M-3	1	m
5508	Disrupting meetings and processions	M-3	1	m

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5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	2	m
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	2	m
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	2	m
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	3	m
5510	Abuse of corpse	M-2	3	m
5511(a)(1)	Cruelty to animals-own dog that injures service dog	M-3	1	m
5511(a)(1)(i)	Cruelty to animals-kill/maim domestic animal	M-2	3	m
5511(a)(1)(ii)	Cruelty to animals-poisons domestic animal	M-2	3	m
5511(a)(1)(iii)	Cruelty to animals-harasses/injure etc. service/guide dog	M-2	3	m
5511(a)(2)(i)	Cruelty to animals-kill/maim zoo animal	F-3	5	1
5511(a)(2)(ii)	Cruelty to animals-poison zoo animal	F-3	5	1
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (1st off)	M-1	3	m
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (2nd/subsq off)	F-3	5	1
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (1st off)	M-1	3	m
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (2nd/subsq off)	F-3	5	1
5511(c)(1)	Cruelty to animals-neglect/mistreat animal in care (2nd/subsq off)	M-3	1	m
5511(e.1)	Cruelty to animals-transport equines in cruel manner (2nd/subsq off)	M-3	1	m
5511(h.1)(1)	Cruelty to animals-animal fighting (for amusement/gain)	F-3	5	1
5511(h.1)(2)	Cruelty to animals-animal fighting (receives compensation)	F-3	5	1
5511(h.1)(3)	Cruelty to animals-animal fighting (owns fighting animal)	F-3	5	1
5511(h.1)(4)	Cruelty to animals-animal fighting (encourage/aid/assist)	F-3	5	1
5511(h.1)(5)	Cruelty to animals-animal fighting (wagers on fight outcome)	F-3	5	1
5511(h.1)(6)	Cruelty to animals-animal fighting (pays admission)	F-3	5	1
5511(h.1)(7)	Cruelty to animals-animal fighting (permits use of animal for fight)	F-3	5	1
5511.2(a)	Police animals-illegal to taunt	F-3	5	1
5511.2(b)	Police animals-illegal to torture	[F-3] F-2	7 [omnibus]	[1] 2
5511.3	Assault w/ biological agent on animal/fowl/honey bee	F-2	7	2
5512(b)(1)	Lotteries-set up unlawful game	M-1	3	m
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	m
5512(b)(3)	Lotteries-publish advertisement	M-1	3	m
5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	m
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	3	m
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	m

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5513(a)(4)	Gambling devices-allows gambling on premises	M-1	3	m
5513(a.1)(1)	Gambling devices-electronic video monitor: indirect or direct consideration	M-1	3	m
5513(a.1)(2)	Gambling devices-electronic video monitor: player eligible for prize	M-1	3	m
5514(1)	Pool selling and bookmaking-engage in	M-1	3	m
5514(2)	Pool selling and bookmaking-occupy place	M-1	3	m
5514(3)	Pool selling and bookmaking-receives bet on political outcome	M-1	3	m
5514(4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	3	m
5514(5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	3	m
5515(b)(1)	Prohibiting of paramilitary training-teaching	M-1	3	m
5515(b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	3	m
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	5	1
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/deals w/emergency	F-3	5	1
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	5	1
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	5	1
5517(a)	Unauthorized school bus entry	M-3	1	m
5703	Interception of wire/oral communication	F-3	5	1
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	5	1
5703(2)	Interception of wire/oral communication-discloses contents	F-3	5	1
5703(3)	Interception of wire/oral communication-use contents	F-3	5	1
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	5	1
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	5	1
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	5	1
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	5	1
5719	Unlawful use of order concerning intercepted communications	M-2	2	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	1	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	2	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	1	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	2	m
5771(a)	Prohibit pen register & trap/trace device	M-3	1	m
5901	Open lewdness	M-3	1	m
5902(a)(1)	Prostitution-business (1st/2nd off)	M-3	1	m
5902(a)(1)	Prostitution-business (3rd off)	M-2	3	m

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5902(a)(1)	Prostitution-business (4th/subsq off)	M-1	4	m
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	7	1
5902(a)(2)	Prostitution (1st/2nd off)	M-3	1	m
5902(a)(2)	Prostitution (3rd off)	M-2	3	m
5902(a)(2)	Prostitution (4th/subsq off)	M-1	4	m
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	7	1
5902(b)(1)	Promoting prostitution-own house/business	F-3	5	1
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	5	1
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron	M-2	3	m
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	3	m
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	3	m
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	3	m
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit	M-2	3	m
5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	5	1
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs)	F-3	6	1
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs)	F-3	8	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs)	F-3	6	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs)	F-3	8	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs)	F-3	6	1

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5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs)	F-3	8	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs)	F-3	6	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs)	F-3	8	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs)	F-3	6	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs)	F-3	8	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs)	F-3	6	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs)	F-3	8	1
5902(d)	Living off prostitutes	M-2	3	m
5902(d)	Living off prostitutes (compel)	F-3	5	1
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	5	1
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	5	1
5902(e)	Patronizing prostitutes (1st/2nd off)	M-3	1	m
5902(e)	Patronizing prostitutes (3rd off)	M-2	3	m
5902(e)	Patronizing prostitutes (4th/subsq off)	M-1	4	m
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	7	1
5903(a)(1)	Obscene materials-display (1st off & not for resale)	M-1	3	m
5903(a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	5	1
5903(a.1)	Obscene materials-disseminate via elec. comm. (1st off & not for resale)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm. att. evade prosec. (1st) (additional penalty)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty)	M-1	3	m
5903(a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	3	m
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	3	m
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	4	m
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	6	1
5903(a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	3	m
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	5	1

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5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	4	m
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	3	m
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	5	1
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	4	m
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	4	m
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	6	1
5903(a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	3	m
5903(a)(7)	Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale)	F-3	5	1
5903(a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	3	m
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	5	1
5903(a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	3	m
5903(a)(9)	Obscene materials-permit into correctnl inst (2nd/subsq off or for resale)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	7	2
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	5	1
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	7	2
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	5	1
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	7	2
5903(f)	Obscene materials-require sale	M-1	3	m
5904	Public exhibition of insane/deformed person	M-2	2	m
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (loaded/ammo available) ((a.1)(1))	F-2	10	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (unloaded/no ammo available) ((a.1)(1))	F-2	9	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	2	m

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6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	1	m
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (loaded/ammo available) ((a.1)(2))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (unloaded/no ammo available) ((a.1)(2))	M-1	4	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) (a.1)(5)	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: convicted of drug offense (loaded/ammo available) ((c)(2))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: convicted of drug offense (unloaded/no ammo available) ((c)(2))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))	M-1	4	1
6105(a)(1)*	Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))	M-1	5	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	9	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	7	1

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6106(a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	1
6106(a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	1
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/no other crim. act.)	M-1	3	1
6107(a)	Firearms-prohibited conduct during emergency	M-1	3	1
[6108] 6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	1
[6108] 6108*	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	4	1
6110.1(a)	Firearms-possession by minor	M-1	3	1
6110.1(c)	Firearms-delivery to minor by adult	F-3	7	1
6110.2(a)*	Firearms-possession w/altered mfr. num. (loaded/ammo available)	F-2	10	2
6110.2(a)*	Firearms-possession w/altered mfr. num. (unloaded/no ammo available)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	m
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	m
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	2
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	2	m
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	9	2
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	m

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6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	2
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	m
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	2
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	1
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person	F-3	8	1
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off)	F-2	9	2
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID	F-3	8	1
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID (2nd/subsq off)	F-2	9	2
6112	Firearms-dealer to be licensed	M-1	3	1
6113(a)(1)	Firearms-dealer license: sell in undesignated area	M-1	3	1
6113(a)(2)	Firearms-dealer license: fail to display license	M-1	3	1
6113(a)(3)	Firearms-dealer license: violation of act	M-1	3	1
6113(a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	3	1
6113(a)(5)	Firearms-dealer license: fail to keep record	M-1	3	1
6113(a)(6)	Firearms-dealer license: display firearm in public view	M-1	3	1
6115(a)	Firearms-lending prohibited	M-1	3	1
6116	Firearms-give false info/identity for purchase	M-1	3	1
6117(a)	Firearms-alter mfr. number/ID	F-2	7	2
6121(a)	Firearms-certain bullets prohibited	F-3	5	1
6122	Firearms-proof of license	M-1	3	1
6161(a)	Carrying explosives on conveyances	M-2	3	m
6162(a)	Shipping explosives	M-3	3	m
6301(a)(1)(i)	Corruption of minors	M-1	4	m
6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	6	1
6301(a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	1	m
6302(a)	Sale/lease of weapons/explosives (to minor)	M-1	4	m
6303(a)	Sale of starter pistols-to minors	M-1	4	m

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6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	m
6307(a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	m
6309(a)	Representing that minor is of age	M-3	1	m
6310(a)	Inducement of minors to buy liquor/beer	M-3	1	m
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	1	m
6310.2(a)	Manufacture/sale of false ID card	M-2	2	m
6310.3(a)	Carrying a false ID card (2nd/subsq off)	M-3	1	m
6311(a)	Tattooing a minor (1st off)	M-3	1	m
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	2	m
6311(b)	Body piercing a minor (1st off)	M-3	1	m
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	2	m
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<13 yrs or determination of prepubescence)	F-2	9	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs)	F-1	10	3
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<13 yrs or determination of prepubescence)	F-1	10	3
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (1st off)	F-3	6	1
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(c)*	Sexual abuse of children-dissemination (<13 yrs or determination of prepubescence) (1st off)	F-3	7	1
6312(c)*	Sexual abuse of children-dissemination (<13 yrs or determination of prepubescence) (2nd/subsq off)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (1st offense)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (2nd/subsq offense)	F-1	10	3
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<13 yrs or determination of prepubescence) (1st offense)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination: indecent contact depicted (<13 yrs or determination of prepubescence) (2nd/subsq offense)	F-1	10	3
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off)	F-3	6	1
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs or determination of prepubescence) (1st off)	F-3	7	1
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs or determination of prepubescence) (2nd/subsq off)	F-2	9	2

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6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (1st offense)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (2nd/subsq offense)	F-1	10	3
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<13 yrs or determination of prepubescence) (1st offense)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<13 yrs or determination of prepubescence) (2nd/subsq offense)	F-1	10	3
6318(a)(1)	Unlaw. contact w/minor-sexual offenses (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(1)	Unlaw. contact w/minor-sexual offenses (underlying offense <F-3)	F-3	6	1
6318(a)(2)	Unlaw. contact w/minor-open lewdness (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(2)	Unlaw. contact w/minor-open lewdness (underlying offense <F-3)	F-3	6	1
6318(a)(3)	Unlaw. contact w/minor-prostitution (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(3)	Unlaw. contact w/minor-prostitution (underlying offense <F-3)	F-3	6	1
6318(a)(4)	Unlaw. contact w/minor-sexual materials (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(4)	Unlaw. contact w/minor-sexual materials (underlying offense <F-3)	F-3	6	1
6318(a)(5)	Unlaw. contact w/minor-sexual abuse (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(5)	Unlaw. contact w/minor-sexual abuse (underlying offense <F-3)	F-3	6	1
6318(a)(6)	Unlaw. contact w/minor-sexual exploitation (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(6)	Unlaw. contact w/minor-sexual exploitation (underlying offense <F-3)	F-3	6	1
6319(a)	Solicitation of minors to traffic drugs-general	F-2	9	2
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	3

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6320	Sexual exploitation of children	F-2	9	2
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs)	M-3	1	m
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	m
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	m
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	m
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	m
6504	Public nuisances	M-2	2	m
6703	Dealing in military decorations	M-3	1	m
6707	False registration of domestic animals	M-3	1	m
6709(1)	Use of union labels-insignia	M-3	1	m
6709(2)	Use of union labels-nonunion product	M-3	1	m
6709(3)	Use of union labels-not authorized by union	M-3	1	m
6901	Extension of water line-w/o permit	M-3	1	m
6910(a)	Unauthorized sale of tickets	M-3	1	m
7102	Administer drugs to race horses	M-1	3	m
7103(a)	Horse racing	M-3	1	m
7104(a)	Fortune telling-for gain or lucre	M-3	1	m
7107(a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	3	m
7107(a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	3	m
7107(a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	3	m
7302(a)	Sale of solidified alcohol	M-2	2	m
7302(b)	Labeling of solidified alcohol	M-1	3	m
7303(a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	1	m
7303(c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	1	m
7303(d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	1	m
7306(a)	Incendiary devices	M-1	3	m
7307	Out-of-state convict made goods-sell/exchange	M-2	2	m
7308(a)	Unlawful advertising of insurance business	M-2	2	m
7309(a)	Unlawful coercion in contracting insurance	M-1	3	m
7310(a)	Furnishing free insurance as inducement for purchase	M-3	1	m
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	1	m
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	1	m

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7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	m
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	m
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	m
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	m
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	m
7312(a)	Debt pooling	M-3	1	m
7313(a)	Buying/exchanging food stamps (\geq \$1,000)	F-3	5	1
7313(a)	Buying/exchanging food stamps ($<$ \$1,000)	M-1	3	m
7314(a)	Fraudulent traffic in food orders (\geq \$1,000)	F-3	5	1
7314(a)	Fraudulent traffic in food orders ($<$ \$1,000)	M-1	3	m
7316(a)	Keeping bucket-shop	M-3	1	m
7317(a)	Accessories in conduct of bucket-shop	M-3	1	m
7318(a)	Maintaining premises of bucket-shop	M-3	1	m
7319(b)	Bucket-shop contracts	M-3	1	m
7321(a)	Lie detector tests-require for employment	M-2	2	m
7322	Demanding property/money to secure employment	M-3	1	m
7323	Discrimination on account of U.S. armed forces uniform	M-2	2	m
7324(b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	1	m
7324(c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	1	m
7324(d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	1	m
7326(a)	Disclosure of confidential tax information	M-3	1	m
7328(a)	Operation of unauthorized bottle club	M-3	1	m
7503(a)	Architects/engineers-interest in public works contracts	M-3	1	m
7504(a)	Appointment of special police	M-3	1	m
7507	Breach of privacy-use stress monitor w/o consent	M-2	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent ($>$ 1 violation)	M-2	3	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	2	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent ($>$ 1 violation)	M-2	3	m
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	2	m
7507.1(a)(3)	Invasion of privacy-transfer image ($>$ 1 violation)	M-2	3	m
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	8	2
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	3
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	1	m
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	1	m
7510(a)	Municipal housing code avoidance (4th off)	M-2	2	m
7510(a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7512(a)	Criminal use of communication facility	F-3	5	1
7515(a)(1)	Contingent compensation-compensate other	M-3	1	m
7515(a)(2)	Contingent compensation-agree to lobby	M-3	1	m
7516(a)	Greyhound racing-for remuneration	M-1	3	m
7517(b)	Commemorative service demonstration activities	M-3	1	m
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	1
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	1
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	1
7612(a)	Disruption of computer service	F-3	7	1
7613(a)	Computer theft	F-3	7	1
7614(a)	Unlawful duplication (>\$2500)	F-2	7	2
7614(a)	Unlawful duplication (<=\$2500)	F-3	5	1
7615(a)(1)	Computer trespass-remove data/programs	F-3	7	1
7615(a)(2)	Computer trespass-cause malfunction	F-3	7	1
7615(a)(3)	Computer trespass-alter/erase data	F-3	7	1
7615(a)(4)	Computer trespass-transfer funds	F-3	7	1
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	7	1
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	1
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	1
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	m
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	m
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	1
7641(a)	Computer-assisted remote harvesting of animals	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	1	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	m
7702(1)	Owning/operating/conducting a chop shop	F-2	7	2
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	2
7703	Altered or illegally obtained property-veh ID num	F-3	5	1
7704	Altered or illegally obtained property-disposition	F-3	5	1

*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

Inchoate=Inchoate to 4 point PRS offenses. See § 303.7(a)(5).

See §§ 303.7(c) and 303.8(b) for all other inchoates.

**MISCELLANEOUS OFFENSES
(Child Abuse Reporting)**

<i>23 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	1	m
[6319(a)(1)]	[Failure to report or to refer suspected child abuse-willfully fails to report/F-1 or higher/direct knowledge of nature]	[F-3]	[5]	[1]
[6319(a)(1)]	[Failure to report or to refer suspected child abuse]	[M-2]	[2]	[m]
6319(a)(2)(i)	Failure to report or to refer suspected child abuse-willfully fails to report	F-3	5	1
6319(a)(2)(ii)	Failure to report or to refer suspected child abuse-abuse constitutes F-1 or higher	F-3	5	1
6319(a)(2)(iii)	Failure to report or to refer suspected child abuse-has direct knowledge of nature of abuse	F-3	5	1
6319(a)(3)	Failure to report or to refer suspected child abuse	M-2	2	m
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action	M-1	3	m
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action (child abuse is F-1 or higher	F-3	5	1
6319(c)	Failure to report or to refer suspected child abuse [-2nd/subsq offense] (2nd/subsq)	F-3	[5] 6	1
6319(c)	Failure to report or to refer suspected child abuse-child abuse is F-1 or higher (2nd subsq [offense])	F-2	7	2
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (1st violation)	M-3	2	m
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (subsq violation)	M-2	3	m

m=other misdemeanor offense. See § 303.7(a)(5).

OPERATION OF BOATS

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	3	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	1	m
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	1	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	1	m

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	1	m
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	1	m
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	1	m
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	1	m
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	1	m
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	1	1
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	5	1
5502.1(a)	Homicide by watercraft while operating under influence	F-2	10	2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	8	1
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	6	1
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	7	2

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5507(a)	Duties of operators involved in boating accidents-stop	M-1	3	m
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	5	1
5507(b)	Duties of operators involved in boating accidents-give information	M-1	3	m
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	5	1
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	3	m
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	5	1
5507(d)	Duties of operators involved in boating accidents-stay	M-1	3	m
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	5	1

*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

DRUG ACT OFFENSES

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	4	m
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	4	m
(a)(3)	False/misleading advertisement (1st off)	M	4	m
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	4	m
(a)(4)	Removal/disposal-detained substance (1st off)	M	5	m
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	5	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	4	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	4	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	5	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (1st off)	M	5	m

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	5	m
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	4	m
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	4	m
(a)(11)	Illegal pharmacy operations (1st off)	M	5	m
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	5	m
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	8	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	6	2

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1000 lbs.)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5000 plants)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	5	2

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	3	m
(a)(13)	Dispense drugs to dependent person (1st off)	M	4	m
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	4	m
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	6	2

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	5	2
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-PCP (2.5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	3	2
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	3	2
(a)(14)*	Delivery by practitioner-Sched I	F	5	2
(a)(14)*	Delivery by practitioner-Sched II	F	5	2
(a)(14)*	Delivery by practitioner-Sched III	F	5	2
(a)(14)*	Delivery by practitioner-Sched IV	F	5	2
(a)(14)*	Delivery by practitioner-Sched V	M	3	m
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	4	m
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	4	m
(a)(16)	Simple possession (1st off)	M	3	m
(a)(16)	Simple possession (2nd/subsq off)	M	3	m

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(16)	Simple possession-GHB (1st off)	F	5	2
(a)(16)	Simple possession-GHB (2nd/sub off)	F	5	2
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	4	m
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	4	m
(a)(18)	Illegal sale container (1st off)	M	4	m
(a)(18)	Illegal sale container (2nd/subsq off)	M	4	m
(a)(19)	Intentional unauthorized purchase (1st off)	M	5	m
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	5	m
(a)(20)	Divulging trade secret (1st off)	M	4	m
(a)(20)	Divulging trade secret (2nd/subsq off)	M	4	m
(a)(21)	Failure to keep records (1st off)	M	2	m
(a)(21)	Failure to keep records (2nd/subsq off)	M	2	m
(a)(22)	Refusal of inspection (1st off)	M	2	m
(a)(22)	Refusal of inspection (2nd/subsq off)	M	2	m
(a)(23)	Unauthorized removal of seals	M	5	m
(a)(24)	Failure to obtain license (1st off)	M	2	m
(a)(24)	Failure to obtain license (2nd/subsq off)	M	2	m
(a)(25)	Manufacture by unauthorized party	M	5	m
(a)(26)	Distribution by registrant of Schedule I or II	M	5	m
(a)(27)	Use of fictitious registration number	M	5	m
(a)(28)	Furnish false application material	M	5	m
(a)(29)	Production of counterfeit trademarks equipment	M	5	m
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	8	2

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	5	2
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-PCP (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-MDMA (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	10	3

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	3	2
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	3	2
(a)(30)*	Possession with intent to deliver-Sched I (>=100 g)	F	[5] 7	2
(a)(30)*	Possession with intent to deliver-Sched I (<100 g)	F	5	2
(a)(30)*	Possession with intent to deliver-Sched II	F	5	2
(a)(30)*	Possession with intent to deliver-Sched III	F	5	2
(a)(30)*	Possession with intent to deliver-Sched IV	F	5	2
(a)(30)*	Possession with intent to deliver-Sched V	M	3	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish)	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	1	m
(a)(32)	Possession-drug paraphernalia	M	1	m
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	4	m
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	3	m
(a)(34)	Place ad for sale of drug paraphernalia	M	1	m
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	5	2
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	5	2
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	5	2
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	5	2
(a)(36)	Possession w/ intent to deliver-designer drugs	F	5	2
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	4	m
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	4	m

<i>35 Pa.C.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	9	2
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	7	1
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off)	M	2	m
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	2	m

*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

<i>35 Pa.C.S. § 780-113.1</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	3	m
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	3	m
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	5	2
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	5	2
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	5	2

<i>35 Pa.C.S. § 780-113.4</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Operate meth lab-create chemical reaction	F-2	7	2
(a)(3)	Operate meth lab-create chemical reaction (w/in 1000 ft. of school)	F-1	8	3
(b)(1)	Operate meth lab-stores/disposes substance used in manuf.	F-3	5	1

<i>35 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6018.101— 6018.1002	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	9	1
	Transports, etc. hazardous waste without permit	F-2	7	2
	Violation of Act, DER Order, etc.	M-3	1	m
691.1—691.1001	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	1	m
4001—4015	Air Pollution Control Act			

<i>35 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
	Knowingly releases hazardous air pollutant	F-1	9	1
	Violation of Act, DER Order, etc.	M-2	2	m
	Negligently releases hazardous air pollution	M-3	1	m

m=other misdemeanor offense. See § 303.7(a)(5).

JUDICIAL CODE

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	2
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	1
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	2
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	1
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	2
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	1
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	2
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	1

VEHICLE LAW OFFENSES

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC \geq 0.02%/or under influence of controlled subst. (2nd off)	M-3	1	m
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC \geq 0.02%/or under influence of controlled subst. (3rd/subsq off)	M-1	3	m
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	1
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	m
3105(g)(2)	Unauth. operation of preemptive device	M-3	1	m
3367	Racing on highways (2nd/subsq off)	M	1	m
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	m
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	1
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	1	m
3732(a)*	Homicide by vehicle-w/DUI conviction & active work zone	F-3 ¹	10	1
3732(a)*	Homicide by vehicle-w/DUI conviction & conviction for 75-3325/75-3327	F-3 ¹	10	1
3732(a)*	Homicide by vehicle-w/ DUI conviction	F-3	8	1
3732(a)*	Homicide by vehicle-active work zone	F-3 ¹	8	1
3732(a)*	Homicide by vehicle-w/ conviction for 75-3325/75-3327	F-3 ¹	8	1
3732(a)*	Homicide by vehicle	F-3	6	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & active work zone	F-3 ²	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & conviction for 75-3325/75-3327	F-3 ²	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction	F-3	7	1
3732.1(a)*	Aggravated assault by vehicle-active work zone	F-3 ²	7	1
3732.1(a)*	Aggravated assault by vehicle-w/ conviction for 75-3325/75-3327	F-3 ²	7	1
3732.1(a)*	Aggravated assault by vehicle	F-3	5	1
3733(a)	Fleeing or eluding police officer	M-2	2	m
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	1
3735(a)	Homicide by vehicle while DUI	F-2	10	2
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	9	2
3742(a)	Accident involving death/personal injury-failure to stop (death)	F-2	9	2
3742(a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	5	1
3742(a)	Accident involving death/personal injury-failure to stop (injury)	M-1	3	m
[3742.1(a)] 3742.1(a)*	Accident involving death/personal injury-not properly licensed (death)	F-3	6	1
[3742.1(a)] 3742.1(a)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	1
3742.1(a)	Accident involving death/personal injury-not properly licensed	M-2	2	m
3743(a)	Accident involving damage to attended vehicle or property	M-3	1	m
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i))			§ 303.7(a)
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	1	m
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	1	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd/subsq off)	M-2	3	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant)	M-1	5	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	1	m
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	1	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	1	m
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	1	m
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd/subsq off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	1	m
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd/subsq off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	1	m
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (minor occupant)	M-1	5	1
3802(e)	DUI-minor driver (1st off)	M	1	m
3802(e)	DUI-minor driver (2nd off)	M	1	1
3802(e)	DUI-minor driver (3rd off)	M-1	5	1
3802(e)	DUI-minor driver (4th/subsq off)	M-1	5	1
3802(e)	DUI-minor driver (minor occupant)	M-1	5	1
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	1	m
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	1	1
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	6	1
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant)	M-1	5	1
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	1	m
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	1	1
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	6	1
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant)	M-1	5	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	m
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	M-1	7	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant)	M-1	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	1	m
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	1	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	M-1	7	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant)	M-1	5	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	1	m
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	1	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	M-1	7	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant)	M-1	5	1
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	m
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC $\geq .025$	M-3	1	m
3808(b)	Tampering with ignition interlock system-using/providing breath sample	M	1	m
6308(d)	Investigation by police officers-records	M-3	1	m
6503.1	Habitual offenders	M-2	2	m
7111	Deal in titles/plates for stolen vehicles	M-1	3	m
7112	False report of theft or conversion of vehicle	M-3	1	m
7121	False application for title or registration	M-1	3	m
7122	Altered/forged/counterfeit title/plates	M-1	3	m
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	m
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	m

*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

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)

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)

OMNIBUS ASSIGNMENTS

OMNIBUS ASSIGNMENTS	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
Offenses not otherwise listed and new offenses:	F-1	8	3
	F-2	7	2
	F-3	5	1
	Felony Not Classified	5	1
	M-1	3	m
	M-2	2	m
	M-3	1	m
	Misdemeanor Not Classified	1	m

§ 303.16(a). Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/-12
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-Inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine (50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual Exploitation of Children Robbery-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8 (F1)	Agg Assault-Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone) Theft (>\$100,000) PWID Cocaine (10-<50 g)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9

Level	OGS	Example Offenses	Prior Record Score							RFEL	REVOC	AGG/ MIT
			0	1	2	3	4	5				
LEVEL 3 State/ Cnty Incar RIP trade	7 (F2)	Robbery-Inflicts/Threatens BI Burglary-Home/No Person Present Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6	
	6	Agg Asslt-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>\$25,000-\$50,000) Arson-Endanger Property PWID Cocaine (2<5 g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6	
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary F2 Theft (>\$2000-\$25,000) Bribery PWID Marij (1<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/-3	
	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/-3	
	3 (M1)	Simple Assault-Attempt/Cause BI Theft (\$200-\$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/-3	
LEVEL 1 RS	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st/2nd Offense) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/-3	
	1 (M3)	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/-3	

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

Key:

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

§ 303.16(b). Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder.

<i>Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree If Offender is Under Age 18 at the Time of the Offense and the Conviction Occurred After June 24, 2012</i>											
	OGS	Prior Record Score							RFEL	REVOC	Agg/Mit
		0	1	2	3	4	5				
<i>Murder of 1st Degree</i>											
Offender Age 15 to < 18	15	420-Life	456-Life	492-Life	552-Life	612-Life	672-Life	732-Life	LWOP	+/-60**	
Offender Age <15	15	300-Life	324-Life	348-Life	396-Life	444-Life	492-Life	540-Life	LWOP	+/-48**	
<i>Murder of 2nd Degree</i>											
Offender Age 15 to < 18	15	360-624	384-624	408-624	444-624	480-624	516-624	552-624	588-624	+/-36**	
Offender Age <15	15	240-588	252-588	264-588	288-588	312-588	336-588	360-588	384-588	+/-24**	

1. Murder of the 1st Degree also includes 1st Degree Murder of Unborn Child and 1st Degree Murder of Law Enforcement Officer
2. Murder of the 2nd Degree also includes 2nd Degree Murder of Unborn Child and 2nd Degree Murder of Law Enforcement Officer
3. LWOP = Life without Parole
4. The Offense Gravity Score (OGS) of 15 is assigned only for Murder 1 and Murder 2 when committed by offenders under age 18.
5. Commonwealth must provide reasonable notice to offender of its intention to seek a sentence of life imprisonment without parole for Murder of 1st Degree (18 Pa.C.S. § 1102.1(b)).
6. A mitigated sentence cannot be less than the mandatory minimum sentence established in statute (18 Pa.C.S. § 1102.1)

§ 303.17(a). Deadly Weapon Enhancement/Possessed Matrix.

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

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program(s) shall not exceed the guideline ranges.
3. The mitigated recommendation is never less than three months (§ 303.10(a)).

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

5. If the standard range includes the statutory limit, there is no aggravated recommendation.

6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.17(b). Deadly Weapon Enhancement/Used Matrix.

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

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.

2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.

3. The mitigated recommendation is never less than six months (§ 303.10(a)).

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

5. If the standard range includes the statutory limit, there is no aggravated recommendation.

6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(a). Youth Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit	
		0	1	2	3	4	5	RFEL	REVOC		
5	14	NA	NA	NA	NA	NA	NA	NA	NA	NA	~-/12
	13	66-90	72-96	78-102	84-108	90-114	102-126	114-138	240		+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	42-66	48-72	54-78	60-84	66-90	78-102	90-114	120		+/-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

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
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

1. This enhancement may only be applied to violations of 35 P. S. § 780-113(a)(14) and (a)(30).
2. Levels 3 and 4 indicate restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than six months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(b). School Enhancement Matrix.

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

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than twelve months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(c). Youth and School Enhancement Matrix.

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

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than eighteen months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

[Pa.B. Doc. No. 15-1225. Filed for public inspection June 26, 2015, 9:00 a.m.]

