

# PENNSYLVANIA BULLETIN

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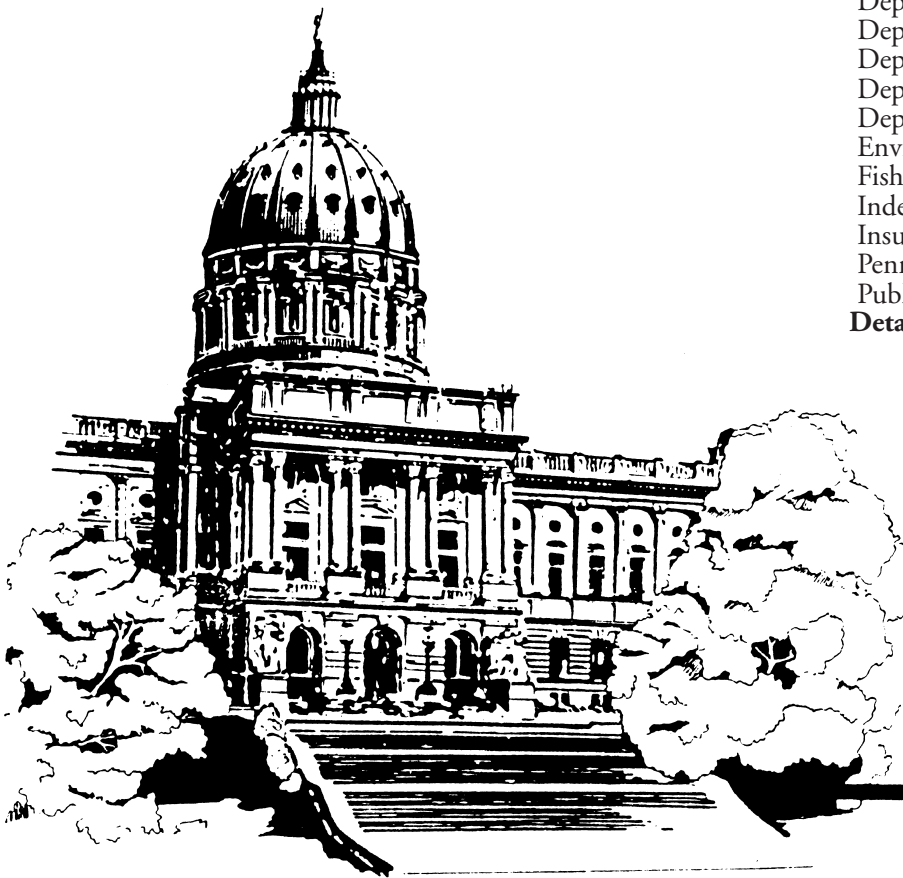
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 550, September 2020**

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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 weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; 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.

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

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

The 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. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the 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, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. 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.

### **How to Find Rules and Regulations**

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

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

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

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

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*Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code*

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

*Court Rules in Titles 201—246 of the Pennsylvania Code*

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [ ] and printed in **bold face**.

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### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the 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; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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, 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 item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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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 2020.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 213 ]

#### Order Amending Case Records Public Access Policy of the Unified Judicial System; No. 538 Judicial Administration Doc.

##### Order

##### *Per Curiam*

And Now, this 15th day of September, 2020, upon the recommendation of the Administrative Office of Pennsylvania Courts, the amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* having been published for public comment before adoption at 49 Pa.B. 3298 (June 29, 2019):

*It Is Ordered* that:

- 1) The Policy is amended to read as follows hereto.
- 2) The Administrative Office of Pennsylvania Courts shall publish the amended Policy and accompanying *Explanatory Report* on the Unified Judicial System's website.
- 3) Every court and custodian's office, as defined by the Policy, shall continuously make available for public inspection a copy of the amended Policy in appropriate physical locations as well as on their website.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective in thirty (30) days.

##### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 213. COURT RECORDS POLICIES

#### Subchapter D. CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

#### § 213.81. Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

##### Section 1.0. Definitions.

A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq. as well as Pa.R.C.P.M.D.J. No. 1201 et seq.

B. "Case Records" are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

C. "Clerical errors" are errors or omissions appearing in a case record that are patently evident, as a result of court personnel's action or inaction.

D. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, Philadelphia Municipal Court, and Magisterial District Courts.

E. "Court of Record" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court.

F. "Court Facility" is the location or locations where case records are filed or maintained.

G. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.

H. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.

I. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

J. "Financial Source Documents" are:

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;
5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

K. "Medical/psychological records" are records relating to the past, present, or future physical or mental health or condition of an individual.

L. "Minor" is a person under the age of eighteen.

M. "Party" is one who commences an action or against whom relief is sought in a matter.

N. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

O. "Remote Access" is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

### Commentary

Regarding Subsection B, “documents for any case filed with, accepted and maintained by a court or custodian” are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection G, the definition of “custodian” includes clerks of court, prothonotaries, clerks of orphans’ court and magisterial district judges, for example. The definition does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court or a register of wills.

Regarding Subsection K, this definition is derived from the definition of “health information” provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection M, *amici curiae* are not parties. See Pa.R.A.P. 531.

Regarding Subsection N, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central staff, prothonotaries, clerks of the courts, clerks of the orphans’ court division, sheriffs, prison and correctional officials, and personnel of all the above.

### Section 2.0. Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

### Commentary

The *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* provides for access to the statewide case management systems’ web docket sheets and requests for bulk data.

### Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

### Section 4.0. Requesting Access to Case Records.

A. When desiring to inspect or copy case records, a member of the public shall make an oral request to the applicable custodian, unless otherwise provided by a local rule or an order issued by a court of record.

B. When the information that is the subject of the request is complex or voluminous, the custodian may require a written request. If the requestor does not submit a written request when required, access may be delayed until the written request is submitted or a time

when an individual designated by the custodian is available to monitor such access to ensure the integrity of the case records is maintained.

C. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

### Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of “remote access” in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection B provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System’s *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Subsection C does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

### Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

C. If a custodian denies a written request for access, the denial shall be in writing.

D. Except as provided in Subsection E, relief from a custodian’s written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

E. Relief from a magisterial district court may be sought by filing an appeal with the president judge of the judicial district or the president judge’s designee. Relief from a written denial by the Philadelphia Municipal Court may be sought by filing a motion with the president judge of Philadelphia Municipal Court or the president judge’s designee.

### Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

With respect to Subsection D, an aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P. 123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).

#### Section 6.0. Fees.

A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.

B. Except as provided in Subsection C, a custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

C. Any fee schedule for a magisterial district court shall be established by the president judge of the judicial district by local rule pursuant to Pa.R.J.A. No. 103(c). The fee schedule shall be publicly posted in an area accessible to the public.

#### Commentary

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. *See also* 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts).

In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

#### Section 7.0. Confidential Information.

A. [ Unless required by applicable authority or as provided in Subsection C, the ] The following information is confidential and [ shall be not ] shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document or as provided in Subsection C:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. Instead of using the Confidential Information Form, a court of record may adopt a rule or order permitting the filing of any document in two versions, a "Redacted Version" and "Unredacted Version." The "Redacted Version" shall not include any information set forth in Subsection A, while the "Unredacted Version" shall include the information. Redactions must be made in a manner that is visibly evident to the reader. This Subsection is not applicable to filings in a magisterial district court.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents." The certification language may be inserted in the document to be filed, thereby obviating the need for a separate certification form.

E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If a filed document fails to comply with the requirements of this section, a court of record may, upon motion or its own initiative, with or without a hearing, order the



filed document sealed, redacted, amended or any combination thereof. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

G. If a filed document fails to comply with the requirements of this section, a magisterial district court may, upon request or its own initiative, with or without a hearing, order the filed document redacted, amended or both.

H. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

#### Commentary

[ There is authority requiring information listed in Subsection A to appear on certain documents. For example, Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support. ]

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

**Attorneys are reminded that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this policy.**

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Whether using a Confidential Information Form or filing a redacted and unredacted version of a document in a court of record, the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.). **The Confidential Information Form published by the Administrative Office of Pennsylvania Courts includes alternative references that should be used by the drafter.**

The option to file a redacted and unredacted version of a document does not apply to filings in a magisterial district court. Most filings in magisterial district courts are completed on statewide forms designed by the Administrative Office of Pennsylvania Courts. Safeguarding the information set forth in this Section for magisterial district courts is achieved through the use of a Confidential Information Form (see Subsection A) in tandem with other administrative protocols (e.g., [ **instituting** ] a public access copy page **that shields confidential information was added** to the citation form set).

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system. Moreover, the certification is required on every document filed with a court or custodian regardless of whether the filing contains "confidential information" requiring safeguarding under this policy. **The certification is included on many forms that parties and attorneys file with the magisterial district courts. For documents e-filed through PACFile, available in the appellate courts and some common pleas courts, the filer can certify compliance by checking a box. In addition, the Administrative Office of Pennsylvania Courts included the certification the Confidential Information Form as well as created a sample stand-alone certification form that parties and attorneys may use or simply incorporate the language into their filed documents. This form may be found on the Unified Judicial System's website, www.pacourts.us.**

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

With regard to Subsection F, any party may make a motion to the court of record to cure any defect(s) in any filed document that does not comport with this section.

With regard to Subsection G, any party may file a request form designed and published by the Administrative Office of Pennsylvania Courts with a magisterial district court when there is an allegation that a filing was made with that court that does not comply with this policy.

#### Section 8.0. Confidential Documents.

A. [ **Unless required by applicable authority, the** ] **The** following documents are confidential and shall be filed with a court or custodian under a cover sheet designated "Confidential Document Form":

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.

C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing

complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.” **The certification language may be inserted in the document to be filed, thereby obviating the need for a separate certification form.**

E. A court or custodian is not required to review any filed document for compliance with this section. A party’s or attorney’s failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court of record may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court of record may also impose appropriate sanctions for failing to comply with this section.

G. If a filed document fails to comply with the requirements of this section, a magisterial district court may, upon request or its own initiative, with or without a hearing, order that any such documents be sealed.

H. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

#### Commentary

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

**Attorneys are reminded that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this policy.**

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court’s opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public’s access to court records and ability to understand the court’s decision.

Examples of “agreements between the parties” as used in Subsection (A)(7) include **the following types of agreements:** marital settlement [ **agreements** ], post-nuptial, pre-nuptial, [ **ante-nuptial, marital settlement,** ] and property settlement. See 23 Pa.C.S. § 3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system. Moreover, the certification is required on every document filed with a court or custodian regardless of whether the filing contains a “confidential document” requiring safeguarding under this policy. **The certification is included on many forms that parties and attorneys file with the magisterial district courts. For documents e-filed through PACFile, available in the appellate courts and some common pleas courts, the filer can certify compliance by checking a box. In addition, the Administrative Office of Pennsylvania Courts included the certification on the Confidential Document Form as well as created a sample stand-alone certification**

**form that parties and attorneys may use or simply incorporate the language into their filed documents. This form may be found on the Unified Judicial System’s website, [www.pacourts.us](http://www.pacourts.us).**

With regard to Subsection E, if the party or party’s attorney fails to use a cover sheet designated “Confidential Document Form” when filing a document deemed confidential pursuant to this section, the document may be released to the public.

With regard to Subsection F any party may make a motion to the court of record to cure any defect(s) in any filed document that does not comport with this section.

With regard to Subsection G, any party may file a request form designed and published by the Administrative Office of Pennsylvania Courts with a magisterial district court when there is an allegation that a filing was made with that court that does not comply with this policy.

#### Section 9.0. Limits on Public Access to Case Records at a Court Facility.

The following information shall not be accessible by the public at a court facility:

A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Any Confidential Information Form or any Unredacted Version of any document as set forth in Section 7.0;

D. Any document filed with a Confidential Document Form as set forth in Section 8.0;

E. Information sealed or protected pursuant to court order;

F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System’s website.

#### Commentary

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court’s opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public’s access to court records and ability to understand the court’s decision.



With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*. The provision is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.

#### **Section 10.0. Limits on Remote Access to Case Records.**

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;
2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;
3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;
4. *In Forma Pauperis* petitions;
5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;
6. Case records in actions governed by the [ **Decedents** ] **Probate**, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and
7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:

1. A party's name;
2. The city, state, and ZIP code of a party's address;
3. Counsel of record's name and address;
4. Docket number;
5. Docket entries indicating generally what actions have been taken or are scheduled in a case;
6. Court orders and opinions;
7. Filing date of the case; and
8. Case type.

C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

#### **Commentary**

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the [ **Decedents** ] **Probate**, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

#### **Section 11.0. Correcting Clerical Errors in Case Records.**

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.
2. A request to correct a clerical error in a case record of a court of common pleas, the Philadelphia Municipal Court, or a magisterial district court shall be submitted to the applicable custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.
2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case. However, if the request for review concerns a magisterial district court's decision, it shall be reviewed by the president judge or his/her designee.

#### Commentary

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. *E.g., Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, clerks of the court, and magisterial district judges.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

#### Section 12.0. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

#### EXPLANATORY REPORT

#### Amendments to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

On September 15, 2020, effective in 30 days, upon the recommendation of the Administrative Office of Pennsylvania Courts, the Court amended Sections 7.0, 8.0, and 10.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* to clarify existing provisions of the Policy. The specific amendments are detailed below.

Sections 7.0(A) and 8.0(A) have been amended to require filers to safeguard confidential information and/or documents, even when applicable authority requires the confidential information and/or document be included in the filing with the court. Specifically, if the applicable authority (i.e. rule, statute) requires confidential information or a confidential document to be included in the filing, the filer must still follow the respective protocols to safeguard that information and/or document.

Sections 7.0(D) and 8.0(D) have been amended to provide that the certification described in those sections is not required to appear on a separate piece of paper attached to each filing. Rather, the certification has been included on many forms used in the courts, such as the Confidential Information Form, Confidential Document Form, various magisterial district court forms, and PACFile screens.

Thus, if a person is filing a form on which the certification is provided, there is no need to file a separate certification form. However, the Administrative Office of Pennsylvania Courts has created a sample Certification Form that parties and attorneys may use as a stand-alone document or incorporate in their documents when needed. This form is available on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

In addition, the Commentary following Sections 7.0 and 8.0 have been amended to remind attorneys that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this Policy. In Section 10.0, a reference to the Probate, Estates, and Fiduciaries Code has been updated.

[Pa.B. Doc. No. 20-1301. Filed for public inspection September 25, 2020, 9:00 a.m.]

## Title 225—RULES OF EVIDENCE

[ 225 PA. CODE ART. IV ]

### Proposed Adoption of Pa.R.E. 413

The Committee on Rules of Evidence is considering proposing to the Supreme Court of Pennsylvania the adoption of Pennsylvania Rule of Evidence 413 governing the admissibility of immigration status for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Counsel  
Committee on Rules of Evidence  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717.231.9536  
evidencerules@pacourts.us

All communications in reference to the proposal should be received by October 19, 2020. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on  
Rules of Evidence*

JOHN P. KRILL, Jr.,  
Chair

#### Annex A

### TITLE 225. RULES OF EVIDENCE

#### ARTICLE IV. RELEVANCE AND ITS LIMITS

*(Editor's Note: The following rule is proposed to be added and printed in regular type to enhance readability.)*

#### Rule 413. Evidence of Immigration Status.

Evidence of immigration status may only be used to prove an essential fact of, an element of, or a defense to, an action, or a party's or witness's motive. The proponent shall provide reasonable notice in advance of trial, or during trial if the court excuses advance notice upon good cause shown, of the specific nature of any evidence of immigration status the proponent plans to introduce.

#### Comment

Pa.R.E. 413 has no counterpart in the Federal Rules. This rule is modeled, in part, after Pa.R.E. 404(b)(3) and without limitation as to the type of case.

In practice, the introduction of immigration status has received heightened consideration in terms of relevancy and prejudice. *See, e.g., Commonwealth v. Sanchez*, 595 A.2d 617 (Pa. Super. 1991) (reference to defendant as an "illegal alien" was irrelevant and prejudicial). This consideration is warranted to avoid potential intimidation of witnesses for fear of deportation. *See, e.g., 8 U.S.C. § 1227* (Deportable Aliens). This rule is intended to limit the admissibility of evidence of immigration status for purposes other than those stated in the rule. *See, e.g., Commonwealth v. Philistin*, 53 A.3d 1 (Pa. 2012) (discussing admissibility of immigration status for purpose of proving motive).

This rule requires the proponent to provide notice to the other party prior to the introduction of evidence of immigration status. Notice is intended to afford the opponent the opportunity to seek a ruling as to relevancy or potential for unfair prejudice, if warranted, regardless of use. *See Pa.R.E. 401; Pa.R.E. 403*. If evidence is relevant, the trial court may consider a cautionary jury instruction to ameliorate its prejudicial effect. *See, e.g., Commonwealth v. Hairston*, 84 A.3d 657 (Pa. 2014).

*See also Pa.R.E. 103(d)* (Preventing the Jury from Hearing Inadmissible Evidence); *Pa.R.E. 104* (Preliminary Questions).

### REPORT

#### Proposed Adoption of Pa.R.E. 413

The Committee on Rules of Evidence is considering proposing the adoption of Pennsylvania Rule of Evidence 413 governing the admissibility of evidence of immigration status. The catalyst for this proposal was a recommendation of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness for changes to the Pennsylvania Rules of Evidence to limit the admissibility of a party's or witness's immigration status.

The Committee previously proposed amendment of the Comment to Pa.R.E. 401 to include the following guidance:

Generally, evidence of a person's race, sex, gender identity or expression, religion, national origin, immigration status, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation is irrelevant and inadmissible. *See Pa.R.E. 402* (evidence not relevant is not admissible). Such evidence may also be subject to analysis under Pa.R.E. 403, concerning unfair prejudice.

49 Pa.B. 2218 (May 4, 2019). The Committee received several comments concerning the need for a rule addressing specifically immigration status given that evidence of immigration status may be used for the purpose of intimidation.

To address this concern, the Committee proposes a standalone rule in the form of Pa.R.E. 413 to address the admissibility of evidence of immigration status. Similar to Washington Rule of Evidence 413, the standalone rule would limit the admission of such evidence to prove an essential fact of, an element of, or a defense to, an action, or a party's or witness's motive. The latter exception for a party's motive is intended to include the use of immigration status as recognized in *Commonwealth v. Philistin*, 53 A.3d 1 (Pa. 2012). The exclusion for a witness's motive is intended to permit the admissibility of immigration status for impeachment purposes to prove the bias or prejudice of a witness.

"Immigration status" is not a defined phrase in the Pennsylvania Rules of Evidence. Federal regulation defines "lawful immigration status" as including six categories of individuals: (1) lawful permanent residents; (2) nonimmigrants admitted under 8 U.S.C. § 1101(a)(15) whose statuses either have been extended or have not expired; (3) refugees whose statuses have not been revoked; (4) asylees whose statuses have not been revoked; (5) parolees whose statuses have not expired, been revoked, or been terminated; and (6) persons who fall within the purview of the Immigration Nursing Relief Act of 1989 and who have filed their applications for adjustment of status on or before October 17, 1991. *See 8 C.F.R. § 1245.1(d)(1)*. Without differentiation, the use of "immigration status" in a Rule of Evidence would cover both lawful and unlawful immigration status.

The Committee also proposes a function that would put the opponent on notice that a proponent intends to introduce evidence of immigration status. The opponent can then seek a pretrial ruling as to the admissibility of the evidence. This process would be similar to that employed by Pa.R.E. 404(b)(3) for notice in criminal cases for prior bad acts, but the notice would require the specific, rather than general, nature of any evidence of



immigration status. Thereafter, the opponent could weigh whether to challenge the relevancy and potential prejudice of the evidence.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 20-1302. Filed for public inspection September 25, 2020, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1, 4 AND 5 ]

### Proposed Amendment of Pa.Rs.Crim.P. 135, 460 and 547

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 135 (Transcript of Proceedings before Issuing Authority), 460 (Notice of Appeal), and 547 (Return of Transcript and Original Papers) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, October 30, 2020. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

MARGHERITA PATTI-WORTHINGTON,  
*Chair*

#### Annex A

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

#### PART C. Venue, Location, and Recording of Proceedings Before Issuing Authority

#### Rule 135. Transcript of Proceedings Before Issuing Authority.

(A) The issuing authority shall prepare and forward to the court of common pleas a transcript of the proceedings

in all summary cases when an appeal is taken and in all court cases when the defendant is held for court.

(B) The transcript shall contain the following information, where applicable:

- (1) the date and place of hearings;
- (2) the names and addresses of the prosecutor, defendant, and witnesses;
- (3) the names and office addresses of counsel in the proceeding;
- (4) the charge against the defendant as set forth in the prosecutor's complaint;
- (5) the date of issuance of any citation, summons, or warrant of arrest and the return of service thereon;
- (6) a statement whether the parties and witnesses were sworn and which of these persons testified;
- (7) when the defendant was held for court the amount of bail set;
- (8) the nature of the bail posted and the name and address of the corporate surety or individual surety;
- (9) a notation that the defendant has or has not been fingerprinted;
- (10) a specific description of any defect properly raised in accordance with Rule 109;
- (11) a notation that the defendant was advised of the right to apply for the assignment of counsel;
- (12) the defendant's plea of guilty or not guilty, the decision that was rendered in the case and the date thereof, and the judgment of sentence and place of confinement, if any;
- (13) any other information required by the rules to be in the issuing authority's transcript.

#### (C) Electronic Forwarding of the Transcript

**(1) The president judge may order the transcript and any associated documents to be electronically scanned and forwarded to the clerk of courts in an electronic format in lieu of forwarding the physical paper transcript and associated documents.**

**(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.**

**(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.**

#### Comment

The requirement of a docket was deleted from this rule in 1985 because dockets are now routinely maintained under the supervision of the Administrative Office of Pennsylvania Courts. It is expected that issuing authorities will continue to keep dockets of criminal proceedings. The transcript requirements presuppose an accurate docket to supply the information necessary to prepare a transcript.

The procedures regarding the filing of a transcript after appeal in summary cases are set forth in Rule 460(C) and (D). For such procedures after the defendant is held for court in a court case, see Rule 547. With regard to other information required by the rules to be in the transcript, see, e.g., Rule 542.

The requirement that there be a notation indicating whether the defendant has been fingerprinted as required

by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is to alert the district attorney and the court whether it is necessary to have the defendant fingerprinted after the case is held for court.

**Official Note:** Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009; **amended , 2020, effective , 2020.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

**Report explaining the proposed amendments regarding the electronic transfer of the transcript published for comment at 50 Pa.B. 5227 (September 26, 2020).**

#### CHAPTER 4. PROCEDURES IN SUMMARY CASES

##### PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial *De Novo*

###### Rule 460. Notice of Appeal.

(A) When an appeal is authorized by law in a summary proceeding, including an appeal following a prosecution for violation of a municipal ordinance that provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the entry of the guilty plea, the conviction, or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

(B) The notice of appeal shall contain the following information:

- (1) the name and address of the appellant;
- (2) the name and address of the issuing authority who accepted the guilty plea or heard the case;
- (3) the magisterial district number in which the case was heard;
- (4) the name and mailing address of the affiant as shown on the complaint or citation;
- (5) the date of the entry of the guilty plea, the conviction, or other final order from which the appeal is taken;
- (6) the offense(s) of which convicted or to which a guilty plea was entered, if any;
- (7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
- (8) the type or amount of bail or collateral, if any, furnished to the issuing authority;

(9) the name and address of the attorney, if any, filing the notice of appeal; and

(10) except when the appeal is from a guilty plea or a conviction, the grounds relied upon for appeal.

(C) Within 5 days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

(D) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation, if any;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

(E) **Electronic Forwarding of the Transcript**

**(1) The president judge may order the transcript and any associated documents to be electronically scanned and forwarded to the clerk of courts in an electronic format in lieu of forwarding the physical paper transcript and associated documents.**

**(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.**

**(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.**

(F) This rule shall provide the exclusive means of appealing from a summary guilty plea or conviction. Courts of common pleas shall not issue writs of *certiorari* in such cases.

[ (F) ] (G) This rule shall not apply to appeals from contempt adjudications.

###### Comment

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including appeals from prosecutions for violations of municipal ordinances that provide for the possibility of imprisonment, and default hearings.

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

Appeals from contempt adjudications are governed by Rule 141.

The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

See Rule 461 for the procedures for executing a sentence of imprisonment when there is a stay.

"Entry," as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 456, the matter must be heard *de novo* by the appropriate judge of the court of common pleas

and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation. Therefore, in electronically transmitted parking violation cases only, because there is no original citation, the issuing authority would file the summons with the clerk of courts pursuant to paragraph (D)(3).

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial *de novo*.

See Rule 462(F) regarding the retention of a case at the court of common pleas when a petition to file an appeal *nunc pro tunc* has been denied.

*Certiorari* was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of *certiorari* continues with this rule.

**Official Note:** Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; *Comment* revised February 28, 2003, effective July 1, 2003; *Comment* revised December 29, 2017, effective April 1, 2018; **amended \_\_\_\_\_, 2020, effective \_\_\_\_\_, 2020.**

*Committee Explanatory Reports:*

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997.)

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order 30 Pa.B. 1509 (March 18, 2002).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 973 (February 22, 2003).

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the December 29, 2017 Comment revision cross-referencing Rule 462(F) published with the Court's Order at 48 Pa.B. 226 (January 13, 2018).

**Report explaining the proposed amendments regarding the electronic transfer of the transcript published for comment at 50 Pa.B. 5227 (September 26, 2020).**

**CHAPTER 5. PRETRIAL PROCEDURES  
IN COURT CASES**

**PART D. Proceedings in Court Cases  
Before Issuing Authorities**

**Rule 547. Return of Transcript and Original Papers.**

(A) When a defendant is held for court, or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case, the issuing authority shall prepare a transcript of the proceedings. The transcript shall contain all the information required by these rules to be recorded on the transcript. It shall be signed by the issuing authority, and have affixed to it the issuing authority's seal of office.

(B) The issuing authority shall transmit the transcript to the clerk of the proper court within 5 days after holding the defendant for court or after closing out the case upon receipt of the notice that the case will be presented to the indicting grand jury.

(C) In addition to this transcript the issuing authority also shall transmit the following items:

- (1) the original complaint;
- (2) the summons or the warrant of arrest and its return;
- (3) all affidavits filed in the proceeding;
- (4) the appearance or bail bond for the defendant, if any, or a copy of the order committing the defendant to custody;
- (5) a request for the court of common pleas to issue a bench warrant as required in Rule 543(D)(3)(b);
- (6) notice informing the court of common pleas that the defendant has failed to comply with the fingerprint order as required in Rule 543(D)(3)(b)(ii); and
- (7) a copy of the notice that the case will be presented to the indicting grand jury.

**(D) Electronic Forwarding of the Transcript**

**(1) The president judge may order the transcript and any associated documents to be electronically scanned and forwarded to the clerk of courts in an electronic format in lieu of forwarding the physical paper transcript and associated documents.**

**(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.**

**(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.**



### Comment

See Rule 135 for the general contents of the transcript. There are a number of other rules that require certain things to be recorded on the transcript to make a record of the proceedings before the issuing authority. See, e.g., Rules 542 and 543.

When the case is held for court pursuant to Rule 543(D)(3), the issuing authority must include with the transcript transmittal a request for the court of common pleas to issue a bench warrant.

When the case is held for court pursuant to Rule 543(D)(3)(b)(ii), the issuing authority must include with the transcript transmittal a notice to the court of common pleas that the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2). See Rule 543(D)(3)(b)(ii). The court of common pleas must take whatever actions deemed appropriate to address this non-compliance.

See Chapter 5 Part E for the procedures governing indicting grand juries. Pursuant to Rule 556.2(A)(3), the judge is required to notify the issuing authority that the case will be presented to the indicting grand jury. Pursuant to Rule 556.11(A), upon receipt of the notice, the issuing authority is required to close out the case in his or her office, and forward it to the court of common pleas for all further proceedings. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the motion and order filed pursuant to Rule 556.2(A)(5).

When arrest warrant information has been sealed pursuant to Rule 513.1, the arrest warrant information already will have been filed with the clerk of courts. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the original file created for the sealing procedure.

**Official Note:** Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended June 21, 2012, effective in 180 days; amended December 23, 2013, effective March 1, 2014; **amended**, **2020, effective**, **2020**.

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 changes published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. 2503 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 38 Pa.B. 3975 (July 26, 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph (C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Final Report explaining the December 23, 2013 Comment revisions concerning sealed arrest warrant documents published with the Court's Order at 44 Pa.B. 243 (January 11, 2014).

**Report explaining the proposed amendments regarding the electronic transfer of the transcript published for comment at 50 Pa.B. 5227 (September 26, 2020).**

### REPORT

#### *Proposed Amendment of Pa.Rs.Crim.P. 135, 460, and 547*

#### **Electronic Transfer of Records From Magisterial District Judge Court to Common Pleas Court**

The Committee recently examined a question regarding the forwarding of original case records from the minor courts to clerk of courts' offices. Currently, the rules require the physical documents to be transferred from one office to another. With the increased use of technology for the electronic filing of documents, the question was whether this physical transfer is necessary.

The Magisterial District Judge System (MDJS) currently provides scanning capabilities, through the Electronic Records Management System ("ERMS"), to all magisterial district judge (MDJ) offices throughout the Commonwealth. MDJs are capturing images of documents filed in their courts that potentially could be used to transfer the required documents solely by electronic means. The rules currently do not contemplate such an exclusively electronic transfer.

This question had been examined by the Committee while the original electronic filing rules were being developed. At the time, the Committee concluded that, because electronic filing as a whole was new, it would be best to continue to require paper documents to be retained in the case file and to continue the physical sending of these papers to mark the transfer of the case from the MDJ court to the common pleas court. It was felt that the retention of this long-established practice would avoid any confusion during the process of transfer.

Electronic filing rules have been in place for several years now, with considerable success and popularity. There is a growing interest in many courts to "go paperless" and the technology has advanced to the point where this is becoming increasingly practical. The Comment to the Rule 576.1 (Electronic Filing and Service of Legal Papers) recognizes the advantages of paperless files and does not preclude their use, at least once the case is at the common pleas level:

A file in physical paper format is not required by this rule. If the local rule requires a file in physical paper format, the requirement may extend to all cases or only to certain specified cases. For example, the court may require files in physical paper format for cases listed for trial or scheduled for argument while maintaining only electronic files for all other cases.

Since the advent of Common Pleas Case Management System (CPCMS), most of the case information has been sent electronically from the MDJ courts to the common pleas courts. The introduction of the ERMS scanning technology into the MDJS has added electronic copies of the actual documents to that transfer. Currently, there

are a number of judicial districts that transfer both a scanned electronic file and the physical file.

The Committee concluded that there was not a compelling reason for mandating the transfer of the physical file between the two levels of court in all cases. At a minimum, relying on an electronic transfer would save the costs associated with mailing of the physical file. However, the Committee believes that the practice should be voluntary and only those judicial districts that were comfortable with the practice should avail themselves of this method of transfer. The physical file would be maintained and retained at the MDJ offices to effectuate compliance with the Court's Record Retention Policy.

Therefore, language would be added to Rules 135 and 547 that would permit a judicial district to "opt in" to using scanned electronic documents to constitute the file that was transferred from the MDJ court to the common pleas court by order of the president judge. These electronically transferred documents would be deemed the "original" documents.

Although the original question presented to the Committee regarded records in court cases, the Committee concluded that there is no reason why the transfer of the records in summary appeal cases should be handled differently than court case transfers. Therefore, the proposed amendments to Rule 135 do not distinguish between summary and court case. Additionally, the language similar to that to be added to Rule 547 would be added in Rule 460, regarding summary case appeals.

[Pa.B. Doc. No. 20-1303. Filed for public inspection September 25, 2020, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Complete Business Solutions Group, Inc., d/b/a Par Funding, and related entities; Administrative Doc. No. 53 of 2020

##### Order

And Now, this 4th day of September, 2020, upon consideration of the following Order regarding the appointment of a Receiver issued by the United States District Court for the Southern District of Florida in Case No. 20-CIV-81205-RAR, it is hereby *Ordered* and *Decreed* that all cases in which any of the following entities is a named party shall be placed in deferred status until further notice:

Complete Business Solutions Group, Inc. d/b/a Par Funding  
Full Spectrum Processing, Inc.  
ABetterFinancialPlan.com LLC d/b/a A Better Financial Plan  
ABFP Management Company, LLC f/k/a Pillar Life Settlement Management Company, LLC  
ABFP Income Fund, LLC  
ABFP Income Fund 2, L.P.  
United Fidelis Group Corp.  
Fidelis Financial Planning LLC  
Retirement Evolution Group, LLC  
RE Income Fund LLC  
RE Income Fund 2 LLC  
ABFP Income Fund 3, LLC,  
ABFP Income Fund 4, LLC  
ABFP Income Fund 6, LLC  
ABFP Income Fund Parallel LLC

ABFP Income Fund 2 Parallel  
ABFP Income Fund 3 Parallel  
ABFP Income Fund 4 Parallel  
ABFP Income Fund 6 Parallel

It is further *Ordered* and *Decreed* as follows:

1. All actions to enforce judgments entered by or against the previously listed entities are *Stayed* until further notice.

2. Any party to a subsequently filed or existing case involving one of the previously-listed entities may file a "Praecipe to Defer Pursuant to Administrative Order" if the court does not defer the case first.

3. Any person or party seeking additional information regarding any case deferred pursuant to this Administrative Order is encouraged to contact counsel for the Receiver,<sup>1</sup> rather than the court.

*By the Court*

JACQUELINE F. ALLEN,  
*Administrative Judge*  
*Trial Division*

LISETTE SHIRDAN HARRIS,  
*Supervising Judge*  
*Trial Division—Civil Section*

GARY S. GLAZER,  
*Supervising Judge*  
*Trial Division—Commerce Program*

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at [www.courts.phila.gov](http://www.courts.phila.gov). Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

##### CASE NO. 20-CIV-81205-RAR

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

COMPLETE BUSINESS SOLUTIONS GROUP,  
INC. d/b/a PAR FUNDING, et al.

Defendants.

##### AMENDED ORDER APPOINTING RECEIVER

THIS CAUSE comes before the Court upon Plaintiff Securities and Exchange Commission's ("SEC" or "Com-

<sup>1</sup> The appointed Receiver is Ryan Stumphauzer, Esquire. Counsel for the Receiver is Gaetan J. Alfano, Esquire of Pietragallo Gordan Alfano Bosick & Raspanti, LLP, 1818 Market Street, Suite 3402, Philadelphia, PA 19103, Phone: (215) 988-1441, Fax: (215) 754-5181, Email: GJA@Pietragallo.com.

mission”) Expedited Motion to Amend Receivership Order [ECF No. 105] (“Motion”), filed on August 7, 2020, and the Court’s Order granting the Motion [ECF No. 140], entered on August 13, 2020.

WHEREAS as set forth in the Court’s July 27, 2020 Order appointing the Receiver [ECF No. 36], the Court found that, based on the record in these proceedings, the appointment of a receiver in this action is necessary and appropriate for the purposes of marshaling and preserving all assets of the Defendants (“Receivership Assets”) and those assets of the Relief Defendant that: (a) are attributable to funds derived from investors or clients of the Defendants; (b) are held in constructive trust for the Defendants; and/or (c) may otherwise be includable as assets of the estates of the Defendants (collectively, “Recoverable Assets”); and,

WHEREAS this Court has subject matter jurisdiction over this action and personal jurisdiction over the Defendants, and venue properly lies in this district, it is hereby ORDERED AND ADJUDGED as follows:

1. This Court hereby takes exclusive jurisdiction and possession of the assets, of whatever kind and wherever situated, of the following Defendants: Complete Business Solutions Group, Inc. d/b/a Par Funding (“Par Funding”), Full Spectrum Processing, Inc., ABetterFinancialPlan.com LLC d/b/a A Better Financial Plan (“ABFP”), ABFP Management Company, LLC f/k/a Pillar Life Settlement Management Company, LLC (“ABFP Management”), ABFP Income Fund, LLC, ABFP Income Fund 2, L.P., United Fidelis Group Corp., Fidelis Financial Planning LLC, Retirement Evolution Group, LLC, RE Income Fund LLC, and RE Income Fund 2 LLC; and the following related entities: ABFP Income Fund 3, LLC, ABFP Income Fund 4, LLC, ABFP Income Fund 6, LLC, ABFP Income Fund Parallel LLC, ABFP Income Fund 2 Parallel, ABFP Income Fund 3 Parallel, ABFP Income Fund 4 Parallel, and ABFP Income Fund 6 Parallel (collectively, “Receivership Entities”).

2. Until further Order of this Court, Ryan Stump-hauer, Esq. is appointed to serve without bond as receiver (“Receiver”) for the estates of the Receivership Entities.

### I. Asset Freeze

3. Except as otherwise specified herein, all Receivership Assets and Recoverable Assets are frozen until further order of this Court. Accordingly, all persons and entities with direct or indirect control over any Receivership Assets and/or any Recoverable Assets, other than the Receiver, are hereby restrained and enjoined from directly or indirectly transferring, setting off, receiving, changing, selling, pledging, assigning, liquidating or otherwise disposing of or withdrawing such assets. This freeze shall include, but not be limited to, Receivership Assets and/or Recoverable Assets that are on deposit with financial institutions such as banks, brokerage firms and mutual funds.

### II. General Powers and Duties of Receiver

4. The Receiver shall have all powers, authorities, rights and privileges heretofore possessed by the officers, directors, managers and general and limited partners of the Receivership Entities under applicable state and federal law, by the governing charters, by-laws, articles and/or agreements in addition to all powers and authority of a receiver at equity, and all powers conferred upon a receiver by the provisions of 28 U.S.C. §§ 754, 959 and 1692, and Fed.R.Civ.P. 66.

5. The trustees, directors, officers, managers, employees, investment advisors, accountants, attorneys and other agents of the Receivership Entities are hereby dismissed and the powers of any general partners, directors and/or managers are hereby suspended. Such persons and entities shall have no authority with respect to the Receivership Entities’ operations or assets, except to the extent as may hereafter be expressly granted by the Receiver. The Receiver shall assume and control the operation of the Receivership Entities and shall pursue and preserve all of their claims.

6. No person holding or claiming any position of any sort with any of the Receivership Entities shall possess any authority to act by or on behalf of any of the Receivership Entities.

7. Subject to the specific provisions in Sections III through XIV, below, the Receiver shall have the following general powers and duties:

A. To use reasonable efforts to determine the nature, location and value of all property interests of the Receivership Entities, including, but not limited to, monies, funds, securities, credits, effects, goods, chattels, lands, premises, leases, claims, rights and other assets, together with all rents, profits, dividends, interest or other income attributable thereto, of whatever kind, which the Receivership Entities own, possess, have a beneficial interest in, or control directly or indirectly (“Receivership Property” or, collectively, “Receivership Estates”);

B. To take custody, control and possession of all Receivership Property and records relevant thereto from the Receivership Entities; to sue for and collect, recover, receive and take into possession from third parties all Receivership Property and records relevant thereto;

C. To manage, control, operate and maintain the Receivership Estates and hold in his possession, custody and control all Receivership Property, pending further Order of this Court;

D. To use Receivership Property for the benefit of the Receivership Estates, making payments and disbursements and incurring expenses as may be necessary or advisable in the ordinary course of business in discharging his duties as Receiver;

E. To take any action which, prior to the entry of this Order, could have been taken by the officers, directors, partners, managers, trustees and agents of the Receivership Entities;

F. To engage and employ persons in his discretion to assist him in carrying out his duties and responsibilities hereunder, including, but not limited to, accountants, attorneys, securities traders, registered representatives, financial or business advisers, liquidating agents, real estate agents, forensic experts, brokers, traders or auctioneers;

G. To take such action as necessary and appropriate for the preservation of Receivership Property or to prevent the dissipation or concealment of Receivership Property;

H. The Receiver is authorized to issue subpoenas for documents and testimony consistent with the Federal Rules of Civil Procedure;

I. To bring such legal actions based on law or equity in any state, federal, or foreign court as the Receiver deems necessary or appropriate in discharging his duties as Receiver;



J. To pursue, resist and defend all suits, actions, claims and demands which may now be pending or which may be brought by or asserted against the Receivership Estates; and,

K. To take such other action as may be approved by this Court.

### III. Access to Information

8. The individual Receivership Entities and the past and/or present officers, directors, agents, managers, general and limited partners, trustees, attorneys, accountants and employees of the entity Receivership Entities, as well as those acting in their place, are hereby ordered and directed to preserve and turn over to the Receiver forthwith all paper and electronic information of, and/or relating to, the Receivership Entities and/or all Receivership Property; such information shall include but not be limited to books, records, documents, accounts and all other instruments and papers.

9. Within ten days of the entry of this Order, the Receivership Entities shall file with the Court and serve upon the Receiver and the Commission a sworn statement, listing: (a) the identity, location and estimated value of all Receivership Property; (b) all employees (and job titles thereof), other personnel, attorneys, accountants and any other agents or contractors of the Receivership Entities; and, (c) the names, addresses and amounts of claims of all known creditors of the Receivership Entities.

10. Within thirty (30) days of the entry of this Order, the Receivership Entities shall file with the Court and serve upon the Receiver and the Commission a sworn statement and accounting, with complete documentation, covering the period from January 1, 2015 to the present:

A. Of all Receivership Property, wherever located, held by or in the name of the Receivership Entities, or in which any of them, directly or indirectly, has or had any beneficial interest, or over which any of them maintained or maintains and/or exercised or exercises control, including, but not limited to: (a) all securities, investments, funds, real estate, automobiles, jewelry and other assets, stating the location of each; and (b) any and all accounts, including all funds held in such accounts, with any bank, brokerage or other financial institution held by, in the name of, or for the benefit of, any of them, directly or indirectly, or over which any of them maintained or maintains and/or exercised or exercises any direct or indirect control, or in which any of them had or has a direct or indirect beneficial interest, including the account statements from each bank, brokerage or other financial institution;

B. Identifying every account at every bank, brokerage or other financial institution: (a) over which Receivership Entities have signatory authority; and (b) opened by, in the name of, or for the benefit of, or used by, the Receivership Entities;

C. Identifying all credit, bank, charge, debit or other deferred payment card issued to or used by each Receivership Entity, including but not limited to the issuing institution, the card or account number(s), all persons or entities to which a card was issued and/or with authority to use a card, the balance of each account and/or card as of the most recent billing statement, and all statements for the last twelve months;

D. Of all assets received by any of them from any person or entity, including the value, location, and disposition of any assets so received;

E. Of all funds received by the Receivership Entities, and each of them, in any way related, directly or indirectly, to the conduct alleged in the Commission's Complaint. The submission must clearly identify, among other things, all investors, the securities they purchased, the date and amount of their investments, and the current location of such funds;

G. Of all expenditures exceeding \$1,000 made by any of them, including those made on their behalf by any person or entity; and

H. Of all transfers of assets made by any of them.

11. Within thirty (30) days of the entry of this Order, the Receivership Entities shall provide to the Receiver and the Commission copies of the Receivership Entities' federal income tax returns for 2015 through present with all relevant and necessary underlying documentation.

12. The individual Receivership Entities and the Receivership Entities' past and/or present officers, directors, agents, attorneys, managers, shareholders, employees, accountants, debtors, creditors, managers and general and limited partners, and other appropriate persons or entities shall answer under oath to the Receiver all questions which the Receiver may put to them and produce all documents as required by the Receiver regarding the business of the Receivership Entities, or any other matter relevant to the operation or administration of the receivership or the collection of funds due to the Receivership Entities. In the event that the Receiver deems it necessary to require the appearance of the aforementioned persons or entities, the Receiver shall make its discovery requests in accordance with the Federal Rules of Civil Procedure.

13. The Receiver is authorized to issue subpoenas to compel testimony of persons or production of records, consistent with the Federal Rules of Civil Procedure and applicable Local Rules, except for the provisions of Fed. R.Civ.P. 26(d)(1), concerning any subject matter within the powers and duties granted by this Order.

14. The Receivership Entities are required to assist the Receiver in fulfilling his duties and obligations. As such, they must respond promptly and truthfully to all requests for information and documents from the Receiver.

### IV. Access to Books, Records, and Accounts

15. The Receiver is authorized to take immediate possession of all assets, bank accounts or other financial accounts, books and records and all other documents or instruments relating to the Receivership Entities. All persons and entities having control, custody or possession of any Receivership Property are hereby directed to turn such property over to the Receiver.

16. The Receivership Entities, as well as their agents, servants, employees, attorneys, any persons acting for or on behalf of the Receivership Entities, and any persons receiving notice of this Order by personal service, facsimile transmission or otherwise, having possession of the property, business, books, records, accounts or assets of the Receivership Entities are hereby directed to deliver the same to the Receiver, his agents and/or employees.

17. All banks, brokerage firms, financial institutions, and other persons or entities which have possession, custody or control of any assets or funds held by, in the name of, or for the benefit of, directly or indirectly, and of the Receivership Entities that receive actual notice of this Order by personal service, facsimile transmission or otherwise shall:

A. Not liquidate, transfer, sell, convey or otherwise transfer any assets, securities, funds, or accounts in the name of or for the benefit of the Receivership Entities except upon instructions from the Receiver;

B. Not exercise any form of set-off, alleged set-off, lien, or any form of self-help whatsoever, or refuse to transfer any funds or assets to the Receiver's control without the permission of this Court;

C. Within five (5) business days of receipt of that notice, file with the Court and serve on the Receiver and counsel for the Commission a certified statement setting forth, with respect to each such account or other asset, the balance in the account or description of the assets as of the close of business on the date of receipt of the notice; and,

D. Cooperate expeditiously in providing information and transferring funds, assets and accounts to the Receiver or at the direction of the Receiver.

#### **V. Access to Real and Personal Property**

18. The Receiver is authorized to take immediate possession of all personal property of the Receivership Entities, wherever located, including but not limited to electronically stored information, computers, laptops, hard drives, external storage drives, and any other such memory, media or electronic storage devices, books, papers, data processing records, evidence of indebtedness, bank records and accounts, savings records and accounts, brokerage records and accounts, certificates of deposit, stocks, bonds, debentures, and other securities and investments, contracts, mortgages, furniture, office supplies and equipment.

19. The Receiver is authorized to take immediate possession of all real property of the Receivership Entities, wherever located, including but not limited to all ownership and leasehold interests and fixtures. Upon receiving actual notice of this Order by personal service, facsimile transmission or otherwise, all persons other than law enforcement officials acting within the course and scope of their official duties, are (without the express written permission of the Receiver) prohibited from: (a) entering such premises; (b) removing anything from such premises; or, (c) destroying, concealing or erasing anything on such premises.

20. In order to execute the express and implied terms of this Order, the Receiver is authorized to change door locks to the premises described above. The Receiver shall have exclusive control of the keys. The Receivership Entities, or any other person acting or purporting to act on their behalf, are ordered not to change the locks in any manner, nor to have duplicate keys made, nor shall they have keys in their possession during the term of the receivership.

21. The Receiver is authorized to open all mail directed to or received by or at the offices or post office boxes of the Receivership Entities, and to inspect all mail opened prior to the entry of this Order, to determine whether items or information therein fall within the mandates of this Order.

22. Upon the request of the Receiver, the United States Marshal Service, in any judicial district, is hereby ordered to assist the Receiver in carrying out his duties to take possession, custody and control of, or identify the location of, any assets, records or other materials belonging to the Receivership Estates.

#### **VI. Notice to Third Parties**

23. The Receiver shall promptly give notice of his appointment to all known officers, directors, agents,

employees, shareholders, creditors, debtors, managers and general and limited partners of the Receivership Entities, as the Receiver deems necessary or advisable to effectuate the operation of the receivership.

24. All persons and entities owing any obligation, debt, or distribution with respect to an ownership interest to any Receivership Entity shall, until further ordered by this Court, pay all such obligations in accordance with the terms thereof to the Receiver and its receipt for such payments shall have the same force and effect as if the Receivership Entity had received such payment.

25. In furtherance of his responsibilities in this matter, the Receiver is authorized to communicate with, and/or serve this Order upon, any person, entity or government office that he deems appropriate to inform them of the status of this matter and/or the financial condition of the Receivership Estates. All government offices which maintain public files of security interests in real and personal property shall, consistent with such office's applicable procedures, record this Order upon the request of the Receiver or the SEC.

26. The Receiver is authorized to instruct the United States Postmaster to hold and/or reroute mail which is related, directly or indirectly, to the business, operations or activities of any of the Receivership Entities ("Receiver's Mail"), including all mail addressed to, or for the benefit of, the Receivership Entities. The Postmaster shall not comply with, and shall immediately report to the Receiver, any change of address or other instruction given by anyone other than the Receiver concerning the Receiver's Mail. The Receivership Entities shall not open any of the Receiver's Mail and shall immediately turn over such mail, regardless of when received, to the Receiver. All personal mail of any individual Receivership Entities, and/or any mail appearing to contain privileged information, and/or any mail not falling within the mandate of the Receiver, shall be released to the named addressee by the Receiver. The foregoing instructions shall apply to any proprietor, whether individual or entity, of any private mailbox, depository, business or service, or mail courier or delivery service, hired, rented or used by the Receivership Entities. The Receivership Entities shall not open a new mailbox, or take any steps or make any arrangements to receive mail in contravention of this Order, whether through the U.S. mail, a private mail depository or courier service.

27. Subject to payment for services provided, any entity furnishing water, electric, telephone, sewage, garbage or trash removal services to the Receivership Entities shall maintain such service and transfer any such accounts to the Receiver unless instructed to the contrary by the Receiver.

#### **VII. Injunction Against Interference with Receiver**

29. The Receivership Entities and all persons receiving notice of this Order by personal service, facsimile or otherwise, are hereby restrained and enjoined from directly or indirectly taking any action or causing any action to be taken, without the express written agreement of the Receiver, which would:

A. Interfere with the Receiver's efforts to take control, possession, or management of any Receivership Property; such prohibited actions include but are not limited to, using self-help or executing or issuing or causing the execution or issuance of any court attachment, subpoena, replevin, execution, or other process for the purpose of impounding or taking possession of or interfering with or creating or enforcing a lien upon any Receivership Property;

B. Hinder, obstruct or otherwise interfere with the Receiver in the performance of his duties; such prohibited actions include but are not limited to, concealing, destroying or altering records or information;

C. Dissipate or otherwise diminish the value of any Receivership Property; such prohibited actions include but are not limited to, releasing claims or disposing, transferring, exchanging, assigning or in any way conveying any Receivership Property, enforcing judgments, assessments or claims against any Receivership Property or any Receivership Entity, attempting to modify, cancel, terminate, call, extinguish, revoke or accelerate (the due date), of any lease, loan, mortgage, indebtedness, security agreement or other agreement executed by any Receivership Entity or which otherwise affects any Receivership Property; or,

D. Interfere with or harass the Receiver, or interfere in any manner with the exclusive jurisdiction of this Court over the Receivership Estates.

30. The Receivership Entities shall cooperate with and assist the Receiver in the performance of his duties.

31. The Receiver shall promptly notify the Court and SEC counsel of any failure or apparent failure of any person or entity to comply in any way with the terms of this Order.

### VIII. Stay of Litigation

32. As set forth in detail below, and excluding the instant proceeding, all police or regulatory actions and actions of the Commission related to the above-captioned enforcement action, and the proceedings specified in the Court's Order Granting the Receiver's Emergency Motion to Lift Litigation Injunction as to Certain Garnishment Proceedings [ECF No. 112], the following proceedings are stayed until further Order of this Court:

All civil legal proceedings of any nature, including, but not limited to, bankruptcy proceedings, arbitration proceedings, foreclosure actions, default proceedings, or other actions of any nature involving: (a) the Receiver, in his capacity as Receiver; (b) any Receivership Property, wherever located; (c) any of the Receivership Entities, including subsidiaries and partnerships; or, (d) any of the Receivership Entities' past or present officers, directors, managers, agents, or general or limited partners sued for, or in connection with, any action taken by them while acting in such capacity of any nature, whether as plaintiff, defendant, third-party plaintiff, third-party defendant, or otherwise (such proceedings are hereinafter referred to as "Ancillary Proceedings").

33. The parties to any and all Ancillary Proceedings are enjoined from commencing or continuing any such legal proceeding, or from taking any action, in connection with any such proceeding, including, but not limited to, the issuance or employment of process.

34. All Ancillary Proceedings are stayed in their entirety, and all Courts having any jurisdiction thereof are enjoined from taking or permitting any action until further Order of this Court. Further, as to a cause of action accrued or accruing in favor of one or more of the Receivership Entities against a third person or party, any applicable statute of limitation is tolled during the period in which this injunction against commencement of legal proceedings is in effect as to that cause of action.

### IX. Managing Assets

35. For each of the Receivership Estates, the Receiver shall establish one or more custodial accounts at a

federally insured bank to receive and hold all cash equivalent Receivership Property ("Receivership Funds").

36. The Receiver's deposit account shall be entitled "Receiver's Account, Estate of [Receivership Entity]" together with the name of the action.

37. The Receiver may, without further Order of this Court, transfer, compromise, or otherwise dispose of any Receivership Property, other than real estate, in the ordinary course of business, on terms and in the manner the Receiver deems most beneficial to the Receivership Estate, and with due regard to the realization of the true and proper value of such Receivership Property.

38. Subject to Paragraph 39, immediately below, the Receiver is authorized to locate, list for sale or lease, engage a broker for sale or lease, cause the sale or lease, and take all necessary and reasonable actions to cause the sale or lease of all real property in the Receivership Estates, either at public or private sale, on terms and in the manner the Receiver deems most beneficial to the Receivership Estate, and with due regard to the realization of the true and proper value of such real property.

39. Upon further Order of this Court, pursuant to such procedures as may be required by this Court and additional authority such as 28 U.S.C. §§ 2001 and 2004, the Receiver will be authorized to sell, and transfer clear title to, all real property in the Receivership Estates.

40. The Receiver is authorized to take all actions to manage, maintain, and/or wind-down business operations of the Receivership Estates, including making legally required payments to creditors, employees, and agents of the Receivership Estates and communicating with vendors, investors, governmental and regulatory authorities, and others, as appropriate.

41. The Receiver shall take all necessary steps to enable the Receivership Funds to obtain and maintain the status of a taxable "Settlement Fund," within the meaning of Section 468B of the Internal Revenue Code and of the regulations, when applicable, whether proposed, temporary or final, or pronouncements thereunder, including the filing of the elections and statements contemplated by those provisions. The Receiver shall be designated the administrator of the Settlement Fund, pursuant to Treas. Reg. § 1.468B-2(k)(3)(i), and shall satisfy the administrative requirements imposed by Treas. Reg. § 1.468B-2, including but not limited to (a) obtaining a taxpayer identification number, (b) timely filing applicable federal, state, and local tax returns and paying taxes reported thereon, and (c) satisfying any information, reporting or withholding requirements imposed on distributions from the Settlement Fund. The Receiver shall cause the Settlement Fund to pay taxes in a manner consistent with treatment of the Settlement Fund as a "Qualified Settlement Fund." The Receivership Entities shall cooperate with the Receiver in fulfilling the Settlement Funds' obligations under Treas. Reg. § 1.468B-2.

### X. Investigate and Prosecute Claims

42. Subject to the requirement, in Section VIII above, that leave of this Court is required to resume or commence certain litigation, the Receiver is authorized, empowered and directed to investigate, prosecute, defend, intervene in or otherwise participate in, compromise, and/or adjust actions in any state, federal or foreign court or proceeding of any kind as may in his discretion, and in consultation with SEC counsel, be advisable or proper to recover and/or conserve Receivership Property.



43. Subject to his obligation to expend receivership funds in a reasonable and cost-effective manner, the Receiver is authorized, empowered and directed to investigate the manner in which the financial and business affairs of the Receivership Entities were conducted and (after obtaining leave of this Court) to institute such actions and legal proceedings, for the benefit and on behalf of the Receivership Estate, as the Receiver deems necessary and appropriate; the Receiver may seek, among other legal and equitable relief, the imposition of constructive trusts, disgorgement of profits, asset turnover, avoidance of fraudulent transfers, rescission and restitution, collection of debts, and such other relief from this Court as may be necessary to enforce this Order. Where appropriate, the Receiver should provide prior notice to Counsel for the Commission before commencing investigations and/or actions.

44. The Receiver hereby holds, and is therefore empowered to waive, all privileges, including the attorney-client privilege, held by all entity Receivership Entities.

45. The receiver has a continuing duty to ensure that there are no conflicts of interest between the Receiver, his Retained Personnel (as that term is defined below), and the Receivership Estate.

#### **XI. Bankruptcy Filing**

46. The Receiver may seek authorization of this Court to file voluntary petitions for relief under Title 11 of the United States Code ("Bankruptcy Code") for the Receivership Entities. If a Receivership Entity is placed in bankruptcy proceedings, the Receiver may become, and may be empowered to operate each of the Receivership Estates as, a debtor in possession. In such a situation, the Receiver shall have all of the powers and duties as provided a debtor in possession under the Bankruptcy Code to the exclusion of any other person or entity. Pursuant to Paragraph 4 above, the Receiver is vested with management authority for all entity Receivership Entities and may therefore file and manage a Chapter 11 petition.

47. The provisions of Section VIII above bar any person or entity, other than the Receiver, from placing any of the Receivership Entities in bankruptcy proceedings.

#### **XII. Liability of Receiver**

48. Until further Order of this Court, the Receiver shall not be required to post bond or give an undertaking of any type in connection with his fiduciary obligations in this matter.

49. The Receiver and his agents, acting within scope of such agency ("Retained Personnel") are entitled to rely on all outstanding rules of law and Orders of this Court and shall not be liable to anyone for their own good faith compliance with any order, rule, law, judgment, or decree. In no event shall the Receiver or Retained Personnel be liable to anyone for their good faith compliance with their duties and responsibilities as Receiver or Retained Personnel, nor shall the Receiver or Retained Personnel be liable to anyone for any actions taken or omitted by them except upon a finding by this Court that they acted or failed to act as a result of malfeasance, bad faith, gross negligence, or in reckless disregard of their duties.

50. This Court shall retain jurisdiction over any action filed against the Receiver or Retained Personnel based upon acts or omissions committed in their representative capacities.

51. In the event the Receiver decides to resign, the Receiver shall first give written notice to the Commis-

sion's counsel of record and the Court of its intention, and the resignation shall not be effective until the Court appoints a successor. The Receiver shall then follow such instructions as the Court may provide.

#### **XIII. Recommendations and Reports**

52. If the Receiver deems it necessary, the Receiver is authorized to develop a plan for the fair, reasonable, and efficient recovery and liquidation of all remaining, recovered, and recoverable Receivership Property ("Liquidation Plan") for review by the Court. The Receiver shall file the Liquidation Plan in the above-captioned action, with service copies to counsel of record.

53. Within thirty (30) days after the end of each calendar quarter, the Receiver shall file and serve a full report and accounting of each Receivership Estate ("Quarterly Status Report"), reflecting (to the best of the Receiver's knowledge as of the period covered by the report) the existence, value, and location of all Receivership Property, and of the extent of liabilities, both those claimed to exist by others and those the Receiver believes to be legal obligations of the Receivership Estates.

54. The Quarterly Status Report shall contain the following:

A. A summary of the operations of the Receiver;

B. The amount of cash on hand, the amount and nature of accrued administrative expenses, and the amount of unencumbered funds in the estate;

C. A schedule of all the Receiver's receipts and disbursements (attached as Exhibit A to the Quarterly Status Report), with one column for the quarterly period covered and a second column for the entire duration of the receivership;

D. A description of all known Receivership Property, including approximate or actual valuations, anticipated or proposed dispositions, and reasons for retaining assets where no disposition is intended;

E. A description of liquidated and unliquidated claims held by the Receivership Estate, including the need for forensic and/or investigatory resources; approximate valuations of claims; and anticipated or proposed methods of enforcing such claims (including likelihood of success in: (i) reducing the claims to judgment; and, (ii) collecting such judgments);

F. A list of all known creditors with their addresses and the amounts of their claims;

G. The status of Creditor Claims Proceedings, after such proceedings have been commenced; and,

H. The Receiver's recommendations for a continuation or discontinuation of the receivership and the reasons for the recommendations.

55. On the request of the Commission, the Receiver shall provide the Commission with any documentation that the Commission deems necessary to meet its reporting requirements, that is mandated by statute or Congress, or that is otherwise necessary to further the Commission's mission.

#### **XIV. Fees, Expenses and Accountings**

56. Subject to Paragraphs 57—63 immediately below, the Receiver need not obtain Court approval prior to the disbursement of Receivership Funds for expenses in the ordinary course of the administration and operation of the receivership. Further, prior Court approval is not required for payments of applicable federal, state or local taxes.

57. Subject to Paragraph 58 immediately below, the Receiver is authorized to solicit persons and entities ("Retained Personnel") to assist him in carrying out the duties and responsibilities described in this Order. The Receiver shall not engage any Retained Personnel without first obtaining an Order of the Court authorizing such engagement.

58. The Receiver and Retained Personnel are entitled to reasonable compensation and expense reimbursement from the Receivership Estates as described in the "Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission" ("Billing Instructions") agreed to by the Receiver. Such compensation shall require the prior approval of the Court.

59. Within forty-five (45) days after the end of each calendar quarter, the Receiver and Retained Personnel shall apply to the Court for compensation and expense reimbursement from the Receivership Estates ("Quarterly Fee Applications"). At least thirty (30) days prior to filing each Quarterly Fee Application with the Court, the Receiver will serve upon counsel for the SEC a complete copy of the proposed Application, together with all exhibits and relevant billing information in a format to be provided by SEC staff.

60. All Quarterly Fee Applications will be interim and will be subject to cost benefit and final reviews at the close of the receivership. At the close of the receivership, the Receiver will file a final fee application, describing in detail the costs and benefits associated with all litigation and other actions pursued by the Receiver during the course of the receivership.

61. Quarterly Fee Applications may be subject to a holdback of 20% of the amount of fees and expenses for each application filed with the Court. The total amounts held back during the course of the receivership will be paid out at the discretion of the Court as part of the final fee application submitted at the close of the receivership.

62. Each Quarterly Fee Application shall:

A. Comply with the terms of the Billing Instructions agreed to by the Receiver; and,

B. Contain representations (in addition to the Certification required by the Billing Instructions) that: (i) the fees and expenses included therein were incurred in the best interests of the Receivership Estate; and, (ii) with the exception of the Billing Instructions, the Receiver has not entered into any agreement, written or oral, express or implied, with any person or entity concerning the amount of compensation paid or to be paid from the Receivership Estate, or any sharing thereof.

63. At the close of the Receivership, the Receiver shall submit a Final Accounting, in a format to be provided by SEC staff, as well as the Receiver's final application for compensation and expense reimbursement.

DONE AND ORDERED in Fort Lauderdale, Florida, this 13th day of August, 2020.

RODOLFO A. RUIZ, II,  
*United States District Judge*

[Pa.B. Doc. No. 20-1304. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 12, 2020, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$225.00. The Order became effective September 11, 2020.

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

APICELLA, PAUL WYATT  
HADDON TOWNSHIP, NJ

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 129 ]

### Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II)

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) as set forth in Annex A. This proposed rulemaking would amend air quality regulations relating to control of volatile organic compound (VOC) emissions during loading of underground gasoline storage tanks (Stage I vapor recovery), during filling of motor vehicles at the pump (Stage II vapor recovery) and during and after decommissioning of Stage II vapor recovery equipment from gasoline dispensing pumps. This proposed rulemaking would also add and amend definitions relating to Stage I and Stage II vapor recovery systems. This proposed rulemaking would amend §§ 121.1, 129.61 and 129.82 (relating to definitions; small gasoline storage tank control (Stage I control); and control of VOCs from gasoline dispensing facilities (Stage II)), and add §§ 129.61a and 129.82a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control; and requirements to decommission a Stage II vapor recovery system).

This proposed rulemaking was adopted by the Board at its meeting on May 19, 2020.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse C. Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) ("Public Participation Center," select "Environmental Quality Board").

#### C. Statutory Authority

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

#### D. Background and Purpose

##### Purpose

The purpose of this proposed rulemaking is to require that air quality emission control systems that cause unnecessary excess emissions be removed from gasoline

dispensing facilities (GDF) without causing excess emissions in the process and without increasing emissions at GDFs over the long-term. The Stage I and Stage II vapor recovery systems that would be affected by this proposed rulemaking control VOCs and air toxics (including benzene) emitted from gasoline at GDFs. VOC emissions are precursors to the formation of ground-level ozone, a criteria air pollutant and public health and welfare hazard. Air toxics are hazardous air pollutants.

Significant to the protection of air quality are the vapor leak monitoring procedures and other emission control requirements for small gasoline storage tanks that would be required under proposed § 129.61a. These requirements would apply in the five-county Philadelphia area (consisting of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) and the seven-county Pittsburgh area (consisting of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties). The proposed protections under § 129.61a would help ensure that ozone pollution in these challenging ozone pollution areas does not increase upon decommissioning of Stage II vapor recovery equipment under proposed § 129.82a.

For many years, the Department has required Stage II vapor recovery system installation and implementation in these challenging ozone pollution areas under § 129.82. In this proposed rulemaking, however, the Department proposes to authorize removal of Stage II "vapor balance" vapor recovery systems from GDFs Statewide because they are no longer needed. The Department would require removal of the more prevalent type of Stage II vapor recovery system, known as "vacuum assist," from the five-county Philadelphia and seven-county Pittsburgh areas. (The two types of Stage II vapor recovery systems are described in more detail as follows in this section.) These proposed amendments would protect against redundancies and disbenefits created by using Stage II systems with vehicle-based onboard refueling vapor recovery (ORVR) systems, now that ORVR systems are in widespread use.

The ORVR systems, just like Stage II vapor recovery systems, are designed to reduce fuel vapor emissions from vehicle refueling. The ORVR-equipped vehicles capture 98% of the fugitive emissions caused by refueling. Pertaining to a GDF, a fugitive emission is an air contaminant emitted into the outdoor atmosphere when not properly emitted through a vent. When an ORVR-equipped vehicle is being refueled with a Stage II vacuum assist vapor recovery system, unwanted emissions of VOCs and air toxics may occur through adverse impacts of the ORVR system on the Stage I and Stage II vapor recovery systems. When a vacuum assist Stage II vapor recovery system is used while refueling an ORVR-equipped vehicle, the Stage II vapor recovery system mostly returns fresh air, not gasoline vapors, into the underground storage tank (UST), because nearly all the gasoline vapor is captured by the vehicle's ORVR system. The fresh air returned to the UST pressurizes the empty space in the UST, forcing gasoline vapors out of the liquid gasoline portion in the UST. The pressure builds to a point at which the vapors vent into the atmosphere through a pressure/vacuum vent valve. This venting is inherent in the UST design; it preserves the integrity and prevents damaging the UST, preventing underground leaks. When enough vehicles, approximately 90%, are equipped with ORVR systems in a Stage II area, the excess emissions emitted into the atmosphere due to the

incompatibility between ORVR systems and Stage II vacuum assist vapor recovery systems exceed any emissions benefits.

Also to ensure that ozone pollution does not increase, the Board is proposing to repeal requirements under § 129.82 that a GDF owner or operator in the Philadelphia or Pittsburgh area install a Stage II vapor recovery system. Other proposed amendments are the new and amended definitions under § 121.1 that would be helpful to implementing this proposed rulemaking. The remaining proposed amendments would clarify Stage I vapor recovery system requirements under § 129.61.

#### *Air quality*

As mentioned previously, VOCs are precursors for ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly to the atmosphere from GDFs, but forms from a photochemical reaction between VOCs and nitrogen oxides (NO<sub>x</sub>) in the presence of sunlight. The Philadelphia and Pittsburgh areas are the most challenging areas in this Commonwealth to bring into, and in which to maintain, the Federal standards for ground-level ozone.

The United States Environmental Protection Agency (EPA) is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and welfare, including the environment: ground-level ozone, particulate matter, NO<sub>x</sub>, carbon monoxide, sulfur dioxide and lead. Section 109 of the CAA (42 U.S.C.A. § 7409) established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and welfare.

In 1979, the EPA promulgated the first NAAQS for ground-level ozone based on a 1-hour average concentration of 0.12 parts per million (ppm) (120 parts per billion (ppb)). See 44 FR 8202 (February 8, 1979).

In 1997, after determining that the 1-hour NAAQS was inadequate to protect public health, the EPA promulgated a new NAAQS based on an 8-hour average of 0.08 ppm averaged over 8 hours. See 62 FR 38856 (July 18, 1997). Because ozone ambient air monitoring data is measured out to three decimal places, the standard effectively became 0.084 ppm with rounding; areas with ozone levels as high as 0.084 ppm (84 ppb) were considered to be meeting the 0.08 ppm standard. In 2004, the EPA designated 37 counties in this Commonwealth as nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004). Based on the certified ambient air monitoring data for the 2017 and 2018 ozone seasons, all monitored areas of this Commonwealth are attaining the 1997 8-hour ozone NAAQS. Maintenance plans have been submitted to the EPA and approved for the 1997 ozone standard. Section 175A(a) of the CAA (42 U.S.C.A. § 7505a(a)) prescribes that the maintenance plans include permanent and enforceable control measures that will provide for the maintenance of the 1997 ozone NAAQS for at least 10 years following the EPA's redesignation of the areas to attainment of the 1997 ozone standard.

In March 2008, the EPA lowered the ozone NAAQS to 0.075 ppm (75 ppb) averaged over 8 hours to provide greater protection for children, other at-risk populations

and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment areas for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties. The certified 2018 ambient air monitoring data indicate that all ozone monitors in this Commonwealth, except for the Bristol monitor (in Bucks County), and the Northeast Airport and Northeast Waste monitors (in Philadelphia County), are monitoring attainment of the 2008 ozone NAAQS. As with the 1997 ozone NAAQS, the Department must ensure that the 2008 ozone NAAQS is attained and maintained by implementing permanent and enforceable control measures.

On October 1, 2015, the EPA lowered the primary and secondary ozone NAAQS to 0.070 ppm (70 ppb) averaged over 8 hours. See 80 FR 65292 (October 26, 2015). As required under section 107(d) of the CAA (42 U.S.C.A. § 7407(d)), the Commonwealth submitted designation recommendations for the 2015 ozone NAAQS to the EPA on October 3, 2016, based on the ambient ozone concentrations from the 2013 through 2015 ozone seasons. See 46 Pa.B. 5162 (August 20, 2016). The Commonwealth submitted revised designation recommendations to the EPA on April 22, 2017. See 47 Pa.B. 2387 (April 22, 2017). The EPA issued final designations for the attainment/unclassifiable areas on November 16, 2017. See 82 FR 54232 (November 16, 2017). In June 2018, the EPA designated Bucks, Chester, Delaware, Montgomery and Philadelphia Counties as nonattainment for the 2015 ozone NAAQS. See 83 FR 25776 (June 4, 2018). Based on the certified ambient air monitoring data for 2018, eight monitors in seven counties in this Commonwealth have design values that violate the 2015 ozone NAAQS. The monitors are in Allegheny, Bucks, Chester, Delaware, Montgomery, Northampton and Philadelphia Counties. The Department must ensure that the 2015 ozone NAAQS is attained and maintained by implementing permanent and Federally-enforceable control measures as necessary and appropriate.

Reductions in VOC emissions that would be achieved following the implementation of this proposed rulemaking as a final-form rulemaking would enable the Commonwealth to make progress in attaining and maintaining the 1997, 2008 and 2015 8-hour ozone NAAQS. The Department will submit the final regulations to the EPA for approval as a revision to the Commonwealth's State Implementation Plan (SIP).

#### *Stage I vapor recovery systems*

This proposed rulemaking would address Stage I vapor recovery system requirements under proposed amendments to § 129.61 and under proposed § 129.61a.

Stage I refers to a vapor recovery system, including equipment and components, that controls the emission into the atmosphere of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a GDF. A properly operating Stage I vapor recovery system returns vapors to the gasoline tank truck. The equipment and components of a Stage I vapor recovery system also control the emission of gasoline vapors during the storage of gasoline at a GDF.

The Board initially adopted Stage I vapor recovery system requirements for areas of this Commonwealth



with the most persistent ozone pollution problems, including the Philadelphia and Pittsburgh areas. See 28 Pa.B. 1447 (April 28, 1979). The Board later amended the regulations at 10 Pa.B. 3788 (September 27, 1980) and in 1991 expanded the requirements Statewide to address continuing ozone nonattainment problems in this Commonwealth and throughout the Northeast. See 21 Pa.B. 3406 (August 3, 1991). The Board streamlined the regulations in 1995 to eliminate two of three exemptions, rendering the regulations applicable to gasoline storage tanks with a capacity of more than 2,000 gallons, matching the EPA's exemption. See 25 Pa.B. 3849 (September 16, 1995).

In 2008, the EPA adopted National emission standards for hazardous air pollutants (HAP) from gasoline dispensing facilities (NESHAP). See 40 CFR, Part 63, Subpart CCCCC (relating to National emission standards for hazardous air pollutants for source category: gasoline dispensing facilities). The EPA adopted the NESHAP under section 112 of the CAA (42 U.S.C.A. § 7412) to curb hazardous air pollutants; but not all VOCs are HAPs. The Federal standards in the NESHAP are enforceable by the EPA against sources Nationwide. The NESHAP focuses on controlling the emission of HAPs in gasoline vapors during the loading of USTs, through Stage I vapor recovery systems.

The Commonwealth's existing Stage I vapor recovery regulations, under § 129.61, are more protective of air quality than the NESHAP. This proposed rulemaking, under proposed § 129.61a, would also be more protective than the NESHAP because it would require vapor leak testing to be performed at more GDFs and more often than under the NESHAP. Proposed § 129.61a would also require the use of low permeation gasoline hoses and dripless enhanced conventional nozzles to protect against VOC emissions into the atmosphere, measures not required by the NESHAP. These hoses and nozzles are cost effective measures that would significantly reduce VOC emissions and small gasoline spills. As described previously, the protections under proposed § 129.61a would help ensure that ozone levels would not increase upon decommissioning of Stage II vapor recovery equipment and that current levels of emissions reductions would continue to be achieved at GDFs after decommissioning of Stage II vapor recovery equipment.

In 1993, the EPA approved a SIP revision containing the Commonwealth's Stage I vapor recovery regulations. See 58 FR 28362 (May 13, 1993). The Commonwealth's approved SIP is codified under 40 CFR 52.2020 (relating to identification of plan). The EPA's approval of the Stage I vapor recovery regulations, under § 129.61, is codified under 40 CFR 52.2020(c)(1).

#### *Stage II vapor recovery—an overview*

This proposed rulemaking would address Stage II vapor recovery requirements under proposed § 129.61a(g)(2)(vii) and (viii), proposed amendments to § 129.82 and proposed § 129.82a. Regulation of Stage II vapor recovery systems was mandated under sections 182 and 184(b)(2) of the CAA (42 U.S.C.A. §§ 7511a and 7511c(b)(2)). The Board first adopted the Stage II vapor recovery system regulations at 22 Pa.B. 585 (February 8, 1992) under § 129.82. In 1999, the Board amended § 129.82 to adjust compliance deadlines at 29 Pa.B. 1889 (April 10, 1999). During that timeframe, amendments to the act were also made. The regulatory and statutory history, the two CAA provisions and the EPA Administrator's lifting of the mandate for states to implement Stage II vapor recovery

programs are discussed in more depth under Stage II vapor recovery—regulatory, statutory and SIP history, as follows.

Stage II refers to a vapor recovery system, including equipment and components, that controls the emission into the atmosphere of vapors during the transfer of gasoline from a gasoline storage tank at a GDF to a motor vehicle fuel tank. A Stage II vapor recovery system also controls emissions into the atmosphere of vapors during the storage of gasoline at a GDF. Stage II vapor recovery technology uses special refueling nozzles, dispensing hoses and a system that draws refueling vapors into the UST. A properly operating Stage II vapor recovery system moves the gasoline vapors from the motor vehicle fuel tank during refueling of the vehicle into the UST at the GDF, preventing the vapors from escaping into the ambient air. Stage II vapor recovery systems were also designed to eliminate the influx of air to the UST that would have occurred without the Stage II vapor recovery system as fuel is pumped out. The Stage II vapor recovery system, in turn, prevents gasoline from evaporating from inside the UST.

#### *Stage II vapor recovery—two types*

There are two types of Stage II vapor recovery technologies: (1) vapor balance and (2) vacuum assist. The two types of Stage II vapor recovery technologies work in different ways. As mentioned previously, Stage II vapor recovery systems are designed to reduce fuel vapor emissions from vehicle refueling at a GDF. A Stage II vapor recovery system also controls emissions into the atmosphere of vapors during the storage of gasoline at a GDF. Stage II vapor recovery technology uses special refueling nozzles, dispensing hoses and a system that draws refueling vapors into the UST. A Stage II vapor balance vapor recovery system uses direct displacement to collect or process vapors at a GDF. Vapor transfer to the UST is accomplished by the slight pressure created in the motor vehicle fuel tank by the incoming flow of gasoline. This system is passive. A Stage II vacuum assist vapor recovery system creates a vacuum to assist the movement of vapors back into the UST for storage or processing. The vacuum assist system is more complex to operate. It also draws some ambient air into the vapor return hose to the UST, which in turn requires secondary processing to accommodate the excess vapors.

Stage II vacuum assist vapor recovery technology is the prevalent Stage II system technology in this Commonwealth. It is installed at approximately 1,600 GDFs in the five-county Philadelphia and seven-county Pittsburgh areas and represents approximately 95% of the GDFs subject to Stage II vapor recovery requirements in those areas and 93% of all Stage II vapor recovery systems in this Commonwealth. However, an incompatibility exists between Stage II vacuum assist vapor recovery systems and ORVR systems that have been installed in the National motor vehicle fleet since 1998. The widespread use of ORVR systems throughout the motor vehicle fleet will soon cause the use of Stage II vacuum assist vapor recovery systems to create an emissions disbenefit in this Commonwealth and elsewhere in the United States.

For this reason, this proposed rulemaking would require decommissioning of Stage II vacuum assist vapor recovery systems in the five-county Philadelphia and seven-county Pittsburgh areas, under proposed § 129.82a. For Stage II vapor balance vapor recovery systems, however, proposed § 129.82a would allow, not require, decommissioning. Proposed § 129.61a would ensure that

there are not excess emissions of VOC and hazardous air pollutants during or after decommissioning.

*Stage II vapor recovery—regulatory, statutory and SIP history*

From the 1980s through 1999, the Department and the General Assembly acted to develop Stage II vapor recovery control requirements to reduce pervasive ozone problems in this Commonwealth and to meet CAA requirements. The statutory requirements have since been repealed, leaving only § 129.82 in State law.

The Board proposed the initial Stage II vapor recovery requirements as an ozone reduction measure. See 20 Pa.B. 3174 (June 16, 1990). At that time, 26 counties in California and in several major metropolitan areas in the United States had implemented Stage II vapor recovery programs. See 20 Pa.B. 3174. Refueling of gasoline powered motor vehicles was a major source of uncontrolled VOC emissions in much of the country and the Commonwealth needed the emission reductions to help attain the 1979 1-hour ozone NAAQS. See 20 Pa.B. 3174.

Five months later, on November 15, 1990, Congress enacted broad amendments to the CAA (1990 CAA amendments). In the 1990 CAA amendments, Congress mandated that states implement Stage II vapor recovery requirements by November 15, 1992, in areas classified as moderate or worse for ozone nonattainment. See sections 182(b)(3), (c), (d) and (e) of the CAA (42 U.S.C.A. §§ 7511a(b)(3), (c), (d) and (e)). For states in the Ozone Transport Region (OTR), which includes the Commonwealth, Congress also required statewide implementation of control measures capable of achieving emission reductions comparable to those achievable through the vehicle refueling controls required by section 182(b)(3) of the CAA for moderate ozone nonattainment areas. See section 184(b)(2) of the CAA. These CAA provisions required states to obtain EPA approval of these measures as part of their SIPs to make the measures enforceable under Federal law.

Following the 1990 CAA amendments, the Board withdrew the draft final-form rulemaking it had developed for the Stage II vapor recovery rulemaking it proposed on June 16, 1990. The next year, EPA issued important guidance under section 182(b)(3) of the CAA. The guidance, "Enforcement Guidance for Stage II Vehicle Refueling Control Programs," EPA Office of Air and Radiation, October 1991 (EPA Stage II Enforcement Guidance), addressed the effectiveness of gasoline vapor recovery systems.

On February 8, 1992, to promulgate timely regulations meeting the 1990 CAA amendments, the Board promulgated Stage II vapor recovery regulations through use of the final-omit rulemaking process. See 22 Pa.B. 585. The regulations were substantially similar to the 1990 rulemaking the Board had proposed and withdrawn.

Under the 1992 regulation, § 129.82 called for Stage II implementation beginning in late 1992. The regulations applied in areas of this Commonwealth that were classified as moderate, serious and severe ozone nonattainment areas. See 22 Pa.B. 585. The regulations were designed to address the pervasive ozone nonattainment problem that confronted the Commonwealth. See 22 Pa.B. 585. The requirements applied to the Pittsburgh moderate ozone nonattainment area (consisting of the seven-county Pittsburgh area), the Reading moderate ozone nonattainment area (consisting of Berks County) and the Philadelphia severe ozone nonattainment area (consisting of the five-county Philadelphia area). Implementation began in the five-county Philadelphia area.

Section 129.82 did not include the functional testing and certification requirements or the emission control requirements of the October 1991 EPA Stage II Enforcement Guidance. To correct the deficiencies, the Pennsylvania General Assembly added former section 6.7, formerly regarding control of volatile organic compounds from gasoline dispensing facilities, to the act. Section 6.7 echoed the Stage II vapor recovery regulations, though with later compliance dates by 9 months. Section 6.7 also required use of the functional testing and certification requirements of the EPA's Stage II vapor recovery guidance documents. See section 9 of Senate Bill 1650 of 1992. This Senate Bill was enacted into law as the act of July 9, 1992 (P.L. 460, No. 95) (act 95 of 1992).

The Department submitted the 1992 Stage II vapor recovery regulations to the EPA on March 4, 1992, seeking approval of them as a revision to the Commonwealth's SIP. The EPA proposed concurrent actions on the SIP revision the following year. See 58 FR 62560 (November 29, 1993). The first proposed EPA action proposed limited approval and limited disapproval due to deficiencies in testing, inspection frequency, facility training and percent vapor control requirements and due to a deficiency of not requiring that the Stage II vapor recovery equipment be certified by the California Air Resources Board (CARB) or have an equivalent certification. The second proposed EPA action proposed approval of the Stage II vapor recovery regulations dependent upon the Department supplementing the SIP revision with section 6.7(b), (c) and (h) of the act (35 P.S. § 4006.7(b), (c) and (h)) and with section 17(2) of act 95 of 1992 (which established the effective date of section 6.7).

On June 13, 1994, the EPA published notice of final rulemaking, providing a limited approval and a limited disapproval of the Department's Stage II vapor recovery SIP revision. The EPA approved § 129.82 as submitted but issued the limited disapproval to allow the Department to correct the functional testing and certification requirement deficiencies noted by the EPA in its November 29, 1993, notice of proposed rulemaking. See 59 FR 30302 (June 13, 1994).

On October 26, 1995, the Department submitted a SIP revision to the EPA consisting of section 6.7(b), (c) and (h) of the act and section 17(2) of Act 95 of 1992. This submittal satisfied the SIP deficiencies, enabling the EPA to approve the SIP revision. Now the Commonwealth's EPA-approved SIP established the necessary Stage II vapor recovery control requirements to meet the 1990 CAA amendments. See 60 FR 63938 (December 13, 1995).

The Department had already begun implementing Stage II in the five-county Philadelphia area, but had deferred implementation in the moderate nonattainment areas because it desired time to determine whether the program was, in fact, necessary for attainment of the ozone air quality standard in those areas. The moderate nonattainment areas were Berks County and the seven-county Pittsburgh area. See the Department's notice of suspension of enforcement at 24 Pa.B. 1890 (April 9, 1994) (regarding Stage II policy availability).

For Berks County, implementation never occurred because the area came into attainment of the NAAQS without implementation of § 129.82. In the same timeframe, the EPA promulgated ORVR system requirements for vehicles under section 202(a)(6) of the CAA (42 U.S.C.A. § 7521(a)(6)). Under this CAA provision, this EPA action enabled states to remove Stage II vapor recovery requirements from moderate ozone nonattainment areas. (For more information, see the subheading



Stage II Vapor Recovery—Conflict between Stage II vapor recovery systems and motor vehicle fueling emission controls; the EPA's widespread use determination, as follows.)

For the seven-county Pittsburgh area, implementation began several years later. During the period in which implementation was deferred, the area had monitored attainment of the ozone NAAQS. This had temporarily suspended the requirements for the Department to submit a SIP revision to the EPA showing how the area would come into attainment of the NAAQS under section 182(b) of the CAA. See 61 FR 28061 (June 4, 1996) for the EPA notice explaining this. In 1995, however, exceedances at ambient ozone monitors in the area resulted in a violation of the ozone NAAQS, ending the SIP submittal suspension. See 61 FR 28061. In response, then-Governor Tom Ridge formed a stakeholder group to review the ozone problem and to recommend emission control programs for the area. The Southwest Pennsylvania Ozone Stakeholder Working Group recommended, among other measures, implementing the Stage II vapor recovery control requirements to help the area attain the ozone NAAQS again. See 27 Pa.B. 2239 (May 3, 1997). After considering this recommendation, the Board on May 3, 1997, proposed amendments to the Stage II vapor recovery regulations at 27 Pa.B. 2239.

In its 1997 proposal, the Board proposed amending compliance dates for the seven-county Pittsburgh area under § 129.82(a), adding the functional testing and certification requirements to § 129.82 as a new subsection (d) and making clarifying amendments. See 27 Pa.B. 2239. In reply and to remove conflicting compliance dates, the Pennsylvania General Assembly repealed the Stage II vapor recovery provisions from the act, leaving only the SIP-approved requirement under section 6.7(h) that the Department implement functional testing and certification requirements established by EPA guidance. See the act of November 26, 1997 (P.L. 530, No. 57). On April 10, 1999, the Board finalized the amendments to § 129.82, including the compliance dates, clarifying edits, a possible exit from the program for the Pittsburgh area in 2010 under subsection (d) and the functional testing and certification requirements under subsection (e). See 29 Pa.B. 1889.

The Department submitted the amended regulations to the EPA as a SIP revision on March 3, 2000. The EPA approved the SIP revision. See 66 FR 27875 (May 21, 2001). On July 5, 2012, the Pennsylvania General Assembly repealed the remaining subsection 6.7(h) under the act of July 5, 2012, (P.L. 1109, No. 135).

In addition to the SIP revision that the Department plans to submit for approval of this proposed rulemaking, when adopted as a final-form rulemaking, the Department intends to submit a SIP revision to ensure removal of section 6.7 of the act from the SIP. This would leave only § 129.82 in the SIP for Stage II vapor recovery requirements.

*Stage II Vapor Recovery—conflict between Stage II vapor recovery systems and motor vehicle fueling emission controls; the EPA's widespread use determination*

In addition to requiring that states adopt Stage II vapor recovery controls, Congress in the 1990 CAA amendments required the EPA Administrator to promulgate, by November 1, 1991, standards for vehicle-based onboard systems for the control of vehicle fueling emissions, including VOCs. See section 202(a)(6) of the CAA. These vehicle-based onboard systems are the ORVR sys-

tems mentioned previously under the subheading, Purpose, and under the subheading, Stage II vapor recovery—two types. Congress realized that ORVR systems would eventually replace the need for Stage II vapor recovery systems, so Congress created two off-ramps under section 202(a)(6) of the CAA. One of the off-ramps was the opportunity for states to remove Stage II vapor recovery requirements for moderate nonattainment areas upon the EPA's promulgation of ORVR standards.

The EPA promulgated the ORVR requirements in 1994. See 59 FR 16262 (April 6, 1994). Although a state could remove Stage II vapor recovery requirements in moderate ozone nonattainment areas at that point, a state could retain its Stage II vapor recovery requirements if the requirements continued to be useful and needed. The Department did not seek to remove the Stage II vapor recovery program applicability for this Commonwealth's moderate ozone nonattainment areas at that time.

Under the second off-ramp under section 202(a)(6) of the CAA, Congress authorized the EPA Administrator to waive CAA Stage II vapor recovery requirements for serious, severe and extreme ozone nonattainment areas upon determining that ORVR systems are in widespread use. In 2012, the EPA published a notice of final rulemaking determining that ORVR systems are in widespread use Nationally throughout the motor vehicle fleet (widespread use determination). See 77 FR 28772 (May 16, 2012). Based on this determination, the EPA Administrator waived the CAA requirement that states with serious, severe and extreme ozone nonattainment areas adopt and implement programs requiring Stage II vapor recovery systems, effective May 16, 2012. See 77 FR 28772, 28778. The widespread use determination and waiver of requirements are found in 40 CFR 51.126 (relating to determination of widespread use of ORVR and waiver of CAA section 182(b)(3) Stage II gasoline vapor recovery requirements). For an EPA Fact Sheet about the EPA's widespread use determination, see [https://www.epa.gov/sites/production/files/2015-09/documents/stage\\_2\\_vapor\\_factsheet.pdf](https://www.epa.gov/sites/production/files/2015-09/documents/stage_2_vapor_factsheet.pdf).

In its widespread use notice, the EPA explained that phasing out the use of Stage II vapor recovery systems could lead to long-term cost savings for affected gas station owners and operators while maintaining air quality protections. See 77 FR 28772, 28780. The EPA also stated that the EPA would issue nonbinding guidance on developing and submitting approvable SIP revisions to remove Stage II vapor recovery programs from the SIP. See 77 FR 28772. On August 7, 2012, the EPA issued the guidance. In the guidance, entitled "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures," EPA, H. Lynn Dail et. al., EPA-457/B-12-001, August 7, 2012 (Decommissioning Guidance), the EPA addressed how states should demonstrate that removing Stage II vapor recovery requirements will not cause "backsliding" and, for states in the OTR, how OTR states should demonstrate that they require "comparable measures" under section 184(b)(2) of the CAA.

Using the EPA's Decommissioning Guidance, the Department completed its analysis of the effects that incompatibility between Stage II vacuum assist vapor recovery systems and ORVR systems has on emissions. Modeling shows that the equipment incompatibility will result in overall excess VOC emissions in this Commonwealth in 2021 in the seven-county Pittsburgh area and in 2022 in

the five-county Philadelphia area without removal of these Stage II vapor recovery systems. Overall emissions will increase because emissions due to incompatibility will be greater than the emission reductions achieved by using Stage II vapor recovery systems to pump gasoline into vehicles not equipped with ORVR systems because ORVR-equipped vehicles are a larger share of the highway vehicle fleet. Excess VOC emissions would also result without the corresponding requirements to offset VOC emissions caused by, and following, the decommissioning of Stage II vapor recovery equipment.

*Stage II vapor recovery—Pennsylvania Bulletin notices of Stage II enforcement discretion*

Because of the EPA's widespread use determination and the Department's intention to remove certain Stage II vapor recovery requirements, the Department on August 18, 2012, issued a notice of suspension of enforcement of the Stage II vapor recovery requirements from new and newly affected GDFs in the five-county Philadelphia and seven-county Pittsburgh areas. See 42 Pa.B. 5437 (August 18, 2012). The suspension of enforcement applied to the owners and operators of new GDFs that began operation after July 31, 2012, and GDFs that were newly affected after July 31, 2012. The Department continued to enforce the requirements applicable to existing facilities subject to the Stage II vapor recovery requirements until further notice.

On November 12, 2016, the Department issued a supplemental notice of suspension of enforcement of the Stage II vapor recovery requirements. In this notice, the Department suspended enforcement against owners and operators who would be adding new gasoline dispensers or replacing gasoline dispensers at affected GDFs. See 46 Pa.B. 7204 (November 12, 2016). The Department noted that gasoline dispensing equipment installed after that date may be subject to future regulations developed for GDFs. For owners and operators of GDFs with Stage II vapor control systems in place to meet the Stage II vapor recovery requirements, the Department continued to require operation and maintenance of those systems under § 129.82.

*Consultations*

In developing this proposed rulemaking, the Department sought input from the City of Philadelphia Air Management Services (AMS) and the Allegheny County Health Department (ACHD) because these two entities enforce gasoline vapor recovery system regulations. Philadelphia AMS and ACHD are air pollution control programs approved by the Department under section 12 of the act (35 P.S. § 4012), regarding powers reserved to political subdivisions. The Philadelphia AMS and ACHD regulations could be affected by this proposed rulemaking if it is adopted as a final-form rulemaking. For this reason, Philadelphia AMS and the ACHD may amend their regulations in light of this proposed rulemaking.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) and the Small Business Compliance Advisory Committee (SBCAC) in developing this proposed rulemaking. On April 11, 2019, and April 17, 2019, respectively, AQTAC and SBCAC concurred with the Department's recommendation to move this proposed rulemaking forward to the Board for consideration for adoption and publication as a proposed rulemaking for public comment.

The Department also conferred with the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee concerning this proposed rulemaking on May

5, 2019. On May 22, 2019, the CAC concurred with the Department's recommendation to advance the proposal to the Board for consideration as proposed rulemaking.

This proposed rulemaking is consistent with section 4.2(a) of the act (35 P.S. § 4004.2(a)), and is reasonably necessary to achieve and maintain the health-based and welfare-based 8-hour ground-level ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. Decommissioning of Stage II vacuum assist vapor recovery systems is needed to avoid excess VOC and air toxic emissions. Vapor leak testing and related GDF emission control requirements are needed to ensure that there is no backsliding from emission reductions currently accounted for under the existing regulations.

If this proposed rulemaking is published in the *Pennsylvania Bulletin* as a final-form rulemaking, the Department will submit the final-form rulemaking to the EPA for approval as a revision to the Commonwealth's SIP codified at 40 CFR Part 52, Subpart NN (relating to Pennsylvania). Control measures approved by the EPA as elements of the SIP are Federally-enforceable.

*E. Summary of Regulatory Requirements*

This proposed rulemaking would amend § 121.1 by adding and amending definitions. This proposed rulemaking would also amend §§ 129.61 and 129.82, and add §§ 129.61a and 129.82a.

*§ 121.1. Definitions*

This proposed rulemaking would revise § 121.1 to amend the terms "CARB Executive Order" and "gasoline dispensing facility" and add the terms "decommission," "monthly throughput," "Phase I vapor recovery system," "Phase II vapor recovery system," "pressure/vacuum vent valve," "Stage I enhanced vapor recovery system," "Stage I vapor recovery system," "Stage II vacuum assist vapor recovery system," "Stage II vapor balance vapor recovery system," "Stage II vapor recovery system," "storage tank system," "UMI," "UMX," "ullage" and "underground storage tank" to support the proposed amendments to Chapter 129.

The proposed amendment of the definition of "CARB Executive Order" would expand the applicability of the term to include Executive Orders that CARB issues for Stage I equipment and other related equipment covered by this proposed rulemaking. The existing definition applies only to the Pennsylvania Clean Vehicles Program in Chapter 126, Subchapter D (relating to Pennsylvania clean vehicles program).

This proposed rulemaking would add a definition of "decommission" to describe the meaning of the term as it is used under proposed § 129.82a. The definition relates to the process to disconnect a Stage II vapor recovery system.

This proposed rulemaking would amend the definition of "gasoline dispensing facility" to clarify that it is a stationary source that contains a storage tank.

This proposed rulemaking would add the definition of "monthly throughput" to explain how to calculate monthly throughput to determine if a facility in the five-county Philadelphia or seven-county Pittsburgh area has met the throughput threshold that triggers leak monitoring requirements under proposed § 129.61a and Stage II vapor recovery requirements under § 129.82. The definition is taken from the NESHAP at 40 CFR 63.11132 (relating to what definitions apply to this subpart?).

This proposed rulemaking would add the definition of "Phase I vapor recovery system" because the term is



used in a CARB test procedure title in proposed § 129.61a(b)(4). This CARB-derived definition means the same thing as the EPA-derived definition of the term “Stage I vapor recovery system,” also added in this proposed rulemaking. See the explanation of “Stage I vapor recovery system” as follows.

This proposed rulemaking would add the definition of “Phase II vapor recovery system” because the term is used in a CARB executive order title in § 129.61a(e)(2) and (k)(3) and § 129.82(c)(1)(i). This CARB-derived definition means the same thing as the EPA-derived definition of the term “Stage II vapor recovery system,” also added in this proposed rulemaking.

This proposed rulemaking would add the definition of “pressure/vacuum vent valve” to describe the operation and purpose of this component of a Stage I vapor recovery system.

This proposed rulemaking would add the definition of “Stage I enhanced vapor recovery system” to explain that the system must have received the necessary certification as specified by the required CARB Executive Order. A Stage I enhanced vapor recovery system is a type of Stage I vapor recovery system.

This proposed rulemaking would add the definition of “Stage I vapor recovery system” to describe the purpose and operation of the system. The definition also includes “Phase I vapor recovery system” and “Stage I enhanced vapor recovery system.” See the previous explanations regarding the definition of these two terms.

This proposed rulemaking would add definitions of the two types of “Stage II vapor recovery systems.” The two systems are subject to different requirements in this proposed rulemaking. They are described as follows.

The first type of “Stage II vapor recovery system” is a “Stage II vacuum assist vapor recovery system.” The proposed definition of this term describes the purpose and operation of the system to make a distinction between a vacuum assist system and the second type of system, namely a vapor balance system.

The proposed definition of “Stage II vapor balance vapor recovery system” describes the purpose and operation of the vapor balance system.

This proposed rulemaking would add the definition of “Stage II vapor recovery system” to describe the purpose and operation of the system. The definition also refers to “Phase II vapor recovery system.” See the previous explanation regarding the definition of “Phase II vapor recovery system.”

This proposed rulemaking would add the definition of “storage tank system” because the term is used throughout proposed §§ 129.61a and 129.82a. The proposed definition would be the definition for the term under § 245.1 (relating to definitions).

This proposed rulemaking would add the definition of “ullage” to describe the meaning of this technical word in the context of measuring the vapor leak rate from a gasoline storage tank system under proposed § 129.61a(e)(2)(iv).

This proposed rulemaking would add the definitions of “UMI” and “UMX” to specify certification requirements for persons performing specified work on USTs under proposed §§ 129.61a(q) and 129.82(e). The proposed terms would have the meanings as defined under the term “certification categories” under § 245.1.

This proposed rulemaking would add the definition of “underground storage tank” because the term is used under proposed §§ 129.61a and 129.82a. The proposed definition would be the definition for the term under § 245.1.

*§ 129.61. Small gasoline storage tank control (Stage I control)*

The proposed amendments to § 129.61 would make several clarifications. The proposed amendments would clarify the applicability of Stage I vapor recovery control requirements under subsection (a), the requirements for transferring gasoline from a tank truck into a gasoline storage tank at a GDF under subsection (b) and the requirements pertaining to gasoline tank truck dispensing tanks under subsection (c). The proposed amendments would remove the vapor disposal regulatory cross-references from subsection (b) because the requirements are adequately addressed under subsection (c). Subsection (c) clarifies that the dispensing tank of a gasoline tank truck must remain vapor tight at all times except that the dispensing tank may be opened after the vapors are properly disposed. The exception is needed for necessary actions surrounding maintenance and other operational requirements. The proposed amendments would add subsection (d) to inform the owner and operator of a gasoline storage tank subject to Stage I vapor recovery control requirements that the owner or operator may also be subject to the vapor leak monitoring and other requirements for small gasoline storage tank emission controls under proposed § 129.61a.

*§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control*

This proposed rulemaking would add § 129.61a to establish requirements for periodic and continuous vapor leak monitoring and related requirements applicable to the owner or operator of a GDF with a small gasoline storage tank in the five-county Philadelphia or seven-county Pittsburgh area with a capacity of greater than 2,000 gallons. A “small gasoline storage tank” is defined in existing § 121.1 as a tank from which gasoline is dispensed to motor vehicle gasoline tanks.

Proposed § 129.61a would apply only to the 12 counties listed under proposed subsection (a). These are the same 12 counties subject to the § 129.82 Stage II vapor recovery regulations, described as follows. A GDF owner or operator, including a GDF owner or operator who decommissions Stage II vapor recovery equipment under proposed § 129.82a, would be required under proposed § 129.61a, to monitor leaks and make repairs in the GDF’s Stage I vapor control system similarly to how leaks are monitored and repaired at GDFs with Stage II vapor recovery systems under § 129.82.

Proposed subsection (a) describes applicability. This subsection would specify that proposed § 129.61a would apply to the owner and operator of a gasoline storage tank with a capacity of greater than 2,000 gallons that is subject to the Stage I vapor recovery control requirements under § 129.61 only if the GDF is located in one of the 12 counties in the five-county Philadelphia and seven-county Pittsburgh areas, and only if the monthly throughput of the GDF exceeds the applicable threshold specified under proposed paragraph (1) or (2). The throughput thresholds in paragraphs (1) and (2) are the same as those under existing § 129.82, which in turn are based on section 182(b)(3)(A) of the CAA (42 U.S.C.A. § 7511a(b)(3)(A)). The thresholds would exclude GDFs with low through-

puts and would specify a higher throughput threshold under proposed paragraph (2) for a GDF owned or operated by an independent small business marketer of gasoline, consistent with section 324 of the CAA (42 U.S.C.A. § 7625) regarding vapor recovery for small business marketers of petroleum products. The GDFs with throughputs below the applicability thresholds would account for a small percentage of the gasoline throughputs (less than 2%) and, therefore, the cost-effectiveness of controlling these sources would be very low. Approximately 1/3 of GDFs have throughputs below the threshold of paragraph (1). See Section F of this preamble, and Questions 15, 16, 17 and 24 of the Regulatory Analysis Form for this proposed rulemaking and for more information on benefits and impacts of this proposed rulemaking to small businesses.

Proposed paragraphs (1) and (2) of subsection (a) further explain that throughputs would be assessed annually for determining applicability of proposed § 129.61a, beginning with the calendar year that precedes the year in which this proposed rulemaking is published as a final-form rulemaking.

Proposed subsection (a)(3) would explain that once an affected GDF in the five-county Philadelphia or seven-county Pittsburgh area exceeds the throughput of paragraph (1) or (2) in a calendar year, it remains subject to proposed § 129.61a even during times when the throughput falls below the threshold. This is consistent with the approach the EPA follows in the NESHAP. See 40 CFR 63.11111(i) (relating to Am I subject to the requirements in this subpart?). See Sections D, F and G in this preamble for further discussion of the NESHAP. This approach serves to avoid confusion for the purpose of compliance and enforcement.

Proposed subsection (b) would specify the four CARB vapor recovery test procedures that the GDF owner or operator must follow to meet the vapor leak monitoring procedures under proposed § 129.61a. This subsection would specify CARB test procedures because CARB staff have become the world's foremost experts on controlling emissions at GDFs. Regulatory bodies in the United States that require vapor leak monitoring predominantly rely on CARB test procedures. For example, the EPA, under section 4.2 of its Stage II Enforcement Guidance, requires Stage II vapor recovery systems to be CARB-approved or to be of equivalent quality. The nearby states of Delaware, Maryland (for Baltimore City and 11 counties), New Jersey and New York (for the New York and lower Orange County metropolitan areas) require GDF owners and operators to follow CARB testing requirements. See 7 Del. Code Regs. § 1124-36.0; Md. Code Regs. 26.11.24; N.J. Admin. Code § 7:27-16.3; and N.Y. Comp. Codes R. & Regs. Tit. 6, § 230.2. The owner or operator of a GDF may need to perform up to four of the listed CARB vapor recovery test procedures to monitor for leaks, namely (1) CARB TP-201.1E—Leak Rate and Cracking Pressure/Vacuum Vent Valves, (2) CARB TP-201.3—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, (3) CARB TP-201.3C—Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks and (4) CARB TP-201.1B—Static Torque of Rotatable Phase I Adaptors.

Proposed subsection (c) would specify a choice of two compliance options for satisfying monitoring requirements for GDF owners to comply with the vapor leak monitoring requirements under this section. The owner and operator of a GDF would have the option to comply by using

periodic or continuous vapor leak rate monitoring. For the periodic monitoring option, requirements under subsection (d) would be followed. For the continuous monitoring option, requirements under subsections (e), (h), (i) and (j) would be followed.

Proposed subsection (d) would apply to a GDF owner or operator who chooses to demonstrate compliance by using periodic vapor leak rate monitoring under subsection (c). Paragraph (1) would require the GDF owner or operator to conduct periodic vapor leak testing by following the following three CARB vapor recovery test procedures listed under subsection (b), namely TP-201.1E, TP-201.3 and TP201.3C. The fourth CARB test procedure listed under subsection (b), TP-201.1B, would be required if the UST is equipped with a rotatable adaptor. The test procedures must all be completed at least once during a 12-month period.

Proposed paragraph (1)(i) specifies that the tests may be conducted simultaneously, consecutively or separately during the 12-month period. This is to allow owners and operators of GDFs flexibility in scheduling leak monitoring tests.

Subparagraphs (ii), (iii) and (iv), working in tandem, would be meant to encourage GDF owners and operators to perform frequent visual leak monitoring inspections between annual leak tests and to make necessary repairs soon after a leak is detected. Proposed subparagraph (ii) specifies that repairs may not be made to the Stage I vapor recovery system on the day that CARB TP-201.3 or CARB TP-201.3C is performed prior to completion of the test procedure. If a leak test fails, a repair to a component on, or a correction to, a vapor recovery system must be made within 10 days under proposed subparagraph (iii). Proposed subparagraph (iv) specifies that if a repair to a component on, or correction to, the Stage I vapor recovery system is needed to pass CARB TP-201.3 then CARB TP-201.3 must be conducted once every 6 months. The generally applicable once-in-every-12-month testing requirement may resume after two consecutive once-in-every-6-month period CARB TP201.3 test procedures do not reveal a failure requiring a repair or correction. This proposed requirement is to encourage owners and operators to perform the required leak inspections on a regular basis and make the necessary repairs as vapor leaks occur. Periodic leak inspections at the GDF would reduce the likelihood of an owner or operator having to conduct once-in-every-6-month testing.

Under proposed subsection (d)(2), the recordkeeping requirements for each test procedure performed under paragraph (1) are listed. The recorded information would allow the Department to track the leak rate monitoring performed and the associated action taken by the GDF owner or operator.

Proposed subsection (e) would apply to a GDF owner or operator who chooses to demonstrate compliance by using continuous vapor leak rate monitoring under subsection (c). Proposed subsection (e) would specify the design, installation, operation and maintenance of a Stage I enhanced vapor recovery system and a continuous pressure monitoring system. Both of these systems would be required to conduct continuous vapor leak rate monitoring.

Proposed subsection (e)(1) would specify that a Stage I enhanced vapor recovery system must be certified by a CARB Executive Order. A CARB-certified Stage I enhanced vapor recovery system ensures a proper level of vapor tightness at a GDF to ensure that a continuous pressure monitor, required under subsection (e)(2), can work properly.

Proposed subsection (e)(2) would require a continuous pressure monitoring system that meets specified CARB certification requirements. Subparagraphs (i) through (vi) specify the equipment and operational characteristics that the continuous pressure monitoring system would need to meet. CARB deems that by complying with these characteristics continuous pressure monitoring is at least as stringent as once-in-every-12-month leak monitoring conducted under CARB test procedures.

Proposed subsection (f) would apply to all GDF owners and operators who install a Stage I vapor recovery system under § 129.61a. Paragraph (1) specifies requirements for leak rate monitoring test procedures that would be performed within 10 days of installation of the Stage I vapor recovery system. The GDF owner or operator would need to conduct and pass 3 leak rate monitoring CARB test procedures, TP-201.1E, TP-201.3 and TP201.3C. If the UST is equipped with a rotatable adaptor, the GDF owner or operator would need to conduct an additional test, TP-201.1B.

Proposed subsection (f)(2) lists the recordkeeping requirements for each test procedure performed under paragraph (1). This information would allow the Department to track the leak rate monitoring performed and associated actions taken by the GDF owner or operator.

Proposed subsection (f)(3) would require that the GDF owner or operator maintain onsite a copy of the CARB Executive Order issued for the Stage I enhanced vapor recovery system under subsection (e)(1). This would allow an inspector to determine if the proper equipment is installed at a facility that uses a continuous pressure monitoring system.

Proposed subsection (f)(4) would require installation and maintenance of a pressure/vacuum vent valve on the atmospheric vent of a UST to prevent fugitive emissions when these emissions occur. Examples of when these emissions occur most are when the atmospheric pressure changes, when gasoline is not withdrawn from the UST for prolonged periods and when the GDF receives a gasoline delivery. This requirement would ensure that pressure/vacuum vent valves are installed at all times.

Proposed subsection (g) would apply to all GDF owners and operators who install a Stage I vapor recovery system under proposed § 129.61a. Proposed subsection (g) would require regular leak monitoring inspections. By following a schedule and examining potential problem spots where the vapor tightness of a Stage I vapor recovery system could easily become compromised, a person may prevent larger leaks. Larger leaks are often caused by the misuse or misoperation of a Stage I vapor recovery system and are usually apparent with a visual inspection. Small leaks, which are more difficult to discover, become large leaks over the course of several weeks or months and may be discovered by leak monitoring inspection.

Proposed subsection (g)(1) would require the GDF owner or operator to inspect after each tank truck delivery some common sites on the Stage I vapor recovery system that may become compromised during a tank truck delivery.

Proposed subsection (g)(2) would require the GDF owner or operator to inspect once per month components of the Stage I vapor recovery system that are less likely to be damaged during normal operation of the GDF.

Proposed subsection (g)(3) would require the GDF owner or operator to make a repair or correction to a failed component of the Stage I vapor recovery system as soon as possible before the next monthly inspection.

Proposed subsection (g)(4) would list the needed recordkeeping requirements for each inspection of, and correction to, a Stage I vapor recovery system and repair to a failed component of a Stage I vapor recovery system under this subsection. These recorded items would allow the Department to track the leak rate monitoring performed, and associated actions taken, by the GDF owner or operator.

Proposed subsection (h) would apply to a GDF owner or operator who chooses the compliance option under subsection (c) of installing a continuous pressure monitor to perform leak monitoring. Proposed subsection (h) would specify how a continuous pressure monitor must operate to be an equivalent form of leak monitoring as annual leak monitoring. This proposed subsection would specify the operating parameters of the continuous pressure monitoring system, and related measurements, recordkeeping and record storage requirements, testing requirements and schedule for repairs.

Proposed subsection (i) would apply to a GDF owner or operator who chooses the compliance option under subsection (c) of installing a continuous pressure monitor to perform leak monitoring. Proposed subsection (i) specifies what actions must occur the first time the continuous pressure monitoring system determines that the vapor leak rate standard is exceeded. This subsection includes requirements for the GDF owner and operator and also for operation of the continuous pressure monitoring system. This subsection would require the continuous pressure monitoring system to activate an alarm and would direct the owner or operator to determine the cause of the vapor leak rate failure and take corrective action within 7 calendar days of the first exceedance alarm. The owner or operator would be required to record relevant information pertaining to indication of vapor leak rate failure and corrective action taken. Proposed paragraph (2)(i) would authorize a GDF owner or operator to turn off an alarm system without meeting the certification requirements of subsection (q) when a correction or repair is not required.

Proposed subsection (j) would apply to a GDF owner or operator who chooses the compliance option under subsection (c) of installing a continuous pressure monitor to perform leak monitoring. If the continuous pressure monitoring system determines that the vapor leak rate standard is exceeded within 7 calendar days following the correction made after the first alarm, this could be an indication of a problem with the continuous pressure monitor. Under proposed subsection (j), a second alarm would require the owner or operator to reset the continuous pressure monitor and determine the cause of vapor leak rate failure and take corrective action within 7 calendar days of the alarm. The owner or operator would be required to record the relevant information pertaining to indication of vapor leak rate failure and corrective action taken. Proposed subparagraph (2)(ii)(A) and (B) would specify the qualification requirements for persons to make repairs or corrections.

Proposed subsection (k) would apply to an owner or operator of a GDF who does not have a Stage II vapor recovery system. Proposed paragraph (1) would specify when a GDF owner or operator must replace conventional hoses with low permeation hoses. All GDF owners and operators must replace all conventional hoses with low permeation hoses within 2 years after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking. For all new gasoline dispensers at GDFs and all new GDFs, the owner or operator must install low permeation hoses on the dispensers upon



installation of the dispensers. The low permeation hoses must be included on a specified component list in CARB Executive Order NVR-1-D or in an update or revision to the Executive Order.

Proposed subsection (k)(2) would specify when a GDF owner or operator must replace conventional nozzles with enhanced conventional nozzles. Proposed paragraph (2) would require that an owner or operator of an existing GDF replace conventional nozzles with enhanced conventional nozzles within 2 years after a *Pennsylvania Bulletin* notice is published indicating that the CARB Executive Officer issued an Executive Order to a second manufacturer for an enhanced conventional nozzle. For all new gasoline dispensers and GDFs that begin operation after the *Pennsylvania Bulletin* notice is published, the owner or operator must install enhanced conventional nozzles. The enhanced conventional nozzles must be included by the CARB Executive Officer on a specified component list in CARB Executive Order NVR-1-D or in any updates and revisions to the Executive Order.

Proposed subsection (l) would specify additional requirements for GDF owners and operators. These requirements are best practices for maintenance of Stage I and Stage II vapor recovery systems. Although these additional requirements are currently codified only under § 129.82 for GDFs that have Stage II vapor recovery systems, they provide significant protections against vapor leaks and accidental spills that are equally important and applicable to all GDFs. They are listed in proposed subsection (l) because most GDFs with Stage II vapor recovery systems covered under § 129.82 would be decommissioning their Stage II vapor recovery systems under proposed § 129.82a.

Proposed subsection (m) would require that a GDF owner or operator keep records for 2 years including measurements made, leak rate failures observed and corrective actions taken in the relevant paragraphs and subparagraphs listed, unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records must be made available to the Department upon Department request.

Proposed subsection (n) would require a GDF owner or operator who chooses to demonstrate compliance by using continuous vapor leak rate monitoring under subsection (c)(2) to maintain onsite at the GDF a copy of the valid CARB Executive Order for the enhanced Stage I vapor recovery system required under subsection (e)(1). Maintaining these documents onsite would facilitate the Department's inspections of the GDF.

Proposed subsection (o) would require that the GDF owner or operator maintain onsite at the GDF the CARB Executive Order required for low permeation hoses and enhanced conventional nozzles to facilitate the Department's inspections of the GDF.

Proposed subsection (p) would require that the GDF owner or operator maintain onsite at the GDF a record of the training schedule and written instructions required under subsection (l)(2) for the duration of the operation of the vapor recovery system.

Proposed subsection (q)(1) specifies that a person making corrections or repairs to a vapor recovery system must be appropriately certified under Chapter 245, Subchapters A and B (relating to general provisions; and certification program for installers and inspectors of storage tanks and storage tank facilities). This requirement was included to ensure that appropriately qualified

individuals work on these potentially dangerous sources of emissions. Proposed paragraph (2) exempts from this requirement a person when only performing a test specified under subsection (b), as opposed to a person performing installation or modification work.

*§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)*

Existing § 129.82 applies to GDFs in the Philadelphia and Pittsburgh areas that have a monthly throughput of at least 10,000 gallons or are independent small business marketers of gasoline with a monthly throughput at the GDF of at least 50,000 gallons per month.

The proposed § 129.82 amendments would remove requirements for a GDF owner or operator in the five-county Philadelphia area or seven-county Pittsburgh area to install Stage II vapor recovery systems. Removing requirements to install Stage II vapor recovery systems is consistent with allowing, and in some cases requiring, decommissioning of Stage II vapor recovery systems under proposed § 129.82(a). The ORVR systems on the vast majority of vehicles in this Commonwealth are making Stage II vapor recovery systems obsolete. Proposed § 129.82 would also address requirements for GDF owners and operators in the 12 counties who retain their Stage II vapor recovery systems.

Proposed subsection (a) specifies that § 129.82 would be applicable in the 12 counties of the five-county Philadelphia and seven-county Pittsburgh areas. The proposed amendments would remove Berks County from the list of covered counties under § 129.82 because Stage II was never implemented in Berks County (also referred to in this Preamble as the Reading moderate ozone nonattainment area). See Section D of this preamble, previously, for additional information on the EPA's 1994 ORVR rulemaking and its effect on moderate areas under section 202(a)(6) of the CAA and also for the explanation of the Department's decision not to implement Stage II vapor recovery requirements in Berks County.

Proposed subsection (b) would clarify and update the existing operating requirements that the GDF owner or operator must meet for an installed Stage II vapor recovery system until the system is decommissioned under proposed § 129.82a.

Proposed subsection (c) would amend § 129.82 to remove requirements for additional areas to become subject to § 129.82. This proposed subsection would also remove requirements in existing subsection (d) that specify that if an ORVR program is fully implemented by December 31, 2010, then the operation and maintenance of Stage II vapor recovery systems will no longer be required. The EPA's 2012 widespread use determination that allows states to allow decommissioning of Stage II vapor recovery systems renders this existing provision obsolete.

Proposed subsection (c) would also retain the requirement that GDF owners and operators comply with the functional testing and certification requirements in the EPA's Stage II enforcement and technical guidance documents. Proposed subsection (c) would designate the appropriate CARB functional and certification requirements for both a vapor balance system (paragraph (1)) and a vacuum assist system (paragraph (2)). Proposed paragraph (3) would specify the schedule, frequency and recordkeeping requirements for the test procedures listed in paragraphs (1) and (2) and any possible repairs or corrections needed.

Proposed subsection (d) would inform a GDF owner or operator subject to § 129.82 that the owner or operator



may also be subject to the vapor leak monitoring and other requirements for small gasoline storage tank emission controls under proposed § 129.61a and the Stage II vapor recovery system decommissioning requirements under § 129.82a.

§ 129.82a. *Requirements to decommission a Stage II vapor recovery system*

Proposed § 129.82a would specify the correct way to decommission a Stage II vapor recovery system, who must decommission, decommissioning deadlines and recordkeeping requirements.

Proposed subsection (a) would establish that this section would apply to an owner and operator of a GDF that uses, has decommissioned or is decommissioning a Stage II vapor recovery system, including those who own or operate outside the 12 counties that are subject to § 129.82.

Proposed subsection (b)(1) would set a deadline of December 31, 2022, for owners or operators of Stage II vacuum assist vapor recovery systems in the 12 counties to decommission their systems. This date was chosen because of the incompatibility between Stage II vacuum assist vapor recovery systems and ORVR systems. Using the EPA's Decommissioning Guidance methodology to estimate emissions that would result from this incompatibility, the Department concluded that emissions will begin to increase in 2022 in all 12 counties. Paragraph (2) would specify that a GDF owner and operator operating a Stage II vapor balance vapor recovery system decommission under this section. This requirement was included to ensure that all decommissionings for both types of vapor recovery systems are completed correctly according to industry recommended practices.

Proposed subparagraph (c) would specify the recommended practices for decommissioning. Paragraph (1) would identify the industry association's recommended practices, found in PEI/RP300-09—The Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions. The CARB test procedures in paragraphs (2) and (3) are included in the PEI guidance. The PEI's recommended practices for decommissioning are widely followed by the industry. In the EPA's Decommissioning Guidance, the EPA notes that the PEI guidance "is especially instructive as it was developed by industry experts with a focus on regulatory compliance and safety. It contains the steps involved in dismantling Stage II hardware and applies to both balance and vacuum assist type systems." Decommissioning Guidance, page 23.

Proposed subsection (d) would specify the best practices and test procedures that need to be accomplished to decommission a Stage II vapor recovery system properly. In addition, a Department-approved form, 27-FM-BAQ1029, would need to be completed and sent to the Department to indicate that decommissioning was completed properly. The form must be kept onsite for 2 years unless other requirements require a longer duration of time.

Proposed subsection (e) would require that a person performing work under this section be appropriately certified to a level specified in the Department's Storage Tank program regulations under Chapter 245 (relating to administration of the Storage Tank and Spill Prevention Program) to help ensure that the work is performed correctly.

Proposed subsection (f) would remove the requirements for a GDF owner and operator to comply with § 129.82 after the Stage II vapor recovery system is decommissioned.

Proposed subsection (g) would inform GDF owners or operators Statewide who have decommissioned a Stage II vapor recovery system under this section that they must also comply with the Stage I vapor recovery requirements under § 129.61.

Proposed subsection (h) would inform GDF owners or operators in the 12 counties who have decommissioned a Stage II vapor recovery system under this section that they must also comply with the vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control under proposed § 129.61a.

F. *Benefits, Costs and Compliance*

*Benefits*

The amendments in this proposed rulemaking would apply predominantly in the five-county Philadelphia and seven-county Pittsburgh areas, and therefore most of the benefits of this proposed rulemaking would be experienced in those areas. Benefits would also be experienced in downwind areas.

The Department estimates that the owners and operators of as many as 1,981 locations in the five-county Philadelphia and seven-county Pittsburgh areas, combined, would be required to comply with this proposed rulemaking—the Philadelphia area is home to 1,118 locations and the Pittsburgh area is home to 863 locations. Although approximately 2,906 GDFs are in the Philadelphia and Pittsburgh areas, only facilities that have a throughput over 120,000 gallons of gasoline per year (10,000 gallons a month) would be subject to the vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control proposed under new § 129.61a and would be subject to the clarified requirements for Stage II vapor recovery systems in the event they retain their vapor recovery systems (an option under this proposal only for Stage II vapor balance vapor recovery systems).

Approximately 538 and 368 businesses in the five-county Philadelphia and seven-county Pittsburgh areas, respectively, would be subject to this proposed rulemaking. Some double-counting between the two areas will result when estimating total businesses, primarily due to large National companies operating in both areas. The number of double-counted businesses should not exceed more than 10 companies. The Department determined that approximately 642 of GDFs are small businesses that would be affected by this proposed rulemaking. This was determined by subtracting the 278 GDFs with throughputs below the level that would require compliance with this proposed rulemaking from the total of 920 GDFs supplied by the Pennsylvania Small Business Development Center.

This proposed rulemaking would hold fugitive VOC emissions at nearly the same level as is credited in the Department's SIP. The Department has determined that the amount of gasoline throughput controlled by Stage I and Stage II vapor recovery equipment now stands at over 98.4% versus 96% claimed in the SIP. In-use control of fugitive emissions for Stage I and Stage II vapor recovery systems, which is control of fugitive emissions during filling of USTs and during vehicle refueling, would be held to nearly the same level under this proposed rulemaking as it has been held to under the existing regulations. Breathing emissions, which are emissions

that occur when air is ingested and expelled from the UST, are controlled by Stage II vapor recovery equipment. Stage II vapor recovery system testing requirements also reduce emissions of the Stage I vapor recovery system that may occur when the UST is filled, from tank breathing emissions that occur throughout the day and from emissions that occur from spills. The control efficiency that limits breathing emissions losses would range from a level of 86% to 92% (widespread use determination, 77 FR 28774) under this proposed rulemaking. The Department claimed 90% in its SIP. With the increase in the amount of gasoline throughput controlled by vapor recovery systems increasing from 96% to 98%, the in-use control would remain approximately the same as it has been, based on a conservative estimate using 86% in-use control ( $86\% * 98.4\% = 85\%$  total control versus  $90\% * 96\% = 86\%$ ).

Under proposed § 129.61a, this proposed rulemaking would keep fugitive emissions at a lower level than could be achieved under the NESHAP. By Department estimates, emissions of VOC in 2021 would be lower by between 548 and 1,300 tons, and 375 tons and 880 tons, in the five-county Philadelphia and seven-county Pittsburgh areas, respectively. When low permeation hoses would become required under proposed § 129.61a(k), their use would reduce evaporative emissions in the five-county Philadelphia and seven-county Pittsburgh areas by 200 tons per year. Similarly, according to the Department's estimates, the use of ECO nozzles under proposed § 129.61a(k) would reduce annual evaporative emissions by 108 tons and 73 tons in the five-county Philadelphia and seven-county Pittsburgh areas, respectively, by reducing spills more than conventional nozzles do. The use of ECO nozzles would also prevent an equal amount of gasoline from nozzles spills from reaching sources of surface and ground water.

Consumers would benefit from the reduced gasoline evaporation from hoses and the reduced gasoline evaporation and small spills from ECO nozzles. Although requiring low permeation hoses and ECO nozzles would be the most expensive element of this proposed rulemaking to owners and operators of GDFs, consumers would save approximately \$450,000 a year from reduced gasoline evaporation when using low permeation hoses and ECO nozzles (estimated reduced evaporation from low permeation hoses and ECO nozzles of 120,719 and 66,737 gallons, respectively, at \$2.40 a gallon).

This proposed rulemaking would lower emissions of ozone-contributing VOCs and air toxic pollution. The reduced emissions of VOCs in heavily populated urban areas would be especially beneficial for reducing formation of ground-level ozone. Typically, urban areas are VOC-limited, meaning that VOC emissions are more likely to be converted directly into ground-level ozone concentrations when VOCs are emitted into the atmosphere. Reduced air toxic pollution resulting from this proposed rulemaking would lower cancer risk among urban dwellers, and especially for people who work at or live near GDFs. Controlling VOC emissions from GDFs is a cost-effective control measure. For a GDF owner or operator, the cost of control equipment would be partially-to-totally offset, depending on the gasoline throughput of the GDF, by gasoline savings that would be achieved by reducing evaporation and venting of gasoline into the atmosphere.

The reduction in spills and evaporation resulting from the use of low permeation hoses and ECO nozzles, alone, would reduce contamination of surface water and ground

water, protecting the ecology of this Commonwealth's streams and their surrounding ecosystems. Fewer spills would also mean less gasoline that could contact the skin of motorists refueling their vehicles. Chemical components of gasoline can, upon contact, penetrate human skin and underlying tissue. Given that some of gasoline's components have carcinogenic and mutagenic properties, this is undesirable.

As mentioned previously, the implementation of the VOC emission control measures in this proposed rulemaking would predominantly benefit the health and welfare of the inhabitants of the five-county Philadelphia and the seven-county Pittsburgh areas as well as any inhabitants that experience the deleterious effects of pollutants transported from these areas. Numerous animals, crops, ecosystems and natural areas of this Commonwealth should also be positively affected. Exposure to high concentrations of ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function as well as other adverse health effects leading to a lower quality of life. Reduced ambient concentrations of ground-level ozone would reduce the incidences of hospital admissions for respiratory ailments, including asthma, and would improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion. High levels of ground-level ozone affect animals, including pets, livestock and wildlife, in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA has concluded that high levels of ground-level ozone affect vegetation and ecosystems leading to the following: reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. These effects can have adverse impacts including loss of species diversity and changes to habitat quality and water and nutrient cycles. High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas.

The implementation of the control measures in this proposed rulemaking would assist the Department in preventing increases in the level of VOC emissions from GDF activities locally and reduce the resultant local formation of ground-level ozone and the transport of VOC emissions and ground-level ozone to downwind areas, including other states. This proposed rulemaking is reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth.

The monetized health benefits to residents in this Commonwealth and the economic benefits to agricultural,



hardwoods and tourism industries in this Commonwealth as a result of attaining and maintaining the ground-level 8-hour ozone NAAQS, achieved in part through maintaining the reduced emissions of ozone precursors at GDFs, are considerable in comparison to the costs that would be incurred by the owners and operators of GDFs to comply with this proposed rulemaking. The EPA has estimated the monetized health benefits of attaining the 2008 and 2015 ozone NAAQS. The EPA estimated that the monetized health benefits of attaining the 2008 8-hour ozone NAAQS of 0.075 ppm range from \$2 billion to \$17 billion on a National basis by 2020. See "Fact Sheet, Final Revisions to the National Ambient Air Quality Standards for Ozone," available at [https://www.epa.gov/sites/production/files/2015-08/documents/ozone\\_fact\\_sheet.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/ozone_fact_sheet.pdf). Approximately 140 million Americans live in areas affected by unhealthy levels of ozone pollution and approximately 8 million Pennsylvanians live in areas with unhealthy ozone pollution. Prorating that benefit to this Commonwealth, based on population, results in a public health benefit of \$113 million to \$965 million. Similarly, the EPA estimated that the monetized health benefits of attaining the 2015 8-hour ozone NAAQS of 0.070 ppm range from \$1.5 billion to \$4.5 billion on a National basis by 2025. See "Regulatory Impact Analysis of the Final Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone," September 2015. Prorating that benefit to this Commonwealth, based on these population estimates, results in a public health benefit of \$86 million to \$257 million. These estimated monetized health benefits would not all be the result of implementing this proposed rulemaking, but the EPA estimates are indicative of the benefits to residents in this Commonwealth of attaining and maintaining the 2008 and 2015 8-hour ozone NAAQS through the implementation of a suite of measures to control VOC emissions in the aggregate from different source categories.

#### *Compliance costs*

This proposed rulemaking would require GDF owners and operators to decommission Stage II vacuum assist vapor recovery systems and would authorize GDF owners and operators to decommission Stage II vapor balance vapor recovery systems. The costs for decommissioning under proposed § 129.82a include costs for: dispenser decommissioning, low permeation hose kits with ECO nozzles, conventional adaptors, vapor leak tests, tie tank tests, static torque tests if the GDFs are equipped with a rotatable adaptor and administrative fees. The total decommissioning cost was reduced by an estimated amount that the business owner would receive for a tax deduction for performing the work. It was assumed that the business owner would receive at least 30% of the total costs of testing and repair due to deductions from Federal, State and local taxes. Based on this methodology, the cost of decommissioning, as stated by industry sources, would be approximately \$4,000 to \$6,000 per GDF, depending mostly on the number of dispensers (assuming approximately 6–10 dispensers at a GDF). After decommissioning gasoline dispensers equipped with Stage II vapor recovery equipment, the reduced costs of repairs associated with non-Stage II dispensers should pay for the cost of decommissioning in approximately 2 years.

The annual amount of costs savings due to reduced repairs for Stage II vapor recovery systems after decommissioning would range from \$2,100 to \$3,400 per GDF. Total savings that would result from the reduced need to repair Stage II vapor recovery equipment would amount

to approximately \$5.1 million a year (12,316 gasoline dispensers \* \$600 and adjusted for a 30% tax deduction).

Repairs under this proposed rulemaking are estimated to cost the owners and operators \$1.5 million more than the repairs under the NESHAP. Most of the increase in repair costs would be attributed to increased replacement costs of low permeation hoses and ECO nozzles, under proposed § 129.61a(k). These costs would be offset by gasoline savings from reduced evaporation in the range of \$1.0 million to \$1.7 million per year. (Benefits of low permeation hoses and ECO nozzles to consumers are previously described under Benefits.)

The Department expects that annual vapor leak testing under proposed § 129.61a would cost approximately \$600 for each facility each year or approximately \$1 million for all GDFs subject to this proposed rulemaking (((\$750 a year testing costs \* 1,981 GDFs subject to proposed rulemaking) - (\$165 a year for testing costs \* 817 GDFs subject to NESHAP) = \$1.35 million) \* 0.7 (to factor in a 30% tax deduction for the increased costs = approximately \$1.0 million). Increased annual repair costs would likely average \$500 or less per GDF (\$1.0 million/1,981 GDFs). These repairs would include replacing the pressure/vacuum vent valves, broken hoses and nozzles and other repairs to underground piping. It was assumed that the vapor leak testing and repair costs would increase approximately 2% per year. The total annual repair costs for hose kits under proposed § 129.61a are estimated to be \$1.1 million more than for compliance with the NESHAP, which does not require low permeation hoses and ECO nozzles. Replacing low permeation hoses and ECO nozzles under this proposed rulemaking would cost approximately \$2.8 million annually and replacing conventional hoses and nozzles under the NESHAP would cost approximately \$1.2 million. The difference of \$1.6 million minus a 30% tax deduction for businesses results in the \$1.1 million extra cost. These costs would be offset by cost savings to GDF owners and operators. By Department estimates, vapor leak testing and performing necessary repairs would reduce gasoline evaporation and limit evaporation losses from USTs between \$400 and \$6,000 per year. The regulated community would save from \$1.0 million to \$1.7 million through reducing gasoline evaporation by reducing leaks. The estimated annual financial impact on potentially affected GDF owners and operators, including small businesses, when accounting for reduced Stage II vapor recovery equipment repair costs that would occur after decommissioning, could range from an average annual savings of \$1,450 to \$7,950 per GDF, excluding the one-time cost of decommissioning, which would average approximately between \$4,000 and \$6,000 per GDF.

Under the proposed amendments, individuals who perform UST system inspection, installation or repair would need to be appropriately certified as either a UMI or UMX storage tank installer. Certification training and testing requires costs approximately \$800 and takes 2 days to complete. There are 358 individuals certified as UMX and 12 individuals certified as UMI UST installers.

The projected changes in reporting, recordkeeping and other administrative costs would be de minimis under this proposed rulemaking. The vapor leak rate inspections that would be required to be performed at the GDF under proposed § 129.61a(d) would differ only slightly from the vapor leak rate inspections required under existing § 129.82 and the NESHAP. Under existing § 129.82(e), GDF staff must visually inspect Stage I and Stage II vapor recovery equipment as a best maintenance practice. A periodic inspection under proposed § 129.61a(g)(2)

would take one person less than 15 minutes to complete. Another requirement under proposed § 129.61a(g)(1) would require GDF staff to visually inspect components that often either break or remain open after a gasoline delivery is made. This visual inspection would require approximately 5 minutes of GDF staff time for each gasoline delivery. Deliveries may occur each day or once every several days. An inspection report of basic information would need to be completed under proposed § 129.61a(g)(3). This would not take more than 5 minutes and could possibly be completed during the visual inspections. Training of staff at the GDF could be accomplished on-the-job.

The owner of the GDF would need to determine whether purchasing a continuous pressure monitor would be less of a financial burden than performing annual vapor leak testing. The benefits of purchasing, installing and operating a continuous pressure monitoring system are dependent on several factors, such as the GDF gasoline throughput and the equipment already installed at the GDF. For example, GDFs with larger throughputs and a higher propensity to lose gasoline to evaporation could benefit from the continuous pressure monitor's ability to identify leaks as they occur. The continuous pressure monitoring system is an add-on feature of the automatic tank gauging system. Most, if not all, GDFs have installed automatic tank gauging systems. The continuous pressure monitor system would likely cost between \$5,000 and \$8,000 to install. Potential benefits for a GDF owner or operator to install a continuous pressure monitoring system would be to not have gasoline sales restricted once or twice a year because the UST is being leak tested and to forego the expense of leak testing itself. A GDF owner or operator would need to take many factors into account to determine whether installing a continuous pressure monitoring system is a more cost-effective solution than conducting periodic vapor leak testing at the GDF.

#### *Compliance assistance plan*

The Department plans to educate and assist the public and regulated community in understanding and complying with the newly revised requirements. This would be accomplished through the Department's ongoing compliance assistance program.

#### *Paperwork requirements*

Owners or operators of GDFs who decommission Stage II vapor recovery equipment would have minimal new recordkeeping and reporting requirements under this proposed rulemaking. Upon decommissioning under proposed § 129.82a, the owner or operator would be responsible to inform the Department by sending a completed form 2700-FM-BAQ0129, Stage II Vapor Recovery Decommissioning Notification Form. This form would require a certified installer to declare that decommissioning was carried out properly. This form would need to be sent to the appropriate Department Regional Office, the Philadelphia Air Management Services or the Allegheny County Health Department. Sections of this proposed rulemaking specify in greater detail what records need to be kept. The paperwork requirements would require information that is needed for an inspection report that properly informs Department personnel that a vapor leak occurred, when it occurred, the nature of the leak, any associated repair or corrective action taken, and who performed the repair or correction.

#### *G. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that pro-

notes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking would allow owners and operators of GDFs to decommission Stage II vapor recovery systems under proposed § 129.82a. This would reduce overall excess VOC emissions resulting from incompatible Stage II vacuum assist vapor recovery systems and ORVR systems. Without proposed § 129.61a, owners and operators of GDFs with a gasoline throughput between 10,000 gallons and 100,000 gallons a month would no longer be required to vapor leak test or repair their equipment because the NESHAP does not require this of them, and owners and operators of large GDFs (those with a gasoline throughput equal to or greater than 100,000 gallons a month) would be required under the NESHAP to perform vapor leak testing and repair only once every 3 years. Implementation of the VOC emission control measures in the five-county Philadelphia and seven-county Pittsburgh areas under proposed § 129.61a would require annual leak testing and repair and would keep VOC emissions at a level comparable to that achieved currently by Stage II vapor recovery system control. This proposed rulemaking would keep emissions lower than levels that could be achieved under the NESHAP. Emissions of VOCs in 2021 would be lower by between 548 and 1,300 tons, and 375 tons and 880 tons, in the five-county Philadelphia and seven-county Pittsburgh areas, respectively. Implementing this proposed rulemaking would also achieve approximately an 86% control efficiency of hazardous air pollutants emitted from GDFs. These estimated reductions in VOC emissions and the subsequent reduced formation of ozone would help ensure that citizens and the environment of this Commonwealth experience the benefits of improved air quality. Commonwealth residents would also potentially benefit from improved surface water and groundwater quality through reduced gasoline spills and toxic chemical releases.

The implementation of this proposed rulemaking would limit the evaporation of gasoline from USTs. This proposed rulemaking would be a cost-effective way to limit the emissions of VOC into the atmosphere.

#### *H. Sunset Review*

The Board is not establishing a sunset date for this proposed rulemaking, if approved as a final-form regulation, because the regulation would be needed for the Department to carry out its statutory duty and authority. If this proposed rulemaking is approved as a final-form regulation, the Department will closely monitor it for its effectiveness after publication as a final-form rulemaking in the *Pennsylvania Bulletin* and will recommend updates to the Board, as necessary.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 1, 2020, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources



and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

#### J. Public Comments

Interested persons are invited to submit written comments, suggestions, support or objections regarding this proposed rulemaking to the Board. Comments, suggestions, support or objections must be received by the Board by November 30, 2020.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <https://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

#### K. Public Hearings

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Board will hold three virtual public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held on the following dates:

October 27, 2020, at 2:30 p.m.

October 28, 2020, at 6 p.m.

October 29, 2020, at 2 p.m.

Persons wishing to present testimony at a hearing must contact Jennifer Swan for the Department and the Board at (717) 783-8727 or [RA-EPEQB@pa.gov](mailto:RA-EPEQB@pa.gov) at least 24 hours in advance of the hearing to reserve a time to present testimony.

Organizations are limited to designating one witness to present testimony on their behalf at only one hearing. Verbal testimony is limited to 5 minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to [RegComments@pa.gov](mailto:RegComments@pa.gov) after providing testimony at the hearing.

Information on how to access the hearings will be available on the Board's webpage found through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Envi-

ronmental Quality Board"). Prior to each hearing, individuals are encouraged to visit the Board's webpage for the most current information for accessing each hearing.

Any members of the public wishing to observe the public hearing without providing testimony are also directed to access the Board's webpage. Those who have not registered with Jennifer Swan in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

**Fiscal Note:** 7-525. Minimal loss of motor tax revenue and an increase in program costs to the commonwealth or its political subdivisions, which own gas-dispensing facilities. These costs will be absorbed by some savings as a result of this regulatory action; (8) recommends adoption.

#### Annex A

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

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE III. AIR RESOURCES

#### CHAPTER 121. GENERAL PROVISIONS

##### § 121.1. Definitions.

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

\* \* \* \* \*

*CARB Executive Order*—A document issued by CARB certifying [ **that a specified engine** ] **one of the following, unless otherwise specified:**

(i) **That a specified engine** family or model year vehicle has met applicable Title 13 CCR requirements for certification and sale in California.

(ii) **That a specified Phase I vapor recovery system or component of a Phase I vapor recovery system meets applicable requirements for certification and sale in California.**

(iii) **That a specified type of non-vapor recovery equipment, such as a low permeation hose, is certified for use at a gasoline dispensing facility that does not have a Stage II vapor recovery system.**

\* \* \* \* \*

*Dealer*—A person who is engaged in the sale or distribution of new motor vehicles or new motor vehicles to the ultimate purchaser as defined in section 216(4) of the Clean Air Act (42 U.S.C.A. § 7550(4)).

**Decommission**—**To permanently disconnect a Stage II vapor recovery system that is in active service by following procedures under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system).**

*Decorative interior panel*—Interior wall paneling that is usually grooved, frequently embossed and sometimes

grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particle-board.

\* \* \* \* \*

Gasoline dispensing facility—A **stationary facility with an underground storage tank** from which gasoline is transferred to motor vehicle fuel tanks.

\* \* \* \* \*

Monongahela Valley air basin—The following political subdivisions in Fayette County: Belle Vernon Borough, Brownsville Borough, Brownsville Township, Fayette City Borough, Jefferson Township, Newell Borough and Washington Township; the following political subdivisions in Washington County: Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Borough, Dunlevy Borough, Elco Borough, Fallowfield Township, Finleyville Borough, Long Branch Borough, Monongahela City, New Eagle Borough, North Charleroi Borough, Roscoe Borough, Speers Borough, Stockdale Borough, Twilight Borough, Union Township and West Brownsville Borough; and the following political subdivisions in Westmoreland County: Monessen City, North Belle Vernon Borough, Rostraver Township and West Newton Borough.

Monthly throughput—The total volume of gasoline loaded into, or dispensed from, gasoline storage tanks located at a gasoline dispensing facility. The term is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during a single day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during the previous 364 days, and then dividing that sum by 12.

Motor vehicle—A self-propelled vehicle designed for transporting persons or property on a street or highway.

\* \* \* \* \*

Petroleum refinery—A facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products, through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

Phase I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Stage I vapor recovery system.

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

Phase II vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank by returning the vapors to the storage tank.

(ii) The term includes a Stage II vapor recovery system.

Pittsburgh-Beaver Valley Area—The seven-county area comprised of the following Pennsylvania counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

\* \* \* \* \*

Pressed glass—Glassware formed by placing a blob of molten glass in a metal mold, then pressing it with a metal plunger or “follower” to form the inside shape. The resultant piece, termed “mold-pressed,” has an interior form independent of the exterior, in contrast to mold-blown glass, whose interior corresponds to the outer form.

Pressure/vacuum vent valve—A relief valve installed on the vent stack of a gasoline storage tank system that is designed to open within a specific pressure range to protect the storage tank system from excessive pressure or vacuum.

Pretreatment coating—An organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping.

\* \* \* \* \*

Spray gun—A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

Stage I enhanced vapor recovery system—A Phase I vapor recovery system for which a CARB Executive Order has been issued certifying that it meets the enhanced vapor recovery system standards specified in the CARB CP-201, “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.”

Stage I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Phase I vapor recovery system and a Stage I enhanced vapor recovery system.

Stage II vacuum assist vapor recovery system—A Stage II vapor recovery system that creates a vacuum to assist the movement of vapors back into the gasoline storage tank for storage or processing.

Stage II vapor balance vapor recovery system—A Stage II vapor recovery system that uses direct displacement to collect or process vapors at a gasoline dispensing facility.

Stage II vapor recovery system—

(i) Equipment and components that control vapors during the transfer of gasoline from a gasoline

**storage tank at a gasoline dispensing facility to a motor vehicle fuel tank and during the storage of gasoline at a gasoline dispensing facility.**

**(ii) The term includes a Phase II vapor recovery system.**

*Stain*—For purposes of wood furniture manufacturing operations under §§ 129.101—129.107, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

\* \* \* \* \*

*Stockpiling*—The act of placing, storing and removing materials on piles exposed to the outdoor atmosphere. Placing refers to the deposition of material onto the pile. Removing refers to disturbing the pile either for loading of material into or onto vehicles for transportation purposes or for material handling. Material that is not to be utilized in the production of a product or is not itself a useful product is excluded from the definition of stockpile material. Operations which consist entirely of transferring material between different transportation conveyances are also excluded from this definition.

**Storage tank system—The term has the meaning as defined in § 245.1 (relating to definitions).**

*Strippable spray booth coating*—A coating that meets the following requirements:

- (i) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.
- (ii) Is subsequently peeled off and disposed.
- (iii) Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of subparagraphs (i) and (ii).

\* \* \* \* \*

*Type II chemical milling maskant*—A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

**UMI—The term has the meaning as defined under the term “certification categories” in § 245.1.**

**UMX—The term has the meaning as defined under the term “certification categories” in § 245.1.**

**Ullage—The empty volume of a gasoline storage tank system that contains liquid gasoline, expressed as accumulated gallons of empty volume for all gasoline storage tanks in the manifold system.**

*Ultimate consumer*—With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

*Ultimate purchaser*—With respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

*Ultra low emission vehicle*—A vehicle certified as an ultra low emission vehicle under the Clean Air Act.

**Underground storage tank—The term has the meaning as defined in § 245.1.**

*Undersea-based weapons systems components*—The fabrication of parts, parts assembly or completed units of a portion of a missile launching system used on undersea ships.

\* \* \* \* \*

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

**§ 129.61. Small gasoline storage tank control (Stage I control).**

(a) ***Applicability.*** This section applies Statewide to **[ stationary ] the owner and operator of a gasoline storage [ tanks ] tank** with a capacity of greater than 2,000 gallons.

(b) ***Transfer requirements.*** A person may not transfer gasoline from a **[ delivery vessel ] gasoline tank truck** into a **[ stationary ] gasoline storage tank at a gasoline dispensing facility** unless the displaced vapors from the storage tank are transferred to the dispensing **[ delivery ] tank of the gasoline tank truck** through a vapor **[ right ] tight** return line and unless the **[ receiving ] gasoline dispensing facility storage** tank is equipped with a submerged fill pipe which extends from the filling orifice to within 6 inches of the bottom of the **storage** tank. **[ The vapors collected in the dispensing tank shall be disposed of in accordance with § 129.59 or § 129.60(c) (relating to bulk gasoline terminals; and bulk gasoline plants). ]**

(c) ***Gasoline tank truck dispensing tank requirements.*** The dispensing **[ delivery tank shall ] tank of a gasoline tank truck must** remain vapor tight at all times **[ . The delivery ]**, **except that the dispensing** tank may be opened after the vapors are disposed of **[ in accordance with ] under** § 129.59 or § 129.60(c).

(d) ***Additional requirements.*** **An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).**

*(Editor’s Note:* The following section is proposed to be added and printed in regular type to enhance readability.)

**§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control.**

(a) ***Applicability.*** Beginning \_\_\_\_\_ *(Editor’s Note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), this section applies to the owner and operator of a gasoline storage tank subject to § 129.61 (relating to small gasoline storage tank control (Stage I control)) if the gasoline storage tank is located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County and if one of the following is met:

- (1) Except as specified in paragraph (2), the gasoline dispensing facility has had a monthly throughput greater than 10,000 gallons (37,850 liters) of gasoline assessed on December 31 annually, beginning with the \_\_\_\_\_



(*Editor's Note:* The blank refers to the year preceding the year this final-form rulemaking becomes effective) calendar year.

(2) The owner or operator of the gasoline dispensing facility is an independent small business marketer of gasoline as defined under section 324(c) of the Clean Air Act (42 U.S.C.A. § 7625(c)) and the gasoline dispensing facility has had a monthly throughput equal to or greater than 50,000 gallons (189,250 liters), assessed on December 31 annually beginning with the \_\_\_\_\_. (*Editor's Note:* The blank refers to the year preceding the year this final-form rulemaking becomes effective) calendar year.

(3) The monthly throughput of the gasoline dispensing facility exceeds the applicable monthly throughput threshold of paragraph (1) or paragraph (2) at any time after \_\_\_\_\_. (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.) but later falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2). The owner and operator of the gasoline dispensing facility remain subject to the applicable requirements of this section for the gasoline dispensing facility, even after the monthly throughput falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2).

(b) *CARB vapor recovery test procedures.* The following are the CARB vapor recovery test procedures specified in this section:

(1) CARB TP-201.1E—"Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves," adopted October 8, 2003, including updates and revisions.

(2) CARB TP-201.3—"Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," adopted April 12, 1996, and amended March 17, 1999, and July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—"Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)," adopted March 17, 1999, including updates and revisions.

(4) CARB TP-201.1B—"Static Torque of Rotatable Phase I Adaptors," adopted July 3, 2002, and amended October 8, 2003, including updates and revisions.

(c) *Vapor leak rate monitoring procedures.* The owner or operator of a gasoline dispensing facility subject to this section shall monitor the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks in one of the following ways:

(1) Perform specified test procedures under subsection (d).

(2) Perform continuous monitoring under subsections (e), (h), (i) and (j).

(d) *Vapor leak rate monitoring using specified test procedures.* The owner or operator of a gasoline dispensing facility monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(1) shall do all of the following:

(1) Conduct each of the CARB TP-201.1E, CARB TP-201.3 and CARB TP-201.3C test procedures at least once in every 12-month period. Also, if the Stage I vapor recovery system is equipped with a rotatable adaptor, conduct a CARB TP-201.1B test procedure once in every 12-month period.

(i) These four test procedures may be conducted simultaneously, consecutively or separately at different times during the 12-month period.

(ii) Repair to a component on, or correction to, the Stage I vapor recovery system may not be made on the day of the CARB TP-201.3 or CARB TP-201.3C test procedure prior to completion of the test procedure.

(iii) Repair to a component on, or correction to, the Stage I vapor recovery system must be made within 10 days following a failed CARB TP-201.1E, CARB TP-201.3, CARB TP-201.1B or CARB TP-201.3C test procedure.

(iv) If a repair to a component on, or correction to, the Stage I vapor recovery system is made to pass the CARB TP-201.3 test procedure, then the CARB TP-201.3 test procedure must be conducted once in every 6-month period. The first test procedure conducted under this subparagraph must be conducted in the month that the repair to a component on, or correction to, the Stage I system is made under subparagraph (iii). The once-in-every-12-month period CARB TP-201.3 test procedure may resume when two consecutive once-in-every-6-month period CARB TP-201.3 test procedures do not reveal a failure requiring repair or correction.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

(i) The name of the test procedure.

(ii) The name of the person performing the test procedure.

(iii) The date the test procedure was performed.

(iv) The result of the test procedure.

(v) The date, time, type and duration of the vapor leak rate failure.

(vi) The name of the person correcting the vapor leak rate failure.

(vii) The date the vapor leak rate failure was corrected.

(viii) The action taken to correct the vapor leak rate failure.

(e) *Continuous vapor leak rate monitoring.* The owner or operator of a gasoline dispensing facility that is continuously monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(2) shall design, install, operate and maintain both of the following:

(1) A Stage I enhanced vapor recovery system for which a CARB Executive Order is issued, is valid at the time of installation and remains valid during the operation of the Stage I enhanced vapor recovery system.

(2) A continuous pressure monitoring system as identified in Exhibit 1 Section II, Exhibit 2 Section II and Exhibit 3 Section II of CARB Executive Order VR-202-R, "Relating to Certification of Vapor Recovery Systems Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD)," dated December 8, 2014, including updates and revisions. The continuous pressure monitoring system must meet all of the following:

(i) Include a console, a vapor pressure sensor, an automatic gasoline storage tank system pressure gauge and vapor leak rate detection software.

(ii) Operate at least 95% of the time on a calendar-month basis.

(iii) Calculate and record the percentage of continuous pressure monitoring system operational time.

(iv) Measure once every 7 days the vapor leak rate from the gasoline storage tank system at any working ullage pressure, both positive and negative.

(v) Measure the gasoline storage tank system pressure once every 7 days.

(vi) Record once every 7 days, with not more than 7 days between recordings, the calculated percentage of time that the gasoline storage tank system pressure is at least 0.5 inches of water column below the positive cracking pressure of the pressure/vacuum vent valve.

(f) *Stage I vapor recovery system installation requirements.* The owner or operator of a gasoline dispensing facility subject to this section that installs a Stage I vapor recovery system shall do all of the following:

(1) Perform, and ensure that the Stage I vapor recovery system passes, all of the following CARB vapor leak rate monitoring test procedures within 10 days of installation of the Stage I vapor recovery system:

(i) CARB TP-201.1B if the Stage I vapor recovery system is equipped with a rotatable adaptor.

(ii) CARB TP-201.1E.

(iii) CARB TP-201.3.

(iv) CARB TP-201.3C.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

(i) The completion date of installation of the Stage I vapor recovery system.

(ii) The name of the test procedure.

(iii) The name of the person performing the test procedure.

(iv) The date the test procedure was performed.

(v) The result of the test procedure.

(vi) The date, type and duration of a vapor leak rate failure.

(vii) The name of the person correcting the vapor leak rate failure.

(viii) The date the vapor leak rate failure was corrected.

(ix) The action taken to correct the vapor leak rate failure.

(3) Maintain onsite at the gasoline dispensing facility a copy of the CARB Executive Order specified in subsection (e)(1).

(4) Install and maintain a pressure/vacuum vent valve on each atmospheric vent of the underground storage tank.

(g) *Monitoring the condition of the Stage I vapor recovery system components and other gasoline dispensing components.* The owner or operator of a gasoline dispensing facility with a Stage I vapor recovery system shall monitor the condition of the Stage I vapor recovery system components and other gasoline dispensing components in accordance with all of the following, as applicable:

(1) Perform an inspection after each gasoline tank truck delivery to check all of the following:

(i) That each fill pipe adaptor and Stage I adaptor is tightly sealed.

(ii) That each Stage I dry break is tightly sealed.

(iii) That each automatic tank gauge cap is tightly sealed.

(2) Perform an inspection one time per month to check all of the following:

(i) That each automatic tank gauging electrical grommet and vent extractor cap is in good working order.

(ii) That the riser and pressure/vacuum vent valve and cap are installed and not damaged above ground level.

(iii) That there are no tears or holes in gasoline hoses.

(iv) That gasoline nozzles are functioning according to their design.

(v) That gasoline hoses are not touching the ground when the nozzle is resting on its holding bracket.

(vi) That each gasoline nozzle fits in its holding bracket.

(vii) If a Stage II vapor balance vapor recovery system is installed, that a face plate can make a positive seal.

(viii) If a Stage II vapor balance vapor recovery system is installed, that the bellows are free of tears and holes.

(3) Make the needed correction to the Stage I system under paragraph (1) or make the needed repair to a failed component under paragraphs (1) and (2) as soon as possible before the next scheduled monthly inspection.

(4) Record all of the following information, as applicable, for each monitoring inspection conducted under paragraphs (1) and (2) and for each correction to the Stage I system or repair to a failed component made under paragraph (3):

(i) The name of the person performing the inspection.

(ii) The component inspected under paragraphs (1) and (2).

(iii) The date the inspection was performed.

(iv) The result of each inspection of the components under paragraphs (1) and (2).

(v) The name of the person making the correction to the Stage I system or the repair to a failed component.

(vi) The date the correction was made to the Stage I system or the repair was made to the failed component.

(vii) The action taken to correct the Stage I system or to repair the failed component.

(h) *Vapor leak rate of the gasoline storage tank system.* The owner or operator of a gasoline dispensing facility that is monitoring the vapor leak rate of the gasoline storage tank system with a continuous pressure monitoring system under subsection (c)(2) shall do all of the following:

(1) Maintain the gasoline storage tank system at a vapor leak rate less than two times the allowed vapor leak rate.

(i) The allowed vapor leak rate must be determined under CARB TP-201.3.

(ii) Equation 9-2 with N=1-6 from CARB TP-201.3 must be used to determine the allowed vapor leak rate.

(2) Generate a report in electronic format once per day for the previous calendar day. The report must record the following:

(i) Continuous pressure monitoring system operational time as a percentage.

(ii) Percentage of time the tank system pressure is above atmospheric pressure.

(iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(3) Generate a report in electronic format by the 15th of the month for the previous calendar month which records the following:

(i) Continuous pressure monitoring system operational time as a percentage.

(ii) Percentage of time the tank system pressure is above atmospheric pressure.

(iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(iv) Warnings generated when the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subparagraph (1), including the date and time of each warning.

(4) Store the electronic records of the reports generated in paragraphs (2) and (3) in a manner to maintain the records despite loss of power to the continuous pressure monitoring system.

(5) Follow the applicable procedures of subsections (i) and (j) if the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under paragraph (1).

(6) Perform, and ensure that the continuous pressure monitoring system passes, the continuous pressure monitoring system operability test as specified in Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order VR-202-R, one time every 3 years after the date the continuous pressure monitoring system is installed.

(7) Record all of the following information for the continuous pressure monitoring system operability test specified in paragraph (6):

(i) The name of the person performing the test.

(ii) The date the test was performed.

(iii) The result of the test.

(8) If the continuous pressure monitoring system fails the operability test required under paragraph (6), the owner or operator shall repair and retest the continuous pressure monitoring system under paragraph (6) within 10 days.

(9) If the continuous pressure monitoring system fails the operability test required under paragraph (6), record all of the following information:

(i) The name of the person recording the operability test failure.

(ii) The date and time the continuous pressure monitoring system failed the operability test.

(iii) The type and duration of the operability test failure.

(iv) The name of the person correcting the operability test failure.

(v) The date the repair was made to correct the operability test failure.

(vi) The action taken to correct the operability test failure.

(10) Maintain the records required under paragraphs (7) and (9), as applicable, onsite at the gasoline dispensing facility for 6 years.

(i) *First exceedance of the allowed vapor leak rate.* If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subsection (h)(1), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator shall do all of the following:

(i) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm. If this correction does not require a repair or correction to the gasoline storage tank system, the person correcting the cause of the failure need not meet the certification requirements under subsection (q).

(ii) Reset the continuous pressure monitoring system when the correction under subparagraph (i) is made.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(iv) Record the date, time, duration and reason for a warning alarm that did not indicate a vapor leak rate failure.

(j) *Second exceedance of the allowed vapor leak rate.* Following the action taken to correct the cause of the failure under subsection (i)(2)(i), the continuous pressure monitoring system must recommence monitoring the gasoline storage tank system. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate within 7 calendar days following the correction made under subsection (i)(2)(i), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator of the gasoline dispensing facility shall do all of the following:

(i) Reset the continuous pressure monitoring system as soon as the vapor leak rate failure is corrected.

(ii) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm.

(A) The person correcting a failure to the gasoline storage tank system must meet the certification requirements under subsection (q).

(B) The person correcting a failure to the continuous pressure monitoring system must meet the certification requirements under subsection (q) or must be authorized to make repairs by the continuous pressure monitor manufacturer.



(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(k) *Low permeation hoses and enhanced conventional nozzles.* An owner or operator of a gasoline dispensing facility that is subject to this section and does not have a Stage II vapor recovery system shall do all of the following:

(1) Install and maintain low permeation hoses on each gasoline dispenser at the gasoline dispensing facility as follows:

(i) For a gasoline dispensing facility in operation on or before \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses by \_\_\_\_\_ (*Editor's Note:* The blank refers to the date 2 years after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.) on each gasoline dispenser that is located at the gasoline dispensing facility as of \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.).

(ii) For a gasoline dispenser installed after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses described in subparagraph (iv) upon installation of the gasoline dispenser.

(iii) For a gasoline dispensing facility that begins operation after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses described in subparagraph (iv) upon installation of each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install low permeation hoses that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(2) Install and maintain enhanced conventional nozzles on each gasoline dispenser as follows:

(i) The owner or operator shall replace each conventional nozzle with an enhanced conventional nozzle within 2 years after the Department publishes notice in the *Pennsylvania Bulletin* of the CARB Executive Officer having issued an Executive Order of Certification to a second manufacturer for an enhanced conventional nozzle.

(ii) For a gasoline dispenser installed at the gasoline dispensing facility after the Department publishes the *Pennsylvania Bulletin* notice referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles.

(iii) For a gasoline dispensing facility that begins operating after the Department publishes the notice in the *Pennsylvania Bulletin* referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles on each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install enhanced conventional nozzles that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(l) *Additional requirements for gasoline dispensing facilities.* The owner or operator of a gasoline dispensing facility subject to this section shall do all of the following:

(1) Provide necessary maintenance and make modifications to the vapor control system of the gasoline dispensing facility necessary to comply with the applicable requirements of this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to ensure proper operation of the vapor control system.

(3) Maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions required under paragraph (2).

(4) Immediately remove from service and tag a defective nozzle or other component of the gasoline dispensing system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective nozzle or other component of the gasoline dispensing system is not properly tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(5) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area. The operating instructions must include, at a minimum, all of the following information:

(i) A clear description of how to correctly dispense gasoline with the nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the gasoline dispensing system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(m) *Recordkeeping and reporting requirements.* The owner or operator of a gasoline dispensing facility subject

to this section that creates a record under subsection (d)(2), (f)(2), (g)(4), (h)(4), (h)(10), (i)(2)(iii) or (j)(2)(ii) shall do both of the following:

(1) Maintain the required records onsite at the gasoline dispensing facility for 2 years, unless specified otherwise in this section or unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(2) Submit the records to the Department in an acceptable format upon receipt of a request from the Department.

(n) *Record certifying the Stage I enhanced vapor recovery system.* An owner or operator proceeding under subsection (c)(2) shall maintain onsite at the gasoline dispensing facility a copy of the valid CARB Executive Order required under subsection (e)(1) for the duration of the operation of the Stage I enhanced vapor recovery system. The copy must be made available to the Department upon receipt of a request.

(o) *Record certifying the low permeation hoses and enhanced conventional nozzles.* The owner or operator shall maintain onsite at the gasoline dispensing facility a copy of the CARB Executive Order required under subsection (k)(1) and (2) for the duration of the use of the low permeation hoses and enhanced conventional nozzles, respectively. The copy must be made available to the Department upon receipt of a request.

(p) *Record of training schedule and written instructions.* The owner or operator shall maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions required under subsection (l)(2) for the duration of the operation of the vapor control system. The copy must be made available to the Department upon receipt of a request.

(q) *Certification requirements for a person who performs underground storage tank system installation or modification work.*

(1) The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(i) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(ii) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) A person only performing a test specified under subsection (b) is not required to be certified under this subsection.

### MOBILE SOURCES

#### § 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

(a) [ After the date specified in paragraph (1), (2) or (3), an owner or operator of a gasoline dispensing facility subject to this section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor

collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.

(1) This paragraph applies to gasoline dispensing facilities located in areas classified as moderate, serious or severe ozone nonattainment areas under section 181 of the Clean Air Act (42 U.S.C.A. § 7511) including the counties of Berks, Bucks, Chester, Delaware, Montgomery, Philadelphia with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section shall not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after November 15, 1990, shall achieve compliance by May 15, 1993.

(ii) Facilities which dispense greater than 100,000 gallons (378,500 liters) of gasoline per month, based on average monthly sales for the 2-year period immediately preceding November 15, 1992, shall achieve compliance by November 15, 1993.

(iii) Other affected facilities shall achieve compliance by November 15, 1994.

(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons (37,850 liters) in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after November 15, 1992.

(3) This paragraph applies to gasoline dispensing facilities located in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section does not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.

(ii) Facilities which dispense greater than or equal to 120,000 gallons (454,200 liters) of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall achieve compliance by July 1, 1999.

(iii) Facilities which dispense greater than 90,000 gallons (340,650 liters) per month but less than 120,000 gallons (454,200 liters) per month based on average monthly sales during calendar years 1995 and 1996 shall achieve compliance by December 31, 2000.

(4) For purposes of this section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks. ]

**Applicability.** This section applies to the owner and operator of a gasoline dispensing facility equipped with a Stage II vapor recovery system and located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County.

(b) [ Owners or operators ] **Operating requirements.** The owner or operator, or both, of a gasoline dispensing [ facilities ] facility subject to this section shall meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system):

(1) [ Install necessary Stage II vapor collection and control systems, provide ] **Maintain a Department-approved and properly operating Stage II vapor recovery system.** The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 90% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.

(2) **Provide** necessary maintenance and make modifications necessary to comply with [ the requirements ] **this section.**

[ (2) ] (3) Provide adequate training and written instructions to the operator of the [ affected ] gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

[ (3) ] (4) Immediately remove from service and tag [ any ] a defective **vapor recovery hose**, nozzle or [ dispensing ] **other component of the Stage II vapor recovery** system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds **during an inspection** that a defective **vapor recovery hose**, nozzle or [ dispensing ] **other component of the Stage II vapor recovery** system is not properly tagged [ **during an inspection** ], the component may not be returned to service until the defect is corrected [ , ] and the Department approves its return to service.

[ (4) ] (5) Conspicuously [ **post-operating** ] **post the operating** instructions for the **gasoline dispensing** system in the gasoline dispensing area which, at a minimum, include:

(i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles [ **utilized** ] **used** at the site.

(ii) A warning that continued attempts to dispense gasoline after the system indicates that the **motor** vehicle fuel tank is full may result in spillage **and contamination of the air or water** or recirculation of the gasoline into the vapor [ **collection** ] **recovery** system.

(iii) A telephone number, **email address or social media account** established by the Department for the public to **use** to report problems experienced with the **gasoline dispensing** system.

[ (5) ] (6) Maintain records of the **gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any [ **failures** ] **failure** of the system and maintenance and repair records [ **on the premises of the affected** ] **onsite at the** gasoline dispensing facility. The records [ **shall** ] **must** be [ **kept** ]:

(i) **Maintained** for [ **at least** ] 2 years [ **and shall be made** ], unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(ii) **Made** available for inspection, upon request, by the Department.

(c) [ If an area is reclassified from attainment or marginal nonattainment to serious, nonattainment under section 181 of the Clean Air Act, gasoline dispensing facilities located in the reclassified area will be subject to subsection (a)(1). For purposes of establishing an effecting date for the reclassified area, the date of the *Federal Register* final notice of the reclassification shall serve as the date of publication of this subsection as final in the *Pennsylvania Bulletin*.

(d) If an onboard canister refueling emissions control program has been fully implemented by the EPA by December 31, 2010, the operation and maintenance of Department-approved Stage II systems will no longer be required in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

(e) **Functional testing and certification requirements.** The [ **owners or operators** ] **owner and operator** of a gasoline dispensing [ **facilities** ] **facility** **subject to this section** shall comply with the functional testing and certification requirements specified in the EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act [ **to meet the Clean Air Act requirements** ].

(1) **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance vapor recovery system shall conduct the following test procedures:**

(i) **A liquid blockage test procedure under CARB TP-201.6, “Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities,” adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**

(ii) **A dynamic backpressure test procedure under CARB TP-201.4, “Dynamic Back Pressure,” amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**

(2) **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5**



**“Air to Liquid Volume Ratio,” amended February 1, 2001, including updates and revisions, once in every 12-month period.**

**(3) The owner or operator of a gasoline dispensing facility that conducts a test procedure under paragraph (1) or (2) shall do all of the following:**

**(i) Conduct the test procedures in paragraph (1) simultaneously, consecutively or separately at different times of the 5-year period.**

**(ii) Conduct the test procedure in paragraph (2) simultaneously with, consecutively with or separately from the test procedures in § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.**

**(iii) Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.**

**(iv) Record all of the following information, as applicable, for each test procedure performed under paragraph (1) or (2):**

**(A) The name of the test procedure.**

**(B) The name of the person performing the test procedure.**

**(C) The date the test procedure was performed.**

**(D) The result of the test procedure.**

**(E) The date, time, type and duration of a test procedure failure.**

**(F) The name of the person correcting the test procedure failure.**

**(G) The date the test procedure failure was corrected.**

**(H) The action taken to correct the test procedure failure.**

**(d) Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a and § 129.82a.**

*(Editor’s Note: The following section is proposed to be added and printed in regular type to enhance readability.)*

**§ 129.82a. Requirements to decommission a Stage II vapor recovery system.**

(a) *Applicability.* Beginning \_\_\_\_\_ *(Editor’s Note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), this section applies to the owner and operator of a gasoline dispensing facility that uses, has decommissioned or is decommissioning a Stage II vapor recovery system.*

(b) *Compliance deadline.*

(1) *Stage II vacuum assist vapor recovery system.* The owner or operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that uses a Stage II vacuum assist vapor recovery system shall decommission the Stage II vacuum assist vapor recovery system on or before December 31, 2022.

(2) *Stage II vapor balance vapor recovery system.* The owner and operator of a gasoline dispensing facility in this Commonwealth that uses a Stage II vapor balance vapor recovery system shall comply with this section

when the owner or operator decommissions the Stage II vapor balance vapor recovery system.

(c) *Test procedure documents.* The following are the full names of the vapor recovery test procedure documents specified in this section:

(1) PEI/RP300-09—The Petroleum Equipment Institute’s “Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites,” Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions.

(2) CARB TP-201.3—“Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities,” amended July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—“Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test),” adopted March 17, 1999, including updates and revisions.

(d) *Process to decommission a Stage II vapor recovery system.* The owner or operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system shall decommission the Stage II vapor recovery system by meeting all of the following:

(1) Successfully completing all of the steps in PEI/RP300-09, Chapter 14. The owner or operator shall cap off the vapor tight return line of the Stage II vapor recovery system at the gasoline storage tank top if accessible at the time of decommissioning. If the vapor tight return line is not accessible at the time of decommissioning, the vapor tight return line must be capped when either of the following circumstances occurs:

(i) The storage tank system or an associated piping component is under concrete, and a replacement or repair of the underground storage tank system or associated piping component involves breaking concrete on top of the tank where the vapor tight return line terminates.

(ii) The CARB TP-201.3 procedure performed under paragraph (2) indicates a problem with the vapor tight return line.

(2) Successfully completing all of the steps in CARB TP-201.3.

(3) Successfully completing all of the steps in CARB TP-201.3C.

(4) Completing Form 2700-FM-BAQ0129, including updates and revisions to the form, after decommissioning is complete, regardless of whether the vapor tight return line is accessible at the time of decommissioning and has been capped under paragraph (1). The owner or operator shall send the completed form within 10 business days of completion of the decommissioning to the Department Regional Air Program Manager or to the appropriate approved local air pollution control agency responsible for the county in which the decommissioning occurred.

(5) Maintaining onsite at the gasoline dispensing facility a copy of the completed form that was submitted under paragraph (4). The owner or operator shall maintain the form onsite for 2 years unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(e) *Certification requirements for installers and industry inspectors.* The owner and operator of a gasoline dispensing facility subject to this section shall ensure that

a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(1) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(2) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(f) *Removal of responsibilities under § 129.82.* The owner and operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system under subsections (d) and (e) are no longer subject to § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) at the gasoline dispensing facility.

(g) *Retention of responsibilities under § 129.61.* The owner and operator of a gasoline dispensing facility remains subject to § 129.61 (relating to small gasoline storage tank control (Stage I control)) after decommissioning a Stage II vapor recovery system.

(h) *Retention of responsibilities under § 129.61a .* The owner and operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that decommissions a Stage II vapor recovery system remains subject to § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).

[Pa.B. Doc. No. 20-1306. Filed for public inspection September 26, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### [ 31 PA. CODE CH. 84a ]

#### Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts

The Insurance Department (Department) proposes to amend Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts) to read as set forth in Annex A. This proposed rulemaking is proposed under the Department's general rulemaking authority as set forth in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) and the Insurance Commissioner's (Commissioner) authority to set forth minimum valuation and reserve standards in paragraphs (c)(1) and (2) of section 7124 of the act of June 30, 2016 (P.L. 399, No. 59) known as the Standard Valuation Law (40 Pa.C.S. § 7124(c)(1) and (2)).

#### *Purpose*

Chapter 84a governs the minimum reserve standards to which insurers issuing individual and group health and accident insurance contracts must adhere. Among other standards, the regulation establishes standards for claim reserves, contract reserves and premium reserves. These standards are in place to ensure that insurers maintain sufficient financial wherewithal to support long-term solvency. Chapter 84a, originally adopted in 1993, is based on the National Association of Insurance Commissioners (NAIC) Health Insurance Reserves Model Regulation (# 10).

The purpose of this proposed rulemaking is to update the Commonwealth's standards to align with the most recent updates to the NAIC Health Insurance Reserves Model Regulation, which were incorporated in 2017. These proposed amendments clarify that the minimum reserve standards contained in Chapter 84a apply to individual and group health and accident insurance coverages, including single premium credit health and accident insurance, issued prior to January 1, 2017. The amendments specify the use of new valuation tables for certain individual disability and group disability policies and claims. By incorporating these standards for coverages issued prior to January 1, 2017, the Department is seeking to promote the continuity of applicable reserving standards for those older coverages issued prior to the operative date of the NAIC Valuation Manual. Moreover, the proposed amendments would indicate that the claim reserve requirements for all claims incurred on or after January 1, 2017, are as described in the NAIC Valuation Manual. As indicated in Department Notice 2016-10 entitled "Principle-Based Reserving Operative Date" published at 46 Pa.B. 5867 (September 10, 2016), the operative date of the NAIC Valuation Manual was January 1, 2017.

#### *Explanation of Regulatory Requirements*

The following sets forth the proposed amendments that would be incorporated in Chapter 84a by this proposed rulemaking. The noted substantive proposed amendments are based on the updates to the NAIC Model; the remaining text in the following Annex is intended to match the current text of Chapter 84a with amendments made for clarity and improved organization. While the organization may differ, the content of Chapter 84a as amended by this proposed rulemaking remains substantially similar to the updated NAIC Model.

Section 84a.1 (relating to purpose) is proposed to be amended to remove the existing statutory authority sections, which were repealed in 2016, and replace them with the updated citations to the Standard Valuation Law, which authorizes the Commissioner to promulgate regulations specifying appropriate reserve standards.

Section 84a.2 (relating to applicability and scope) is proposed to be amended in accordance with changes to the NAIC Model. Specifically, subsection (b) would provide that the minimum reserve standards in the chapter would apply to individual and group health and accident insurance coverages, including single premium credit health and accident insurance, issued prior to January 1, 2017.

Section 84a.3 (relating to definitions) is proposed to be amended in accordance with changes to the NAIC Model. Specifically, definitions for "Group long-term disability income contract" and "Worksite disability policies" would be added to clarify the applicability of the reserve standards set forth in the chapter.

Section 84a.4 (relating to claim reserves) is proposed to be amended in accordance with changes to the NAIC Model. For clarity, section 84a.4 in the following Annex appears as entirely new text. It incorporates some of the text of Chapter 84a as it is currently constituted and includes the following amendments in accordance with the NAIC Model:

- The amendments to subsection (a) would provide additional general requirements for claim reserves.
- The amendments to subsection (b) would provide updated minimum morbidity standards for claim reserves of individual disability income benefits.

- The amendments to subsection (c) would provide updated minimum morbidity standards for claim reserves of group disability income benefits.

- Subsection (d) sets forth minimum morbidity standards for health insurance claim reserves for health insurance other than set forth in subsections (a)—(c), including single premium credit health and accident insurance.

- Subsection (e) is substantively the same as subsection (d) in Chapter 84a as it is currently constituted but has been rearranged for improved clarity. Despite the NAIC Model, Chapter 84a as it is currently does not contain a provision providing for a public hearing on claim reserve methods and that remains the case in this proposed rulemaking.

Section 84a.5 (relating to premium reserves) is proposed to be amended in accordance with changes to the NAIC Model and sets forth that unearned premium reserves are required for all contracts, except single premium credit health and accident insurance contracts.

Appendix A (relating to specific standards for morbidity, interest and mortality) is proposed to be amended in accordance with changes to the NAIC Model. Specifically, it incorporates standards for individual and group disability income contracts issued on or after January 1, 2020, a restated maximum interest rate standard for claim reserves, and clarification regarding the mortality standard for single premium credit insurance. It also includes editorial changes for increased clarity. The restated maximum interest rate standard for claim reserves appears in the updated Appendix A in subsection II(b)(2). The updated subsection includes the applicable restated formula.

#### *External Comments*

The Department circulated an exposure draft substantially similar to this proposed rulemaking to several industry participants including the Insurance Federation of Pennsylvania, the American Council of Life Insurers, America's Health Insurance Plans and Life Insurance Company of North America. Comments received were carefully considered in developing this proposed rulemaking.

#### *Affected Parties*

This proposed rulemaking applies to all entities with the authority to issue individual and group health and accident insurance coverages, including single premium credit health and accident insurance, including licensed insurers as defined in section 201-A of The Insurance Department Act of 1921 (40 P.S. § 65.1-A) and entities doing the business of insurance under The Insurance Company Law of 1921 (40 P.S. §§ 341—991.2707).

#### *Fiscal Impact*

##### *State government*

There will not be any fiscal impact to the Department as a result of this proposed rulemaking.

##### *General public*

This proposed rulemaking will have no fiscal impact upon the general public.

##### *Political subdivisions*

This proposed rulemaking will have no fiscal impact upon political subdivisions.

#### *Private sector*

This proposed rulemaking will have no fiscal impact upon the private sector, except for a possible minimal impact to the regulated entities affected.

#### *Paperwork*

This proposed rulemaking would not impose additional paperwork on the Department because no additional filing is required to be made by insurers that must comply with this proposed rulemaking.

#### *Effectiveness/Sunset Date*

This proposed rulemaking will become effective immediately upon final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

#### *Contact Person*

Questions or comments regarding this proposed rulemaking may be addressed in writing to Richard L Hendrickson, Department Counsel, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, within 30 days following publication in the *Pennsylvania Bulletin*. Questions and comments may also be e-mailed to rihendrick@pa.gov or faxed to (717) 772-1969.

#### *Regulatory Review*

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 10, 2020, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final delivery of the rulemaking, by the Department, the General Assembly and the Governor.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

**Fiscal Note:** 11-259. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 31. INSURANCE**

#### **PART IV. LIFE INSURANCE**

#### **CHAPTER 84A. MINIMUM RESERVE STANDARDS FOR INDIVIDUAL AND GROUP HEALTH AND ACCIDENT INSURANCE CONTRACTS**

##### **§ 84a.1. Purpose.**

**[ This chapter implements sections 301.1 and 311.1 of The Insurance Department Act of 1921 (40 P.S. §§ 71.1 and 93) which authorizes the Commissioner to promulgate regulations specifying appropriate reserve standards. ] The purpose of this chapter is to set forth the minimum standards of valuation required by 40 Pa.C.S. § 7124(c)(1) and (2) (relating to minimum standard for accident and health insurance contracts).**



### § 84a.2. Applicability and scope.

(a) This chapter shall take effect for annual statements for the year 1993.

(b) The minimum reserve standards of this chapter apply to individual and group health and accident insurance coverages, including single premium credit health and accident insurance, **[ written ] issued prior to January 1, 2017**, by life insurance companies **[ and ], property insurance companies, casualty insurance companies and fraternal benefit societies**. Monthly premium credit health and accident insurance is not subject to this chapter, but instead is subject to the reserve standards in Chapter 73 (relating to credit life and credit accident and health insurance).

(c) When an insurer determines that adequacy of its health and accident insurance reserves requires reserves in excess of the minimum standards specified in this chapter, the increased reserves shall be held and shall be considered the minimum reserves for that insurer.

(d) With respect to a block of contracts, or with respect to an insurer's health and accident business as a whole, a prospective gross premium valuation is the ultimate test of reserve adequacy as of a given valuation date. The gross premium valuation will take into account, for contracts in force, in a claims status, or in a continuation of benefits status on the valuation date, the present value as of the valuation date of expected benefits unpaid, expected expenses unpaid and unearned or expected premiums, adjusted for future premium increases reasonably expected to be put into effect.

(e) The gross premium valuation is to be performed whenever a significant doubt exists as to reserve adequacy with respect to a major block of contracts, or with respect to the insurer's health and accident business as a whole. If inadequacy is found to exist, immediate loss recognition shall be made and the reserves restored to adequacy. Adequate reserves, inclusive of claim, premium and contract reserves, if any, shall be held with respect to all contracts, regardless of whether contract reserves are required for the contracts under this chapter.

(f) Whenever minimum reserves, as defined in this chapter, exceed reserve requirements as determined by a prospective gross premium valuation, the minimum reserves remain the minimum requirement under this chapter.

(g) Minimum standards for three categories of health and accident insurance reserves are established. These categories are claim reserves, premium reserves and contract reserves.

(h) Adequacy of an insurer's health and accident insurance reserves is to be determined on the basis of the three categories of subsection (g) combined. These minimum standards emphasize the importance of determining appropriate reserves for each of the three categories separately.

### § 84a.3. Definitions.

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

*Annual-claim cost*—The net annual cost per unit of benefit before the addition of expenses, including claim settlement expenses, and a margin for profit or contingencies. For example, the annual claim cost for a \$100 monthly disability benefit, for a maximum disability benefit period of 1 year, with an elimination period of 1

week, with respect to a male at age 35, in a certain occupation might be \$12, while the gross premium for this benefit might be \$18. The additional \$6 would cover expenses and profit or contingencies.

*Claims accrued*—The portion of claims incurred on or prior to the valuation date which result in liability of the insurer for the payment of benefits for medical services which have been rendered on or prior to the valuation date, and for the payment of benefits for days of hospitalization and days of disability which have occurred on or prior to the valuation date, which the insurer has not paid as of the valuation date, but for which it is liable, and will have to pay after the valuation date. This liability is sometimes referred to as a liability for "accrued" benefits. A claim reserve, which represents an estimate of this accrued claim liability, shall be established.

*Claims reported*—A claim that has been incurred on or prior to the valuation date is considered as a reported claim for annual statement purposes if the date the claim is reported to the insurer is on or prior to the valuation date.

*Claims unaccrued*—The portion of claims incurred on or prior to the valuation date which result in liability of the insurer for the payment of benefits for medical services expected to be rendered after the valuation date, and for benefits expected to be payable for days of hospitalization and days of disability occurring after the valuation date. This liability is sometimes referred to as a liability for unaccrued benefits. A claim reserve, which represents an estimate of the unaccrued claim payments expected to be made, which may or may not be discounted with interest, shall be established.

*Claims unreported*—A claim incurred on or prior to the valuation date is considered as an unreported claim for annual statement purposes if the insurer has not been informed of the claim on or before the valuation date.

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Credit insurance*—Insurance which falls within the regulatory scope of the Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance (40 P.S. §§ 1007.1—1007.15).

*Date of disablement*—The earliest date the insured is considered as being disabled under the definition of disability in the contract, based on a doctor's evaluation or other evidence. Normally this date will coincide with the start of an elimination period.

*Department*—The Insurance Department of the Commonwealth.

*Elimination period*—A specified number of days, weeks or months starting at the beginning of each period of loss, during which no benefits are payable.

*Gross premium*—The amount of premium charged by the insurer, which includes the net premium based on claim-cost for the risk, together with loading for expenses, profit or contingencies.

*Group insurance*—The term includes blanket insurance and other forms of group insurance.

*Group long-term care insurance*—A long-term care insurance policy that is delivered or issued for delivery in this Commonwealth and issued to one or more employers or labor organizations, or to a trust or to the trustees of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or

former employees or a combination thereof or for members or former members or a combination thereof, of the labor organizations.

**Group long-term disability income contract—A group contract providing group disability income coverage with a maximum benefit duration longer than 2 years that is based on a group pricing structure. The term does not include any of the following:**

**(i) Group short-term disability (coverage with benefit periods of 2 years or less in maximum duration).**

**(ii) Voluntary group disability income coverage that is priced on an individual risk structure and generally sold in the workplace.**

*Level premium*—A premium calculated to remain unchanged throughout either the lifetime of the policy, or for some shorter projected period of years. The premium need not be guaranteed; in which case, although it is calculated to remain level, it may be changed if any of the assumptions on which it was based are revised at a later time. The annual claim costs are expected to increase each year and the insurer, instead of charging premiums that correspondingly increase each year, charges a premium calculated to remain level for a period of years or for the lifetime of the contract. In this case the benefit portion of the premium is more than needed to provide for the cost of benefits during the earlier years of the policy and less than the actual cost in the later years. The building of a prospective contract reserve is a natural result of level premiums.

*Long-term care insurance*—An insurance contract advertised, marketed, offered or designed to provide coverage for at least 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis; for functionally necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital:

(i) The term includes a policy or rider that provides for payment of benefits based upon cognitive impairment or the loss of functional capacity.

(ii) The term does not include an insurance contract which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income coverage, accident only coverage, specified disease coverage or specified accident coverage.

*Modal premium*—The premium paid on a contract based on a premium term that could be annual, semiannual, quarterly, monthly or weekly. For example, if the annual premium is \$100 and if, instead, monthly premiums of \$9 are paid the modal premium is \$9.

*Negative reserve*—A terminal reserve which is a negative value.

*Operative date*—The effective date of the approval by the Commissioner for an insurer to use the 1980 CSO Mortality Table to calculate nonforfeiture values and reserves for life insurance contracts.

*Preliminary term reserve method*—A reserve method under which the valuation net premium for each year falling within the preliminary term period is exactly sufficient to cover the expected incurred claims of that year, so that the terminal reserves will be zero at the end

of the year. As of the end of the preliminary term period, a new constant valuation net premium, or stream of changing valuation premiums, becomes applicable so that the present value of the net premiums is equal to the present value of the claims expected to be incurred following the end of the preliminary term period.

*Present value of amounts not yet due on claims*—The reserve for claims unaccrued, which may be discounted at interest.

*Rating block*—A grouping of contracts based on common characteristics, such as a policy form or forms having similar benefit designs.

*Reserve*—The term used to include all items of benefit liability, whether in the nature of incurred claim liability or in the nature of contract liability relating to future periods of coverage, and whether the liability is accrued or unaccrued. An insurer under its contract promises benefits which result in claims which have been incurred, that is, for which the insurer has become obligated to make payment, on or prior to the valuation date and in claims which are expected to be incurred after the valuation date. For the incurred claims, payments expected to be made after the valuation date for accrued and unaccrued benefits are liabilities of the insurer which should be provided for by establishing claim reserves. For the expected claims, present liability of the insurer for these future claims should be provided for by the establishment of contract reserves and unearned premium reserves.

*Terminal reserve*—The reserve at the end of a contract year. It is the present value of benefits expected to be incurred after that contract year minus the present value of future valuation net premiums.

*Unearned premium reserve*—The reserve that values that portion of the premium paid or due to the insurer which is applicable to the period of coverage extending beyond the valuation date. Thus if an annual premium of \$120 was paid on November 1, \$20 would be earned as of December 31 and the remaining \$100 would be unearned. The unearned premium reserve could be on a gross basis as in this example, or on a valuation net premium basis.

*Valuation net modal premium*—The modal fraction of the valuation net annual premium that corresponds to the gross modal premium in effect on a contract to which contract reserves apply. For example, if the mode of payment in effect is quarterly, the valuation net modal premium is the quarterly equivalent of the valuation net annual premium.

**Worksite disability policies—Individual short-term disability policies that are sold at the worksite through employer-sponsored enrollment, that cover normal pregnancy, and that have benefit periods up to 24 months. The term does not include any of the following:**

**(i) Personal disability policies sold to an individual and not associated with employer-sponsored enrollment.**

**(ii) Business overhead expense, disability buyout, or key person policies, in whatever manner those policies are sold.**

§ 84a.4. Claim reserves.

[ (a) *General requirements.*

**(1) Claim reserves are required for incurred but unpaid claims on health and accident insurance contracts.**

(2) Appropriate claim expense reserves are required with respect to the estimated expense of settlement of incurred but unpaid claims.

(3) The reserves for prior valuation years are to be tested for adequacy and reasonableness along the lines of claim runoff schedules in accordance with the statutory financial statement including consideration of residual unpaid liability.

*(b) Minimum standards for claim reserves of disability income benefits, excluding single premium credit health and accident insurance.*

(1) The maximum interest rate for claim reserves is specified in Appendix A (relating to specific standards for morbidity, interest and mortality).

(2) Minimum standards with respect to morbidity are those specified in Appendix A; except that, at the option of the insurer:

(i) For claims incurred on or after January 1, 2007, assumptions regarding claim termination rates for the period less than 2 years from the date of disablement may be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

(ii) For group disability income claims incurred on or after January 1, 2007, assumptions regarding claim termination rates for the period of 2 or more years but less than 5 years from the date of disablement may, with the approval of the Commissioner, be based upon the insurer's experience for which the insurer maintains underwriting and claim administration control if the experience is considered credible. For an insurer's experience to be considered credible, the insurer shall be able to provide claim termination patterns over no more than 6 years reflecting at least 5,000 claim terminations during the third through fifth claim durations on reasonably similar applicable policy forms. Reserve tables based on credible experience shall be adjusted regularly to maintain reasonable margins. Demonstrations may be required by the Commissioner based on published literature. The request for approval of a plan of modification to the reserve basis must include the following:

(A) An analysis of the credibility of the experience.

(B) A description of how the insurer's experience is proposed to be used in setting reserves.

(C) A description and quantification of the margins to be included.

(D) A summary of the financial impact that the proposed plan of modification would have had on the insurer's last filed annual statement.

(E) A copy of the approval of the proposed plan of modification by the Commissioner of the state of domicile.

(F) Other information deemed necessary by the Commissioner.

(iii) For claims incurred prior to January 1, 2007, each insurer may elect one of the following as the minimum standard.

(A) For claims with a duration from the date of disablement of less than 2 years, reserves may be based on the insurer's experience, if the experience

is considered credible, or upon other assumptions designed to place a sound value on the liabilities. For group disability income claims with a duration from the date of disablement of more than 2 years but less than 5 years, reserves may, with the approval of the Commissioner, be based upon the insurer's experience for which the insurer maintains underwriting and claim administration control if the experience is considered credible. For an insurer's experience to be considered credible, the insurer shall be able to provide claim termination patterns over no more than 6 years reflecting at least 5,000 claim terminations during the third through fifth claim durations on reasonably similar applicable policy forms. Reserve tables based on credible experience shall be adjusted regularly to maintain reasonable margins. Demonstrations may be required by the Commissioner based on published literature. The request for approval of a plan of modification to the reserve basis must include the following:

(I) An analysis of the credibility of the experience.

(II) A description of how the insurer's experience is proposed to be used in setting reserves.

(III) A description and quantification of the margins to be included.

(IV) A summary of the financial impact that the proposed plan of modification would have had on the insurer's last filed annual statement.

(V) A copy of the approval of the proposed plan of modification by the Commissioner of the state of domicile.

(VI) Other information deemed necessary by the Commissioner.

(B) The standards as defined in subparagraph (i) and (ii) applied to all open claims. If reserves are calculated on the standards defined in subparagraph (i) and (ii), future calculations must be on that basis.

(3) For contracts with an elimination period, the duration of disablement shall be measured, as dating from the time that benefits would have begun to accrue had there been no elimination period.

*(c) Minimum standards for claim reserves of other benefits, including single premium credit health and accident insurance.*

(1) The maximum interest rate for claim reserves is specified in Appendix A.

(2) Minimum standards with respect to morbidity and other contingencies shall be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

*(d) Claim reserve methods.* A reasonable actuarial method or combination of methods may be used to estimate claim liabilities. The methods used for estimating liabilities generally may be aggregate methods, or various reserve items may be separately valued. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves shall be determined in the aggregate. ]



(a) General requirements.

(1) Claim reserves are required for incurred but unpaid claims on health and accident insurance contracts. When reserving for contracts with an elimination period, the duration of disablement commences on the date that benefits would have begun to accrue had there been no elimination period.

(2) Appropriate claim expense reserves are required with respect to the estimated expense of settlement of incurred but unpaid claims.

(3) The reserves for prior valuation years are to be tested for adequacy and reasonableness along the lines of claim runoff schedules in accordance with the statutory financial statement including consideration of residual unpaid liability.

(4) For claim reserves on policies that require contract reserves, the claim incurral date constitutes the "issue date" for determining the table and interest rate for claim reserves.

(5) The maximum interest rate for claim reserves is specified in Appendix A (relating to specific standards for morbidity, interest and mortality).

(6) The requirements for claims reserves on all claims incurred on or after January 1, 2017 will be as described in the Valuation Manual based on the incurred date of the claim.

(b) Minimum morbidity standards for claim reserves of individual disability income benefits, excluding single premium credit health and accident insurance.

(1) For claims incurred prior to January 1, 2007, each insurer may elect any of the following standards to use as the minimum morbidity standard for claim reserves:

(i) The minimum morbidity standard in effect for claim reserves as of the date the claim was incurred.

(ii) The standards as defined in paragraphs (2) or (3) applied to all open claims. Once an insurer elects to calculate reserves for all open claims on the standard defined in either paragraph (2) or (3), all future valuations must be on that basis.

(2) For claims incurred on or after January 1, 2007, and prior to the effective date for the company as determined in paragraph (5), the minimum standards with respect to morbidity are those specified in Appendix A, except that, at the option of the insurer, assumptions regarding claim termination rates for the period less than 2 years from the date of disablement may be based on the insurer's experience, if such experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

(3) For claims incurred on or after January 1, 2020, the minimum standards with respect to morbidity are those specified in Appendix A, including all of the following (as derived in accordance with Actuarial Guideline L):

(i) The use of the insurer's own experience.

(ii) An adjustment to include an own experience measurement margin.

(iii) The application of a credibility factor.

(4) In determining the minimum reserves in accordance with paragraph (3), the provisions in subparagraphs (i), (ii) and (iii) of paragraph (3) are not applicable to any of the following circumstances:

(i) Where the insurer meets the Own Experience Measurement Exemption provided in Actuarial Guideline L.

(ii) Where, for worksite disability policies with benefit periods of up to 2 years, the insurer chooses to base its disabled life reserves on the insurer's experience, if such experience is considered credible, or on other assumptions and methods designed to place a sound value on the liabilities.

(5) An insurer may begin to use the minimum reserve standards in paragraph (3) at a date earlier than January 1, 2020, but not prior to January 1, 2017.

(6) An insurer may, within 3 years of January 1, 2020, or an earlier date the insurer elects under paragraph (5), apply the new standards in paragraph (3) to all open claims incurred prior to the effective date for paragraph (3) for the insurer. Once an insurer elects to calculate reserves for all open claims based on paragraph (3), all future valuations must be on that basis.

(c) Minimum morbidity standards for claim reserves of group disability income benefits, excluding single premium credit health and accident insurance.

(1) For claims incurred prior to January 1, 2007, each insurer may elect any of the following standards to use as the minimum morbidity standard for claim reserves:

(i) The minimum morbidity standard in effect for claim reserves as of the date the claim was incurred.

(ii) After the effective date selected by the company in paragraph (2), the standards as defined in paragraph (2), applied to all open group long term disability income claims. Once an insurer elects to calculate reserves for all open claims on a more recent standard, all future valuations must be based on that more recent standard.

(iii) The standards as defined in paragraph (3), applied to all open group disability income claims. Once an insurer elects to calculate reserves for all open claims on a more recent standard, all future valuations must be based on that more recent standard.

(2) For group long-term disability income claims incurred on or after January 1, 2007, but before the effective date selected by the company in paragraph (4), and group disability income claims incurred on or after January 1, 2007, that are not group long-term disability income, the minimum standards with respect to morbidity are those specified in Appendix A except that, at the option of the insurer:

(i) Assumptions regarding claim termination rates for the period less than 2 years from the date of disablement may be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

(ii) Assumptions regarding claim termination rates for the period 2 or more years but less than 5 years from the date of disablement may, with the approval of the Commissioner, be based on the insurer's experience for which the insurer maintains underwriting and claim administration control. The request for such approval of a plan of modification to the reserve basis must include:

- (A) An analysis of the credibility of experience.
- (B) A description of how all of the insurer's experience is proposed to be used in setting reserves.
- (C) A description and quantification of the margins to be included.
- (D) A summary of the financial impact that the proposed plan of modification would have had on the insurer's last filed annual statement.
- (E) A copy of the approval of the proposed plan of modification by the commissioner of the state of domicile.
- (F) Any other information the Commissioner deems necessary to review the plan of modification.

(iii) Each insurer may elect any of the following standards to use as the minimum morbidity standard for group long term disability income claim reserves:

- (A) The minimum morbidity standard in effect for claim reserves as of the date the claim was incurred.
- (B) The standards as defined in paragraph (3), applied to all open claims. Once an insurer elects to calculate reserves for all open claims on a more recent standard, all future valuations must be on that basis.
- (3) For group long-term disability income claims incurred on or after January 1, 2017, the minimum standards with respect to morbidity must be based on the 2012 GLTD termination table or subsequent table with consideration of all of the following:

- (i) The insurer's own experience computed in accordance with Actuarial Guideline XLVII, as included in the most current version of the NAIC Accounting Practices and Procedures Manual.
- (ii) An adjustment to include an own experience measurement margin derived in accordance with Actuarial Guideline XLVII, as included in the most current version of the NAIC Accounting Practices and Procedures Manual.
- (iii) A credibility factor derived in accordance with Actuarial Guideline XLVII, as included in the most current version of the NAIC Accounting Practices and Procedures Manual.

(4) An insurer may begin to use the minimum reserve standards in paragraph (3) for dates earlier than January 1, 2017, but not prior to October 1, 2014. The date the insurer selects between January 1, 2017, and October 1, 2014, to begin to use the minimum reserve standards in paragraph (3) will be considered the effective date.

(5) An insurer may apply the standards in paragraph (3) to all open claims incurred prior to the effective date of paragraph (3) for the insurer. Once an insurer elects to calculate reserves for all open claims based on paragraph (3), all future valuations must be on that basis.

(d) Minimum morbidity standards for other health insurance claim reserves, including single premium credit health and accident insurance. The minimum standards with respect to morbidity and other contingencies must be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

(e) Claim reserve methods. An insurer may use a generally accepted actuarial reserving method or combination of methods to estimate claim liabilities.

- (1) Methods used for estimating liabilities generally may be aggregate methods or various reserve items may be separately valued.
- (2) Approximations may be based on groupings and averages.
- (3) Adequacy of the claim reserves shall be determined in the aggregate.

**§ 84a.5. Premium reserves.**

(a) *General requirements.*

(1) Unearned premium reserves are required for all contracts, except single premium credit health and accident insurance contracts, with respect to the period of coverage for which premiums, other than premiums paid in advance, have been paid beyond the date of valuation.

(2) If premiums due and unpaid are carried as an asset, the premiums shall be treated as premiums in force, subject to unearned premium reserve determination. The value of unpaid commissions, premium taxes and the cost of collection associated with due and unpaid premiums shall be carried as an offsetting liability.

(3) The gross premiums paid in advance for a period of coverage commencing after the next premium due date which follows the date of valuation may be appropriately discounted to the valuation date and shall be held either as a separate liability or as an addition to the unearned premium reserve which would otherwise be required as a minimum.

\* \* \* \* \*

**§ 84a.6. Contract reserves.**

\* \* \* \* \*

(b) *Minimum standards for contract reserves.*

(1) *Morbidity or other contingency.*

(i) Minimum standards with respect to morbidity are those in Appendix A (relating to specific standards for morbidity, interest and mortality). Valuation net premiums used under each contract shall have a structure consistent with the gross premium structure at issue of the contract as this relates to advancing age of the insured, contract duration and period for which gross premiums have been calculated.

(ii) Contracts for which tabular morbidity standards are not specified in Appendix A shall be valued using tables established for reserve purposes by a qualified actuary and acceptable to the Commissioner. The morbidity tables shall contain a pattern of incurred claim costs that reflect the underlying morbidity and may not be constructed for the primary purpose of minimizing reserves.

(iii) If a morbidity standard specified in Appendix A is on an aggregate basis, the morbidity standard may be adjusted to a select and ultimate basis to reflect the effect

of insurer underwriting by policy duration. The adjustments shall be appropriate to the underwriting and be acceptable to the Commissioner.

(iv) In determining the morbidity assumptions, the actuary shall use assumptions that represent the best estimate of anticipated future experience, but may not incorporate any expectation of future morbidity improvement for contracts issued on or after January 1, 2007. Morbidity improvement is a change in the combined effect of claim frequency and the present value of future expected claim payments given that a claim has occurred from the current morbidity tables or experience that will result in a reduction to reserves. The actuary can reflect the morbidity impact for a specific known event that has occurred and can be evaluated and quantified.

(2) *Maximum interest rate.* The maximum interest rate is specified in Appendix A.

(3) *Termination rates.*

(i) Termination rates used in the computation of reserves shall be on the basis of a mortality table as specified in Appendix A except as noted in subparagraphs (ii), (iii), (iv) and (v).

(ii) Total termination rates may be used at ages and durations when these exceed specified mortality table rates, but not in excess of the lesser of 80% of the total termination rate used in the calculation of the gross premiums or 8%.

(iii) For long-term care individual contracts and group certificates issued on and after January 1, 1999, termination rates in addition to the specified mortality table rates may be used. The termination rates other than mortality may not exceed the following:

(A) For policy years 1 through 4, the lesser of 80% of the voluntary lapse rate used in the calculation of gross premiums and 8%.

(B) For policy years 5 and later, the lesser of 100% of the voluntary lapse rate used in the calculation of gross premiums and 4%.

(iv) For long-term care individual contracts and group certificates issued on and after January 1, 2007, the following termination rates in addition to the mortality table rates specified in Appendix A may be used.

(A) For policy year 1, the lesser of 80% of the voluntary lapse rate used in the calculation of gross premiums and 6%.

(B) For policy years 2 through 4, the lesser of 80% of the voluntary lapse rate used in the calculation of gross premiums and 4%.

(C) For policy years 5 and later, the lesser of 100% of the voluntary lapse rate used in the calculation of gross premiums and 2%, except for group long-term care insurance where the 2% shall be 3%.

(v) For single premium credit disability insurance, termination rates may not be used.

(4) [ *Reserved* ] *Reserve methods.*

(i) For health and accident insurance except long-term care and return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated on the 2-year full preliminary term method; that is, under which the terminal reserve is zero at the first and also the second contract anniversary.

\* \* \* \* \*

**Appendix A**

**SPECIFIC STANDARDS FOR MORBIDITY, INTEREST AND MORTALITY**

**I. MORBIDITY.**

(a) Minimum morbidity standards for valuation of specified individual contract health and accident insurance benefits are as follows:

(1) Disability income benefits due to accident or sickness.

(i) *Contract reserves.*

(A) Contracts issued on or after January 1, 1965, and prior to January 1, 1986: The 1964 Commissioners Disability Table (64 CDT).

(B) Contracts issued on or after January 1, 1993, **and before January 1, 2020**: The 1985 Commissioners Individual Disability Tables A (85 CIDA) or The 1985 Commissioners Individual Disability Tables B (85 CIDB).

(C) Contracts issued on or after January 1, 1986, and prior to January 1, 1993: Optional use of either the 1964 Table or the 1985 Tables.

(D) Each insurer shall elect, with respect to all individual contracts issued in any one statement year, whether it will use Tables A or Tables B as the minimum standard. The insurer may elect to use the other tables with respect to a subsequent statement year.

**(E) Contracts issued on or after January 1, 2020: The 2013 IDI Valuation Table with modifiers as described in Actuarial Guideline L.**

**(F) An insurer may begin to use the 2013 IDI Valuation Table with modifiers at a date earlier than January 1, 2020, but not prior to January 1, 2017.**

**(G) Within 3 years of 2020 or the earlier date an insurer begins to use the 2013 IDI Valuation Table, the insurer may elect to apply that morbidity standard for all policies issued subject to other valuation tables. This may be done if the following conditions are met:**

**(I) The insurer applies the morbidity standard to all inforce policies and incurred claims.**

**(II) The insurer elects or has elected to apply the 2013 IDI Valuation Table to all claims incurred regardless of incurral date.**

**(III) The insurer maintains adequate policy records on policies issued prior to 2020 that allow the insurer to apply the 2013 IDI Valuation Table appropriately.**

**(IV) Once an insurer elects to calculate reserves for all inforce policies based on the current morbidity standard, all future valuations must be on that basis.**

(ii) *Claim reserves.*

(A) Claims incurred on or after January 1, 2007, **and prior to January 1, 2020**: The 1985 Commissioners Individual Disability Table A (85CIDA) with claim termination rates multiplied by the following adjustment factors:



<i>Duration</i>	<i>Adjustment Factor</i>
Week 1	0.366
2	0.366
3	0.366
4	0.366
5	0.365
6	0.365
7	0.365
8	0.365
9	0.370
10	0.370
11	0.370
12	0.370
13	0.370
Month 4	0.391
5	0.371
6	0.435
7	0.500
8	0.564
9	0.613
10	0.633
11	0.712
12	0.756
13	0.800
14	0.844
15	0.888
16	0.932
17	0.976
18	1.020
19	1.049
20	1.078
21	1.107
22	1.136
23	1.165
24	1.195
Year 3	1.369
4	1.204
5	1.199
6 and later	1.000

The 85 CIDA so adjusted for the computation of claim reserves shall be known as The 1985 Commissioners Individual Disability Table C (85 CIDC).

**[ (B) Claims incurred prior to January 1, 2007: Optional use of either the minimum morbidity standard in effect for contract reserves on contracts issued on the same date the claim is incurred, or 85 CIDC, applied to all claims.**

**(C) If reserves for all claims are calculated on 85 CIDC, future calculations must be on 85 CIDC. ]**

**(B) For claims incurred on or after January 1, 2020, the 2013 IDI Valuation Table with modifiers and adjustments for company experience as pre-**

**scribed in the Actuarial Guideline L, except for worksite disability policies with benefit periods of 24 months or less.**

**(C) For worksite disability policies, claim reserves may be calculated using claim run-out analysis or claim triangles or other methods that place a sound value on the reserves that are appropriate for the business and risks involved.**

**(D) For claims incurred prior to January 1, 2020, each insurer may elect any of the following standards to use as the minimum standard for claims incurred:**

**(I) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the claim is incurred.**

**(II) The standard as defined in Clause (A) or (B) applied to all open non-worksite claims, if the insurer maintains adequate claim records to allow the insurer to apply the standard defined in Clause (A) or (B) appropriately. Once an insurer elects to calculate reserves for all open claims on the standard defined in Clause (A) or (B), all future valuations must be on that basis. This option, with respect to Clause (B), may be selected only if the insurer maintains adequate claims records for all claims incurred to use the 2013 IDI Valuation Table appropriately.**

(2) Hospital benefits, surgical benefits and maternity benefits (scheduled benefits or fixed time period benefits only).

(i) *Contract reserves.*

\* \* \* \* \*

(ii) *Claim reserves.* Claim reserves are to be determined as provided in [ § 84a.4(c)(2) ] § 84a.4(d) (relating to claim reserves).

(3) Cancer expense benefits (scheduled benefits or fixed time period benefits only).

(i) *Contract reserves.* Contracts issued on or after January 1, 1986: The 1985 NAIC Cancer Claim Cost Tables.

(ii) *Claim reserves.* Claim reserves are to be determined as provided in [ § 84a.4(c)(2) ] § 84a.4(d).

(4) Accidental death benefits.

(i) *Contract reserves.* Contracts issued on or after January 1, 1965: The 1959 Accidental Death Benefits Table.

(ii) *Claim reserves.* Actual amount incurred.

(5) Single Premium Credit Health and Accident Insurance.

(i) *Contract reserves:*

\* \* \* \* \*

(ii) *Claim Reserves:* Claim reserves are to be determined as defined in [ § 84a.4(c)(2) ] § 84a.4(d).

(6) Other individual contract benefits.

(i) *Contract reserves.* For other individual contract benefits, morbidity assumptions are to be determined as provided in § 84a.6(b)(1)(ii) (relating to contract reserves).

(ii) *Claim reserves.* For benefits other than disability, claim reserves are to be determined as provided in [ § 84a.4(c)(2) ] § 84a.4(d).

(b) Minimum morbidity standards for valuation of specified group contract health and accident insurance benefits are as follows:

(1) Disability income benefits due to accident or sickness.

**(i) Where the regulation references this Appendix.**

[ (i) ] **(A)** *Contract reserves.*

[ **(A)** ] **(I)** Certificates issued prior to January 1, 1993: The same basis, if any, as that employed by the insurer as of January 1, 1993.

[ **(B)** ] **(II)** Certificates issued on or after January 1, 1993: The 1987 Commissioners Group Disability Income Table (87CGDT).

[ (ii) ] **(B)** *Claim reserves.*

[ **(A)** ] **(I)** For claims incurred on or after January 1, 1993: The 1987 Commissioners Group Disability Income Table (87CGDT).

[ **(B)** ] **(II)** For claims incurred prior to January 1, 1993: Claim reserves are to be determined as provided in [ § 84a.4(c)(2) ] § 84a.4(d) (relating to claim reserves).

**(ii) Where the regulation does not reference this Appendix, the minimum morbidity standards are set forth in Actuarial Guideline XLVII.**

(2) Single Premium Credit Health and Accident Insurance.

\* \* \* \* \*

(ii) *Claim reserves.* Claim reserves are to be determined as defined in [ § 84a.4(c)(2) ] § 84a.4(d).

(3) Other group contract benefits.

(i) *Contract reserves.* For other group contract benefits, morbidity assumptions are to be determined as provided in § 84a.6(b)(1)(ii) (relating to contract reserves).

(ii) *Claim reserves.* For benefits other than disability, claim reserves are to be determined as provided in [ § 84a.4(c)(2) ] § 84a.4(d).

II. INTEREST

(a) Contract reserves.

(1) The maximum interest rate is the maximum rate permitted by [ **section 301 of The Insurance Department Act of 1921 (40 P.S. § 71) ] 40 Pa.C.S. §§ 7111—7127 (relating to valuation of reserves for contracts and policies)** in the valuation of whole life insurance issued on the same date as the health and accident insurance contract and with a guarantee duration of more than 20 years.

(b) Claim reserves.

(1) For claim reserves on policies that require contract reserves, the maximum interest rate is the maximum rate permitted by [ **section 301 of The Insurance Department Act of 1921 (40 P.S. § 71) ] 40 Pa.C.S. §§ 7111—7127** in the valuation of whole life insurance issued on the same date as the claim incurral date and with a guarantee duration equal to the maximum benefit period.

[ (2) **For claim reserves on policies not requiring contract reserves, the maximum interest rate is the maximum rate permitted by section 301 of The Insurance Department Act of 1921 in the valuation**

**of single premium immediate annuities issued on the same date as the claim incurral date, reduced by 100 basis points. ]**

**(2) For claim reserves on policies not requiring contract reserves, the maximum interest rate (I) shall be the calendar year statutory valuation interest rates as defined by:**

$$I = .02 + .8 * (R - .03)$$

**Where R is the average, over a period of 12 months, ending June 30 of the calendar year of the claim incurral date, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc. and the results rounded to the nearer 1/4 of 1%.**

III. MORTALITY.

(a) For individual contracts and group certificates issued prior to the insurer's operative date, the mortality basis used shall be according to a table permitted by law for the valuation of whole life insurance issued on the same date as the health and accident insurance individual contract or group certificate.

\* \* \* \* \*

(d) Other mortality tables adopted by the National Association of Insurance Commissioners (NAIC) and promulgated by the Commissioner may be used in the calculation of the minimum reserves if appropriate for the type of benefits and if approved by the Commissioner. The request for approval shall include the proposed mortality table and the reason that the standard specified in subsection (c) is inappropriate.

**(e) For single premium credit insurance using the 85CIDA table, no separate mortality shall be assumed.**

[Pa.B. Doc. No. 20-1307. Filed for public inspection September 25, 2020, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

[ 58. PA. CODE CH. 51 ]

**General Provisions; Administrative Provisions**

The Fish and Boat Commission (Commission) proposes to amend Chapter 51 (relating to administrative provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations for display of permits.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

C. *Statutory Authority*

The proposed amendments to §§ 51.123 and 51.127 (relating to display of permits; and fishing license and

permits) are published under the statutory authority of section 2907.3 of the code (relating to fishing guide and charter boat permits).

#### D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

#### E. Summary of Proposal

As the Commission continues to modernize its business practices, several permit application procedures have been evaluated. An internal review of the Charter Boat/Fishing Guide permit application process revealed that the customer and the Commission would benefit greatly by handling the permitting process online.

Currently, to secure or purchase a permit, a written application, payment and numerous other supporting documents must be provided to the Commission for review, approval and processing. Once received by the Commission, it generally takes about 30 days to issue a permit, which is then mailed to the permittee.

The proposed plan moving forward is to allow application for and issuance of the permit online, exclusively through the Outdoor Shop. Waterways Conservations Officers would verify applicant provided information during standard field checks. As part of this transition, the requirement to display a guide sticker on the boat would be removed. Permits would be fulfilled at the point of purchase. The 30-day wait time for a permit and the time and expense associated with preparing a paper application would be eliminated. Through the automation process, the Commission would substantially lower the cost to review and issue a permit and would eliminate the cost of producing and mailing permits, identification decals, patches and other informational materials.

An additional change to § 51.127 would require an individual guiding on Commonwealth Waters to have Commission issued fishing license and permits. Under the current language a loophole was created that allows some nonresidents to guide on Commonwealth Waters utilizing their out-of-State license with a Pennsylvania Nonresident guide permit.

The Commission proposes that §§ 51.123 and 51.127 be amended as set forth in Annex A.

#### F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments

should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-302. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart A. GENERAL PROVISIONS

#### CHAPTER 51. ADMINISTRATIVE PROVISIONS

#### Subchapter L. CHARTER BOAT/FISHING GUIDE OPERATIONS

##### § 51.123. Display of permits.

(a) *Display of permit on outer garment.* While operating a charter boat or fishing guide operation, charter boat operators and fishing guides shall display their permits on a hat or an outer garment in plain view. The charter boat operator and fishing guide may carry and display the permit in the same holder containing a fishing license.

(b) *Officers designated to check permits.* Charter boat operators and fishing guides shall present their charter boat/fishing guide permits upon the request of an officer authorized to enforce the code.

[ (c) *Display of decal on charter boats.* When a boat is used in the charter boat/fishing guide operation, the charter boat operator shall display a decal supplied by the Commission on both sides of the boat hull above the waterline and below the gunwale near the stern of the boat or on each side window of the cockpit of the boat. While onboard a boat displaying a decal, the charter boat operator is exempt from the permit display requirements of this section provided the permit is onboard the boat. When, due to exigent circumstances, a charter boat operator must use a boat that does not display a charter boat/fishing guide decal, the charter boat operator shall display the permit on a hat or outer garment as required by this section. ]

##### § 51.127. Fishing license and permits.

Charter boat operators and their crewmembers and fishing guides shall possess valid **Commission issued** fishing licenses and the stamps and permits required for the waters in which they fish. Charter boat operators and fishing guides are responsible for ensuring that their employees, passengers and customers possess a valid **Commission issued** fishing license and the appropriate stamps and permits.

[Pa.B. Doc. No. 20-1308. Filed for public inspection September 25, 2020, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

### Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to



Fish and Boat Code) (code). The proposed amendments update the Commission’s regulations for the sale and purchase of fish.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at [www.fishandboat.com](http://www.fishandboat.com).

C. *Statutory Authority*

The proposed amendment to § 63.19(d) (relating to sale and purchase of fish) is published under the statutory authority of section 2102(c) of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The Commission regulates both commercial and private fish cleaning stations under § 63.15a (relating to officially-recognized fish cleaning stations). This regulation allows anglers in certain circumstances to clean fish and dispose of the remains without transporting the intact catch to their home. This is important for many anglers, especially those on extended trips or visiting specific waters such as Lake Erie. Official cleaning stations also assist anglers in complying with regulations which prevent disposing of fish parts into Commonwealth waters. Fish processed at an official cleaning station allow anglers to be exempt from regulations requiring a fish to remain in-tact until reaching the place of consumption so it can be identified and measured for compliance with seasons, sizes and creel limits.

As technologies for cleaning stations change, various methods of carcass disposal are utilized. In several states, fish cleaning byproducts may be sold to other entities for further beneficial use such as fertilizer in agriculture. In this Commonwealth, cleaning stations are forced to grind the carcasses and place the byproduct into wastewater treatment or landfills.

To allow fish cleaning stations to provide a better service to Commonwealth anglers and facilitate better use of fish cleaning byproducts, the Commission proposes to amend § 63.19(d) of its regulations.

The Commission proposes that § 63.19(d) be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-301. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.19. Sale and purchase of fish.**

\* \* \* \* \*

(d) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Chapter 42 (relating to aquacultural development), if the fish are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 of the code (relating to special licenses and permits), if the fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. **This section does not prohibit the sale, purchase, offer for sale, trade or barter for the purpose of disposal of any non-flesh fish parts or roe that are the byproduct from any lawfully taken fish processed at a Pennsylvania Fish and Boat Commission recognized fish cleaning station under § 63.15a (relating to officially-recognized fish cleaning stations).** This section does not prohibit the sale of mounted fish.

[Pa.B. Doc. No. 20-1309. Filed for public inspection September 25, 2020, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Pennsylvania Long-Term Care Council; Location Change for the October 8, 2020, and the December 10, 2020, Virtual Meetings

Due to the novel coronavirus (COVID-19) pandemic, the Pennsylvania Long-Term Care Council's October 8, 2020, and December 10, 2020, meetings will now be held remotely by means of WebEx. The start time will remain 10 a.m. Individuals who wish to attend the October 8, 2020, and the December 10, 2020, meetings are asked to contact Jodi Tucker, (717) 772-1624, jodtucker@pa.gov.

Individuals in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Jodi Tucker, (717) 772-1624, jodtucker@pa.gov.

ROBERT TORRES,  
*Secretary*

[Pa.B. Doc. No. 20-1310. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Interstate/International Quarantine Order; Rabbit Hemorrhagic Disease

#### *Recitals*

A. Rabbit Hemorrhagic Disease (RHD) is a fatal disease of domestic and wild rabbits of the family Leporidae, which includes hares, jackrabbits and cottontails. RHD is caused by a calicivirus and there are several strains of RHD virus which cause disease.

B. Isolated cases of RHD have appeared intermittently in the United States since 2000. In 2020, outbreaks of RHD have been reported in domestic rabbits, cottontail rabbits, and hares in the United States. Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV-2) has been reported from several states.

C. RHDV-2 is highly contagious and affects both domestic and wild rabbits. An isolated case of RHDV-1 was identified in two domestic rabbits in a northwestern county in Pennsylvania in November 2018. RHDV-1 is not known to affect wild rabbits but is also highly contagious.

D. There is no licensed vaccine to protect rabbits against RHD in the United States, nor is there a known cure or treatment for this disease.

E. The virus causing RHD can be transmitted by direct contact with infected rabbits or indirectly through carcasses, food, water, and any contaminated materials, and it is very resistant to extreme temperatures. RHD has not been shown to affect people or other mammals.

F. Infected rabbits often show few clinical signs and die within six to 24 hours after the onset of fever and may have blood visible around the nose due to internal hemorrhaging. Morbidity rate is often 100%, and the mortality rate is often 60%—90%.

G. Under the Domestic Animal Law at, 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous

transmissible disease through issuance of a Temporary Order making that designation.

H. The Department issued a Temporary Order, through publication in the *Pennsylvania Bulletin* [50 Pa.B., No. 25, 3013], on June 20, 2020, designating RHD as a dangerous transmissible disease.

I. RHD is also currently considered a foreign animal disease in the United States.

J. The Pennsylvania Department of Agriculture (Department) has broad authority under the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389) to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases such as RHD.

K. The Department also has broad authority under the Domestic Animal Law to establish and enforce an Interstate and International quarantine against any place or places outside the Commonwealth of Pennsylvania (Commonwealth) to exclude, contain or eliminate dangerous transmissible diseases such as RHD. (3 Pa.C.S.A. § 2329(c)).

#### *Order of Quarantine*

With the foregoing recitals incorporated into this Order by reference, the Pennsylvania Department of Agriculture under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(c) and § 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes an Interstate and International Order of Quarantine related to the dangerous transmissible disease Rabbit Hemorrhagic Disease and the importation or shipment of rabbits into and through the Commonwealth of Pennsylvania. Compliance and assurance of compliance with the provisions and terms of this Quarantine Order shall be the responsibility of all persons, individuals and entities subject to its terms. The terms of this Order are as follows:

1. *Quarantine Area.* This Interstate and International Order of Quarantine is applicable to all States, Commonwealths and territories of the United States of America and any foreign country in which the dangerous transmissible disease RHD exists or there is a reasonable suspicion it exists.

#### *2. Applicable definitions.*

"*Accredited veterinarian*"—A licensed veterinarian jointly accredited by the United States Department of Agriculture (USDA) and the Department in the state the veterinarian is licensed to perform official duties on behalf of USDA or the Department in the state in which the veterinarian is licensed to practice veterinary medicine.

"*Interstate Health Certificate*" or "*ICVT*"—A legible official document issued by the chief livestock health official of the state of origin, or the USDA, prepared by an accredited veterinarian of the state of origin certifying the health of the animal described therein, and validated by the chief livestock health official of the state of origin.

"*Rabbit*"—For the purpose of this document, the term "rabbit" will include domestic and wild rabbits of the family Leporidae, which includes hares, jackrabbits and cottontails.

3. No rabbits or their products, such as, meat, pelts, hides, carcasses or other items, and no equipment, exposed feed or conveyances or other items or associated materials may enter the Commonwealth of Pennsylvania

from a Commonwealth, State, Territory, or Country where RHD has been diagnosed in the prior twelve (12) months or there is a reasonable suspicion it exists unless they meet the following requirements:

(a) All live rabbits must be accompanied by an ICVI and must be examined by an accredited veterinarian within the seventy-two (72) hours prior to the date of shipment to the Commonwealth of Pennsylvania. The ICVI must include statements by an accredited veterinarian certifying that:

(i) All rabbits in the shipment have been examined for and found free of infectious, contagious or communicable diseases;

(ii) All rabbits have originated from a single premises that has no signs of infectious, contagious or communicable disease in rabbits;

(iii) There have been no movements of rabbits onto the premises of origin within the 90 days prior to the date of shipment; and

(iv) The rabbits have had no contact with wild or captive rabbits other than their cohorts in the 90 days prior to the date of shipment.

(b) No rabbits or their products, such as, meat, pelts, hides, carcasses or other items, and no equipment, exposed feed or conveyances or other items or associated materials may enter the Commonwealth of Pennsylvania from a premises exposed to, contaminated with or known to be affected with RHD, or where there is a reasonable suspicion the disease exists or the rabbits have been exposed to or infected with RHD.

4. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to enforcement and penalties as are allowed under the provisions of the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.), which include revocation of license, criminal prosecution, issuance of civil penalties of up to \$10,000 per violation, injunctive relief or all or any combination of such penalties.

5. *No Restriction on Further Action by the Department.* This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements or take any actions otherwise permitted under applicable statute or regulation.

6. *Contact information.* Questions regarding this Interstate/International Quarantine Order may be addressed to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110; or by telephone at 717-772-2852; or by email at RA-ahds@pa.gov.

7. *Effective Date.* This Order is immediately effective upon publication in the *Pennsylvania Bulletin* and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 20-1311. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending September 15, 2020.

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 comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 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, for banks (717) 783-8240 and for credit unions and trust companies (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

#### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-09-2020	Hyperion Interim Bank Philadelphia Philadelphia County	Filed
	The purpose of incorporation of Hyperion Interim Bank is to facilitate the formation of a bank holding company structure for Hyperion Bank and it will merge with Hyperion Bank and become the wholly-owned subsidiary of Hyperion Bancshares, Inc.	

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-09-2020	Hyperion Bank Philadelphia Philadelphia County	Filed
	Application for approval to merge Hyperion Bank with Hyperion Interim Bank to facilitate the formation of a bank holding company structure for Hyperion Bank.	



**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
08-31-2020	Centric Bank Harrisburg Dauphin County	22D East Roseville Road Lancaster Lancaster County	Opened
09-09-2020	The Muncy Bank and Trust Company Muncy Lycoming County	201 South Market Street South Williamsport Lycoming County	Filed
09-12-2020	Republic First Bank Philadelphia Philadelphia County	2734 Street Road Bensalem Bucks County	Opened
09-14-2020	Washington Financial Bank Washington Washington County	3576 Sheridan Avenue Finleyville Washington County	Approved
09-14-2020	First Citizens Community Bank Mansfield Tioga County	741 West Cypress Street Kennett Square Chester County	Approved
09-15-2020	CNB Bank Clearfield Clearfield County	827 Hopkins Road Amherst Erie County, NY	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-10-2020	CNB Bank Clearfield Clearfield County	<i>To:</i> 200 East Mahoning Street Punxsutawney Jefferson County  <i>From:</i> 559 West Mahoning Street Punxsutawney Jefferson County	Approved

**CREDIT UNIONS**

No activity.

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

RICHARD VAGUE,  
*Acting Secretary*

[Pa.B. Doc. No. 20-1312. Filed for public inspection September 25, 2020, 9:00 a.m.]

**DEPARTMENT OF EDUCATION****Application by Hussian 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 Hussian College to amend its Articles of Incorporation to fully comply with corporation law of the Commonwealth, add the college's name and registered address, create a class of preferred stock, clarify the position and power of shareholders and to align wording with regulations of the Commonwealth regarding the use of the word "college," faculty, listing of programs and the number of board members.

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 previously listed address to schedule a time for a review.

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. 20-1313. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Index Calculation Required by Special Session Act 1 of 2006

Under section 333(l) of the Taxpayer Relief Act (53 P.S. § 6926.333(l)), the Department of Education (Department) has calculated the index for Fiscal Year (FY) 2021-2022.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For FY 2021-2022, the base index is 3.0%.

For school districts with a market value/income aid ratio greater than 0.4000, an adjusted index will be posted on the Department's web site at [www.education.pa.gov](http://www.education.pa.gov) by September 30, 2020.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 20-1314. Filed for public inspection September 25, 2020, 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 POLLUTANT 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.**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0021202	East Berlin Borough Wastewater Treatment Plant 128 Water Street East Berlin, PA 17316	Adams County East Berlin Borough	Conewago Creek (07F)	Y

*Northcentral Region: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032514 (Sewage)	Denton Hill State Park 111 Spill Way Road Wellsboro, PA 16901-7022	Potter County Ulysses Township	Ninemile Run (HQ-CWF, MF) (9-A)	Y

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0216291 (Industrial)	Carmichaels Municipal Water Authority 104 North Pine Street Carmichaels, PA 15320-1240	Greene County Cumberland Township	Monongahela River (WWF) (19-B)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Phone: 814.332.6942, Email: RA-EPNPDES\_NWRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221236 (Sewage)	Roberta J Brocklehurst Brocklehurst MHP 306 Fox Mine Road Jackson Center, PA 16133	Mercer County Jackson Township	Unnamed tributary to Fox Mine Run (20-A)	Y
PA0239160 (Sewage)	McCalmont Township WWTP P.O. Box 255 127 Firehouse Lane Anita, PA 15711-0255	Jefferson County McCalmont Township	Elk Run (CWF) (17-D)	Y
PA0263559 (Sewage)	Richard D Pack SFTF 1300 Pennsylvania Avenue Irwin, PA 15642-3867	Erie County North East Township	Unnamed Stream to Lake Erie (15-A)	Y
PA0034789 (Industrial)	St Marys Area WTP P.O. Box 33 967 State Street Saint Marys, PA 15857-0033	Elk County Saint Marys City	Laurel Run (CWF) (17-A)	Y
PA0034215 (Sewage)	White Haven Campground 4007 Westford Road Jamestown, PA 16134-6735	Crawford County South Shenango Township	Unnamed Tributary to Shenango River (WWF) (20-A)	Y
PA0239461 (Sewage)	Jeremy E. Weiland SFTF 887 Ekastown Road Sarver, PA 16055-1207	Butler County Clinton Township	Unnamed Tributary to Sarver Run (HQ-TSF) (18-F)	Y
PA0103543 (Sewage)	Pithole Museum 202 Museum Lane Titusville, PA 16354-7658	Venango County Cornplanter Township	Unnamed Tributary to Pithole Creek (16-E)	Y
PA0272817 (Industrial)	Barrel O Fun Snack Foods 821 State Route 97 South Waterford, PA 16441-2843	Erie County Waterford Township	French Creek (16-A)	Y



NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0264156 (Sewage)	Thomas Covatto SRSTP 8121 Route 99 Erie, PA 16509	Erie County Summit Township	Unnamed Tributary to Walnut Creek (HQ-CWF, MF) (15-A)	Y

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

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**PA0085570**, Industrial, SIC Code 4941, **Millersburg Area Authority Dauphin County**, 101 West Street, Millersburg, PA 17061-1363. Facility Name: Millersburg Borough Water System. This existing facility is located in Upper Paxton Township, **Dauphin 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), Wiconisco Creek (WWF), is located in State Water Plan watershed 6-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 Outfall 001 are based on a design flow of .05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily 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	Inst Min XXX	0.5	XXX	1.6
Total Suspended Solids	Report	Report	XXX	30	60	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	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.

**PA0267210**, Sewage, SIC Code 8811, **Steven C. Stagon**, P.O. Box 7311, Ft. Lauderdale, FL 33338. Facility Name: Steven Stagon Properties. This proposed facility is located in Jackson Township, **Huntingdon County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Unnamed Tributary of Laurel Run (HQ-CWF, MF), is located in State Water Plan watershed 11-B and is classified for High Quality—Cold Water 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 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Annually Average	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	10.0	XXX	XXX	20.0
Total Suspended Solids	XXX	XXX	10.0	XXX	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	200	XXX	XXX	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.

**PA0083585**, Sewage, SIC Code 4952, **Todd Township Fulton County**, 2998 East Dutch Corner Road, McConnellsburg, PA 17233. Facility Name: Todd Township STP. This existing facility is located in Todd Township, **Fulton 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), Licking Creek (CWF), is located in State Water Plan watershed 13-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	4.2	6.7	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )		Weekly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	5	7.6	XXX	30.0	45.0	60.0
Total Suspended Solids		Weekly Avg				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	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.

**PA0247154**, Industrial, SIC Code 4952, **Possum Valley Municipal Authority Adams County**, 609 Clearview Road, Aspers, PA 17304-9703. Facility Name: Possum Valley Municipal Authority Water System. This existing facility is located in Menallen Township, **Adams 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), Unnamed Tributary to Opossum Creek (TSF), is located in State Water Plan watershed 7-F 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 0.0006 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Quarterly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	Avg Mo 30.0	60.0	75.0
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	10.0
Iron, Total	XXX	XXX	XXX	2.0	4.0	5.0
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

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.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**PA0254771**, Industrial, SIC Code 4911, **Tenaska PA Partners LLC**, 14302 FNB Parkway, Omaha, NE 68154. Facility Name: Tenaska Westmoreland Generating Station. This existing facility is located in South Huntingdon Township, **Westmoreland 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), Barren Run (WWF), Unnamed Tributary to Youghiogheny River (WWF), Youghiogheny River (WWF), and Unnamed Tributary to Barren Run (WWF), is located in State Water Plan watershed 19-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 001 are based on a design flow of 1.6 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average	Daily		Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110.0
Total Dissolved Solids	Report	Report	XXX	2,000.0	4,000.0	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 1.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Daily	
	Monthly	Weekly		Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Chromium III, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.13248 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Daily	
	Monthly	Weekly		Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	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.

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

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

**WQM Permit No. 0120402**, Sewerage, **John & Jennifer Smith**, 686 Still Meadow Lane, York, PA 17404.

This proposed facility is located in Huntingdon Township, **Adams County**.

Description of Proposed Action/Activity: For the construction and operation of a small flow treatment facility.

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

**WQM Permit No. 4220402**, Sewage, **Steven Ellison**, P.O. Box 209, Eldred, PA 16731-0209.

This proposed facility is located in Eldred Township, **McKean County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

### IV. NPDES Individual Permit Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**PAI133548**, MS4, **Salisbury Township Lancaster County**, 5581 Old Philadelphia Pike, Gap, PA 17527-9791. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate



storm sewer system (MS4) to waters of the Commonwealth in Salisbury Township, **Lancaster County**. The receiving stream(s), Houston Run (CWF, MF), Unnamed Tributary of Pequea Creek (HQ-CWF, MF), and Unnamed Tributary to Pequea Creek (HQ-CWF, MF), is located in State Water Plan watershed 7-K and is classified for Cold Water Fishes, Migratory Fishes, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

## 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, Email: ra-epww-sero@pa.gov.*

### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD510068	IKEA Property, Inc. 420 Alan Wood Road Conshohocken, PA 19428	Philadelphia	City of Philadelphia	Delaware River via storm sewer WWF-MF

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401, 610-391-9583.*

### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390172	Parkwood Real Estate Trust, LLC 2451 Parkwood Dr. Allentown, PA 18103	Lehigh	City of Allentown & Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)
PAD390179	Lehigh Valley Health Network 2100 Mack Blvd. 5th Floor P.O. Box 4000 Allentown, PA 18104-4000	Lehigh	City of Bethlehem, Lehigh County & Hanover Township, Northampton County	Monocacy Creek (HQ-CWF, MF) UNT to Monocacy Creek (HQ-CWF, MF)
PAD390170	Westgate Mall Owner LLC c/o Onyx Equities, LLC 1 Gateway Center Suite 2400 Newark, NJ 07102	Lehigh	City of Bethlehem	UNT to Monocacy Creek (HQ-CWF, MF)

*Schuylkill Conservation District, 1206 AG Center Drive, Pottsville, PA 17901-9733, 570-622-3742.*

### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD540020	PPL Electric Utility Corporation Luke Portieles 2 N Ninth St Allentown, PA 18101-1139	Schuylkill	Hegins Twp	Pine Creek (CWF, MF) UNT's to Pine Creek (CWF, MF) EV Wetlands

*Southcentral Region: Waterways & Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD210018 A-2 Major Amendment	Landmark Homes at Cedar Run, LLC 1737 West Main Street Ephrata, PA 17522	Cumberland	Mechanicsburg Borough	UNT Cedar Run (CWF)
PAD070012	Claysburg-Kimmel School District 531 Bedford Street Claysburg, PA 16625	Blair	Greenfield Township	Beaverdam Creek (CWF) EV Wetlands

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD010009	Mid-Atlantic Interstate Transmission (MAIT) 341 White Pond Dr Akron, OH 44320	Adams	Highland Township Franklin Township Butler Township Cumberland Township Straban Township	Little Marsh Creek (CWF, MF) UNT Little Marsh Creek (CWF, MF) Muskrat Run (CWF, MF) UNT Marsh Creek (CWF, MF) Marsh Creek (CWF, MF) EV Wetlands Mummasburg Run (CWF, MF) UNT Willoughby Run (WWF, MF) Willoughby Run (WWF, MF) UNT Rock Creek (WWF, MF) Rock Creek (WWF, MF)

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD250009	RGS Products, Inc 455 West 2nd Street Waterford, PA 16441	Erie	Waterford Borough	Trout Run HQ-CWF

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD680008	Bureau of Abandoned Mine Reclamation Cambria Office Attention: Patrick M. Webb 286 Industrial Park Road Ebensburg, PA 15931	Indiana	Canoe Township	North Branch Straight Run (HQ-CWF) and Unnamed Tributary to North Branch Straight Run (HQ-CWF)

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

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PAG-12      CAFOs

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### CAFO Notices of Intent Received.

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*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**NPDES Permit No. PAG123906**, CAFO, **Bollinger Daniel S & Bollinger Wendi S**, 306 E Lexington Road, Lititz, PA 17543-0291.

This proposed facility is located in Warwick Township, **Lancaster County**.

Description of size and scope of proposed operation/activity: Swine (Grow Finish), Pullet (White Egg), Beef (Finishing), Beef (Backgrounding Cattle), Beef (Cow), Beef (Calf): 404.09 AEUs.

The receiving stream, Lititz Run (CWF (existing use)), is in watershed 7-J and classified for: Warm Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rainstorms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**STATE CONSERVATION COMMISSION**  
**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS**  
**FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) 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.

**ACT 38**  
**NUTRIENT MANAGEMENT PLANS**  
**CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<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>
Laverne Rohrer 118 Bentz Mill Rd East Berlin, PA 17316	York	14.5	123.58	Turkey	NA	Renewal
Melvin Bricker North Mountain Gobbler # 1 6429 Ft. McCord Road Chambersburg, PA 17202	Franklin	108.63	422.93	Poultry	NA	Renewal
Springbrook Farm LLC Dustin Yoder 13233 Greenwood Road Huntingdon, PA 16652	Huntingdon	114.7	726.90	Swine	HQ	Renewal
Ridge View Farms John & David Sweigart 189 Ridge View Rd South Elizabethtown, PA 17022	Lancaster	379.6	1,980.62	Swine/Dairy	NA	Renewal
John R Lefever 1045 Holtwood Rd Quarryville, PA 17566	Lancaster	342	346.5	Layers	HQ	Renewal
Drew Hammond 20522 Hammond Rd Spring Run, PA 17262	Franklin	0	726.9	Swine	N/A	Renewal

**PUBLIC WATER SUPPLY 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 determi-



nation 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 (35 P.S. §§ 721.1—721.17).**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

**Application No. 4520504, Public Water Supply.**

Applicant **Brodhead Creek Regional Authority**  
410 Mill Creek Road  
East Stroudsburg, PA 18301

Municipality East Stroudsburg Borough

County **Monroe**

Responsible Official David Horton, P.E.  
Manager  
Brodhead Creek Regional Authority  
410 Mill Creek Road  
East Stroudsburg, PA 18301

Type of Facility Public Water Supply

Consulting Engineer Michael J. McCarey, P.E.  
Carroll Engineering Corporation  
949 Easton Road  
Warrington, PA 18976

Application Received Date August 20, 2020

Description of Action This application proposes construction of the Eagle Valley Booster Pump Station, with a pumping rate of between 600 and 1,200 gallons per minute, for the purpose of supplying water to the Borough of East Stroudsburg's water system.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0120509 MA, Minor Amendment, Public Water Supply.**

Applicant **Littlestown Borough Authority**

Municipality Littlestown Borough

County **Adams**

Responsible Official Chuck Kellar  
Borough Manager  
41 South Columbus Avenue  
Littlestown, PA 17340-1612

Type of Facility Public Water Supply

Consulting Engineer Staci A. Hartz, P.E.  
Herbert Rowland and Grubic Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Application Received: August 5, 2020

Description of Action Casing extension and pitless adapter for Well No. 6.

**Permit No. 0620515, Public Water Supply.**

Applicant **PA American Water Company**

Municipality Spring Township

County **Berks**

Responsible Official Bruce Aiton  
Vice President—Engineering  
852 Wesley Park Drive  
Mechanicsburg, PA 17055

Type of Facility Public Water Supply

Consulting Engineer Scott M. Thomas, P.E.  
Pennsylvania American Water  
852 Wesley Drive  
Mechanicsburg, PA 17055

Application Received: August 19, 2020

Description of Action Installation of VFD and pump motor replacement at the Blanton Booster Pumping Station.

**Permit No. 3620530, Public Water Supply.**

Applicant **Mount Joy Township**

Municipality Mount Joy Township

County **Lancaster**

Responsible Official Justin S. Evans  
Manager  
8853 Elizabethtown Road  
Elizabethtown, PA 17022

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401

Application Received: August 26, 2020

Description of Action Installation of sodium hydroxide for lead and copper corrosion control.

**Permit No. 3620528 MA, Minor Amendment, Public Water Supply.**

Applicant **Tamarack & Spread-Eagle Mobile Home Park**

Municipality Providence Township

County **Lancaster**

Responsible Official John Osborne  
Director of Facilities  
363 Lancaster Pike Road  
New Providence Township, PA 17560

Type of Facility Public Water Supply  
 Consulting Engineer Scott M. Rights, P.E.  
 Steckbeck Engineering Associates  
 279 N Zinns Mill Rd  
 Lebanon, PA 17042

Application Received: August 12, 2020

Description of Action Installation of a new pump in Well No. 2, a new pitless adaptor and changing the designation from emergency to permanent.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 5320502, Major Public Water Supply.**

Applicant **Cherry Springs State Park**  
 Township or Borough Coudersport Township  
 County **Potter**  
 Responsible Official Jody M. Allen, P.E.  
 Type of Facility Public Water Supply  
 Consulting Engineer Michael Mishook, P.E.  
 LaBella Associates, DPC  
 100 W Water Street  
 Suite 101  
 Elmira, NY 14901

Application Received Date September 4, 2020

Description of Action New water-supply well, 10,000 gal-underground storage tank, new distribution pumps, new distribution lines from well to treatment bldg. and from treatment bldg. to the programming area, treatment for Fe and Mg and disinfection via chlorination.

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

**Permit No. 3020504, Public Water Supply.**

Applicant **Southwestern Pennsylvania Water Authority**  
 1442 Jefferson Road  
 P.O. Box 187  
 Jefferson, PA 15344

Township or Borough Jefferson Township  
 County **Greene**  
 Responsible Official Timothy Faddis, Manager  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date August 26, 2020

Description of Action Replacement of pumps at the Homeville pump station.

## WATER ALLOCATIONS

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**WA45-1002**, Water Allocation, **Borough of East Stroudsburg**, P.O. Box 303, 24 Analomink Street, East Stroudsburg, PA 18301, **Monroe County**. The applicant is requesting the right to purchase up to 1.2 million gallons per day (MGD) from the Brodhead Creek Regional Authority for a limited time period during the construction of the Middle Dam Rehabilitation Project located in the Borough of East Stroudsburg, Monroe County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

### Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI 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 the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

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

**East Tioga Lofts**, 2215 East Tioga Street, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Justin Kaplan, East Tioga Lofts, 1200 Callowhill Street, Suite 403, Philadelphia, PA 19123 submitted a Notice of Intent to Remediate. Soil has been contaminated with the release of PAHs, arsenic, and lead. The intended future use is residential loft housing. The proposed cleanup standard for the site is the residential site-specific standard. The Notice of Intent to Remediate was published in the *Philadelphia Weekly* on August 6, 2020.

**4205 Minnie Lane Airplane Crash Site**, 4205 Minnie Lane, Upper Moreland Township, **Montgomery County**. Christopher Zeliznak, EnviroSure, Inc., P.G., 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Edward Roussel, 4205 Minnie Lane, Hatboro, PA 19040 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with lead, which has contaminated soil on the site. The proposed future use of the property will continue to be residential. The proposed cleanup standard for the site is the residential Statewide Health Standard. The Notice of Intent to Remediate was published in the *Intelligencer* on June 23, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Alpha Recycling**, 2 Katz Drive, Stroudsburg, PA 18360, Stroudsburg Borough, **Monroe County**. Gilmore & Associates, 65 East Butler Avenue, Suite 100, New Britain, PA 18901, on behalf of Alpha Recycling Hwy 80 Inc., 2 Katz Drive, Stroudsburg, PA 18360, submitted a Notice of Intent to Remediate. Soil was contaminated with lead from historic use as a machine shop, locomotive engine repair shop, and scrap yard. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in the *Pocono Record* on September 9, 2020.

**Roberts Property**, 1427 Main Street, Bethlehem, PA 18018, Bethlehem City, **Northampton County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Norman Roberts, 1427 Main Street, Bethlehem, PA 18018, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of heating oil from an aboveground storage tank. Future use of the site will be residential.

The Notice of Intent to Remediate was published in the *Lehigh Valley Press* on August 26, 2020.

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

**Former North American Communications, Inc.**, 141 NAC Drive, Duncansville, PA 16635, Blair Township and Duncansville Borough, **Blair County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110, on behalf of Energy Intermodal Associates, LLC, 597 Waverly Drive, Hollidaysburg, PA 16648, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with historic releases of volatile organic compounds. The site will be addressed under the Special Industrial Area designation. Future use of the site will be for a non-residential industrial warehouse and commercial office space. The Notice of Intent to Remediate was published in the *Altoona Mirror* on March 23, 2020.

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

**New Castle Power Station**, 2189 State Route 168 South, Taylor Township, **Lawrence County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of New Castle Power, LLC, 2189 State Route 168 South, West Pittsburgh, PA 16160 has submitted a Notice of Intent to Remediate. An unlined impoundment used for the management of coal ash has resulted in the site groundwater being contaminated with Arsenic, Iron, Boron, Lithium, Manganese, and Sulfates. Future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *New Castle News* on September 2, 2020.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit Application No. 400695. Bio-Haz Solutions, Inc.**, 23 Tonoli Road, Nesquehoning, PA 18240. An application for major permit modification to process pathological waste at the existing Bio-Haz Solutions, Inc. facility located in Nesquehoning Borough, **Carbon County**. The application was submitted to the Department on August 28, 2020 and was found to be administratively complete by the Northeast Regional Office on September 14, 2020.

Comments concerning the application should be directed to Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.



## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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**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.**

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

*Contact: Dave Balog, New Source Review Chief, (814) 332-6328.*

**20-145C: Vitro Flat Glass** (5123 Victory Blvd, Cochranon, PA 16314), for the proposed increase in throughput for Furnace 1 and the shutdown of Furnace 2. The facility is located in Greenwood Township, **Crawford County**. This is a Title V facility.

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**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**09-0053C: Greif Packaging, LLC** (695 Louis Drive, Warminster, PA 18974) for the installation of an enclosure around an existing steel drum parts lining/paint spray booth (Source ID 401 in Title V Operating Permit No. 09-00053 for the facility), up to an existing associated bake oven (Source ID 402), at its existing steel drum manufacturing facility located in Warminster Township, **Bucks County**.

A capture efficiency test for the new enclosure will be required using EPA Method 204, to determine whether it meets the criteria for a permanent total enclosure (PTE). (If the enclosure does not meet the criteria for a PTE, then the permittee shall be required to meet alternative testing requirements, as specified in the Plan Approval.)

No changes to the terms and conditions of the TVOP (including the total volatile organic compound and HAP emission restrictions for the facility of equal to or less than 21 tons/yr each; and the individual HAP emission restriction for the facility of less than 10 tons/yr) result from the project.

The Plan Approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**07-03058B: NPC, Inc.** (P13710 Dunnings Highway, Claysburg, PA 16625-7802), for three digital presses at the Claysburg printing facility in Greenfield Township, **Blair County**. Potential VOC emissions from these units is estimated at 5.8 tpy. The plan approval will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Review by the Department indicates that the air contamination sources as constructed will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. 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 a State Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

**36-03214A: The Hain Celestial Group, Inc./Mountville** (3775 Hempland Road, Mountville, PA 17554) for installation of a natural gas-fired boiler and operation of a fire pump and fryers controlled by mist eliminators at the facility in West Hempfield Township, **Lancaster County**. The facility is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units and 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Potential emissions are not expected to exceed 17.1 tons per year (tpy) of PM, 18.9 tpy of NO<sub>x</sub>, 3.46 tpy of VOC and 15.0 tpy of CO. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed 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. 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 may be incorporated into an initial Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**19-00001C: Autoneum North America, Inc.** (480 West Fifth Street, Bloomsburg, PA 17815) to replace the 77 million Btu per hour natural gas-fired burner with an 81 million Btu per hour natural gas-fired burner in Source 033 at the Bloomsburg Plant facility located in the Town of Bloomsburg, **Columbia County**. The Department of Environmental Protection's (Department) review of the information submitted by Autoneum North

America, Inc. indicates that the air contamination source to be 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. Based on this finding, the Department proposes to issue a plan approval for the proposed modification. The emissions from the proposed source included in this project will not exceed the following limits: 7.99 tons of nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>) per year, 16.28 tons of carbon monoxide per year, 1.19 ton of volatile organic compounds per year, 1.64 ton of particulate matter less than 10 microns and less than 2.5 microns, 0.41 ton of hazardous air pollutants, 0.13 ton of sulfur oxides, and 25,707 tpy of carbon dioxide equivalent. The facility is a State Only (Synthetic Minor) facility. If the Department determines that the source is modified and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 19-00001C, the requirements established in the plan approval will be incorporated into a State Only (Synthetic Minor) Operating Permit pursuant to 25 Pa. Code § 127.421. 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 570-327-3636.

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

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**37-331E: RWE Holding Company** (P.O. Box 311, Portersville, PA 16051). The Department intends to issue a plan approval to RWE Holding Company for authorization to construct and initially operate a replacement control device for Source 107 (Graphite Drying Operations). Their existing Rundle Road Facility is located in Taylor Township, **Lawrence County** at 535 Rundle Road, New Castle, PA 16101.

As part of this project, RWE also requests that the source is renamed "Carbon Drying Process" to better reflect the material to be dried in process. The allowable operation duration will be increased to 3,000 hours in any 12 consecutive month period. The allowable amount of material throughput will be increased to 20,000 tons in any 12 consecutive month period. Additional emission collection points to be added for the new bag house.

This application concerns emissions which will be generated from a source considered new as defined by 25 Pa. Code § 121.1 (installed post 1972). Emissions from the source must be the minimum attainable through the use of the best available technology as required by § 127.12(5). The original BAT analysis for this source concluded that bag house control technology is considered BAT. The replacement baghouse will continue to meet BAT. The sources' emission rates of PM will be limited to the minimum achievable through BAT.

The replacement control device will have a greater volumetric capacity of 36,000 acfm vs the existing control devices' 30,000 acfm. PM emissions will be restricted to a maximum rate 0.005 gr/dscf. This is less than the existing limitation. Actual PM emissions are expected to be reduced as a result of this project. Potential PM emission are estimated to be 1.96 tpy.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.



The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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 8:00 a.m. to 4:00 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 37-331E: RWE Holding Company 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 the New Source Review Section Chief, 230 Chestnut St., Meadville, PA 16335; phone number (814) 332-6328.

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.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**06-05112: WBLF Acquisition Co., LLC—Western Berks Landfill** (455 Poplar Neck Road, Birdsboro, PA 19508) to issue a Title V Operating Permit for their municipal solid waste landfill in Cumru Township, **Berks County**. Actual emissions from the facility in 2019 were reported to be 24.12 tons CO, 6.84 tons NO<sub>x</sub>, 11.19 tons PM<sub>10</sub>, 4.03 tons PM<sub>2.5</sub>, 1.58 ton SO<sub>x</sub>, 6.70 tons VOC, 1.20 ton of a single HAP (toluene), and 2.00 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR 61, Subpart M—National Emission Standard for Asbestos.

**06-05002: Lehigh Cement Company, LLC** (537 Evansville Road, Fleetwood, PA 19522-8541) to issue a Title V Operating Permit for Lehigh's Evansville Cement Plant and Quarry located in Maiden Creek Township, **Berks County**. Actual emissions from the facility in 2018 were reported to be 228.4 tons CO, 799.6 tons NO<sub>x</sub>, 200.9 tons PM<sub>10</sub>, 189.4 tons PM<sub>2.5</sub>, 169.8 tons SO<sub>x</sub>, 8.9 tons VOC, 4.6 tons of a single HAP (benzene), and 9.2 tons of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.96 through 129.100 (RACT II), 25 Pa. Code § 127.218, 40 CFR 52.21(aa), 40 CFR 63, Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry, 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters & 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and the Regional Haze Rule under 40 CFR 51.300 through 51.309. During the renewal and in accordance with 25 Pa. Code § 127.218(i)(1)(i) & 52.21(aa)(8)(ii)(a)(1), Lehigh's PM, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>x</sub>, SO<sub>x</sub>, VOC, and Lead PAL limits were revised to remove the baseline emissions from Source IDs 184, 309 and 410.

**67-05033: Gichner Systems, Group, Inc.** (490 East Locust Street, Dallastown, PA 17313-0481), to issue a Title V Operating Permit renewal for the Dallastown plant located in York Township, **York County**. The sources are surface coating and fabrication of shelters. The primary emissions from the facility are VOC. The facility's actual 2019 emissions were 40.36 tons of VOC including 4.39 tons of HAPs. The Operating Permit will include emission standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Among other items, the conditions include provisions for Sources derived from 25 Pa. Code § 123 for restrictions, monitoring, recordkeeping, and reporting.

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.*

**43-00182: Wheatland Tube, LLC** (1 Council Avenue, Wheatland, PA 16161). The Department intends to issue a renewal of the Title V Operating Permit for the operation of a steel pipe and tube manufacturing facility located in Wheatland Borough, **Mercer County**.

The facility's emitting sources include a 600 HP Boiler, 400 HP Boiler, 1,000 HP Natural Gas Fired Boiler, Continuous Weld Furnace, # 1 Galvanizing Kettle, # 2 Galvanizing Kettle, Finishing Department 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, Conduit Line Zinc Metallizer, Conduit 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 (3), and Sulfuric Acid Pickling. The facility reported actual emissions in TPY for 2019 as: 42.72 NO<sub>x</sub>, 30.83 CO, 0.23 SO<sub>x</sub>, 17.07 PM<sub>10</sub>, 44.60 VOC, 0.02 HAPs,



and 46.63 CO<sub>2</sub>. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to Stationary Spark Ignition Internal Combustion Engines (Subpart JJJJ) and the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Subpart ZZZZ). The renewal permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00163: H&K Group Blooming Glen Quarry** (901 Minsi Trail, Blooming Glen, PA 18911), for the renewal of a State Only, Natural Minor Operating Permit in Hilltown Township, **Bucks County**. The H&K Group operates an aggregate processing plant at the Blooming Glen quarry using various crushers, screeners, and conveyors. The primary pollutant of concern is particulate matter emissions. The facility is required to operate a water spray dust suppression system to minimize fugitive dust emissions. There is no change to the operations, or any emission increases with the renewal of the operating permit. The permit includes monitoring, recordkeeping, reporting and testing conditions designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**36-03213: Scantron Corporation** (3975 Continental Drive, Columbia, PA 17512-9779) to issue a State-Only Operating Permit for their commercial printing facility in West Hempfield Township, **Lancaster County**. Potential emissions from the facility are estimated to be 20.7 tpy VOC, 1.6 tpy of a single HAP (glycol ethers) and 1.9 tpy of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.63, 129.67b and 129.77.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal for a Minor State Only Operating Permit for the following facility:

**OP18-000013: Frontida BioPharm, Inc.** (1100 Orthodox Street, Philadelphia, PA 19124) for the operation of a pharmaceutical product manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include manufacturing processes (4 coating pans, packaging and granulation operations, 8 alcohol-based electric tray drying ovens, and 5 modules), eleven (11) combustion units burning natural gas each less than 2.86 MMBtu/hr, a 277 Horsepower diesel emergency generator, a 145 Horsepower diesel emergency generator, a wastewater pretreatment system, two natural gas-fired catalytic oxidizers rated at 3.0 MMBtu/hr and 4.0 MMBtu/hr, and eight (8) dust collectors. Exhaust from packaging, coating, and granulation operations are controlled by dust collectors and the exhaust from the drying ovens, wastewater pretreatment system, and modules are controlled by one of the two catalytic oxidizers.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

The City of Philadelphia, Air Management Services (AMS) intends to issue a Natural Minor Operating Permit for operation of air pollution sources at the following facility:

**OP19-000009: Germantown Friends School** (31 W. Coulter Street, Philadelphia, PA 19144) for the operation of a private school, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas as a primary fuel or No. 2 oil during periods of natural gas curtailment each rated less than 1 MMBtu/hr, three (3) boilers firing natural gas as a primary fuel or No. 2 oil during periods of natural gas curtailment each rated 3.103 MMBtu/hr, three (3) boilers firing natural gas as a primary fuel or No. 2 oil during periods of natural gas curtailment each rated less than 3 MMBtu/hr, one (1) air handling unit firing No. 2 oil as a primary fuel rated less than 1 MMBtu/hr, and two (2) boilers firing natural gas each rated less than 1.5 MMBtu/hr. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a

concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**OP20-000028: Rittenhouse Condominium Owners' Association** (202-10 W. Rittenhouse Square, Suite 401, Philadelphia, PA 19103) for the operation of condominium and hotel, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) boilers firing natural gas each rated less than 2 MMBtu/hr, two (2) boilers firing natural gas each rated 2 MMBtu/hr, one (1) boiler firing natural gas rated less than 5 MMBtu/hr, one (1) emergency generator and one (1) fire pump firing diesel fuel rated 489 HP and 118 HP respectively. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

The City of Philadelphia, Air Management Services (AMS) intends to amend a Natural Minor (State Only) Operating Permit for the following facility:

**OP20-000034: GE Hitachi Nuclear Energy Philadelphia Service Center** (1040 East Erie Avenue, Philadelphia, PA 19124), for operation of 6 (six) combustion unit each rated less than 2 MMBtu/hr and a paint booth, in the City of Philadelphia, **Philadelphia County**. The facility requested a change of ownership/operator from ABB Inc. to GE Hitachi Nuclear Energy Philadelphia Service Center for the facility. The facility has also requested to remove multiple Surface Coating, Particulate Sources, Ovens, Heaters and Combustion Units from the existing natural minor operating permit. AMS has amended and modified the natural minor operating permit issued on June 29, 2018 accordingly.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the

public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above 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 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 above 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 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to 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.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), 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.

Where a National Pollutant Discharge Elimination System (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*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**Permit No. 17080109 and NPDES PA0256838. Corey L. Shawver DBA Hilltop Coal Company**, 12 Dutchtown Road, Houtzdale, PA 16651, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Bigler Township, **Clearfield County** affecting 164.9 acres. Receiving stream(s): Unnamed tributary to Beaver Run and Japling Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2020.

**Permit No. 17130105 and NPDES PA0269662. Corey L. Shawver DBA Hilltop Coal Company**, 12 Dutchtown Road, Houtzdale, PA 16651, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Bigler and Woodward Townships, **Clearfield County** affecting 137.7 acres. Receiving stream(s): Unnamed Tributary to Japling Run and Unnamed Tributaries to Beaver Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54803204R7. Gilberton Coal Company** (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing operation in Butler Township and Ashland Borough and Conyngham Township, **Schuylkill and Columbia Counties** affecting 24.6 acres. Receiving stream: unnamed tributary to Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: August 11, 2020.

**Permit No. 54743007R7 and NPDES Permit No. PA0123617. Schuylkill Reclamation Corp.** (10 Gilberton Road, Gilberton, PA 17934), renewal of an anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres. Receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: August 11, 2020.

**Permit No. 54743007C4. Schuylkill Reclamation Corp.** (10 Gilberton Road, Gilberton, PA 17934), correction to update the post-mining land use from forestland and industrial/commercial to unmanaged natural habitat, forestland and industrial/commercial of an anthracite surface mine operation in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres. Receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: August 11, 2020.

#### *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, (Contact: Theresa Reilly-Flannery).*

**Permit No. 58090804. Donald C. Button** (P.O. Box 642, New Milford, PA 18834), Stage I & II bond release of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres on quarry owned by Donald C. Button. Application received: August 11, 2020.



### 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*

*Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191, (Contact: Cayleigh Boniger).*

**NPDES No. PA0242012 (Permit No. 33010107). Waroquier Coal Company** (P.O. Box 128, Clearfield, PA 16830) renewal of an NPDES permit for a bituminous surface mine in Snyder Township, **Jefferson County**, affecting 348.0 acres. Receiving streams: Unnamed tributaries to Rattlesnake Creek and Rattlesnake Creek, classified for the following uses: CWF, TMDL: Little Toby Creek. Application received: August 30, 2019.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to unnamed tributaries to Rattlesnake Creek and Rattlesnake Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
014	N
015	N
016	N
017	N
018	N
020	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Maximum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to unnamed tributaries to Rattlesnake Creek and Rattlesnake Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N
003	N
006	N
007	N
008	N
009	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Maximum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

*Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191, (Contact: Cayleigh Boniger).*

**NPDES No. PA0259322 (Permit No. 10120303). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) revised NPDES permit for a large noncoal industrial minerals surface mine in Worth Township, **Butler County**, affecting 432.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF, TMDL: None. Application received: June 18, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following outfalls discharge to unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
008	Y
009	Y

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Maximum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N
007	N
010	Y

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Maximum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**NPDES No. PA0278211 (Mining Permit No. 03142001) Britt Energies, Inc.**, P.O. Box 515, Indiana, PA 15701, revise the current NPDES permit to add two new stormwater outfalls and one treatment facility, located in South Bend Township, **Armstrong County**, affecting 100.6 acres. Receiving stream(s): UNT to Crooked Creek and Crooked Creek, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is the Cadogen Water District. Application received: January 21, 2020.

The following outfalls discharge to the Crooked Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
SPA	N	SWO
TP1	N	MDT

The following outfalls discharge to an unnamed tributary to Crooked Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
SPB	Y	SWO
SPC	Y	SWO
TP5	Y	MDT

The existing effluent limits for outfalls SPA and TP1 are as follows and will not change as a result of the NPDES revision application:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
Sulfates (mg/L)			
Flow (gpm)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	
Alkalinity must be greater than acidity at all times.		Monitor and Report	
pH must be between 6.0 and 9.0 at all times.			

The proposed effluent limits for proposed new outfalls SPB, SPC, and TP5 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0



<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
Sulfates (mg/L)			Monitor and Report
Flow (gpm)			Monitor and Report
Specific Conductivity (µmhos/cm)			Monitor and Report

Alkalinity must be greater than acidity at all times.  
pH must be between 6.0 and 9.0 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 of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E3803120-023. PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Union Township, **Lebanon County**, U.S. Army Corps of Engineers Baltimore District.

To rehabilitate an existing concrete arch structure in Kevin's Run (CWF, MF) including wingwalls and headwalls with an aluminum arch plate for the purpose of improving transportation safety in Union Township, Lebanon County (Latitude: 40.4156°, -76.5042°). The project will result in 98 linear feet of permanent stream impacts, 219 linear feet of temporary stream impacts and, 0.018 ac of temporary wetland impacts.

**E3803120-024. PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Union Township, **Lebanon County**, U.S. Army Corps of Engineers Baltimore District.

To rehabilitate an existing concrete arch culvert in UNT Swatara Creek (WWF, MF) with a corrugated metal plate arch for the purpose of improving transportation safety in Union Township, Lebanon County (Latitude: 40.42°, -76.5°). The project will result in 116.1 linear feet of permanent stream impacts, 148 linear feet of temporary stream impacts and, 0.01 ac of permanent and temporary wetland impacts respectively.

**E3603120-025. PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, East & West Hempfield Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To (1) install and maintain 3 outfalls to UNT Brubaker Run (WWF, MF), (2) to extend an existing 60-inch diameter culvert to 128 linear feet, (3) to place fill within the floodway of UNT Brubaker Run (WWF, MF), (4) realign 197 linear feet of UNT Brubaker Run (WWF, MF), (5) extend a 36-inch diameter culvert to 58 linear feet in UNT Brubaker Run (WWF, MF), (6) extend a 42-inch diameter culvert to 79-feet in UNT Brubaker Run (WWF, MF) all for the purpose of improving transportation safety in East and West Hempfield Townships, Lancaster County (Latitude: 40.0521, -76.3961). The project will result in 402 linear feet of permanent stream impacts, 0.047 ac of permanent wetland impacts, 244 linear feet of temporary stream impacts and .0379 ac of temporary wetland impacts.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1904220-021. Town of Bloomsburg**, 301 E Second St., Bloomsburg, PA 17815. Town of Bloomsburg Town Park Restoration Improvements, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle; Latitude: 40° 59' 24.71"; Latitude -76° 27' 4.78").

The Town of Bloomsburg is proposing the full design and construction of town park improvements including two relocated baseball fields, parking, and pedestrian facilities. The Town of Bloomsburg's Flood Mitigation Expansion project (designed and permitted by others)

consists of a levee to be constructed through two of the existing baseball fields. Due to construction of the Town's Flood Mitigation Expansion Project these two fields have been abandoned. The Town is proposing to construct new athletic fields south of the proposed levee system. This project also proposes to construct a pervious pavement parking lot with access from West Fort McClure Boulevard and Colonial Street. Colonial Street is proposed to be reconstructed south of the levee to provide ADA compliant pedestrian access in lieu of vehicular access. The pavement width will be reduced to twelve feet with a paved area to allow a single food/concession trailer parking. Also proposed are pedestrian walkways to connect Market Street to Railroad Street and the proposed fields. Following are activities that are associated with the civil construction of the proposed site improvements for the Town Park Restoration Project.

Named streams in the project study area include the floodplain of the Susquehanna River. The Susquehanna River has a Designated Use of Warm Water Fishes, Migratory Fishes (CWF MF) and no Existing Use designation per 25 Pa. Code Chapter 93.

No wetlands are present within the project area. The project would result in a total disturbance area of approximately 8.68 acs. The project only impacts the floodplain of the Susquehanna River. This permit is submitted under the Chapter 106 Floodplain Management Regulations.

**E1904220-022. Benton Township**, 236 Shickshinny Road, Benton, PA 17814. Karns Road Flood Repairs, in Benton Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quadrangle; Latitude: 41° 10' 26.92"; Longitude: -76° 20' 42.87").

The proposed project includes stabilization of eroded stream bank of a UNT to Raven Creek located in Benton Township, Columbia County, PA. The location was severely damaged during a flooding event that occurred in August of 2018 and was declared a disaster by the Federal Emergency Management Agency, FEMA. Staff from the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers evaluated the site and determined that the PADEP/USACE Joint Permit Small Project Application was required for this project because of the varying height of the placement exceeds the maximum height for a General Permit number 3. There are four reaches of stream bank with varying lengths that need to be repaired and the total length of stream bank to be stabilized is 484 Ln. Ft. that is spread out along 1,665 Ln. Ft. of the waterway. The sections of stream will be stabilized with R-7 riprap armoring and the height of the armoring varies throughout the rehabilitation locations ranging from 6' to 15'.

**Site 4:** 38 Ln. Ft. of R-7 riprap, 14' height with 42" placement depth.

**Site 8:** 35 Ln. Ft. of R-7 riprap, 8' height with 42" placement depth.

**Site 11:** 100 Ln. Ft. of R-7 riprap, 6' height with 42" placement depth.

**Site 15:** 311 Ln. Ft. R-7 riprap, 15' height with 42" placement depth.

**E5504220-022. Middleburg Borough**, 13 North Main Street, Middleburg, PA 17842. Stumps Run Channel Maintenance, in Middleburg Borough, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle; Latitude: 40° 47' 32.48"; Longitude: -77° 2' 39.69").

The permit proposes a stream maintenance/rehabilitation project on Stumps Run within the borough limits. The stream banks are currently defined by retaining walls that are failing due to overturning and are near the point of falling into the stream. This project will remove the existing cast in place walls and replace them with new walls. Other improvements include permanent removal of an existing box culvert and roadway over Stumps Run, as well as removal of sediment throughout the stream for the length of the project. The project will encompass approximately 400 Linear Feet of stream and approximately 0.50 ac. of total earth disturbance. There are no wetlands within the project area.

**E5504220-023. Eastern Snyder Regional Authority**, P.O. Box 330, Selinsgrove, PA 17870. Eastern Snyder Regional Authority Wastewater Treatment Plant, in Penn Township, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle; Latitude: 40° 46' 57.22"; Longitude: -76° 57' 43.98").

The Eastern Snyder County Regional Authority (ESCRA) has proposed to improve the reliability of its wastewater treatment system through the replacement of equipment that has exceeded its useful life due to age and normal wear. A secondary purpose of the project is to harden the treatment system against floods. Each of these system facilities are located within a designated 100-year floodplain. Updated modeling of the Susquehanna River Basin was completed by the Federal Emergency Management Agency (FEMA) that resulted in higher 100-year flood elevations. Areas that were outside of the floodplain when the WWTP was originally constructed in the late 1970s will now be inundated with flood waters. Resiliency improvements are also planned for both pump stations to address flooding concerns. For the new improvements, ESCRA is applying for permit authorization from the Pennsylvania Department of the Environment (PADEP) through a Chapter 106 Floodplain Permit.

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E0306220-021. Peoples Natural Gas Company, LLC**, 375 North Shore Drive, Pittsburgh, PA 15212. Valley Pump Station Stream Restoration, in Cowanshannock Township, **Armstrong County**, ACOE Pittsburgh District (Rural Valley, PA Quadrangle N: 40°, 47', 31.13"; W: -79°, 21', 50.16").

To reconstruct and stabilize a total reach of approximately 1,013 feet of the channel of Huskins Run as protection for Peoples Natural Gas Company's existing Valley Pump Station, a natural gas compressor station, located within the FMEA Mapped 100-year floodplain along the east side of Margaret Road approximately 0.8 mile south of S.R. 85 including the following:

1. Removal of an existing pipe bridge
2. Realignment of two sections of the channel of Huskins Run away from the compressor station totaling 360 feet and resulting in a loss of approximately 82 feet of channel length
3. Installation of 4 rock cross vanes
4. Installation of 10 log vanes
5. Installation of 6 areas of branch layering
6. Installation of 2 areas of rock toe armoring

Project is proposed to result in a total earth disturbance of 1.9 acre including 0.02 acre temporary and

0.46-acre permanent impacts to stream channel and 0.62 acre temporary and 0.43-acre permanent impacts to the assumed floodway.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829220-028: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline impacting 69 square feet of a Palustrine Forested Wetland (Overton, PA Quadrangle, Latitude: 41.584684°, Longitude: -76.535727°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 3,360 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.584751°, Longitude: -76.533859°);

3. a 16-inch diameter temporary waterline impacting 18 linear feet of Level Branch (EV, MF) (Overton, PA Quadrangle, Latitude: 41.583788°, Longitude: -76.527309°);

4. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to Level Branch (EV, MF) (Overton, PA Quadrangle, Latitude: 41.583411°, Longitude: -76.526462°);

5. a 16-inch diameter temporary waterline and a timber mat bridge impacting 520 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.582627°, Longitude: -76.524008°);

6. a 16-inch diameter temporary waterline impacting 12 linear feet of an unnamed tributary to Level Branch (EV, MF) (Overton, PA Quadrangle, Latitude: 41.582495°, Longitude: -76.523584°);

7. a 16-inch diameter temporary waterline impacting 613 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.582186°, Longitude: -76.523156°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,160 square feet of a

Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.581158°, Longitude: -76.520505°).

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,220 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.579657°, Longitude: -76.519491°).

The project will result in 50 linear feet and 326 square feet of temporary stream impacts, 7,873 square feet (0.18 acre) of temporary PEM wetland impacts and 69 square feet (0.001 acre) of temporary PFO wetlands impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Overton Township, Bradford County.

**E4129220-029: Beech Resources, LLC**, 343 Pine Street, Suite 1, Williamsport, PA 17701. Ulmer Water Withdrawal in Lycoming Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain a surface freshwater withdrawal (SFW) and under Lycoming Creek along State Route 1017 (Lycoming Creek Road) in Lycoming Township, Lycoming County. The proposed project includes approximately 150 linear feet of new paved access road to service a water withdrawal location. The proposed withdrawal location will consist of a flat pad, approximately 297' x 374', constructed of concrete and/or pavement and approximately 702 LF of water line connecting the station to the withdrawal location. This location will be utilized to provide and store water for other operations. This location has been selected based upon the following factors: property owner consent, environmental features, and functional operations. The proposed Limits of Disturbance (LOD) area for the project is 7.4 acres.

The project will result in a total of 50 LF (112 SF) of permanent and 110 LF (21,251 SF) of temporary stream impacts and 2,217 SF (0.0486 acre) of permanent and 115,208 SF (2.6448 acres) of temporary floodway impacts all for the purpose of constructing a freshwater withdrawal system under Lycoming Creek to expand freshwater pipeline systems for Marcellus well development. No wetland impacts are proposed.

**Stream Impact Table:**

Resource Name	Municipality Quadrangle	Activity	Chap. 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Lycoming Creek	Lycoming Cogan Station	Withdrawal Intake System	WWF; EV	None	110	21,251	50	112	41.301759° 77.060597°
<b>TOTAL IMPACTS</b>					110	21,251	50	112	

**Floodway Impact Table:**

Resource Name	Municipality Quadrangle	Activity	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Lycoming Creek	Lycoming Cogan Station	Withdrawal System & Pad	300	115,208	250	2,117	41.301571° 77.061371°
<b>TOTAL IMPACTS</b>			300	115,208	250	2,117	



**E0829220-029: Chesapeake Appalachia, LLC**,  
14 Chesapeake Lane, Sayre, PA 18840, Wilmot Township,  
**Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. an 111-foot 10-inch maximum diameter intake line with a 2.3' x 7.5' intake screen placed on the bottom of the Susquehanna River (WWF-MF) and a 70' x 38' gravel staging pad within the floodway (Laceyville, PA Quadrangle, Latitude: 41.670075°, Longitude: -76.209756°);

The project will result in 118 linear feet and 8,700 square feet (0.20 acre) of stream impacts, and 2,660 square feet (0.06 acre) of floodway impacts, all for the purpose of establishing a water withdrawal for Marcellus well development in Wilmot Township, Bradford County.

## ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**EA4306220-021, Buhl Park Corporation**, 715 Hazen Road, Hermitage, PA 16148, Buhl Park Lake Julia Wetland Enhancement, in Hermitage City, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41.246151; W: -80.483702).

The applicant proposes to enhance 1.05 acre of existing wetland along a UNT to McCullough Run discharging to Lake Julia in Buhl Park, Hermitage. Enhancement activities include grading management of invasive species, and planting of native wetland species. As part of the project they will also install a concrete weir and flashboard outflow structure to manage water in the restored wetland. An elevated twenty by twenty-foot observation deck and part of an asphalt walkway will be installed partially in the restoration site for public observation of the wetlands.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

#### SSIP

<i>Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
20009	RPP Products, Inc. 2756 South Riverside Avenue Bloomington, CA 92316-3248 Attn: Chad Cedotal	Butler	Summit Township	3 ASTs storing methanol	88,800 gallons total

## 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—691.1001) 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 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, P.O. 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 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.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0083003 (IW) Issued	Dudley Carbon Coalmont Joint Municipal Authority P.O. Box 276 Dudley, PA 16634-0276	Huntingdon County Carbon Township	Shoup Run (WWF) in Watershed(s) 11-D	Y
PA0246727 (Sewage) Issued	Dudley Carbon Coalmont Joint Municipal Authority P.O. Box 276 Dudley, PA 16634-0276	Huntingdon County Carbon Township	Shoup Run (WWF) in Watershed(s) 11-D	Y
PA0261360 A-1 (Sewage) Issued	Hess Leasing 116 B Blantz Road Lititz, PA 17543-9573	Lancaster County Elizabeth Township	Unnamed Tributary to Hammer Creek (HQ-CWF, MF) in Watershed(s) 7-J	Y
PA0267112 (Storm Water Industrial) Issued	Bimax Inc. 158 Industrial Road Glen Rock, PA 17327-8626	York County Springfield Township	Seaks Run (HQ-CWF, MF) in Watershed(s) 7-H	Y

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0203700 (Sewage)	Spring Valley STP Route 381 North Farmington, PA 15437	Fayette County Wharton Township	Deadman Run (HQ-CWF) (19-E)	Y
PA0217832 (Sewage)	Perrine Bldg SFTF 112 Pfeffer Road Export, PA 15632	Westmoreland County Washington Township	Unnamed Tributary to Thorn Run (HQ-CWF) (18-B)	Y

### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

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

**NPDES Permit No PA0013714**, Industrial, **Exelon Generation Co. LLC**, Eddystone Generating Station, 1 Industrial Highway, Eddystone, PA 19022.

This existing facility is located in Eddystone Borough, **Delaware County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater.

**NPDES Permit No. PA0026701**, Sewage, **Municipal Authority of Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067-6246.

This existing facility is located in Morrisville Borough, **Bucks County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

**NPDES Permit No. PA0028380**, Sewage, **Tinicum Township**, Memorial Bldg., 629 North Governor Printz Boulevard, Essington, PA 19029.

This existing facility is located in Tinicum Township, **Delaware County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

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

**NPDES Permit No. PA0287903**, Sewage, SIC Code 7033, **Adventure Bound SV LLC**, 905 16th Place, Vero Beach, FL 32960.

This proposed facility is located in Delaware 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.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. WQG02092008**, Sewage, SIC Code 4952, **Warminster Municipal Authority Bucks County**, 415 Gibson Avenue, Warminster, PA 18974-4163.

This proposed facility is located in Warminster Township, **Bucks County**.

Description of Proposed Action/Activity: LPSS sewer extension for 4,000 gpd.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**WQM Permit No. WQG01360902**, Sewage, SIC Code 6515, **Hess Leasing**, 116B Blantz Road, Lititz, PA 17543-9573.

This facility is located in Elizabeth Township, **Lancaster County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of:

1 Septic Tank

1 Subsurface Sand Filter

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**WQM Permit No. 6595202 A-1**, Industrial, SIC Code 8731, **Westinghouse Electric Co. LLC**, P.O. Box 158, Madison, PA 15663-0158.

This existing facility is located in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: The operation of a pre-treatment system to augment the current treatment system covered under WQM 6595202, consisting of a 2,500-gallon hold-up tank, two 900-gallon overflow tanks, a polyester 200-micron bag filter and a polymeric multi-cartridge filter. The permit amendment also approves the addition of wastewater generated from the sludge lancing process to be treated at the current treatment system covered under WQM 6595202.

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAD020031	Pennsylvania Department of Transportation Engineering District 11 45 Thoms Run Road Bridgeville, PA 15017	Allegheny County	City of Pittsburgh; Sharpsburg Borough; O'Hara Township; Borough of Aspinwall; Fox Chapel Borough	Guyasuta Run (HQ-WWF); Squaw Run (HQ-WWF); and UNT to Allegheny River (WWF)



Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Butler County Conservation District 120 Hollywood Drive, Suite 201, Butler, PA 16001, 724-284-5270.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAD100002 Major Amendment	John Allen Jr. Family Trust P.O. Box 430 Saxonburg, PA 16056	Butler	Buffalo Township	Sarver Run HQ-TSF, UNT to Little Buffalo Creek HQ-TSF

**VII. Approvals to Use NPDES and/or Other General Permits.**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types.**

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	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-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5160, Email: ra-epww-sero@pa.gov.

Permit No.	Applicant Name & Address	Facility Location: Municipality & County	Receiving Water / Use	Contact Office & Phone No.
PAC090371	Worth & Worth, LP 6263 Kellers Church Rd. Pipersville, PA 18947-1807	Plumstead Township Bucks County	Unnamed Tributary to Cabin Run CWF-MF	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, 570-826-2511.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use	Contact Office & Phone Number
PAC350091 Authorization/ Issuance	Eastern PA Land Investment Holding, LLP 1835 Market Street Suite 1215 Philadelphia, PA 19103-2912	Lackawanna	Olyphant Borough	Sterry Creek (CWF, MF)	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC400152 Authorization/ Issuance	MP Prushinski LLC Michael Prushinski 804 Scott St Wilkes-Barre, PA 18705	Luzerne	Wilkes-Barre City	Laurel Run (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
<i>Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>					
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC010150 Issued	Germany Township 136 Ulricktown Road Littlestown, PA 17340	Adams	Germany Township	UNT Piney Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010151 Issued	Valerie Lowe 1558 Bollinger Road Westminster, MD 21157	Adams	Reading Township	UNT Plum Run (WWF) UNT 08974 Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC070077 Issued	Jeffrey Dick 16445 Dunning Highway Duncansville, PA 16635	Blair	Blair Township	UNT Poplar Run (CWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210211 Issued	Interstate Investors, LLC 75 Goodyear Road P.O. Box 5 Newville, PA 17241	Cumberland	Southampton Township	Burd Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210202 Issued	Vibrant Church 1775 Lambs Gap Road Mechanicsburg, PA 17050-1614	Cumberland	Hampden Township	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC360543 Issued	Lighthouse Assembly of God of New Holland 105 Earland Drive New Holland, PA 17557	Lancaster	East Earl Township	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360342 A-1 Issued	N71, Inc. 23415 Three Notch Road Suite 2008 # 122 California, MD 20619	Lancaster	East Donegal Township	UNT Donegal Creek (CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

## NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC360557 Issued	G. Investments, LP 2166 Waterford Drive Lancaster, PA 17601	Lancaster	Manheim Township	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360070 A-1 Issued	Lititz Reserve, LLC 474 Mount Sidney Road Lancaster, PA 17602	Lancaster	Warwick Township	Lititz Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360531 Issued	Joe Rohrer 1107 Lime Valley Road Lancaster, PA 17602	Lancaster	Strasburg Township	UNT Walnut Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC470022 A-1	DRIVE 418 Railroad St Ste 101 Danville, PA 17821	Danville Boro Montour County	Susquehanna River WWF, MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
PAC550049	Keith A Martin 543 Hilltop Rd Port Trevorton, PA 17864	Chapman Twp Snyder County	UNT to Mahantango CWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4000.*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Facility Municipality and County</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC040090	PTV 1103, LLC Building 4 Suite 1000 400 Penn Center Boulevard Pittsburgh, PA 15235	City of Aliquippa Beaver County	Logtown Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC110065	R. L. Rodkey Construction, Inc. 113 Fifty Acres Road Johnstown, PA 15904	Richland Township Cambria County	UNT to Solomon Run (WWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120



*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC370050	Ellwood City Specialty Steel 499 Honeybee Lane New Castle, PA 16105	Wilmington Township Lawrence County	UNT to Neshannock Creek TSF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC370051	PEC Management II LLP 1250 Tower Lane Erie, PA 16505	Neshannock Township Lawrence County	UNT to Shenango River WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC250105	Edinboro Lake Resort 12670 Edinboro Road Edinboro, PA 16412	Washington Township Erie County	Conneauttee Creek/ Edinboro Lake WWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC430046	Penn Power Company (A FirstEnergy Company) 341 White Pond Road Akron, OH 44320	Springfield Township Mercer County	Neshannock Creek & Hunters Run TSF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242
PAC420016	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Foster Township & Otto Township McKean County	UNTs Kendall Creek WWF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
PAC420018	Nittany Oil Company Inc. 321 North Front Street Philipsburg, PA 16866	Keating Township McKean County	Potato Creek TSF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001

*DEP, Bureau of Abandoned Mine Reclamation, 2 Public Square, Fifth Floor, Wilkes-Barre, PA 18701-0790, 570-826-2371.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC700005	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790	Carbon County	Packer Township	Wetzel Run (CWF)

*General Permit Type—PAG-12*

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG123900	Brookside Acres 125 Aberdeen Rd Elizabethtown, PA 17022	Mt Joy Township Lancaster County	Unnamed Tributary to Conewago Creek (TSF) Watershed(s)—7-G	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.6639

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG123819 A-1	Hard Earned Acres Inc. 1317 Ritner Highway Shippensburg, PA 17257-9798	Southampton Township Cumberland County	Unnamed Tributary to Bulls Head Branch (CWF, MF) Watershed(s)—7-B	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.6639

**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  
CAFO 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>
Stoner’s Hijos Hill, Inc. 7678 Oellig Road Mercersburg, PA 17236	Franklin	1,410.6	1,444.0	Dairy	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, P.O. 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 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 (35 P.S. §§ 721.1—721.17).**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

**Permit No. 3480037, Operation Permit, Public Water Supply.**

Applicant **Cedar Grove Park Properties, Inc.**  
975 Mount Bethel Highway  
Bangor, PA 18013

Municipality Lower Mount Bethel Township  
County **Northampton**  
Type of Facility Public Water Supply—Permit Transfer  
Consultant Rhonda Verma  
975 Mount Bethel Highway  
Bangor, PA 18013

Permit Issued August 18, 2020

**PWSID 3540059, Rescission of Operation Permit, Public Water Supply.**

Applicant **Keller Property Management, Inc.**  
c/o Happy Valley Mobile Home Park  
1329 Richmond Road  
Fleetwood, PA 19522

Municipality West Brunswick Township  
County **Schuylkill**  
Type of Facility Public Water Supply  
Responsible Official Christopher S. Hauger  
Type of Facility Public Water Supply  
Consulting Engineer N/A  
Issue Date August 26, 2020  
Description of Action Rescission of Operation Permit No. 3540059 for Happy Valley Mobile Home Park water system.

**Permit No. 2409001, Operation Permit, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Municipality Plains Township  
County **Luzerne**  
Type of Facility Public Water Supply  
Consulting Engineer Maureen V. Coleman, P.E.  
Pennsylvania American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit Issued September 1, 2020

**Permit No. 2359001, Operation Permit, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Municipality Carbondale Township  
County **Lackawanna**  
Type of Facility Public Water Supply  
Consulting Engineer Maureen V. Coleman, P.E.  
Pennsylvania American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit Issued September 1, 2020

**Permit No. 2359006, Operation Permit, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Municipality Fell Township  
County **Lackawanna**  
Type of Facility Public Water Supply  
Consulting Engineer Maureen V. Coleman, P.E.  
Pennsylvania American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit Issued

September 1, 2020

**Permit No. 2359014, Operation Permit, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Municipality Forest City Borough  
County **Susquehanna**  
Type of Facility Public Water Supply  
Consulting Engineer Maureen V. Coleman, P.E.  
Pennsylvania American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit Issued

September 1, 2020

**Permit No. 3520502MA, Public Water Supply.**

Applicant **Aqua Pennsylvania Inc.**  
1 Aqua Way  
White Have, PA 18661

Township or County Roaring Brook Township  
**Lackawanna County**

Responsible Official Mr. Steve Clark  
Regional Manager  
Northeast & Central Operations  
Aqua Pennsylvania Inc.  
1 Aqua Way  
White Have, PA 18661

Type of Facility PWS  
Consulting Engineer Mr. Gregory R. Rogalski, PE  
Pennoni Associates, Inc.  
672 South River Street  
Suite 313  
Plains, PA 18705

Permit Issued Date September 3, 2020



*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 5920504MA, Construction.** Public Water Supply.

Applicant	<b>Knoxville Borough</b> P.O. Box 191 Knoxville, PA 16928
Borough or Township	Knoxville Borough
County	<b>Tioga County</b>
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Joseph Hunt JHA Companies 466 South Main Street Montrose, PA 18801
Permit Issued	September 14, 2020

Operations Permit issued to: **Pennsylvania-American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, PWSID No. 4490023, Milton Borough, **Northumberland County** on September 14, 2020 for the operation of facilities approved under construction permit # 4920504MA. This permit authorizes the water system to operate two Blue-White Flex Pro M-3 peristaltic metering pumps.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

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

##### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

*Plan Description:* Approval of a revision to the official plan of Antis Township, Blair County. The project is known as Gary Huff Property SFTF. The plan provides for the installation of a small flow treatment facility with a discharge into a drainage swale on the property to Sugar Run, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 2.24-acre lot. The property is located at 471 Moser 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 A3-07906-329-3s and the APS Id is 1018580. Any permits must be obtained in the name of the property owner.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of 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:

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

**Bill Marsh Ford**, 10 North Sycamore Street, Newtown Township, **Bucks County**. Bridget Shadler, August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603 on behalf of Fred Beans, Newtown Family Partnership, LP, 10 North Sycamore Street, Newtown, PA 18940 submitted a Final Report concerning remediation of site soil and groundwater contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Meinstein Residential Property**, 8035 Seminole Street, City of Philadelphia, **Philadelphia County**. Jeffrey T. Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Adam P. Meinstein, 8035 Seminole Street, Philadelphia, PA 19118 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ponds and Gardens**, 200 Limekiln Pike, Cheltenham Township, **Montgomery County**. Philip Donmoyer, PG, LRS, ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406 on behalf of Greg Baltz, Grindstone Properties LP, 1259 Cox Road, Rydal, PA 19046 submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Former Kwik Fill Station S-036**, 2265 South Queen Street, York, PA 17402, York Township, **York County**. GES, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365, and Ricke Brothers Enterprises, 4449 Lincoln Highway, York, PA 17406, submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with a historic release of No. 2 fuel oil. The combined report is intended to document remediation of the site to meet the Site-Specific Standard.

**Former Danskin Factory**, 300 North State Street, York, PA 17403, York City, **York County**. ECS, Mid-Atlantic LLC, 56 Grumbacher Road, York, PA 17406, on behalf of Pennrose, Inc., One Brewery Park, 1301 North 31st Street, Philadelphia, PA 19121, and City of York, 101 South George Street, P.O. Box 509, York, PA 17405, submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soil and groundwater contaminated with heating oil. The combined report is intended to document remediation of the site to meet the Site-Specific Standard.

**Stadium Row Development and Philhaven Behavioral Health**, 812 and 816 North Prince Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Stadium Row, LLC, 729 East Orange Street, Lancaster, PA 17602, Second Strong & Detweiler, LLC, 812 North Prince Street, Lancaster, PA 17603, and Stadium Row, LLC, 816 North Prince Street, Lancaster, PA 17603, submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with benzene and metals including arsenic, chromium and vanadium. The combined report is intended to document remediation of the site to meet the Site-Specific 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:

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

**Delaware Generating Station**, 1325 North Beach Street, City of Philadelphia, **Philadelphia County**. Mark Fortna, Penn E&R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Tony Bates, L-A Battery QOZ, LLC, 2400 Market Street, Suite 301, Philadelphia, PA 19103 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued a technical deficiency letter on August 31, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Kessler Property**, 2210 Henderson Street, Bethlehem, PA 18017, Bethlehem City, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Darcy Lettieri, 41 Dover Street, Cambridge, MA 02140, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on September 9, 2020.

**Austin Property**, 73 Atco Road, Beach Lake, PA 18405, Damascus Township, **Wayne County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Tom Austin, P.O. Box 362, Honesdale, PA 18431, submitted a Final Report concerning remediation of soil contaminated by heating oil. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on September 11, 2020.

**300 Furnace Street**, 300 Furnace Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of 300 Furnace Street LLC, 2227 Albright Avenue, Allentown, PA 18104, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil contaminated by historic fill and a release of heating oil. The report was intended to document remediation of the site to meet a combination of Site-Specific and Statewide health standards but was disapproved by DEP on September 14, 2020.

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

**Former North American Communications, Inc.**, 141 NAC Drive, Duncansville, PA 16635, Blair Township and Duncansville Borough, **Blair County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110, on behalf of Energy Intermodal Associates, LLC, 597 Waverly Drive, Hollidaysburg, PA 16648, submitted a Baseline Remedial Investigation Work Plan concerning remediation of site soil and groundwater contaminated with historic releases of volatile organic compounds. The Work Plan is part of the Special Industrial Area designation and was approved by the Department on August 24, 2020.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**Page E.T.C., Inc.**, 2758 Trombley Rd, Weedsport, NY 13166. License No. **PA-AH 0338**. Effective September 2, 2020.

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080. License No. **PA-AH 0528**. Effective August 27, 2020.

**STAT, Inc. dba Sparks Transportation and Tank Cleaning, Inc.**, P.O. Box 1443, Lenoir, NC 28645. License No. **PA-AH 0532**. Effective September 9, 2020.

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. **PA-AH 0816**. Effective August 27, 2020.

**2347854 Ontario Inc.**, 1818 Burlington Street E, Hamilton, ON L8H 3L4. License No. **PA-AH 0817**. Effective September 3, 2020.

**Innovative Recycling Technologies, Inc.**, 690 North Queens Avenue, Lindenhurst, NY 11757. License No. **PA-AH 0849**. Effective September 9, 2020.

**Citiwaste, LLC**, 893 Shepherd Avenue, Brooklyn, NY 11208. License No. **PA-AH 0870**. Effective August 27, 2020.

**Resource Environmental Management, Inc.**, 50 Maple Street, Montrose, PA 18801. License No. **PA-AH 0875**. Effective September 3, 2020.

**Aqua-Tex Transport, Inc.**, P.O. Box 1204, Hammononton, NJ 08037. License No. **PA-AH S179**. Effective August 27, 2020.

#### *Transporter Licenses Reissued*

**Page E.T.C., Inc.**, 2758 Trombley Rd, Weedsport, NY 13166. License No. **PA-AH 0338**. Effective September 2, 2020.

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080. License No. **PA-AH 0528**. Effective August 27, 2020.

**STAT, Inc. dba Sparks Transportation and Tank Cleaning, Inc.**, P.O. Box 1443, Lenoir, NC 28645. License No. **PA-AH 0532**. Effective September 9, 2020.

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. **PA-AH 0816**. Effective August 27, 2020.

**2347854 Ontario Inc.**, 1818 Burlington Street E, Hamilton, ON L8H 3L4. License No. **PA-AH 0817**. Effective September 3, 2020.

**Innovative Recycling Technologies, Inc.**, 690 North Queens Avenue, Lindenhurst, NY 11757. License No. **PA-AH 0849**. Effective September 9, 2020.

**Citiwaste, LLC**, 893 Shepherd Avenue, Brooklyn, NY 11208. License No. **PA-AH 0870**. Effective August 27, 2020.

**Resource Environmental Management, Inc.**, 50 Maple Street, Montrose, PA 18801. License No. **PA-AH 0875**. Effective September 3, 2020.

**Aqua-Tex Transport, Inc.**, P.O. Box 1204, Hammononton, NJ 08037. License No. **PA-AH S179**. Effective August 27, 2020.

#### *Transporter Licenses Voluntarily Terminated*

**Ryan Environmental Transport, LLC**, 5793 West Veterans Memorial Highway, Bridgeport, WV 26330. License No. **PA-AH 0815**. Effective September 11, 2020.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**Med-Flex, Inc.**, P.O. Box 357, Hainesport, NJ 08036. License No. **PA-HC 0207**. Effective September 9, 2020.

**Advant-Edge Solutions of Middle Atlantic, Inc.**, 1 Shea Way, Newark, DE 19713. License No. **PA-HC 0220**. Effective September 2, 2020.

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. **PA-HC 0258**. Effective August 27, 2020.

**Environmental Maintenance Services Inc.**, 10 Gramar Avenue, Prospect, CT 06712. License No. **PA-HC 0259**. Effective September 9, 2020.

**Approved Storage & Waste Hauling MA, Inc.**, 110 Edison Avenue, Mount Vernon, NY 10550. License No. **PA-HC 0273**. Effective September 9, 2020.



*Transporter License Reissued*

**Med-Flex, Inc.**, P.O. Box 357, Hainesport, NJ 08036. License No. **PA-HC 0207**. Effective September 9, 2020.

**Advant-Edge Solutions of Middle Atlantic, Inc.**, 1 Shea Way, Newark, DE 19713. License No. **PA-HC 0220**. Effective September 2, 2020.

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. **PA-HC 0258**. Effective August 27, 2020.

**Environmental Maintenance Services Inc.**, 10 Gramar Avenue, Prospect, CT 06712. License No. **PA-HC 0259**. Effective September 9, 2020.

**Approved Storage & Waste Hauling MA, Inc.**, 110 Edison Avenue, Mount Vernon, NY 10550. License No. **PA-HC 0273**. Effective September 9, 2020.

## 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**AG5A-58-00018A: Chesapeake Appalachia, LLC** (P.O. Box 18496, Oklahoma City, OK 73154-9528) on September 10, 2020 for the installation of a natural gas fired engine with existing equipment at the Hooker SUS Wellpad located in Auburn Twp., **Susquehanna County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP9-67-03185: UPMC Pinnacle Memorial** (1701 Innovation Drive, York, PA 17408) on September 11, 2020, for two diesel-fired emergency engines, under GP9, at the new Memorial Hospital site at 1701 Innovation Drive located in West Manchester Township, **York County**.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**AG5A-08-00002A: Chesapeake Appalachia, LLC** (P.O. Box 18496, Oklahoma City, OK 73154) on September 10, 2020, to construct and operate one Caterpillar model G3516 4-stroke ultra-lean burn natural gas-fired engine rated at 1,380 bhp and associated reciprocating compressor as well as continue to operate existing sources pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Sivers BRA Pad located in Tuscarora Township, **Bradford County**.

**AG5-59-00010B: NFG Midstream Wellsboro, LLC** (6363 Main Street, Williamsville, NY 14221) on September 10, 2020, for re-authorization and change of ownership to continue operating existing sources pursuant to the General Plan Approval and/or General Operating

Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Wellsboro 2 aka Parthemer Compressor Station located in Charleston Township, **Tioga County**.

**AG5-59-00011A: NFG Midstream Covington, LLC** (6363 Main Street, Williamsville, NY 14221) on September 10, 2020, for re-authorization and change of ownership to continue operating existing sources pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Shaw Compressor Station located in Sullivan Township, **Tioga County**.

**AG5-59-00012A: NFG Midstream Covington, LLC** (6363 Main Street, Williamsville, NY 14221) on September 10, 2020, for re-authorization and change of ownership to continue operating existing sources pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Breon Compressor Station located in Sullivan Township, **Tioga County**.

**AG5-59-00013A: NFG Midstream Covington, LLC** (6363 Main Street, Williamsville, NY 14221) on September 10, 2020, for re-authorization and change of ownership to continue operating existing sources pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Clark Compressor Station located in Sullivan Township, **Tioga County**.

**AG5-12-00001A: NFG Midstream Clermont, LLC** (6363 Main Street, Williamsville, NY 14221) on September 8, 2020, for re-authorization to continue operating existing sources pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Rich Valley Compressor Station located in Shippen Township, **Cameron County**.

**AG5-18-00003A: UGI Ponderosa, LLC** (835 Knitting Mills Way, Wyomissing, PA 19610) was issued on September 9, 2020, an authorization for the construction and operation of the Sturgis Pad B Compressor Station in Gallagher Township, **Clinton County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5).

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**GP5-32-402D: Diversified Production, LLC, March and Compressor Station** (Kohlepp Road, Indiana, PA 15701) on September 2, 2020, for the authority for modification of the original GP to include the construction of a replacement compressor engine (BAQ-GPA/GP5) located at their facility in North Mahoning Township, **Indiana County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**47-00001H: Montour LLC** (P.O. Box 128, Washingtonville, PA 17884) on September 2, 2020, for the construction of a 17-mile natural gas pipeline, three Sigma Thermal HDFX natural gas-fired fuel gas heaters each rated at 17.6 MMBtu/hr of heat input, and ancillary equipment at their Montour Steam Electric Station located in Derry Township, **Montour County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**42-249A: Highland Field Services LLC, Seven Mile Minerals** (135 Allegheny Drive, Kane, PA 16735), on September 10, 2020 issued a Plan Approval for the proposed construction of an evaporator to process 7,500 bpd of feedwater and condense evaporated vapor for reuse in gas well development in Sergeant Township, **McKean County**. This is a State Only facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-03102B: The City of Reading** (815 Washington Street, Reading, PA 19601) on September 11, 2020, for upgrades to the Reading Waste Water Treatment Plant on Fritz Island located in the City of Reading, **Berks County**. The plan approval was extended.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**08-00058A: Bradford County Real Estate Partners LLC** (111 West 19th Street, 8th Floor, New York, NY 10011) Plan Approval 08-00058A was issued on July 24, 2019, to Bradford County Real Estate Partners LLC for the construction of the BCRP Natural Gas Processing Plant LNG facility located in Wyalusing Township, **Bradford County**. On September 15, 2020, the Department issued a revised Plan Approval 08-00058A to change the expiration date to accommodate the updated construction completion date. The expiration date of the plan approval has been revised to July 22, 2021.

*Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**65-00979B Mod: Laurel Mountain Midstream, LLC** (2000 Commerce Drive, Park Place Corporate Center 2, Pittsburgh, PA 15275) plan approval extension issuance effective September 3, 2020 to initiate operations at their Herminie Compressor Station located in South Huntingdon Township, **Westmoreland County**.

**PA-26-00610A: Slag Processing Facility, Iron Mountain US, LLC** (1 Pilarsky Way, Aliquippa, PA 15001-5421) plan approval extension issuance date effective September 28, 2020, to engage those activities necessary to procure and facilitate delivery and installation of process and ancillary equipment as proposed within this plan approval at their 600 Leisenring Vanderbilt Road, Dunbar Township and Vanderbilt Borough, **Fayette County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**10-079F: BNZ Materials Incorporated** (191 Front Street, Zelienople, PA 16063) on August 31, 2020, effective August 31, 2020, has issued a plan approval extension for the re-permitting of Kiln # 3 in Zelienople Borough, **Butler County**. This is a Title V facility. This will expire on February 23, 2021.

**10-284H: Seneca Landfill** (421 Hartmann Road, Evans City, PA 16033) on August 31, 2020, effective August 31, 2020, has issued a plan approval extension to continue construction of several landfill gas fuel-to-energy engines in Jackson Township, **Butler County**. This is a Title V facility. This will expire on February 23, 2021.

**43-273A: Select Industries Incorporated dba Select Metal Litho Greenville** (242 Reynolds Industrial Park Drive, Greenville, PA 16125) on August 31, 2020, effective August 31, 2020, has issued a plan approval extension for the installation of an additional coating line (Source 106) along with the addition of a regenerative thermal oxidizer (RTO-C106) in Pymatuning Township, **Mercer County**. This is a State Only facility. This will expire on February 23, 2021.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05004: Pixelle Specialty Solutions** (228 South Main Street, Spring Grove, PA 17362-1000) on September 14, 2020, for the pulp and paper manufacturing facility located in Spring Grove Borough, **York County**. The Title V permit underwent a significant modification in order to revise the language of Section D, Source 103, Condition 005 to correct the daily average mud density limit from a minimum to a maximum value.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**53-00002: Transcontinental Gas Pipe Line Company, LLC** (2800 Post Oak Boulevard, Houston, TX 77056) was issued a Title V operating permit on September 8, 2020, for continued operation of the sources at their Compressor Station 535. This facility is located in Wharton Township, **Potter County**.



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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**54-00085: Ringtown Wilbert Vault Works, Inc.** (710 West Main Street, Ringtown, PA 17967). The Department issued, on August 31, 2020, a State-Only Operating Permit for the operation of sources at their facility located in Ringtown Borough, **Schuylkill County**. This facility operates two natural gas fired cremation systems. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**35-00045: Eureka Stone Quarry, Inc.** (P.O. Box 249, Chalfont, PA 18914-0249). The Department issued, on August 18, 2020, a State-Only Operating Permit for the operation of sources at their Daleville Plant located in Covington Township, **Lackawanna County**. This facility operates an asphalt plant and a rock crushing plant. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05068: Highway Materials** (P.O. Box 1667, 1750 Walton Road, Blue Bell, PA 19422-0465) on September 9, 2020, for the Wrightsville batch asphalt plant located in Hellam Township, **York County**. The State-Only Permit was renewed.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**08-00032: Repsol Oil & Gas USA, LLC** (50 Pennwood Place, Warrendale, PA 15086) on August 19, 2020, for the renewal issuance of State Only Operating Permit 08-00032 for the Repsol Oil & Gas USA, LLC Thomas Compressor Station located in Troy Township, **Bradford County**. The State Only Operating Permit contains all necessary requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**41-00024: UPMC Susquehanna** (700 High Street, Williamsport, PA 17701) on September 4, 2020, for the renewal issuance of State Only Operating Permit 41-00024 for the UPMC Divine Providence Hospital located in Williamsport, **Lycoming County**. The State

Only Operating Permit contains all necessary requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**10-00367: MarkWest Liberty Bluestone, Voll Compressor Station** (4600 J Barry Court, Suite 500, Canonsburg, PA 15317). On September 9, 2020, the Department issued a new State Only Natural Minor Operating Permit for the compressor station and dehydration facility located in Connoquenessing Township, **Butler County**. The facility's primary emission sources include four (4) 1,480-bhp rich-burn natural gas-fired compressor engines equipped with non-selective catalytic reduction, a 40 mmscf/day glycol dehydration unit (controlled by a 7.0 MMBtu/hr enclosed flare) and its associated 1.00 MMBtu/hr reboiler, condensate and produced water tanks, and fugitive VOC emissions. The potential emissions of the primary pollutants from the facility are as follows: 17.68 TPY (tons per year) NO<sub>x</sub>, 39.52 TPY CO, 31.97 TPY VOC, 3.38 TPY total HAPs, 0.84 TPY formaldehyde, 1.90 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.12 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The facility was originally permitted under General Permit GP5-10-00367E, which includes emission restrictions on the engines for NO<sub>x</sub>, NMNEHC, CO, and formaldehyde. All four compressor engines are subject to 40 CFR 63 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The dehydrator is subject to 40 CFR 63 Subpart HH, NESHAP From Oil and Natural Gas Production Facilities. Facility compressors (including the rod packing) are subject to 40 CFR 60 Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015. The issued permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**26-00002: Henwil Corporation/Newell Works** (899 Third Street, Newell, PA 15466). Per 25 Pa. Code § 127.449(i), this notice is for the following de minimis emission increase at the Henwil Corporation/Newell Works located in Newell Township, **Fayette County**: addition of the MPB process, which consists of two (2) 500-gallon reaction vessels and water-cooled condensers and adding the capability to manufacture an additional six (6) products. The list of de minimis increases for this facility includes only this project and include the following increases: 0.02 tpy of VOC, 0.02 tpy of single HAP, and 0.02 tpy of total HAPs.



## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

### Coal Permit Issued

*Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**Permit No. 17090103 and NPDES PA0257079. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, renewal for the continued operation and restorations of an existing bituminous surface mining permit located in Boggs and Knox Townships, **Clearfield County** affecting 311.9 acres. Receiving stream(s): Unnamed Tributaries No. 1 and No. 2 to Clearfield Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 6, 2019. Permit issued: September 9, 2020.

**Permit No. 17080116 and NPDES PA0256978. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661, renewal for the continued operation and restorations of an existing bituminous surface mining permit located in Bigler Township, **Clearfield County** affecting 43.0 acres. Receiving stream(s): Clearfield Creek and Unnamed Tributary to Clearfield Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2020. Permit issued: September 4, 2020.

**Permit No. 17840126 and NPDES PA0609781. P & N Coal Company, Inc.**, P.O. Box 332, Punxsutawney, PA 157567, renewal for the continued operation and restorations of an existing bituminous surface mining permit located in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving stream(s): Tributary to Comfort Run and Comfort Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 26, 2020. Permit issued: September 3, 2020.

**Permit No. 17900104. RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal for reclamation only of a bituminous surface coal mine located in Brady and Bell Townships, **Clearfield County** affecting 537.6 acres. Receiving stream(s): Beech Run, Buck Run and Laurel Branch Run to East Branch Mahoning Creek classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes

within 10 miles downstream. Application received: June 8, 2020. Permit issued: September 9, 2020.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 26090102 and NPDES Permit No. PA0251615. Piccolomini Contractors, Inc.**, P.O. Box 78, Waltersburg, PA 15488. Renewal permit issued for continued mining to an existing surface mine located in Franklin Township, **Fayette County**, affecting 58.1 acres. Receiving streams: unnamed tributaries to Redstone Creek and Bolden Run to Redstone Creek to the Monongahela River. Classified for the following use: WWF. Application received: August 14, 2020. Permit issued: September 3, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 49080105C3. Keystone Anthracite Co., Inc.** (259 North Second Street, Girardville, PA 17935), correction to include a wet process preparation plant to an existing anthracite surface mine, coal refuse disposal and preparation plant operation in Zerbe and West Cameron Townships, **Northumberland County** affecting 960.3 acres. Receiving stream: unnamed tributary to Zerbe Run. Application received: January 10, 2020. Permit issued: September 4, 2020.

### Noncoal Permits Issued

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. PAM420003-GP104. Gettysburg Granite, LLC**, 31 Center Mills Road, Aspers, PA 17304. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 0179301 located in Mt. Joy Township, **Adams County**. Receiving stream(s): Unnamed Tributary to Rock Creek classified for the following use(s): Warm Water Fishes (WWF). There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: June 15, 2020. Approved: September 10, 2020.

*Knox District Mining Office: P.O. Box 669, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 37990302. Cemex Construction Materials Atlantic, LLC** (2001 Portland Park, Wampum, PA 16157), revision to an existing large industrial mineral surface mine to add 593.0 underground acres for a total of 1,459.5 permitted acres in Shenango and Wayne Townships, **Lawrence County**. Receiving streams: Unnamed tributary to Beaver River, Beaver River, and Snake Run. Application received: April 4, 2019. Permit Issued: September 9, 2020.

**Permit No. 10980302 and NPDES Permit No. PA0280747. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258), transfer of an existing large industrial minerals surface mine from I.A. Construction Corporation in Cherry and Slippery Rock Townships, **Butler County** affecting 119.9 acres. Receiving streams: Unnamed tributaries to McMurray Run. Application received: December 16, 2019. Permit Issued: September 9, 2020.

**Permit No. 37100301. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201), renewal of NPDES Permit No. PA0258890 in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery

Rock Creek. Application received: April 28, 2020. NPDES Renewal Permit issued: September 9, 2020.

### 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*

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 02204106. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141. Blasting activity permit for the demolition of boulders on a State highway located in Lincoln Borough, **Allegheny County**, with an expiration date of December 31, 2020. Blasting Permit Issued: September 9, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 45204109. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for DB Residence in Pocono Township, **Monroe County** with an expiration date of December 31, 2020. Permit issued: July 22, 2020.

**Permit No. 23204104. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewardsville, NJ 08886), construction blasting for Septa Wawa Transit Parking Structure in Middletown Township, **Delaware County** with an expiration date of September 2, 2021. Permit issued: September 8, 2020.

**Permit No. 22204108. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Laurel Hill in Susquehanna Township, **Dauphin County** with an expiration date of September 14, 2021. Permit issued: September 14, 2020.

**Permit No. 38204110. Keystone Blasting Service** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Kenneth Haller Chicken House in Heidelberg Township, **Lebanon County** with an expiration date of October 20, 2020. Permit issued: September 14, 2020.

### 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 the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental

Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**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.**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E1302219-004. Pennsylvania Turnpike Commission**, 700 S. Eisenhower Blvd, Middletown, PA 17057, in Kidder and Penn Forest Townships, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following activities associated with the PA Turnpike I-476 Hawk Run Bridge (NB-610) Replacement Project:

1. To remove the existing bridge, and to construct and maintain a 107-foot wide single span steel multi-girder arch bridge, having a 465-foot span and a 197-foot under clearance, across Mud Run (HQ-CWF) and 0.023 acre of PEM wetlands (EV). (Latitude: 41° 00' 18.08"; Longitude: -75° 38' 6.94")
2. To extend and maintain an existing 24-inch RCP stormwater outfall with rock apron permanently impacting 13 linear feet of a tributary to Mud Run (HQ-CWF). (Latitude: 41° 00' 14.51"; Longitude: -75° 38' 6.56")
3. To extend and maintain an existing 48-inch RCP culvert and place a rock apron permanently impacting 112 linear feet of a tributary to Panther Creek (HQ-CWF). (Latitude: 41° 00' 0.83"; Longitude: -75° 38' 0.59")
4. To construct and maintain a stormwater outfall with rock apron permanently impacting 2 linear feet of a tributary to Panther Creek (HQ-CWF). (Latitude: 41° 00' 0.83"; Longitude: -75° 38' 0.59")
5. To place and maintain fill in 0.16 acre of PEM/PFO wetland (EV) for road widening activities. (Latitude: 41° 00' 35.56"; Longitude: -75° 38' 10.40")



In total the project will result in 0.14 acre of permanent stream impact, 0.35 acre of permanent floodway impact, and 0.18 acre of permanent wetland impact. A total of 0.34 acre of temporary stream impact, and 1.27 acre of temporary floodway impact.

The permittee is required to provide 0.24 acre of replacement wetlands. This project is located along the Northeast Extension of the Pennsylvania Turnpike at milepost A88.59 (Christmans/Hickory Run, PA Quadrangle, Latitude: 41° 00' 18.08"; Longitude: -75° 38' 6.94") in Penn Forest and Kidder Townships, Carbon County.

**E3902219-004. Traditions of America**, 201 King of Prussia Road, Suite 370, Radnor, PA 19087, Upper Saucon Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the construction of the "Traditions of America at Locust Valley" residential subdivision project:

1) A fill within 0.002-acre of PEM wetlands (EV) for the purpose of grading associated with a 25-foot wide asphalt access road adjoining the eastern shoulder of Locust Valley Road.

2) A stream crossing of Laurel Run (CWF, MF) and adjacent PEM wetlands (EV) consisting of three (3) 45-foot long, 14-foot wide, 5-foot high concrete box culverts having concrete wingwalls, an invert depressed 1-foot below existing streambed elevation, and R-8 riprap choked with R-4 riprap for the purpose of constructing an access road adjoining Locust Valley Road.

3) A utility line crossing of Laurel Run (CWF, MF) and adjacent PEM wetlands (EV) consisting of an 8-inch diameter, concrete-encased ductile iron sanitary sewage force main.

4) A utility line crossing of Laurel Run (CWF, MF) and adjacent PEM wetlands (EV) consisting of a 1.25-inch diameter, concrete-encased HDPE sanitary force main.

5) A utility line crossing of Laurel Run (CWF, MF) and adjacent PEM wetlands (EV) consisting of an 8-inch diameter, concrete-encased ductile iron water pipe.

6) A utility line crossing of Laurel Run (CWF, MF) and adjacent PEM wetlands (EV) consisting of an 8-inch diameter, concrete-encased PVC sanitary sewer pipe.

7) A fill within the floodway of Laurel Run (CWF, MF) consisting of an 18-foot x 18-foot sewage pump station and associated grading, a 35-foot wide gravel access road and associated grading, and an 8-inch diameter, concrete-encased ductile iron sanitary sewage force main. This impact proposes a total of 2,431 ft<sup>3</sup> of net fill within the floodway.

The project is located directly northeast of the Locust Valley Country Club, approximately 0.2 mile east of the intersection of Blue Church Road South and Locust Valley Road (Nazareth, PA Quadrangle Latitude: 40° 29' 47.8"; Longitude: -75° 23' 57.5") in Upper Saucon Township, Lehigh County.

**E4502220-021. Kurt and Maureen Faraczek**, 3467 Locust Avenue, Wantagh, NY 11793, Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a pile supported, recreational dock with 92 square feet of structure encroaching into Arrowhead Lake (EV, MF). The project is located at 1275 Arrowhead Drive (Thornhurst, PA Quadrangle Latitude: 41° 9' 2"; Longitude: -75° 33' 58" in Tobyhanna Township, Monroe County.

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E2605220-023, Pennsylvania—American Water Company**, 300 Galley Road, McMurray, PA 15317, Brownsville Borough, **Fayette County**; Pittsburgh ACOE District.

Has been given consent to:

Construct and maintain an elevated metal stairway, landings and railings along right descending bank of the Monongahela River (WWF). Permanent impacts will include 180 SQ FT within the floodway and along 15 LF of this same water course. For the purpose of facilitating pedestrian access to the Monongahela River for inspection of raw water intake and storm drain discharges. The project site is located 1701 17th Street (California, PA USGS topographic quadrangle; N: 40°, 1', 17.3"; W: -79°, 54', 25.7"; Sub-basin 19C; USACE Pittsburgh District), in Brownsville Borough, Fayette 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, P.O. 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.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG294120014-00  
Applicant Name Range Resources Appalachia, LLC  
Contact Person Laura Rusmisl  
Address 3000 Town Center Blvd  
City, State, Zip Canonsburg, PA 15317-5839  
County Lycoming



Township(s) Moreland  
 Receiving Stream(s) and Classification(s) Sugar Run  
 (CWF/MF), UNT to Little Sugar Run (CWF/MF)  
 Secondary: Gregs Run (CWF/MF), Sugar Run (CWF/  
 MF)

ESCGP-3 # ESG291820002-00  
 Applicant Name ARD Operating, LLC  
 Contact Person Jennifer McCarthy  
 Address 500 Dallas Street, Ste 2930  
 City, State, Zip Houston, TX 77002-4701  
 County Clinton

Township(s) Gallagher and Grugan  
 Receiving Stream(s) and Classification(s) Johnson Run  
 and its tributaries (HQ), UNT East Branch Hyner Run  
 (HQ)  
 Secondary: West Branch Susquehanna River (WWF),  
 East Branch Hyner Run (HQ)

ESCGP-3 # ESG296620004-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18440-1567  
 County Wyoming  
 Township(s) North Branch  
 Receiving Stream(s) and Classification(s) UNT to Millers  
 Brook (CWF, MF), Millers Brook (CWF, MF)  
 Secondary: Millers Brook (CWF, MF), North Branch  
 Mehoopany Creek (CWF, MF)

ESCGP-3 # ESG295820021-00  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Barry Mahar  
 Address 30351 Route 6  
 City, State, Zip Wysox, PA 18854  
 County Susquehanna  
 Township(s) Dimock, Bridgewater, and Brooklyn  
 Receiving Stream(s) and Classification(s) Meshoppen  
 Creek (CWF, MF), Hop Bottom Creek (CWF, MF), Dry  
 Creek (CWF, MF)  
 Secondary: Susquehanna River (WWF, MF), Martins  
 Creek (CWF, MF), Martins Creek (CWF, MF)

*Southwest District: Oil & Gas Management Program  
 Manager, 400 Waterfront Drive, Pittsburgh, PA 15222,  
 (412) 442-4281.*

ESCGP-3 # ESG073020004-00  
 Applicant Name CNX Midstream OPR CO LLC  
 Contact Person Erika Whetstone  
 Address 1000 Consol Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Greene  
 Township(s) Richhill Twp  
 Receiving Stream(s) and Classification(s) Crabapple  
 Creek (WWF), UNT to Crabapple Creek (WWF), Dunk-  
 Mard Fork (WWF)

ESCGP-3 # ESG076319025-00  
 Applicant Name Mark West Liberty Midstream and Re-  
 sources, LLC  
 Contact Person Rick Lowry  
 Address 4600 J Barry Court, Suite 500  
 City, State, Zip Canonsburg, PA 15317  
 County Washington  
 Township(s) Donegal Twp  
 Receiving Stream(s) and Classification(s) UNTs to Dutch  
 Fork (HQ-WWF), Dutch Fork (HQ-WWF), Buffalo  
 Creek (HQ-WWF)

ESCGP-3 # ESX10-125-0038 Renewal & Major Mod  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner

Address 2200 Ansys Drive, Suite 200  
 City, State, Zip Canonsburg, PA 15317  
 County Washington  
 Township(s) Fallowfield Twp  
 Receiving Stream(s) and Classification(s) UNTs to Saw-  
 mill Creek of Monongahela River Watershed which has  
 a Chapter 93 designated use as Warm Water Fishes  
 (WWF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The following plans and reports were submitted  
 under the Storage Tank and Spill Prevention Act  
 (35 P.S. §§ 6021.101—6021.2104).**

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Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion 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 non-residential 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.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**7 Eleven 40129**, 51-46470, 7434 Ogontz Ave., **City of Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Salisbury Township School District Bus Garage**, Storage Tank ID # 39-07828, 1700 Gaskill Avenue, Allentown, PA 18103, Salisbury Township, **Lehigh County**. Aquaterra Technologies, 901 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Salisbury Township School District, 1140 Salisbury Road, Allentown, PA 18103, has submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Site Specific Standards.

**Speedway 6742**, Storage Tank ID # 48-32013, 3283 Easton Avenue, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide Health Standards.

**Sunoco 0374 6435**, Storage Tank ID # 39-02332, 5052 Cetronia Road, Wescosville, PA 18106, Upper Macungie Township, **Lehigh County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, has submitted a combined Site Characterization Report and Remedial Action Completion Report concerning remediation of soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet Site Specific Standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Sheetz 199**, Storage Tank Facility ID # 67-64394, 1191 Carlisle Street, Hanover, PA 17331, Hanover Borough, **York County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365 on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

**Harrisburg Travel Center 12**, Storage Tank Facility ID # 22-12100, 7848 Linglestown Road, Harrisburg, PA 17112-9391, West Hanover Township, **Dauphin County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of TA Operating LLC, 24601 Center Ridge Drive, Westlake, OH 44145 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Diesel Fuel Constituents. The plan is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Kwik Fill S-171**, Primary Facility ID # 02-29317, 400 Allegheny River Blvd., Oakmont, PA 15139, Oakmont Borough, **Allegheny County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry

Township, PA 16066, on behalf of United Refining Co. of PA, 814 Lexington Ave., P.O. Box 688, Warren, PA 16365, submitted a revised Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Wilkinson Petroleum Supply**, Primary Facility ID # 11-81337, 7503 Admiral Peary Hwy., Cresson, PA 16630, Cresson Borough, **Cambria County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Wilkinson Petroleum Supply, P.O. Box 95, Cresson, PA 16630, submitted a Remedial Action Completion Report concerning the remediation of groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Sheetz Store # 190**, Primary Facility ID # 02-83026, 2003 Golden Mile Hwy., Pittsburgh, PA 15239, Plum Borough, **Allegheny County**. EnviroTrac Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625, submitted a Remedial Action Completion Report concerning the remediation of groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Barber Oil Co.**, Primary Facility ID # 11-25044, 503 Cedar St., Beaverdale, PA 15921, Summerhill Township, **Cambria County**. Letterle & Associates, Inc., 2022 Axemann Rd., Ste. 201, Bellefonte, PA 16823, on behalf of Barber Oil Co., 503 Cedar St., Beaverdale, PA 15921, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

**Yorktown Center**, Storage Tank Facility ID # 25-55432, 2519 West 12th Street, Millcreek Township, **Erie County**. Apex Companies, LLC, 1600 Commerce Circle, Trafford, PA 15085, on behalf of Yorktown Station, LLC, 1150 Northlake Drive, Cincinnati, OH 45249, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, cumene, ethylbenzene, naphthalene, pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(g,h,i)perylene, and lead. The plan is intended to document the remedial actions for meeting the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101–6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construc-

tion details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion 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 non-residential 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. The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval. For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Exxon RS 2 0600**, 46-06824, 198 Lancaster Ave., Lower Merion Township, **Montgomery County**. RT Environmental Services Inc., 215 West Church Road, King of Prussia 19046, on behalf of VMDT Partnership c/o Piazza Management Company, 401 South Schuylkill Avenue, Norristown, PA 19403 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of residential Statewide health and site-specific standards and was approved by the DEP on August 25, 2020.

**Chucks Svc Ctr, 46-42826**, 2304 Huntingdon Pike, Lower Moreland Township, **Montgomery County**. Storb Environmental, Inc., 410 Easton Road, Willow Grove, PA 19090, on behalf of Chuck's Service Center, 2304 Huntingdon Pike, Huntingdon Valley, PA 19006 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and waste oil. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the DEP on August 26, 2020.

**Roosevelt Blvd Exxon**, 51-41481, 9042 Roosevelt Blvd., **City of Philadelphia**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of YK LLC, 9042 Roosevelt Blvd., Philadelphia, PA 19115-4909 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report demonstrated attainment of residential Statewide standards and was approved by the DEP on August 28, 2020.

**Former Giant Supermarket**, 46-55590, 467 Sumneytown Pike, Upper Gwynedd Township, **Montgomery County**, on behalf of Whitestone Associates, Inc., New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with diesel fuel. The report demonstrated attainment of residential Statewide standards and was approved by the DEP on August 26, 2020.

**Speedway 6805**, 09-14498, 724 Street Rd., Upper Southampton Township, **Bucks County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum compounds. The Remedial Action Completion Report demonstrated attainment of site-specific standards and was approved by the DEP on September 3, 2020.

**7 Eleven 30390**, 15-24567, 1818 E. Lancaster Ave., Tredyffrin Township, **Chester County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221-0711 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded and leaded gasoline. The report demonstrated attainment of nonresidential site-specific standards and was approved by the DEP on September 4, 2020.

**Speedway 6803**, 46-14499, 749 Bethlehem Pike, Montgomery Township, **Montgomery County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet nonresidential Statewide health and site-specific standards and was approved by the DEP on September 8, 2020.

**Sunoco 0363 9168**, 46-30700, 1 W Skippack Pike, Whitpain Township, **Montgomery County**. Mulry Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the non-residential Statewide health standards and Site-specific standards and was approved by the Department on September 9, 2020.

**Speedway 6803**, 46-14499, 749 Bethlehem Pike, Montgomery Township, **Montgomery County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet nonresidential Statewide health standards and was approved by the DEP on September 9, 2020.

**Chichester**, 23-29729, 2049 Chichester Ave., Upper Chichester Township, **Delaware County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468-2049, on behalf of 2049 Chichester Ave Realty, LLC, 439 S. Governor Printz Blvd., Essington, PA 19029 submitted a Remedial Action Completion con-



cerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet nonresidential Statewide health was approved by the DEP on September 9, 2020.

**Datta Enterprises**, 51-04438, 6400 Roosevelt Blvd, **City of Philadelphia**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of BP Products North America, Inc., 1 West Pennsylvania Avenue, Towson, MD 21204, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the non-residential site-specific standards and was approved by the Department on September 11, 2020.

**US Gas 1**, 51-40523, 2656 Frankford Ave., **Philadelphia County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of Amar Petroleum Inc., 81 Steeple Chase Boulevard, Burlington NJ, 08016 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the non-residential Statewide health and site-specific standards and was approved by the Department on September 11, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Turkey Hill Minit Market 114**, Storage Tank ID # 48-41707, 4205 Lehigh Drive, Cherryville, PA 18035, Lehigh Township, **Northampton County**. Comstock Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Dillon Companies, Inc./Kroger (Turkey Hill), 257 Centerville Road, Lancaster, PA 17603 has submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable for meeting Statewide health standards and was approved by DEP on September 9, 2020.

**Hickory Run Travel Plaza**, Storage Tank ID # 13-07456, 2550 State Route 534, White Haven, PA 18661, East Side Borough, **Carbon County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Raceway Holdings LLC, 2227 Scranton-Carbondale Highway, Scranton, PA 18508, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report demonstrated attainment of Statewide Health Standards and was approved by DEP on September 15, 2020.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Michael Stefanic, P.G., (717) 705-4843.*

**PSU Milton S. Hershey Medical Center**, Storage Tank Facility ID # 22-01734, 500 University Drive, Hershey, PA 17033-2360, Derry Township, **Dauphin County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. Terry Kreiser, Associate Director, PSU, 90 Hope Drive, Suite 3301, Hershey, PA 17033-0855, submitted a 3.10(b) Remedial Action Completion Report concerning remediation of

Soil contaminated with Aviation Gasoline Contaminants. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standards and was approved by DEP on August 10, 2020.

**Met-Ed/First Energy Reading Office**, Storage Tank Facility ID # 06-05514, 2800 Pottsville Pike, Reading, PA 19604, Muhlenberg Township, **Berks County**. Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976-3653, on behalf of Met-Ed/FirstEnergy Corporation, P.O. Box 16001, Reading, PA 19612, submitted a 3.10(b) Remedial Action Completion Report concerning remediation of Soil contaminated with Diesel Fuel Constituents. The Remedial Action Completion Report demonstrated attainment of the Residential Used Aquifer Statewide Health Standards and was approved by DEP on September 10, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Sheetz 149**, Storage Tank Facility ID # 17-24119, 124 N Brady St., Dubois, **Clearfield County**. EnviroTrac Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of the Site-Specific Standard and was approved by DEP on September 14, 2020.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**7 Eleven Store No. 36139**, Primary Facility ID # 02-80189, 285 Mt. Lebanon Blvd., Pittsburgh, PA 15234, Pittsburgh City, **Allegheny County**. AECOM, Inc., 625 W. Ridge Pike, Ste. E-100, Conshohocken, PA 19428, on behalf of 7 Eleven Inc., 3200 Hackberry Rd., P.O. Box 711 (0148), Dallas, TX 75221-0711, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the site-specific standards and was approved on September 2, 2020.

**Kudla's Service Center**, Primary Facility ID # 02-80216, 285 2733 South Park Rd., Bethel Park, PA 15102, Bethel Park Borough, **Allegheny County**. DMS Environmental Services, LLC, 103 S. Spring St., Bellefonte, PA 16823, on behalf of Henry Kudla, 2733 South Park Rd., Bethel Park, PA 15102, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the site-specific standards and was approved on September 3, 2020.

**Former Watkins Market**, Primary Facility ID # 65-12005, 427 Route 271, Ligonier, PA 15658, Ligonier Township, **Westmoreland County**. CORE Environmental Services Inc., 3960 William Flinn Hwy., Ste. 100, Allison Park, PA 15101, on behalf of Lynn J Watkins, 427 Route 271, Ligonier, PA 15658, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the site-specific standards and was approved on September 9, 2020.

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**SPECIAL NOTICES**


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**RADIATION PROTECTION**


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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania.**


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In the month of August 2020, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon related activities in Pennsylvania. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Joseph Liotta	1589 Chalk Ave. Blue Bell, PA 19422	Testing/Mitigation
Joseph Schwab	3 Vellan Drive Bear, DE 17901	Testing
Wanderson Silva	81 Balmoral Lane Martinsburg, WV 25404	Testing
Jim Kotz	405 Carbondale Road Clarks Summit, PA 18411	Mitigation
Jeffrey Biondo	443 Second Street Blakely, PA 18447	Testing
Shawn Fennell	3 Glen Falls Path Sparks-Glencoe, MD 21152	Testing
Roger Baker	1564 Dry Hollow Road Warriors Mark, PA 16877	Testing
Jeffrey Hunt	207 Kirkbrae Road Kennett Square, PA 19348	Testing
Ralph D'Angelo	474 Burnley Lane Drexel Hill, PA 19026	Testing
David Murdick	127 S. Woodlawn Road Butler, PA 16001	Testing
Brad Langenbacher	504 Reber Street Shoemakersville, PA 19555	Testing
Kevin Kenny	47 Cook Road Duncannon, PA 17020	Testing
Jesse Prussia	154 Wimmers Road Jefferson Township, PA 18436	Testing
Randolph Payne	5333 Spring Valley Drive Pittsburgh, PA 15236	Testing
Shawn Haney	320 Walnut Street Wrightsville, PA 17368	Testing
Stephen Murphy	104 Great Oak Drive Lincoln University, PA 19352	Testing
Precise Inspecting LLC	2105 West Ridge Road Lancaster, PA 17603	Testing
Terrance Best	65 Johnson Street Pittston, PA 18640	Testing
A-1 Realty Services, Inc	P.O. Box 179 Kutztown, PA 19530	Testing
John Fleenor	312 Gist Street Pittsburgh, PA 15219	Testing
Stephen Morris	1148 Meadowbrook Drive Cannonsburg, PA 15317	Testing

[Pa.B. Doc. No. 20-1315. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OOGM 19-3, Cleaning Out and Plugging One Abandoned Well, Mill Creek Township, Lycoming County.** The principal items of work and approximate quantities include the following: prepare and restore well site; mobilize and demobilize plugging equipment; and clean out and plug one abandoned well, estimated to be up to 6,854 feet in depth, to the Department of Environmental Protection (Department) specifications.

This bid issues on October 2, 2020, and bids will be opened on October 29, 2020, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to [www.BidExpress.com](http://www.BidExpress.com). Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1316. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft Water Quality Assessment Methodology; Available for Public Comment

The Department of Environmental Protection (Department) is requesting public comment for a draft addition to the Assessment and Listing Methodology (assessment methodology) for the 2022 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). Sections 303(d), 305(b) and 314 of the Federal Clean Water Act (33 U.S.C.A. §§ 1313(d), 1315(b) and 1324) require states to report on the condition of all surface waters in the biennial Integrated Report. The methodology referred to in this public notice will be used, when finalized, to assess the quality of the waters in this Commonwealth under this legal mandate.

The assessment methodology is a compilation of multiple methods used to assess waters that may appear in the Integrated Report. For the 2022 Integrated Report, the assessment methodology is being updated to reflect a newly developed methodology.

The Department will accept comments on the new draft Stream Fish Assemblage Assessment Method. The Department will consider all comments regarding the data analysis protocols contained in this draft methodology.

The draft methodology is available online at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). For questions, contact the Department of Environmental Protection, Bureau of Clean Water, Water Quality Division, P.O. Box 8774, Harrisburg, PA 17105-8774 or (717) 787-9637.

Interested persons may submit written comments on this draft water quality assessment methodology by Monday, November 9, 2020. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's

name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Assessment Methodology" as the subject line of written communication.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Gary Walters at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5894 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1317. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Laboratory Accreditation Advisory Committee Rescheduled Meeting

The meeting of the Laboratory Accreditation Advisory Committee (Committee) scheduled for Thursday, October 1, 2020, has been rescheduled to Tuesday, December 1, 2020. The December meeting will be held as a virtual meeting and will begin at 9 a.m. Individuals who wish to join the meeting may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Annmarie Beach at [anbeach@pa.gov](mailto:anbeach@pa.gov) or (717) 346-7200.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Lab Accreditation Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 1, 2020, meeting can be directed to Annmarie Beach at [anbeach@pa.gov](mailto:anbeach@pa.gov) or (717) 346-7200.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Annmarie Beach at (717) 346-7200 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.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1318. Filed for public inspection September 25, 2020, 9:00 a.m.]



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Mining and Reclamation Advisory Board; Regulation, Legislation and Technical Committee Virtual Meetings**

The Regulation, Legislation and Technical Committee (Committee) of the Mining and Reclamation Advisory Board (Board) has scheduled two virtual meetings. The first will begin at 1 p.m. on Thursday, October 15, 2020. The second virtual meeting is scheduled to begin at 8:30 a.m. on Thursday, October 22, 2020, prior to the full Board's quarterly meeting. Individuals who wish to join these meetings may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meetings must sign up prior to the start of the meetings by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meetings, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Mining and Reclamation Advisory Board," then "2020").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 15, 2020, or the October 22, 2020, Committee meetings can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 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.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1319. Filed for public inspection September 25, 2020, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Nutrient Credit Trading Program; Certification Amendment Request**

The Department of Environmental Protection (Department) provides notice of the following certification amend-

ment request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

*Credit Certification Amendment Request*

The following request is being reviewed by the Department.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
Lycoming County Conservation District on behalf of Nancy Jarrett (Lycoming County)	This certification amendment request involves updates to the farm name (from Jarrett to Lost Brook Farm) and field data (addition of poultry manure application and cover crops) for nutrient reduction credits to be generated from continuous no-till, cover crops and conservation tillage.

*Written Comments*

The Department will accept written comments on these proposed pollutant reduction activities for 30 days. The Department must receive comments on this request for credit certification no later than Monday, October 26, 2020. Commentators can view materials and are encouraged to submit comments using the Department's eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can also be sent by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "LCCD" as the subject line in written communication.

For further information about this request or the Trading Program, contact the Department of Environmental Protection, Division of Operations, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774, RA-EPPANutrientTrad@pa.gov, (717) 787-6744 or visit the Department's web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1320. Filed for public inspection September 25, 2020, 9:00 a.m.]

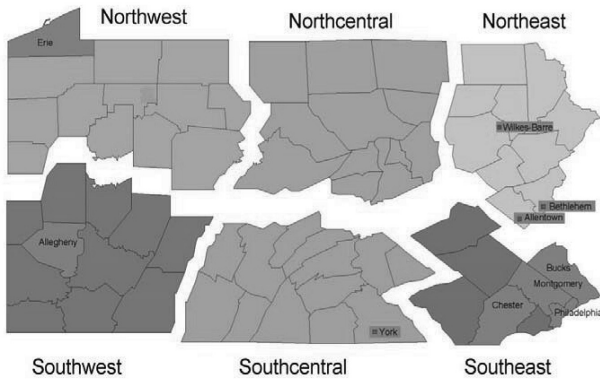
**DEPARTMENT OF HEALTH**

**Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Virtual Public Meeting**

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A.

§§ 241(a) and 247b), will hold a COVID-19 and HIV virtual listening session on Wednesday, October 14, 2020, from 4 p.m. to 5 p.m. This virtual meeting will be held for those interested stakeholders who live in the Northwest, Northcentral and Southwest regions of the Commonwealth.

The following map provides a regional breakdown of the State:



Participants can access the meeting through the following options:

To join Skype meeting:

1. To join by computer, access the link <https://meet.lync.com/pitt/bra25/00Z3119C>. Individuals who have a camera and microphone on their computer need to do nothing further.

2. Individuals who need to connect by phone should dial one of the following numbers, and enter the meeting ID which is listed following the meeting toll numbers:

- a. Toll-free number: 866-588-4789
- b. Toll number: 1-412-648-8888

Meeting ID (to join by phone): 17602041#

Individuals having trouble connecting to the meeting should contact Brian Adams at [brian.adams@pitt.edu](mailto:brian.adams@pitt.edu).

For additional information, or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Kyle Fait, Planning Coordinator, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 260-8929, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department reserves the right to cancel this meeting without prior notice.

RACHEL L. LEVINE, MD,  
*Secretary*

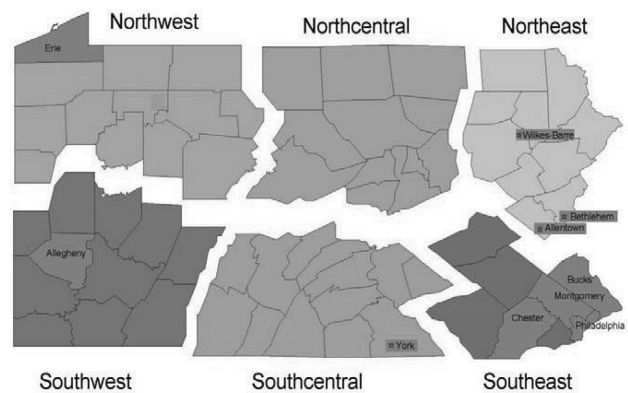
[Pa.B. Doc. No. 20-1321. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Virtual Public Meeting

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a COVID-19 and HIV virtual listening session on Wednesday, October 21, 2020, from 4 p.m. to 5 p.m. This virtual meeting will be held for those interested stakeholders who live in the Southcentral and Northeast regions of the Commonwealth.

The following map provides a regional breakdown of the State:



Participants can access the meeting through the following options:

To join Skype meeting:

1. To join by computer, access the link <https://meet.lync.com/pitt/bra25/6433Q5T5>. Individuals who have a camera and microphone on their computer need to do nothing further.

2. Individuals who need to connect by phone should dial one of the following numbers, and enter the meeting ID which is listed following the meeting toll numbers:

- a. Toll-free number: 866-588-4789
- b. Toll number: 1-412-648-8888

Meeting ID (to join by phone): 110094153#

Individuals having trouble connecting to the meeting should contact Brian Adams at [brian.adams@pitt.edu](mailto:brian.adams@pitt.edu).

For additional information, or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Kyle Fait, Planning Coordinator, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 260-8929, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department reserves the right to cancel this meeting without prior notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-1322. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

#### Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Population Ranges</i>	<i>Geography</i>	<i>Square footage</i>	<i>Peer Group</i>
0—69,999	Remote Rural	0—999 sq./ft.	5
70,000—124,999	Rural	1,000—4,999 sq./ft.	4
125,000—249,999	Slightly Urban	5,000—9,999 sq./ft.	3
250,000—499,999	Urban	10,000—19,999 sq./ft.	2
500,000—999,999	Metro Market Edge	20,000—999,999 sq./ft.	1
1,000,000+	Metro Market Center		
		<i>Weighting</i>	Geography: 30%
<i># of cash registers</i>	<i>Peer group</i>		Registers: 30%
0-1, 2—4, 5—9, 10—19, 20+	5, 4, 3, 2, 1		Square footage: 40%

#### Competitive Prices for Peer Group 1 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participants) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 1 Stores.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, October 1, 2020, through December 31, 2020, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	1	\$3.65
Brown Rice	1	\$2.17
Canned Beans	1	\$1.19
Cereal (per oz.)	1	\$0.29
Cheese—16 oz.	1	\$6.30
Cheese—Kosher—16 oz.	1	\$11.39
Dry Beans/Peas	1	\$2.05
Fresh Shell Eggs	1	\$1.70
Infant Cereal	1	\$2.80
Infant Fruits	1	\$0.94
Infant Meats	1	\$1.22
Infant Vegetables	1	\$0.95
Juice 11.5/12 oz.	1	\$2.46
Juice 48 oz.	1	\$3.74
Juice 64 oz.	1	\$3.77
Light Tuna 5 oz.	1	\$1.25
Milk—Kosher—Low Fat 1/2 gallon	1	\$4.69
Milk—Low Fat 1/2 gallon	1	\$2.47
Milk—Whole—Kosher 1/2 gallon	1	\$4.69
Milk—Whole 1/2 gallon	1	\$2.65
Oats	1	\$1.63
Peanut Butter	1	\$3.07
Salmon 6 oz.	1	\$2.88
Sardines 3.75 oz.	1	\$1.32



<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Similac Adv Conc 13 oz.	1	\$7.22
Similac Adv Pwd 12.4 oz.	1	\$21.64
Similac Isomil Conc 13 oz.	1	\$7.08
Similac Isomil Pwd 12.4 oz.	1	\$22.60
Tortilla	1	\$2.94
Whole Wheat Pasta	1	\$1.48

### Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2020, through December 31, 2020, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	2	\$3.78
Brown Rice	2	\$2.24
Canned Beans	2	\$1.26
Cereal (per oz.)	2	\$0.32
Cheese—16 oz.	2	\$6.43
Cheese—Kosher—16 oz.	2	\$12.72
Dry Beans/Peas	2	\$2.11
Fresh Shell Eggs	2	\$1.70
Infant Cereal	2	\$2.88
Infant Fruits	2	\$0.94
Infant Meats	2	\$1.32
Infant Vegetables	2	\$0.94
Juice 11.5/12 oz.	2	\$2.45
Juice 48 oz.	2	\$3.86
Juice 64 oz.	2	\$4.03
Light Tuna 5 oz.	2	\$1.25
Milk—Kosher—Low Fat 1/2 gallon	2	\$4.00
Milk—Low Fat 1/2 gallon	2	\$2.50
Milk—Whole—Kosher 1/2 gallon	2	\$3.91
Milk—Whole 1/2 gallon	2	\$2.68
Oats	2	\$2.03
Peanut Butter	2	\$3.08
Salmon 6 oz.	2	\$3.12
Sardines 3.75 oz.	2	\$1.32
Similac Adv Conc 13 oz.	2	\$7.49
Similac Adv Pwd 12.4 oz.	2	\$21.55
Similac Isomil Conc 13 oz.	2	\$8.15
Similac Isomil Pwd 12.4 oz.	2	\$22.37
Tortilla	2	\$2.95
Whole Wheat Pasta	2	\$1.55

**Competitive Prices for Peer Group 3 Stores**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2020, through December 31, 2020, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	3	\$3.82
Brown Rice	3	\$2.32
Canned Beans	3	\$1.32
Cereal (per oz.)	3	\$0.32
Cheese—16 oz.	3	\$6.90
Cheese—Kosher—16 oz.	3	\$9.67
Dry Beans/Peas	3	\$2.17
Fresh Shell Eggs	3	\$1.88
Infant Cereal	3	\$2.96
Infant Fruits	3	\$1.03
Infant Meats	3	\$1.32
Infant Vegetables	3	\$1.00
Juice 11.5/12 oz.	3	\$2.86
Juice 48 oz.	3	\$4.06
Juice 64 oz.	3	\$4.15
Light Tuna 5 oz.	3	\$1.45
Milk—Kosher—Low Fat 1/2 gallon	3	\$4.01
Milk—Low Fat 1/2 gallon	3	\$2.51
Milk—Whole—Kosher 1/2 gallon	3	\$4.02
Milk—Whole 1/2 gallon	3	\$2.70
Oats	3	\$1.96
Peanut Butter	3	\$3.35
Salmon 6 oz.	3	\$3.18
Sardines 3.75 oz.	3	\$1.32
Similac Adv Conc 13 oz.	3	\$7.46
Similac Adv Pwd 12.4 oz.	3	\$23.02
Similac Isomil Conc 13 oz.	3	\$8.16
Similac Isomil Pwd 12.4 oz.	3	\$23.12
Tortilla	3	\$2.93
Whole Wheat Pasta	3	\$1.56

**Competitive Prices for Peer Group 4 Stores**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2020, through December 31, 2020, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	4	\$4.40
Brown Rice	4	\$2.57
Canned Beans	4	\$1.57
Cereal (per oz.)	4	\$0.41

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Cheese—16 oz.	4	\$7.91
Cheese—Kosher—16 oz.	4	\$11.00
Dry Beans/Peas	4	\$2.38
Fresh Shell Eggs	4	\$2.69
Infant Cereal	4	\$3.84
Infant Fruits	4	\$1.22
Infant Meats	4	\$1.58
Infant Vegetables	4	\$1.36
Juice 11.5/12 oz.	4	\$3.58
Juice 48 oz.	4	\$4.46
Juice 64 oz.	4	\$5.10
Light Tuna 5 oz.	4	\$1.60
Milk—Kosher—Low Fat 1/2 gallon	4	\$4.02
Milk—Low Fat 1/2 gallon	4	\$2.89
Milk—Whole—Kosher 1/2 gallon	4	\$4.02
Milk—Whole 1/2 gallon	4	\$3.01
Oats	4	\$2.99
Peanut Butter	4	\$4.07
Salmon 6 oz.	4	\$3.36
Sardines 3.75 oz.	4	\$2.18
Similac Adv Conc 13 oz.	4	\$7.82
Similac Adv Pwd 12.4 oz.	4	\$24.77
Similac Isomil Conc 13 oz.	4	\$8.34
Similac Isomil Pwd 12.4 oz.	4	\$24.06
Tortilla	4	\$3.23
Whole Wheat Pasta	4	\$1.90

#### Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2020, through December 31, 2020, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	5	\$4.67
Brown Rice	5	\$3.89
Canned Beans	5	\$1.98
Cereal (per oz.)	5	\$0.44
Cheese—16 oz.	5	\$9.49
Cheese—Kosher—16 oz.	5	\$10.06
Dry Beans/Peas	5	\$2.54
Fresh Shell Eggs	5	\$3.74
Infant Cereal	5	\$3.92
Infant Fruits	5	\$1.39
Infant Meats	5	\$1.68
Infant Vegetables	5	\$1.50
Juice 11.5/12 oz.	5	\$3.72
Juice 48 oz.	5	\$4.81
Juice 64 oz.	5	\$5.75



<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Light Tuna 5 oz.	5	\$1.85
Milk—Kosher—Low Fat 1/2 gallon	5	\$4.02
Milk—Low Fat 1/2 gallon	5	\$3.73
Milk—Whole—Kosher 1/2 gallon	5	\$4.08
Milk—Whole 1/2 gallon	5	\$3.68
Oats	5	\$3.19
Peanut Butter	5	\$4.70
Salmon 6 oz.	5	\$3.48
Sardines 3.75 oz.	5	\$2.18
Similac Adv Conc 13 oz.	5	\$8.84
Similac Adv Pwd 12.4 oz.	5	\$25.85
Similac Isomil Conc 13 oz.	5	\$8.63
Similac Isomil Pwd 12.4 oz.	5	\$25.52
Tortilla	5	\$3.58
Whole Wheat Pasta	5	\$3.19

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-1323. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Hospital Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2019-2020 disproportionate share hospital payments to qualifying acute care general hospitals that provide enhanced access to multiple types of medical care in economically distressed areas. The Department is not changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 50 Pa.B. 2141 (April 18, 2020). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2019-2020 impact, as a result of the funding allocation for these payments, is \$149.135 million (\$61.965 million in State general funds and \$87.170 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1406. (1) General Fund; (2) Implementing Year 2019-20 is \$61,965,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; 2016-17 Program—

\$450,970,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 20-1324. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share and Supplemental Hospital Payments

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2020-2021 inpatient disproportionate share hospital (DSH) payments to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals and qualifying psychiatric and rehabilitation units of acute care general hospitals, outpatient supplemental payments to qualifying inpatient acute care general hospitals, direct medical education payments to qualifying inpatient acute care general hospitals and certain DSH and supplemental payments to new hospitals.

The Department is not otherwise changing the State Plan provisions addressing the qualifying criteria or payment methodology for these payments. All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The amount of funding available for this program is dependent upon the funds appropriated by the General

Assembly for the entire FY 2020-2021 and is expected to be \$258.729 million (\$110.730 million in State funds and \$147.999 million in Federal funds). Therefore, the fiscal impact stated in this notice is reflective of funding for the full 12 months.

*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. The Department will review and consider comments received within 30 days in determining the final payment methodology for these 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).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1409. (1) General Fund; (2) Implementing Year 2020-21 is \$110,730,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. The fiscal impact reflects costs associated with the program for 12 months. Thus, funds will need to be appropriated in the final budget to cover the total estimated.

[Pa.B. Doc. No. 20-1325. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Human Services (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

#### *A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2019, through June 30, 2020, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2019, to June 30, 2020, disproportionate share payment percentages:

ALBERT EINSTEIN MEDICAL CENTER	4.92%
ALFRED I. DUPONT HOSPITAL FOR CHILDREN	7.64%
BARNES KASSON HOSPITAL	1.43%
BRADFORD REGIONAL MEDICAL CENTER	10.00%
CHILDREN'S HOSPITAL OF PHILADELPHIA	7.19%
CROZER CHESTER MEDICAL CENTER	3.10%
DELAWARE COUNTY MEMORIAL HOSPITAL	2.18%
GEISINGER MEDICAL CENTER	6.84%
GUTHRIE TOWANDA MEMORIAL HOSPITAL	3.36%
HAHNEMANN UNIVERSITY HOSPITAL	4.52%
HIGHLANDS HOSPITAL	4.56%
KENSINGTON HOSPITAL	14.00%
LEHIGH VALLEY HOSPITAL SCHUYLKILL	6.68%
MERCY CATHOLIC MEDICAL CENTER	2.69%
MERCY CATHOLIC MEDICAL CENTER	5.19%
MILLCREEK COMMUNITY HOSPITAL	5.00%
PENN HIGHLANDS DUBOIS	9.00%
PENN HIGHLANDS HUNTINGTON	4.18%
PENN PRESBYTERIAN MEDICAL CENTER	2.88%
PENNSYLVANIA HOSPITAL	3.66%
ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	15.00%
SUNBURY COMMUNITY HOSPITAL	6.26%
TEMPLE UNIVERSITY HOSPITAL	6.66%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	2.60%
TITUSVILLE HOSPITAL	2.84%
TROY COMMUNITY HOSPITAL	3.98%
UNIONTOWN HOSPITAL	1.84%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	3.13%
UPMC BEDFORD MEMORIAL	2.96%
UPMC CHILDREN'S HOSPITAL OF PITTSBURGH	9.14%
UPMC COLE	1.00%
UPMC LOCK HAVEN	3.16%
UPMC MAGEE WOMEN'S HOSPITAL	5.55%
UPMC MERCY	1.65%
UPMC PRESBYTERIAN SHADYSIDE	2.48%
UPMC WELLSBORO	8.75%
UPMC WILLIAMSPORT	5.54%
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	5.05%
WEST VIRGINIA UNIVERSITY HOSPITAL	5.76%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.37%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	2.44%
<i>Psychiatric Units of Inpatient Hospitals</i>	
ALBERT EINSTEIN MEDICAL CENTER	2.97%

BRADFORD REGIONAL MEDICAL CENTER	2.81%	FAIRMOUNT BEHAVIORAL HEALTH SYSTEM	4.70%
CROZER CHESTER MEDICAL CENTER	2.02%	FIRST HOSPITAL WYOMING VALLEY	4.73%
EAGLEVILLE HOSPITAL	1.74%	FOUNDATIONS BEHAVIORAL HEALTH	5.27%
GEISINGER MEDICAL CENTER	2.06%	FRIENDS BEHAVIORAL HEALTH SYSTEM	4.01%
GIRARD MEDICAL CENTER	2.98%	HORSHAM CLINIC	4.15%
HAHNEMANN UNIVERSITY HOSPITAL	2.76%	KIDSPEACE HOSPITAL	7.48%
HIGHLANDS HOSPITAL	2.78%	MEADOWS PSYCHIATRIC CENTER	5.95%
LEHIGH VALLEY HOSPITAL SCHUYLKILL	2.03%	MONTGOMERY COUNTY EMERGENCY SERVICES	4.90%
MERCY CATHOLIC MEDICAL CENTER	1.80%	ROXBURY PSYCHIATRIC HOSPITAL	1.00%
MERCY CATHOLIC MEDICAL CENTER	3.11%	SOUTHWOOD PSYCHIATRIC HOSPITAL	9.00%
MILLCREEK COMMUNITY HOSPITAL	3.02%	WELLSPAN PHILHAVEN	4.04%
PENN HIGHLANDS DUBOIS	2.52%	<i>Private Drug and Alcohol Hospitals</i>	
PENN HIGHLANDS HUNTINGTON	1.63%	EAGLEVILLE HOSPITAL	1.72%
PENN PRESBYTERIAN MEDICAL CENTER	1.90%	<i>B. Additional Disproportionate Share Payments</i>	
PENNSYLVANIA HOSPITAL	2.31%	Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to Title XIX beneficiaries 21 years of age or older but under 65 years of age, who have been determined to be low income by meeting the income and resource standards for the Commonwealth's MA Program. The payment adjustments are paid directly proportional to the payment received for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.	
SUNBURY COMMUNITY HOSPITAL	1.94%	The following hospitals are eligible for this payment adjustment:	
TEMPLE UNIVERSITY HOSPITAL	3.89%	<i>Acute Care General Hospitals</i>	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.75%	ABINGTON MEMORIAL HOSPITAL	
UPMC MERCY	1.26%	ALBERT EINSTEIN MEDICAL CENTER	
UPMC PRESBYTERIAN SHADYSIDE	1.69%	ALFRED I. DUPONT HOSPITAL FOR CHILDREN	
UPMC WILLIAMSPORT	3.30%	ALLE KISKI MEDICAL CENTER	
<i>Drug and Alcohol Units of Acute Care Hospitals</i>		AMERICAN ONCOLOGIC HOSPITAL	
PENN PRESBYTERIAN MEDICAL CENTER	1.95%	ARIA HEALTH HOSPITAL	
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	3.63%	ARMSTRONG COUNTY MEMORIAL HOSPITAL	
<i>Medical Rehabilitation Units of Acute Care Hospitals</i>		BARNES KASSON HOSPITAL	
ALBERT EINSTEIN MEDICAL CENTER	3.53%	BERWICK HOSPITAL CENTER	
ALFRED I. DUPONT HOSPITAL FOR CHILDREN	5.65%	BRADFORD REGIONAL MEDICAL CENTER	
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.29%	BRANDYWINE HOSPITAL	
CROZER CHESTER MEDICAL CENTER	2.12%	BRYN MAWR HOSPITAL	
DELAWARE COUNTY MEMORIAL HOSPITAL	1.41%	BUCKTAIL MEDICAL CENTER	
MERCY CATHOLIC MEDICAL CENTER	1.80%	BUTLER MEMORIAL HOSPITAL	
PENN HIGHLANDS DUBOIS	2.87%	CANONSBURG GENERAL HOSPITAL	
TEMPLE UNIVERSITY HOSPITAL	4.88%	CHAMBERSBURG HOSPITAL	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.73%	CHESTER COUNTY HOSPITAL	
UNIVERSITY OF PENNSYLVANIA HOSPITAL	2.14%	CHESTNUT HILL HOSPITAL	
UPMC MERCY	1.00%	CHILDREN'S HOSPITAL OF PHILADELPHIA	
UPMC PRESBYTERIAN SHADYSIDE	1.64%	CLARION HOSPITAL	
<i>Freestanding Rehabilitation Hospitals</i>		CONEMAUGH MEMORIAL MEDICAL CENTER	
CHILDREN'S HOME OF PITTSBURGH	10.00%	CONEMAUGH MEYERSDALE MEDICAL CENTER	
<i>Private Psychiatric Hospitals</i>		CONEMAUGH MINERS MEDICAL CENTER	
BELMONT BEHAVIORAL HOSPITAL	3.97%		
BROOKE GLEN BEHAVIORAL HOSPITAL	3.09%		
CLARION PSYCHIATRIC CENTER	5.81%		
DEVEREUX CHILDREN'S BEHAVIORAL HEALTH CENTER	10.00%		



CONEMAUGH NASON MEDICAL CENTER  
CORRY MEMORIAL HOSPITAL  
CROZER CHESTER MEDICAL CENTER  
DELAWARE COUNTY MEMORIAL HOSPITAL  
DOYLESTOWN HOSPITAL  
EASTON HOSPITAL  
EINSTEIN MEDICAL CENTER MONTGOMERY  
ELLWOOD MEDICAL CENTER  
ENDLESS MOUNTAINS HEALTH SYSTEM  
EVANGELICAL COMMUNITY HOSPITAL  
FRICK HOSPITAL  
FULTON COUNTY MEDICAL CENTER  
GEISINGER BLOOMSBURG HOSPITAL  
GEISINGER COMMUNITY MEDICAL CENTER  
GEISINGER JERSEY SHORE HOSPITAL  
GEISINGER LEWISTOWN HOSPITAL  
GEISINGER MEDICAL CENTER  
GEISINGER WYOMING VALLEY MEDICAL CENTER  
GOOD SAMARITAN HOSPITAL  
GRAND VIEW HOSPITAL  
GROVE CITY MEDICAL CENTER  
GUTHRIE TOWANDA MEMORIAL HOSPITAL  
HAHNEMANN UNIVERSITY HOSPITAL  
HERITAGE VALLEY BEAVER  
HERITAGE VALLEY KENNEDY  
HERITAGE VALLEY SEWICKLEY  
HIGHLANDS HOSPITAL  
HOLY REDEEMER HOSPITAL  
HOLY SPIRIT HOSPITAL  
INDIANA REGIONAL MEDICAL CENTER  
JEFFERSON REGIONAL MEDICAL CENTER  
JENNERVILLE HOSPITAL  
KENSINGTON HOSPITAL  
LANCASTER GENERAL HOSPITAL  
LANSDALE HOSPITAL  
LATROBE AREA HOSPITAL  
LEHIGH VALLEY HOSPITAL  
LEHIGH VALLEY HOSPITAL COORDINATED HEALTH ALLENTOWN  
LEHIGH VALLEY HOSPITAL COORDINATED HEALTH BETHLEHEM  
LEHIGH VALLEY HOSPITAL HAZLETON  
LEHIGH VALLEY HOSPITAL POCONO  
LEHIGH VALLEY HOSPITAL SCHUYLKILL  
MAIN LINE HOSPITAL LANKENAU  
MEADVILLE MEDICAL CENTER  
MERCY CATHOLIC MEDICAL CENTER  
MILLCREEK COMMUNITY HOSPITAL  
MILTON S. HERSHEY MEDICAL CENTER  
MONONGAHELA VALLEY HOSPITAL  
MOSES TAYLOR HOSPITAL  
MOUNT NITTANY MEDICAL CENTER  
NAZARETH HOSPITAL  
PAM SPECIALTY HOSPITAL OF WILKES BARRE  
PAOLI MEMORIAL HOSPITAL  
PENN HIGHLANDS BROOKVILLE  
PENN HIGHLANDS CLEARFIELD  
PENN HIGHLANDS DUBOIS  
PENN HIGHLANDS ELK  
PENN HIGHLANDS HUNTINGTON  
PENN PRESBYTERIAN MEDICAL CENTER  
PENNSYLVANIA HOSPITAL  
PHOENIXVILLE HOSPITAL  
PHYSICIANS CARE SURGICAL HOSPITAL  
POTTSTOWN HOSPITAL  
PUNXSUTAWNEY AREA HOSPITAL  
PRIME HEALTHCARE SERVICES LOWER BUCKS  
PRIME HEALTHCARE SERVICES ROXBOROUGH  
READING HOSPITAL  
REGIONAL HOSPITAL OF SCRANTON  
RIDDLE MEMORIAL HOSPITAL  
ROBERT PACKER HOSPITAL  
SAINT VINCENT HEALTH CENTER  
SHARON REGIONAL MEDICAL CENTER  
SHRINERS HOSPITALS FOR CHILDREN  
ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN  
ST. CLAIR MEMORIAL HOSPITAL  
ST. JOSEPH REGIONAL HEALTH NETWORK  
ST. LUKE'S HOSPITAL ANDERSON  
ST. LUKE'S HOSPITAL OF BETHLEHEM  
ST. LUKE'S HOSPITAL GNADEN HUETTEN  
ST. LUKE'S MINERS MEMORIAL HOSPITAL  
ST. LUKE'S HOSPITAL MONROE  
ST. LUKE'S HOSPITAL QUAKERTOWN  
ST. LUKE'S SACRED HEART  
ST. MARY MEDICAL CENTER  
SUBURBAN COMMUNITY HOSPITAL  
SUNBURY COMMUNITY HOSPITAL  
SURGERY CENTER AT EDGEWOOD PLACE  
TEMPLE UNIVERSITY HOSPITAL  
THOMAS JEFFERSON UNIVERSITY HOSPITAL  
TITUSVILLE HOSPITAL  
TROY COMMUNITY HOSPITAL  
TYLER MEMORIAL HOSPITAL  
TYRONE HOSPITAL  
UNIONTOWN HOSPITAL  
UNIVERSITY OF PENNSYLVANIA HOSPITAL  
UPMC ALTOONA  
UPMC BEDFORD MEMORIAL

UPMC CARLISLE  
 UPMC CHILDREN'S HOSPITAL OF PITTSBURGH  
 UPMC COLE  
 UPMC EAST  
 UPMC HAMOT  
 UPMC HANOVER  
 UPMC HORIZON  
 UPMC JAMESON  
 UPMC KANE  
 UPMC LITITZ  
 UPMC LOCKHAVEN  
 UPMC MAGEE WOMEN'S HOSPITAL  
 UPMC MCKEESPORT  
 UPMC MEMORIAL  
 UPMC MERCY  
 UPMC MUNCY  
 UPMC NORTHWEST  
 UPMC PASSAVANT HOSPITAL  
 UPMC PINNECALE HOSPITALS  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC SOMERSET  
 UPMC ST. MARGARET  
 UPMC WELLSBORO  
 UPMC WILLIAMSPORT  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HEALTH SYSTEM GREENE  
 WASHINGTON HOSPITAL  
 WAYNE MEMORIAL HOSPITAL  
 WAYNESBORO HOSPITAL  
 WELLSPAN EPHRATA COMMUNITY HOSPITAL  
 WELLSPAN GETTYSBURG HOSPITAL  
 WELLSPAN SURGERY AND REHABILITATION HOSPITAL  
 WEST VIRGINIA UNIVERSITY HOSPITALS  
 WESTMORELAND REGIONAL HOSPITAL  
 WILKES BARRE GENERAL HOSPITAL  
 WILLS EYE HOSPITAL  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL  
*Psychiatric Units of Inpatient Hospitals*  
 ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ALLE KISKI MEDICAL CENTER  
 ARMSTRONG COUNTY MEMORIAL HOSPITAL  
 BERWICK HOSPITAL CENTER  
 BRADFORD REGIONAL MEDICAL CENTER  
 BRANDYWINE HOSPITAL

BRYN MAWR HOSPITAL  
 BUTLER MEMORIAL HOSPITAL  
 CHAMBERSBURG HOSPITAL  
 CONEMAUGH MEMORIAL MEDICAL CENTER  
 CROZER CHESTER MEDICAL CENTER  
 EAGLEVILLE HOSPITAL  
 GEISINGER BLOOMSBURG HOSPITAL  
 GEISINGER COMMUNITY MEDICAL CENTER  
 GEISINGER LEWISTOWN HOSPITAL  
 GEISINGER MEDICAL CENTER  
 GIRARD MEDICAL CENTER  
 HAHNEMANN UNIVERSITY HOSPITAL  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 HERITAGE VALLEY KENNEDY  
 HIGHLANDS HOSPITAL  
 HOLY SPIRIT HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 JEFFERSON REGIONAL MEDICAL CENTER  
 LANCASTER GENERAL HOSPITAL  
 LATROBE AREA HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LEHIGH VALLEY HOSPITAL POCONO  
 LEHIGH VALLEY HOSPITAL SCHUYLKILL  
 MEADVILLE MEDICAL CENTER  
 MERCY CATHOLIC MEDICAL CENTER  
 MILLCREEK COMMUNITY HOSPITAL  
 MONONGAHELA VALLEY HOSPITAL  
 MOSES TAYLOR HOSPITAL  
 MOUNT NITTANY MEDICAL CENTER  
 PENN HIGHLANDS CLEARFIELD  
 PENN HIGHLANDS DUBOIS  
 PENN HIGHLANDS ELK  
 PENN HIGHLANDS HUNTINGTON  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENNSYLVANIA HOSPITAL  
 POTTSTOWN HOSPITAL  
 PRIME HEALTHCARE SERVICES LOWER BUCKS  
 READING HOSPITAL  
 ROBERT PACKER HOSPITAL  
 SAINT VINCENT HEALTH CENTER  
 SHARON REGIONAL MEDICAL CENTER  
 ST. CLAIR MEMORIAL HOSPITAL  
 ST. LUKE'S HOSPITAL OF BETHLEHEM  
 ST. LUKE'S HOSPITAL GNADEN HUETTEN  
 ST. LUKE'S HOSPITAL QUAKERTOWN  
 ST. LUKE'S HOSPITAL SACRED HEART  
 SUNBURY COMMUNITY HOSPITAL  
 TEMPLE UNIVERSITY HOSPITAL

THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 UPMC ALTOONA  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC SOMERSET  
 UPMC WILLIAMSPORT  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HEALTH SYSTEM GREENE  
 WASHINGTON HOSPITAL  
 WELLSPAN EPHRATA COMMUNITY HOSPITAL  
 WESTMORELAND REGIONAL HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 YORK HOSPITAL

*Drug and Alcohol Units of Inpatient Hospitals*

BUTLER MEMORIAL HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 NPHS ST. JOSEPH'S HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL

*Medical Rehabilitation Units of Inpatient Hospitals*

ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ALFRED I. DUPONT HOSPITAL FOR CHILDREN  
 CANONSBURG GENERAL HOSPITAL  
 CHAMBERSBURG HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CONEMAUGH MEMORIAL MEDICAL CENTER  
 CROZER CHESTER MEDICAL CENTER  
 DELAWARE COUNTY MEMORIAL HOSPITAL  
 EASTON HOSPITAL  
 GEISINGER WYOMING VALLEY MEDICAL CENTER  
 GOOD SAMARITAN HOSPITAL  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 HERITAGE VALLEY KENNEDY  
 INDIANA REGIONAL MEDICAL CENTER  
 JEFFERSON REGIONAL MEDICAL CENTER  
 LEHIGH VALLEY HOSPITAL HAZLETON  
 MERCY CATHOLIC MEDICAL CENTER  
 MONONGAHELA VALLEY HOSPITAL  
 NAZARETH HOSPITAL  
 PENN HIGHLANDS DUBOIS  
 PHOENIXVILLE HOSPITAL  
 READING HOSPITAL  
 SAINT VINCENT HEALTH CENTER  
 ST. LUKE'S HOSPITAL GNADEN HUETTEN  
 ST. LUKE'S HOSPITAL OF BETHLEHEM

TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC CARLISLE  
 UPMC CHILDREN'S HOSPITAL OF PITTSBURGH  
 UPMC EAST  
 UPMC HORIZON  
 UPMC JAMESON  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PASSAVANT HOSPITAL  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC ST. MARGARET  
 UPMC WILLIAMSPORT  
 WASHINGTON HOSPITAL  
 WELLSPAN SURGERY AND REHABILITATION HOSPITAL  
 WESTMORELAND HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL

*Freestanding Rehabilitation Hospitals*

ALLIED SERVICES INSTITUTE OF REHABILITATION MEDICINE  
 CHILDREN'S HOME OF PITTSBURGH  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF ALTOONA  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF ERIE  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF HARMARVILLE  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF MECHANICSBURG  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF NITTANY VALLEY  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF READING  
 ENCOMPASS HEALTH REHABILITATION HOSPITAL OF YORK  
 GOOD SHEPHERD REHABILITATION HOSPITAL  
 JOHN HEINZ INSTITUTE  
 LANCASTER REHABILITATION HOSPITAL  
 MAGEE MEMORIAL HOSPITAL  
 ST. MARY REHABILITATION HOSPITAL

*Private Psychiatric Hospitals*

BELMONT BEHAVIORAL HOSPITAL  
 BROOKE GLEN BEHAVIORAL HOSPITAL  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX CHILDREN'S BEHAVIORAL HEALTH CENTER  
 FAIRMOUNT BEHAVIORAL HEALTH SYSTEM  
 FIRST HOSPITAL WYOMING VALLEY



FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS BEHAVIORAL HEALTH SYSTEM  
 HORSHAM CLINIC  
 KIDSPEACE HOSPITAL  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICES  
 PENNSYLVANIA PSYCHIATRIC INSTITUTE  
 ROXBURY PSYCHIATRIC HOSPITAL  
 SOUTHWOOD PSYCHIATRIC HOSPITAL  
 WELLSPAN PHILHAVEN

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P.L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ALFRED I. DUPONT HOSPITAL FOR CHILDREN  
 ARIA HEALTH HOSPITAL  
 BARNES KASSON HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CLARION HOSPITAL  
 CROZER CHESTER MEDICAL CENTER  
 DOYLESTOWN HOSPITAL  
 EAGLEVILLE HOSPITAL  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY HOSPITAL  
 FULTON COUNTY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GUTHRIE TOWANDA MEMORIAL HOSPITAL  
 HAHNEMANN UNIVERSITY HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 LEHIGH VALLEY HOSPITAL  
 LEHIGH VALLEY HOSPITAL HAZLETON  
 MAIN LINE HOSPITAL LANKENAU

MEADVILLE MEDICAL CENTER  
 MERCY CATHOLIC MEDICAL CENTER  
 MILTON S. HERSHEY MEDICAL CENTER  
 PENN HIGHLANDS CLEARFIELD  
 PENN HIGHLANDS DUBOIS  
 PENN HIGHLANDS HUNTINGTON  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENNSYLVANIA HOSPITAL  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL  
 ST. LUKE'S HOSPITAL OF BETHLEHEM  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 TITUSVILLE HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC ALTOONA  
 UPMC BEDFORD  
 UPMC COLE  
 UPMC HAMOT  
 UPMC JAMESON  
 UPMC LOCK HAVEN  
 UPMC MAGEE WOMEN'S HOSPITAL  
 UPMC MERCY  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC WELLSBORO  
 VALLEY FORGE MEDICAL CENTER & HOSPITAL  
 WAYNE MEMORIAL HOSPITAL  
 WEST VIRGINIA UNIVERSITY HOSPITAL  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments regarding these payments 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 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).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1408. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 20-1326. Filed for public inspection September 19, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Statewide Quality Care Assessment Program for Fiscal Year 2020-2021

The Department of Human Services (Department) is providing final notice of its adjustment to the assessment percentage rate under the Statewide Quality Care Assessment Program (Program) for Fiscal Year (FY) 2020-2021. The Department is not making any other changes to the Program.

The Department published notice of its intent to adjust the assessment percentage rate under the Program at 50 Pa.B. 3182 (June 27, 2020). During the 30-day comment period, the Department received a comment regarding the impact of the proposed rate reduction. While the assessment rate adjustment will reduce the collection of assessment revenue, the Department is making this adjustment because it anticipates a balance in the restricted account for FY 2020-2021, which would be subject to 62 P.S. § 805-G(b)(7). The Department will implement the change as described in the notice of intent.

#### *FYs 2021—2023 Assessment Rate and Estimated Impact on Hospitals*

For FY 2021-2022 and FY 2022-2023, the assessment percentage rate under the Program will return to 3.32% of the net inpatient revenue and 1.73% of the net outpatient revenue of the covered hospitals as established under the Human Services Code. The Department estimates the annual aggregate assessment fees for the nonexempt hospitals for FY 2021-2022 and FY 2022-2023 to total \$1,005.766 million.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1405. (1) General Fund; (2) Implementing Year 2020-21 is \$925,165,000; (3) 1st Succeeding Year 2021-22 through 2nd Succeeding Year 2022-23 are \$1,005,000,000; 3rd Succeeding Year 2023-24 through 5th Succeeding Year 2025-26 are \$0; (4) 2018-19 Program—N/A; 2017-18 Program—N/A; 2016-17 Program—N/A; (7) Various Appropriations; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 20-1327. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payment to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2019-2020 supplemental payments to qualifying acute care general hospitals that provide medical and surgical ocular services to Medical Assistance beneficiaries to ensure continued access to these critical eye related services. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 50 Pa.B. 1472 (March 7, 2020). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2019-2020 impact, as a result of the funding allocation for these payments, is \$3.640 million in total funds.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1403. (1) General Fund; (2) Implementing Year 2019-20 is \$1,021,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,609,000; 2016-17 Program—\$450,970,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 20-1328. Filed for public inspection September 25, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payment to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice to allocate funds for Fiscal Year (FY) 2019-2020 supplemental payments to qualifying acute care general hospitals that operate nursing school programs to promote their continued participation in the Medical Assistance (MA) Program. This payment promotes access to inpatient services for MA eligible persons by supporting the education and operations of the nursing school program, which will help to ensure the availability of health care professionals to treat the MA population.

The Department published notice of its intent to allocate funding for these payments at 50 Pa.B. 2143 (April 18, 2020). The Department received no comments during the 30-day comment period and will implement the additional class of supplemental payments to qualifying hospitals as described in the notice of intent.

#### *Fiscal Impact*

The FY 2019-2020 impact, as a result of the funding allocation for these payments, is \$18.000 million in total funds.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1404. (1) General Fund; (2) Implementing Year is \$4,923,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$0; (4) 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,609,000; 2016-17 Program—\$450,970,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 20-1329. Filed for public inspection September 25, 2020, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Multimodal Transportation Fund; Invitation to Submit Applications**

The Department of Transportation (Department) is providing notice to eligible applicants that it has begun and will continue to accept Multimodal Transportation Fund (MTF) applications for grants starting September 8, 2020, under 74 Pa.C.S. § 2105 (relating to project selection criteria), which establishes a competitive grant program for the MTF. The deadline for application submittal is November 6, 2020.

Additional information, guidelines and frequently asked questions can be obtained on the Department’s web site at [www.penndot.gov](http://www.penndot.gov) (select “Projects & Programs” then “Multimodal Program”).

Applications should be submitted electronically through the Department’s Sharepoint site at <https://sportal.dot.gov/Planning/AppReg/MTF/Pages/Home.aspx>.

Questions related to the MTF Program may be directed to David Bratina, PennDOT Office of Multimodal Transportation, 400 North Street, 8th Floor, Harrisburg, PA 17120, (717) 705-1230, RA-PDMultimodalFund@pa.gov.

**YASSMIN GRAMIAN,**  
*Secretary*

[Pa.B. Doc. No. 20-1330. Filed for public inspection September 25, 2020, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD**

**Meeting Cancellation**

The October 20, 2020, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, November 17, 2020. In accordance with Governor Tom Wolf’s emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Board’s November meeting will be held as a virtual meeting and will begin at 9 a.m. Individuals who wish to join the meeting may do so remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board’s webpage, found through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select “Public Participation,” then “Environmental Quality Board,” then “2020 Meetings”).

Individuals are encouraged to visit the Board’s webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 17, 2020, meeting can be directed to Laura Griffin at [laurgriffi@pa.gov](mailto:laurgriffi@pa.gov) or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 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.

**PATRICK McDONNELL,**  
*Chairperson*

[Pa.B. Doc. No. 20-1331. Filed for public inspection September 25, 2020, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission’s web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-542	Department of Human Services Child Care Facilities	9/14/20	10/15/20
<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
3-57	Department of Banking and Securities Repeal of Amendment of Assorted Chapters and Sections	9/10/20	10/15/20

**GEORGE D. BEDWICK,**  
*Chairperson*

[Pa.B. Doc. No. 20-1332. Filed for public inspection September 25, 2020, 9:00 a.m.]



## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Provider Partners Health Plan of Pennsylvania, Inc.

Care Partners, LLC, a Delaware limited liability company, has filed an application for approval to acquire control of Provider Partners Health Plan of Pennsylvania, Inc., a domestic health maintenance organization. The filing was received on September 1, 2020, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Steven L. Yerger, Company Licensing Division, Insurance Department, at syerger@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 20-1333. Filed for public inspection September 25, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2020-3021934. Columbia Gas of Pennsylvania, Inc.** Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to two residential premises located in Allegheny County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, October 13, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to Efile their submissions by opening an Efiling account—free of charge—through the Commission's web site and accepting Eservice.

*Applicant:* Columbia Gas of Pennsylvania, Inc.

*Through and By Counsel:* Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 20-1334. Filed for public inspection September 25, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by October 13, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2020-3021234. Transmart USA, LLC** (315 Market Street, Brilliant, Jefferson County, OH 43938) for the right to begin to transport, as a contract carrier for Access2Care, LLC and LogistiCare Solutions, LLC, between points in the Counties of Allegheny, Washington and Westmoreland.

**A-2020-3021554. Keon Enterprises, LLC** (5137 Devonshire Road, Suite E, Harrisburg, Dauphin County, PA 17112) in paratransit service, from points in the Counties of Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Montgomery, Perry and York, to points in Pennsylvania, and return.

**A-2020-3021808. Elite Luxury Transports, LLC** (525 North 11th Street, # 308, Philadelphia, PA 19123) in limousine service, between points in the Counties of Berks, Bucks, Chester, Delaware and Montgomery.

**A-2020-3021919. Care for You Transportation, LLC** (174 West Loudon Street, Philadelphia, Philadelphia County, PA 19120) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in the City and County of Philadelphia to points in the Counties of Allegheny, Bucks, Centre, Clearfield, Crawford, Cumberland, Delaware, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Lehigh, Lycoming, Luzerne, Mercer, Montgomery, Northumberland, Schuylkill, Somerset and Wayne, and return.

**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-2020-3020799. John C. and Anthony Gulotta** (2711 Egypt Road, Audubon, PA 19403) for the discontinuance of service and cancellation of its certificate, at A-00096510, as a common carrier, by motor vehicle, household goods in use, personal effects and property, and the like between points in the Borough of Norristown, Montgomery County, and within an airline distance of

60 statute miles of the limits thereof, provided that no right, power or privilege is granted to render service from points in the City and County of Philadelphia.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-1335. Filed for public inspection September 25, 2020, 9:00 a.m.]

(717) 550-1570, susan.marsh@amwater.com; Stacey K. McNeal, Esquire, Katherman & Perry, 345 East Market Street, York, PA 17482, (717) 854-5124, stacey@khlaw.us

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-1336. Filed for public inspection September 25, 2020, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Wastewater Treatment Service**

**A-2020-3021939 and A-2020-3018087. Pennsylvania-American Water Company and Regent Sewer Company.** Joint application of Pennsylvania-American Water Company and Regent Sewer Company for approval of: 1) the commencement by Pennsylvania-American Water Company to offer, render, furnish and supply wastewater treatment service to the public in an additional portion of Newberry Township, York County, nunc pro tunc; and 2) the abandonment by Regent Sewer Company of all rights to provide wastewater treatment service to the public, in portions of Fairview Township and Newberry Township, York County, nunc pro tunc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, October 13, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to file their submissions by opening an Efiling account—free of charge—through the Commission's web site and accepting Eservice.

*Joint Applicants:* Pennsylvania-American Water Company; Regent Sewer Company

*Through and By Counsel:* Susan Simms Marsh, Deputy General Counsel, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055,

**PUBLIC SCHOOL EMPLOYEES'  
RETIREMENT BOARD**

**Hearing Scheduled**

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 18, 2020	Anne H. Miller (Purchase of Service— Non-Qualifying Part-Time)	11 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director, at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 20-1337. Filed for public inspection September 25, 2020, 9:00 a.m.]

# PENNSYLVANIA BULLETIN

Volume 50  
Saturday, September 26, 2020 • Harrisburg, PA

Number 39

## Part II

This part contains the  
Commission on Sentencing's  
Adopted 7th Edition Sentencing Guidelines;  
Amendment 6 and Adopted Resentencing  
Guidelines; Amendment 1







# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PENNSYLVANIA COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [ 204 PA. CODE CH. 303 ]

#### Adopted 7th Edition Sentencing Guidelines, Amendment 6

On June 4, 2020, the Pennsylvania Commission on Sentencing approved for the purpose of public comment proposed Amendment 6 of the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18. The proposal was published in the *Pennsylvania Bulletin* on July 4, 2020 (50 Pa.B. 3203). Public hearings were held August 18, 2020 (McKeesport, Allegheny County and via ZOOM) and August 20, 2020 (Harrisburg, Dauphin County, and via ZOOM).

On September 10, 2020, the Pennsylvania Commission on Sentencing adopted 7th Edition Sentencing Guidelines, Amendment 6. The Guidelines adopted by the Commission are submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*, and will become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly.

#### *7th Edition Sentencing Guidelines*

The 7th Edition Sentencing Guidelines, which the Commission adopted on September 13, 2012, apply to all offenses committed on or after the effective date of December 28, 2012. In response to legislation enacted since September 13, 2012, the Commission adopted the following amendments and supplement to the 7th Edition Sentencing Guidelines:

- Amendment 1 was adopted on June 6, 2013 and became effective September 27, 2013.
- Amendment 2 was adopted on June 5, 2014 and became effective September 26, 2014.
- Amendment 3 was adopted on June 4, 2015 and became effective September 25, 2015.
- Amendment 4 was adopted June 1, 2017 and became effective January 1, 2018. A Supplement to Amendment 4 of the 7th Edition Sentencing Guidelines was adopted on December 14, 2017 and became effective June 1, 2018.
- Amendment 5 was adopted June 13, 2019 and became effective January 1, 2020.

Amendment 6 is primarily adopted in response to Act 115 of 2019. This Act:

1) Repealed County Intermediate Punishment as a sentencing alternative, reassigned county intermediate punishment programs as restrictive conditions of probation, and required the Commission to adopt Probation Guidelines to address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation (42 Pa.C.S. § 2154(d));

2) Required the Commission to adopt guidelines to identify offenders who would be eligible and appropriate for restrictive conditions of probation (42 Pa.C.S. § 2154.1); and

3) Repealed State Intermediate Punishment as a sentencing alternative and created the State Drug Treatment Program under the authority of the Department of Corrections.

Amendment 6 addresses the General Assembly's mandated sentencing enhancement for sexual extortion when the victim is younger than age 18 or has an intellectual disability or if the offender is a position of authority over the victim (Act 100 of 2019). Amendment 6 includes changes in Offense Gravity Scores for new and modified offenses.

7th Edition Sentencing Guidelines, Amendment 6, as adopted by the Commission, is summarized as follows and set forth in Annex A.

REPRESENTATIVE TODD STEPHENS,  
*Chair*

#### Commentary on Annex A

This Commentary provides selected highlights of the adopted 7th Edition Sentencing Guidelines, Amendment 6. The adopted Amendment 6 is set forth in Annex A.

#### *Revisions to § 303.1—Sentencing guideline standards*

Act 115 of 2019 repealed County Intermediate Punishment and State Intermediate Punishment as sentencing alternatives. In (b), revocation of these sentences is removed.

Modifications are made in (c)(2). Amendment 5 of the 7th Edition Sentencing Guidelines was effective January 1, 2020 and applied to all offenses committed on or after that date. Amendment 6 will be effective January 1, 2021.

#### *Revisions to § 303.2—Procedure for determining the guideline sentence*

No changes.

#### *Revisions to § 303.3—Offense gravity score (general)*

Clarification in (a) and (b) that an Offense Gravity Score is assigned based on the elements of the conviction offense and classification of the crime. Additionally, an offense may be subcategorized and multiple and different Offense Gravity Scores assigned to each based on additional factors.

In (f), a provision is added that an omnibus Offense Gravity Score of 10 is applied for a felony 1 offense with a statutory maximum greater than 20 years. Clarification is provided for new offenses if they are added to existing subsection of statute or if they are a new subsection of statute.

If it is an existing subsection and the offense definition is modified, the existing Offense Gravity Score is assigned. If the grade or statutory maximum is modified, the omnibus Offense Gravity Score applies unless it would decrease or increase the existing Offense Gravity Score.

For new subsections, the lowest Offense Gravity Score applies. However, the highest Offense Gravity Score may apply if grade or statutory maximum sentence is higher than the highest Offense Gravity Score assigned in the section. Similarly, the lowest Offense Gravity Score applies if the grade or statutory maximum sentence is lower than the lowest Offense Gravity Score assigned in the section.

*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)*

Sentencing enhancements under § 303.9 are consolidated under § 303.10: Deadly Weapon (b), School and Youth (c), Criminal Gang (j), Third Degree Murder of Person Younger than Age 13 (k), Sexual Abuse of Children (l), Arson (m), Human Trafficking (n), and Domestic Violence (o).

The means by which the Commission addresses sentencing enhancements is added in (3). The Commission may assign an Offense Gravity Score to a subcategorized offense. If a sentencing enhancement factor is present, it may call for the increase in Offense Gravity Score or adjust the basic sentencing recommendation by adding months to the upper and lower limit to the standard range. An enhancement recommendation will not apply if it is an element of the offense or a sentencing factor used to subcategorize an offense.

In (d), language is added that mitigated and aggravated ranges may apply to both basic and enhanced recommendation ranges.

Act 115 of 2019 repealed County Intermediate Punishment as a sentencing alternative. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. The Sentencing Guidelines provide confinement sentence recommendations, which include confinement in state or county facilities and restrictive conditions of probation. The duration of restrictive conditions of probation are recommended not exceed the suggested minimum months of confinement in the Sentencing Guidelines. An aggregate term of probation that includes restrictive conditions is recommended not exceed 10 years for a judicial proceeding.

Act 115 also requires the Commission to adopt probation guidelines to address the use of county intermediate punishment programs as restrictive conditions of probation and duration of terms of probation. The Sentencing Guidelines provide for restorative sanctions as non-confinement sentencing alternatives which include guilt without further penalty, economic sanctions, and probation without restrictive conditions. Subsection (f) includes that definition and identifies the duration of probation be recommended non-restrictive probation duration is one or two years. The aggregate term of probation is recommended not to exceed five years for a judicial proceeding.

Subsection (i) defines restrictive DUI probation conditions. Restrictive DUI probation conditions alone or in combination with confinement may satisfy mandatory provisions applied to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), former 75 Pa.C.S. § 3731 (related to driving

under the influence of alcohol or controlled substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second or third offense under 75 Pa.C.S. Chapter 38 (related to driving after imbibing alcohol or utilizing drugs).

*Revisions to § 303.10—Guideline sentence recommendations (enhancements)*

The sentencing enhancement information that was included in both § 303.9 and § 303.10 is consolidated in § 303.10: Deadly Weapon (a), School and Youth (b), Criminal Gang (c), Third Degree Murder of Person Younger than Age 13 (d), Sexual Abuse of Children (e), Arson (f), Human Trafficking (g), and Domestic Violence (h).

Language was added to the Domestic Violence Enhancement in (h). The existing enhancement states that the Court shall consider ordering the offender to pay the costs or fees associated with the treatment of the minor for exposure to domestic violence. The amended language adds costs or fees associated with the assessment of the minor for the exposure.

The Commission may address sentencing enhancements through the assignment of an Offense Gravity Score to a subcategorized offense. These offenses are included in the offense listing of the Sentencing Guidelines in § 303.15. Section (i) includes sentencing enhancements and any authority that are addressed through an Offense Gravity Score assignment.

The Commission was directed to create a sentencing enhancement for sexual extortion (18 Pa.C.S. § 3133) when the victim is younger than age 18 years or has an intellectual disability or when the offender holds a position of trust, supervision, or disciplinary power over the victim base on legal, occupational, or professional status. The Commission increased the Offense Gravity Score assignments for this offense when the enhancing factors are present. The offenses and Offense Gravity Score assignments are located in the Sentencing Guidelines § 303.15, and the Sexual Extortion Enhancement is included in the sentencing enhancement list in (i).

*Revisions to § 303.11—Guideline sentence recommendations (sentencing levels)*

Act 115 of 2019 repealed County and State Intermediate Punishment as sentencing alternatives. These references were removed. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. The Act created the State Drug Treatment Program under the authority of the Department of Corrections.

Subsection (a) was expanded. It explains that the Sentencing Guidelines provide a common starting point of a range of recommendations for the typical offender. It notes that while the Guidelines provide a retributive framework, other information assists the Court in the imposition of the type of sentencing alternative and duration. These include mandatory sentencing provisions, diagnostic classification of drug or alcohol dependency, and risk-needs-responsivity assessments. The Court may need to consider eligibility or ineligibility requirements for specific programs such as those operated by the Department of Corrections, County Intermediate Punishment Programs as restrictive conditions of probation, and reentry programs.

Levels of the Sentencing Guidelines in (b) are streamlined. The section adds that the Court should consider the Guidelines and eligibility for probation with restrictive



conditions and county reentry as well as an offender's appropriateness for Department of Correction programs such as State Motivational Boot Camp, State Drug Treatment Program, Recidivism Risk Reduction Incentive Program, and Short Sentence Parole.

Level 1 of the Guidelines recommends non-restrictive program and other non-confinement sanctions for offenders with less severe offenses and a Prior Record Score of 0. Level 2 targets non-violent offenders with less severe criminal history. It recommends both non-confinement and confinement in county facility. Level 3 targets more serious offenders with more serious criminal histories. It recommends confinement sentences but allows for county sentences, restrictive DUI probation, and treatment in lieu of incarceration for drug-dependent offenders. Level 4 targets very serious offenders with serious criminal histories. Confinement sentences are recommended and may be served in county facilities. Consideration of correctional programs for drug-dependent offenders is recommended as well as DUI restrictive probation to meet mandatory conditions as directed in statute. Level 5 targets violent offenders or those with major drug convictions. The sentencing recommendation is a state incarceration sentence. Consideration of state correctional and sentencing programs may be applicable.

*Revisions to § 303.12—Guideline sentence recommendations (sentencing programs)*

Section 303.12 describes correctional and sentencing programs.

Act 115 of 2019 repealed County Intermediate Punishment as a sentencing alternative. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. The purpose of County Intermediate Punishment Programs as restrictive conditions of probation is to protect public safety while promoting efficiencies and economies in criminal justice resources. Specialized programs can be identified that will meet the demonstrated needs of offenders. Eligibility and identification of restrictive DUI probation that will meet mandatory minimum requirements are further addressed in (a). It also notes consideration of restrictive conditions of probation for offenders clinically diagnosed as drug or alcohol dependent and falling within Levels 3 and 4 of the Sentencing Guidelines.

The Act modified the process for determining eligibility for the State Motivational Boot Camp Program. The program remains under the authority of the Department of Corrections. The Courts determine if an offender is ineligible for the program on the Sentencing Guidelines Form. The Department continues to exercise discretion to place eligible offenders in the program. It is addressed in modifications in (b).

Act 115 of 2019 repealed State Intermediate Punishment as a sentencing alternative and created the State Drug Treatment Program under the authority of the Department of Corrections. The Courts and prosecutor have discretion to exclude an offender from eligibility and indicate such on the Sentencing Guidelines Form. Placement of eligible offenders is at the discretion of the Department. It is addressed in modifications in (c).

Subsection (d) is an addition and addresses Recidivism Risk Reduction Incentive Program. The program is designed to encourage eligible non-violent offenders to complete programming that will reduce future recidivism. The Court record eligibility on the Sentencing Guidelines Form and directs the Department of Corrections to calculate the RRR minimum.

Subsection (e) is an addition. Act 115 of 2019 created short sentence parole. Non-violent offenders meeting statutory criteria and with an aggregate minimum incarceration sentence of two years or less may be paroled by the Pennsylvania Parole Board at minimum sentence or at the RRR minimum sentence without requiring an interview.

Subsection (f) is an addition. It addresses county reentry programs in (1). Offenders sentenced to county incarceration may be paroled prior to minimum sentence if made eligible for a reentry program at the time of sentencing. The subsection also outlines state reentry supervision in (2). A period of 12 months reentry supervision will be imposed at the time of sentencing for an offender with an aggregate minimum sentence of four years or more. A period of parole during the same period is considered reentry supervision. A mandatory period of three years of probation will be imposed for certain sexual offenders as outlined in (3).

*Revisions to § 303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)*

Unless prohibited by statute, the Court should consider the use of validated risk-needs-responsivity assessments to help guide decisions regarding the intensity and duration of community supervision. References to specific enhancements are removed. Rather, a mitigated range should not be less than the recommended sentencing enhancement range.

*Revisions to § 303.14—Guideline sentence recommendations (economic sanctions)*

Technical changes are made to the outline structure in subsection (a). Subsection (a)(3) is clarified. Fines may be imposed as a condition of probation.

Under (c)(2), the County Intermediate Punishment reference is removed. Restitution may be imposed as a direct sentence and/or as a condition of probation.

*Revisions to § 303.15—Offense listing*

*New or modified offenses:*

*18 Pa.C.S.*

§ 2703 Assault by prisoner

§ 2718 Strangulation

§ 3011 Trafficking in individuals

§ 3013 Patronizing a victim of sexual servitude

§ 3124.2 Institutional sexual assault by peace officer

§ 3132 Female mutilation

§ 3133 Sexual extortion

*23 Pa.C.S.*

§ 6319 Failure to report or to refer suspected child abuse

*30 Pa.C.S.*

§ 5502 Operating watercraft under influence and passenger <18

§ 5502.4 Aggravated assault by watercraft (SBI)

*34 Pa.C.S.*

§ 2314 Trespass on private property while hunting

*Technical changes:*

*18 Pa.C.S.*

§ 3011 Trafficking in individuals

§ 3012 Involuntary servitude

§ 3013 Patronizing a victim of sexual servitude

§ 3014 Unlawful conduct regarding documents

§ 3015 Nonpayment of wages

§ 3016 Obstruction of justice

§ 6105 Firearms persons not to possess: active PFA ((c)(6))

*Revisions to § 303.16(a)—Basic Sentencing Matrix*

The example offenses and omnibus Offense Gravity Scores are removed from the matrix in order to improve readability. The omnibus Offense Gravity Scores are noted in the footnotes.

Community service hours in lieu of fines are included in Levels 1 and 2. Probation recommendations are included in Level 2.

Footnotes are updated to reflect changes from Act 115 of 2019.

*Revisions to § 303.16(b)—Sentencing Matrix for Offenders Convicted of 1st or 2nd Degree Murder*

No changes.

*Revisions to § 303.17—Deadly Weapon Enhancement Matrices*

Reference change in citation.

*Revisions to § 303.18—School and Youth Enhancement Matrices*

Act 115 of 2019 repealed County Intermediate Punishment as a sentencing alternative. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. References are modified in the footnotes.

*Resource Utilization*

In accordance with 42 Pa.C.S. § 2153(a)(15), the Commission is mandated to determine resources required under current 7th Edition Sentencing Guidelines, Amendment 5 and resources that would be required to carry out Amendment 6.

Changes to the Sentencing Guidelines may be initiated by the Commission or in response to legislation enacted by the General Assembly. The majority of the changes contained in Amendment 6 are in response to Act 115 of 2019. Additionally, the Amendment addresses the legislative mandate to create a sentencing enhancement and assigns Offense Gravity Scores to new and modified offenses.

A resource utilization can only be completed where reliable data are available.

*New Legislatively Mandated Sentencing Enhancement*

The Commission addressed the sentencing enhancement for sexual extortion with an increase in Offense Gravity Score. The offense (18 Pa.C.S. § 3133) is subcategorized and assigned an increased Offense Gravity Score when the victim is younger than age 18 or has an intellectual disability or if the offender is a position of authority over the victim. As sexual extortion is also a new offense, no data are currently available to determine resources needed.

*Act 115 of 2020*

*Probation Guidelines*

The current sentencing guidelines do not include recommendations for the duration of probation. The adopted amendment recommends restorative sanctions other than

probation for sentences imposed at Level 1, and recommends that the duration of probation for sentences imposed at Level 2 be limited to 1 or 2 years. The adopted amendment also recommends limits on aggregate terms of probation imposed during a judicial proceeding (sentencing hearing) of 5 or 10 years. Previous research by the Commission found that the most common order of probation for misdemeanors was one to two years, and the most common order for felonies was three to five years. However, the aggregate terms of probation at times resulted in a seven-fold increase in duration, with extreme cases of aggregate terms of probation exceeding 50 years. The intent of these initial probation guidelines is to better target the use of probation as a sentencing alternative, and to reduce the duration of aggregate terms of probation. However, as these are initial guidelines, utilization data are not available.

Although county intermediate punishment (CIP) was repealed as a sentencing alternative, CIP programs were retained as restrictive conditions of probation. The adopted amendment replaces the previous CIP guidelines with new guidelines for probation with restrictive conditions. No substantive changes were included in recommendation for the use of CIP programs as restrictive conditions of probation, and so no impact aside from that of the initial probation guidelines is anticipated.

*Repeal of State Intermediate Punishment, replacement with State Drug Treatment Program, and expansion of information on correctional programs*

Historically, the former State Intermediate Punishment (SIP) program and State Motivational Boot Camp (BC) Program have been under-utilized at sentencing. In 2018, of the 4,100 SIP-eligible offenders, 5% were sentenced to SIP. The repeal of SIP and its replacement with the State Drug Treatment Program (SDTP), and the change in procedures for assigning individuals to targeted DOC programs, is intended to increase utilization of programs proven to be more effective than traditional confinement and at lower cost. Under the new procedures, the Court will sentence offenders to a minimum and maximum term of confinement in a state facility, and the Department of Corrections is authorized to place eligible offenders in any of its correctional programs, including SDTP and BC, as long as the Court has not determined the offender to be ineligible. This change, along with additional information on eligibility and appropriateness included in the sentencing guidelines, is intended reduce time served in state prison as well as recidivism upon release. However, as these are new procedures, utilization data are not available.

*New Offenses*

The Commission assigned Offense Gravity Scores to new and modified offenses. As they are newly enacted offenses, no data are available to determine resources needed:

18 Pa.C.S. § 2703(a)(1)(ii). Assault by prisoner-against employee and attempt/cause bodily injury

18 Pa.C.S. § 2703(a)(3). Assault by prisoner-against employee and attempt/cause serious bodily injury

18 Pa.C.S. § 3013. Patronizing a victim of sexual servitude

18 Pa.C.S. § 3124.2(a.4). Institutional assault by peace officer

18 Pa.C.S. § 3132. Female mutilation

30 Pa.C.S. § 5502. Operating watercraft under influence with a minor passenger

30 Pa.C.S. § 5502.4. Aggravated assault by watercraft with serious bodily injury

34 Pa.C.S. § 2314. Trespass on private property while hunting

#### *Modified Offenses*

Commission assigned Offense Gravity Scores to modified offenses. Given the small number of sentences, impact will be minimal.

18 Pa.C.S. § 3011. Trafficking in individuals.

(a)(1) recruits, entices, solicits, harbors, etc.

(a)(2) (knowingly benefits financially)

The statutory grade for these two offenses increased from an F-2 to an F-1. The existing offense as pertains to minors retained the Offense Gravity Score of 12. The new general offense is assigned an Offense Gravity Score of 10.

The 2019 preliminary sentencing data show a total of two sentences (most serious in criminal incident) for (a)(1). The sentences imposed were to county incarceration and guilt without further penalty. There was one sentence of county incarceration imposed for (a)(2).

Sentences reported in 2018 are similar: one sentenced each for (a)(1) and (a)(2), one of state incarceration and one of county incarceration. Therefore, any impact resulting from the grade change of these offenses is anticipated to be minimal.

23 Pa.C.S. § 6319.

(b) Failure to report or to refer suspected child abuse

The statutory grade for this offense is raised from M-1 to F-3 for continuing course of action. If the underlying offense was graded at least an F-1, the grade for the failure to report increases from an F-3 to an F-2. The Offense Gravity Score assignments increase from 3 to 5 and from 5 to 7, respectively.

No sentences are reflected in the 2019 preliminary sentencing data, and no sentences for these offenses were reported in 2018. Therefore, no or very minimal impact is anticipated.

#### *Effective Date*

7th Edition Sentencing Guidelines, Amendment 6 shall become effective January 1, 2021 unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

### **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[ , county interme-

diated punishment or state intermediate punishment ], except as provided in 204 Pa. Code Chapter 307; or revocation of 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, the later date determines the edition of the guidelines that shall apply to the 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. Amendments to the guidelines went into effect September 27, 2013, September 26, 2014, September 25, 2015, January 1, 2018, [ and ] June 1, 2018, and January 1, 2020. This amendment, Amendment [ 5 ] 6 of the 7th Edition Sentencing Guidelines, shall take effect January 1, [ 2020 ] 2021 and apply to all crimes committed on or after that date.

(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)(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 enhancements (§ 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** ] **assigned to each offense based on the elements of the conviction offense and the classification of the crime.** The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain **conviction** offenses are subcategorized [ **and scored by the Commission** ] according to the particular circumstances of the offense. **A subcategorized offense is assigned multiple offense gravity scores based on additional sentencing factors, which the court determines at sentencing.** The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk [\*].

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

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

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

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

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

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object

offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score applicable.

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

(1) *Exception for prescription pills.* For violations of 35 P.S. § 780-113(a)(12), (a)(14), and (a)(30) involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

<b>Felony 1 with a statutory maximum greater than 20 years</b>	<b>10</b>
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

The Omnibus Offense Gravity Score [ **is applied in the following circumstances:** ] **shall apply to an offense not otherwise listed in § 303.15. For purposes of this section, an offense not otherwise listed includes a new section of statute added by the General Assembly.**

(1) [ **when the offense is not otherwise listed in § 303.15** ] **For an amendment to an existing section of statute.**

(i) **When the definition of an offense listed in § 303.15 is changed, the previously assigned offense gravity score shall apply.**

(ii) **When the grade or statutory maximum sentence of a subsection listed in § 303.15 has increased, the omnibus offense gravity score shall apply, unless the previously assigned offense gravity score is higher.**

(iii) **When the grade or statutory maximum sentence of a subsection listed in § 303.15 has decreased, the omnibus offense gravity score shall apply, unless the previously assigned gravity score is lower.**

(2) [ **when the grade or statutory maximum sentence of an offense listed in § 303.15 has increased, unless application of this section would result in a lower Offense Gravity Score; or** ] **For an addition of a new subsection of statute.**

(i) **The lowest offense gravity score assigned within the section to the grade or the statutory maximum sentence of the offense shall apply to the new subsection.**

**(ii) When the grade or statutory maximum sentence of the new subsection is higher than the highest grade or statutory maximum sentence in the section, the highest assigned OGS in the section shall apply to the new subsection, unless the omnibus offense gravity score is higher.**

**(iii) When the grade or statutory maximum sentence of the new subsection is lower than the lowest grade or statutory maximum sentence in the section, the lowest assigned OGS in the section shall apply to the new subsection, unless the omnibus offense gravity score is lower.**

[ (3) when the grade or statutory maximum sentence of an offense listed in § 303.15 has decreased, unless application of this section would result in a higher Offense Gravity Score.

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.]

(g) The Offense Gravity Score of 15 is assigned only for first and second degree murder.

#### § 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 (REVO), 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 (REVO).* 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 points 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 REVO 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 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.*

(1) 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.

(2) When the prior conviction or adjudication of delinquency was committed over a range of dates, the later date shall be used to determine if the prior offense meets the criteria in 303.8(a)(1) and is counted in the prior record score.

(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)).

**(3) Enhancement sentence recommendations. Guideline sentence recommendations may include sentence enhancements, which provide increases to the basic sentence recommendations when an enhancement factor identified by the Commission is present. Enhancement sentence recommendations are described in § 303.10. The application of an enhancement is determined by the court at sentencing, based on a preponderance of the evidence that the enhancement factor is present. Sentence enhancements can either be mandated by statute or directly adopted by the Commission.**

**(i) Several approaches are employed to establish enhancement sentence recommendations:**

**(A) assigning an offense gravity score to the offense that may be higher than comparable offenses without the enhancement, or assigning an offense gravity score equal to a comparable offense that includes the enhancement.**

**(B) increasing the assignment of an offense gravity score when the enhancement factor is present, which may include a subcategorization of the offense, in which a higher offense gravity score is assigned to the offense when the enhancement factor is present.**

**(C) adjusting the basic sentencing recommendation when the enhancement factor is present, by adding months to the top and bottom of the standard range.**

**(ii) If the court determines at sentencing that enhancement factors described in § 303.10 are present, the court shall instead consider the enhancement sentence recommendations described in § 303.10. The enhancement sentence recommendations shall not apply if the enhancement factor is:**

**(A) an element of the offense used to assign the Offense Gravity Score, pursuant to § 303.3(a); or**

**(B) a sentencing factor used to subcategorize the offense, pursuant to § 303.3(b).**

**(b) [ Deadly Weapon Enhancement sentence recommendations. Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), if the court determines that an offender possessed a deadly weapon pursuant to § 303.(a)(1), the court shall instead consider the DWE/Possessed Matrix (§ 303.17(a)). Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), 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)] (Reserved).**

**(c) [ School/Youth 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 School, Youth or School and Youth Enhancements. When applying the School 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 Youth 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 School and Youth 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)] (Reserved).**

**(d) Aggravated and mitigated sentence recommendations. To determine the aggravated and mitigated sentence recommendations, apply § 303.13. These procedures apply to both basic sentence recommendations and enhancement sentence recommendations.**

**(e) [ Numeric ] Confinement sentence recommendations. All numbers used for the ranges of the sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) (partial confinement) and § 9756(b) (total confinement), or the duration of restrictive conditions imposed through an order of probation pursuant to 42 Pa.C.S. § 9754, as described below:**

**(1) Confinement in a state facility (Department of Corrections) pursuant to:**

- (i) 42 Pa.C.S. § 9762(b)(1)
- (ii) 42 Pa.C.S. § 9762(b)(2)
- (2) Confinement in a county facility pursuant to:
  - (i) 42 Pa.C.S. § 9762(b)(2)
  - (ii) 75 Pa.C.S. § 3804(d)
- (3) Confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b)(3)
- (4) Probation with restrictive conditions pursuant to:
  - (i) 42 Pa.C.S. § 9763(c) (relating to restrictive DUI probation conditions)
  - (ii) 42 Pa.C.S. § 9763(d) (relating to restrictive conditions of probation)
  - (5) Guidelines for restrictive conditions (42 Pa.C.S. § 2154.1)
    - (i) As required by statute:
      - (A) Probation guidelines shall address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation (42 Pa.C.S. § 2154(d));
      - (B) Guidelines for restrictive conditions shall give primary consideration to reducing recidivism for the protection of the public safety (42 Pa.C.S. § 2154.1).
      - (ii) The guidelines for restrictive conditions shall apply to an offender identified under the guidelines for probation (42 Pa.C.S. § 2154(d)) and the guidelines for restrictive conditions (42 Pa.C.S. § 2154.1) as eligible and appropriate for the use of county intermediate punishments programs as restrictive conditions of probation
      - (iii) Unless otherwise provided in § 303.12, the recommended duration of the aggregate term of probation imposed during a judicial proceeding may not exceed ten years and the duration of the restrictive conditions of probation (42 Pa.C.S. § 9763(d)) or a combination of confinement without parole (as provided in 42 Pa.C.S. §§ 9755(h) and 9756(c.1)) and restrictive conditions of probation may not exceed the suggested months of minimum 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] *Non-confinement sentence recommendations*. Probation with non-restrictive conditions (P) and other restorative sanctions (RS) are non-confinement community-based sentencing alternatives. A sentencing guidelines recommendation of RS suggests use of the least restrictive, non-confinement sentencing alternatives, and the sentencing guidelines recommendation of P suggests use of probation with non-restrictive general conditions, as described below:
        - (1) Probation guidelines (42 Pa.C.S. § 2154(d))
          - (i) As required by statute, when serving as a restorative sanction with non-restrictive conditions, probation guidelines shall address the duration of terms of probation.
          - (ii) When probation is imposed as a restorative sanction, the recommended duration of the term of

probation may not exceed the probation recommendation provided in the Basic Sentencing Matrix (§ 303.16(a)):

(A) P1 = 1 year

(B) P2 = 2 years

(iii) When imposed as a restorative sanction, the recommended aggregate term of probation imposed during a judicial proceeding may not exceed five years.

(iv) Conditions of probation imposed as restorative sanctions shall be limited to those non-restrictive conditions authorized under 42 Pa.C.S. § 9763(b) (related to conditions generally).

(2) Other restorative sanctions include:

(i) 42 Pa.C.S. § 9753 (determination of guilt without further penalty)[ , § 9754 (order of probation) and ]

(ii) 42 Pa.C.S. § 9758 (fine)—as provided in § 303.14(a)(4) (relating to Fines/Community Service Guidelines)

(iii) 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 ] Restrictive DUI probation conditions (42 Pa.C.S. § 9763(c)) are 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) (relating to 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) ], former 75 Pa.C.S. § 3731 (related to driving under

the influence of alcohol or controlled substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second or third offense under 75 Pa.C.S. Chapter 38 (related to driving after imbibing alcohol or utilizing drugs). The court may use [ a Qualified Restrictive Intermediate Punishment ] Restrictive DUI probation conditions pursuant to § 303.12(a)(6) or a combination of confinement and restrictive DUI probation conditions 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 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 additional factor listed. The points for each factor (§ 303.10(g)(1)—(4)) shall be cumulative, for a maximum of four points.

(o) *Domestic Violence Enhancement sentence recommendations.* If the court determines that an offender committed an offense against a family or household member as described in § 303.10(h), the court shall instead consider the Domestic Violence Enhancement as described below.

(1) When the enhancement is applied, the Offense Gravity Score assignments listed in § 303.15 are increased by one point. If the court further determines that an offender knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the offender or the victim, the court shall consider ordering the offender to pay the costs or fees associated with the treatment of the minor for exposure to domestic violence.

(2) The following words and phrases when used in this section shall have the following meanings as defined in 23 Pa.C.S. § 6102:

(i) *Family or household member*—Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(ii) *Minor*—An individual who is less than 18 years of age. ]

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement, as required by 42 Pa.C.S. § 2154.(b)(3).*

(1) [ When ] Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), 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 ] Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), 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 **or a sentencing factor considered in the Offense Gravity Score assignment**

(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.

**(5) The DWE/Possessed Matrix (§ 303.17(a)) is based on the following enhancement of the basic sentencing recommendations:**

**(i) For OGS 1—OGS 4, three months is added to the lower and upper limits of the standard range**

**(ii) For OGS 5—OGS 8, six months is added to the lower and upper limits of the standard range**

**(iii) For OGS 9—OGS 14, nine months is added to the lower and upper limits of the standard range**

**(6) The DWE/Used Matrix (§ 303.17(b)) is based on the following enhancement of the basic sentencing recommendations:**

**(i) For OGS 1—OGS 4, six months is added to the lower and upper limits of the standard range**

**(ii) For OGS 5—OGS 8, 12 months is added to the lower and upper limits of the standard range**

**(iii) For OGS 9—OGS 14, 18 months is added to the lower and upper limits of the standard range**

(b) *School/Youth 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) ] Youth Enhancement Matrix (§ 303.18(b)).**

(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) ] School Enhancement Matrix (§ 303.18(a)).**

(3) When the court determines both (b)(1) and (b)(2) apply, the court shall consider the **[ sentence recommendations described in § 303.9(c) ] School and Youth Enhancement Matrix (§ 303.18(c)).**

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

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

**(6) The School, Youth and School and Youth Enhancement Matrices are based on the following enhancements of the basic sentencing recommendations:**

**(i) For the School Enhancement Matrix (§ 303.18(a)), six months is added to the lower limits and 12 months is added to the upper limits of the standard range**

**(ii) For the Youth Enhancement Matrix (§ 303.18(b)), 12 months is added to the lower limits and 24 months is added to the upper limits of the standard range**

**(iii) For School and Youth Enhancement Matrix (§ 303.18(c)), 18 months is added to the lower limits and 36 months is added to the upper limits of the standard range**

(c) *Criminal Gang Enhancement, as required by 42 Pa.C.S. § 9720.4.*

(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) ] subsection (c)(4).**

(2) When the court determines that the offender committed a violation of 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) ] subsection (c)(4).**

(3) The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.

**(4) 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.**

*(d) Third Degree Murder of a Victim Younger than Age 13 Enhancement, as required by 42 Pa.C.S. § 9711.1.*

(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)** ] **subsection (d)(3)**.

(2) Third Degree Murder of a Victim Younger than Age 13 Enhancement shall apply to each violation which meets the criteria above.

**(3) The 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 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, as required by 42 Pa.C.S. § 9720.5.*

(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)** ] **subsection (e)(4)**. 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)** ] **subsection (e)(4)**. 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 dangerous weapon as defined in 18 Pa.C.S. § 913 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.

**(4) The enhancement related to the number of images possessed by the offender or the nature and character of the abuse depicted provides the following:**

**(i) 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;**

**(ii) 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;**

**(iii) When applying enhancement when both aggravating circumstances are present, the court shall consider the enhancement with the higher sentence recommendation.**

*(f) Arson Enhancement, as required by 42 Pa.C.S. § 9720.6.*

(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)** ] **subsection (f)(3)**:

(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.

**(3) 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.**

*(g) Human Trafficking Enhancement, as required by 18 Pa.C.S. § 3024.*

(1) 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 **as an element of the offense or a sentencing factor considered** in the offense gravity score assignment in § 303.15, the court shall [ **instead** ] consider the sentence recommendations as described in [ **§ 303.9(n)** ] **subsection (g)(2)**:

[ (1) ] (i) the offender committed a violation involving sexual servitude;

[ (2) ] (ii) the victim was a minor less than 18 years of age;

[ (3) ] (iii) an additional point is added if the victim was a minor less than 13 years of age;

[ (4) ] (iv) 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).

(2) 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 additional factor listed. The points for each factor (subsections (i)—(iv)) shall be cumulative, for a maximum of four points.

(h) Domestic Violence Enhancement, as required by 42 Pa.C.S. § 9720.8.

(1) When the court determines that the offender committed an offense under 18 Pa.C.S. Chapters 25, 27, 29, 30, 31, or 49 against a family or household member as defined in 23 Pa.C.S. § 6102, the court shall [ instead ] consider the sentence recommendation in [ § 303.9(o) ] subsection (h)(2).

(2) When the Domestic Violence Enhancement is applied, the Offense Gravity Score assignments listed in § 303.15 are increased by one point. If the court further determines that an offender knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the offender or the victim, the court shall consider ordering the offender to pay the costs or fees associated with the assessment and treatment of the minor for exposure to domestic violence.

(3) The following words and phrases when used in this section shall have the following meanings as defined in 23 Pa.C.S. § 6102:

“Family or household member.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Minor.” An individual who is less than 18 years of age.

(i) Other Enhancements.

(1) The following enhancements are provided in the sentencing guidelines through the assignment of an Offense Gravity Score or the subcategorization of the offense:

(i) 18 Pa.C.S. § 3133 (relating to sexual extortion, and the complainant is under 18 years of age or has an intellectual disability or the actor holds a position of trust or supervisory or disciplinary power over the complainant.)

(ii) 18 Pa.C.S. § 3301 (relating to arson, and bodily injury to firefighter, police officer, etc. or serious bodily injury to civilian) as provided in 42 Pa.C.S. § 4720.6.

(iii) 18 Pa.C.S. § 3502(a)(1)(i) (relating to home invasion burglary) as provided in 42 Pa.C.S. § 9720.7.

(iv) 18 Pa.C.S. § 3702 (relating to robbery of a motor vehicle).

(v) 18 Pa.C.S. § 6105(a.1)(1.1) (relating to person not to possess, use, manufacture, control, sell or

transfer firearms, and the person was previously convicted or was in physical possession of a firearm).

(vi) 18 Pa.C.S. § 6312 (relating to sexual abuse of children based on aggravating circumstances such as the age of the child or a determination of prepubescence) as provided in 42 Pa.C.S. § 9720.5.

(vii) 75 Pa.C.S. § 3732 (relating to homicide by vehicle, and including DUI, active work zone, and/or violation of Sections 1501, 1543, 3316, 3325, and 3327).

(viii) 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle, and including DUI, active work zone, and/or violation of Sections 1501, 1543, 3316, 3325, and 3327).

(vix) 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury if the victim dies).

(2) As provided in § 303.9(a)(3)(ii), no further enhancement applies.

§ 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, a common starting point with a range of recommendations for the typical offender. 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.

The sentencing guidelines provide recommendations regarding the type of disposition, the duration of confinement and/or community supervision, the intensity of conditions, and the requirements associated with restitution and other economic sanctions. While the sentencing guidelines provide a retributive framework for sentencing, other factors may impact the sentencing decision and other information may assist the court in determining an appropriate and individualized sentence. These include: (1) mandatory minimum sentencing provisions, which when applicable supersede the sentencing guidelines recommendations; (2) diagnostic evaluations of dependency on alcohol and other drugs and clinically prescribed treatment; and (3) the use of validated assessments of risk, needs and responsivity and related evidence-based practices to guide decisions related to the intensity and duration of community supervision.

While courts are required to consider the guidelines at sentencing, Pennsylvania's sentencing guidelines are advisory: “Guidelines serve the laudatory role of aiding and enhancing the judicial exercise of judgement by the Court in imposing a sentence...they are advisory guideposts that are valuable, may provide an essential starting point, and that must be respected and considered; they recommend, however, than require a particular sentence.” *Com. v. Walls* (926 A.2d 957) (Pa., 2007).

The imposition of a sentence involves decisions beyond disposition and duration, such as place of confinement, paroling authority and intensity of community supervision. In many cases the court is



**required to determine the eligibility and appropriateness of individuals for program participation, including as provided in § 303.12: county intermediate punishment programs as restrictive conditions of probation, numerous state correctional programs operated by the Pennsylvania Department of Corrections, and reentry programs authorized at the time of sentencing. Additionally, the specialized jurisdiction of problem-solving courts, as authorized by 42 Pa.C.S. § 916, provide an avenue for the use of court-supervised individualized treatment programs and services.**

(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, Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, **the court should consider the guidelines to determine the appropriateness and eligibility for probation with restrictive conditions as described in § 303.12(a) and county reentry as described in § 303.12(f)(1).** When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, **the court should consider the guidelines to determine the appropriateness and eligibility for certain correctional programs, including State Motivational Boot Camp, State Drug Treatment Program, Recidivism Risk Reduction Incentive Program and Short Sentence Parole as described in § 303.12(b)—(e).** 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) ] non-confinement sentencing recommendations as provided in § 303.9(f).** The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. **[ The following sentencing options are 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 sentencing recommendations as provided in § 303.9(f) and confinement sentencing recommendations served in a county facility as provided in § 303.9(e)(2), (3) and (4).** 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 ] confinement sentencing recommendations as provided in § 303.9(e),** 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 ] the use of restrictive DUI probation conditions as provided in § 303.9(e)(4)(i)** 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 confinement sentencing recommendations as provided in § 303.9(e) **[ state incarceration ]** but permits it to be served in a county facility **[ pursuant to 42 Pa.C.S. § 9762(b) ] as provided in § 303.9(e)(2)(i).** 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 ] the use of restrictive DUI probation conditions as provided in § 303.9(e)(4)(i) and certain correctional programs as provided in § 303.12** are 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 ] sentencing and correctional programs provided in § 303.12** are 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 **and requires a confinement sentence recommendations as provided in § 303.9(e)**, or the standard range requires [ **state incarceration in a state facility** ] **a confinement sentence recommendations in a state facility as provided in § 303.9(e)(1)**. 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** ] **the use of restrictive DUI probation conditions as provided in § 303.9(e)(4)(i) and certain correctional programs as provided in § 303.12 are** 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** ] **sentencing and correctional programs provided in § 303.12 are** 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 and correctional programs.

(a) *County intermediate punishment (CIP) programs as restrictive conditions of probation. County intermediate punishment programs are developed,*

**implemented and operated for the following purposes: to protect society and promote efficiency and economy in the delivery of correctional services; to promote accountability of offenders to their local community; to fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the court; and to provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.**

(1) *Eligibility.*

(i) The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs **as restrictive conditions of probation:**

37 Pa. Code [ § 451.1 ] § 451.111 et seq.

42 Pa.C.S.[ § ] §§ 2154, 2154.1, 9754, 9763, § 9773 and Chapter 98

204 Pa. Code [ § 303.8 and ] § 303.9 and § 303.11

(ii) Sentence recommendations which include an option of county intermediate punishment **programs as restrictive conditions of probation** for certain offenders are [ **designated in the guideline matrices** ] **described in § 303.9(e)(4) and (5).**

(2) The county intermediate punishment plan, **as described in 42 Pa.C.S. Chapter 98**, 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* ] **(Reserved).**

(4) *Restrictive [ Intermediate Punishments (RIP) ] conditions of probation. Restrictive [ Intermediate Punishments ] conditions of probation, as provided in 42 Pa.C.S. § 9763(d), 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 statutory requirements for restrictive DUI probation conditions (relating to 42 Pa.C.S. § 9763(c)) and restrictive conditions of probation (relating to 42 Pa.C.S. § 9763(d)) and the minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa. Code Chapter*

451) for county intermediate punishments, **and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1 relating to adoption of guidelines for restrictive conditions).**

(i) Restrictive [ **Intermediate Punishments (RIP) either** ] **conditions of probation:**

(A) house the [ **offender** ] **person** full **time** or part time; or

(B) significantly restrict the [ **offender's** ] **person's** movement and monitor the offender's compliance with the [ **program(s); or** ] **program, including electronic monitoring or home confinement.**

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

(ii) An offender under consideration for [ **Restrictive Intermediate Punishments** ] **restrictive conditions of probation** 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** ] **restrictive conditions of probation**, 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** ] **restrictive condition of probation**. Each day of participation in a [ **Restrictive Intermediate Punishment program or combination of programs** ] **restrictive condition of probation** 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** ] **restrictive DUI probation conditions** 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 ] (Reserved).

(6) [ **Qualified Restrictive Intermediate Punishments** ] **Restrictive DUI probation conditions.** In accordance with 42 Pa.C.S. [ §§ ] § 9763(c)[ , 9804(b) and 37 Pa. Code § 451, **Qualified Restrictive Intermediate Punishment programs** ] and § 303.9, **restrictive DUI probation conditions** 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[ , ] or 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** ] **Restrictive DUI probation condition** include:

(A) if the [ **offender** ] **defendant** is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804 or a first, second or third offense under 75 Pa.C.S. Chapter 38, [ **or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment** ] **a sentence with restrictive DUI probation conditions** shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and [ **may be combined with** ] **shall have restrictive DUI probation conditions of:**

(I) a residential inpatient program or residential rehabilitative center;

(II) house arrest with electronic surveillance;

(III) a partial confinement program such as work release, a work camp or a halfway facility; or

(IV) any combination of [ **Qualified Restrictive Intermediate Punishment** ] **these** programs.

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

(I) house arrest with electronic surveillance; or

(II) partial confinement programs such as work release, a work camp or a halfway facility; or

(III) any combination of [ **Qualified Restrictive Intermediate Punishment** ] **these** programs.

(b) *State Motivational Boot Camp (BC).* **A program for eligible persons committed to the Department of Corrections in which inmates participate for a period of six months in a humane program which provides rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, continuing education, vocational training, prerelease counseling and community corrections aftercare.**



(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)). ] Boot Camp is recommended for eligible persons less than 40 years of age committed to the Department of Corrections with a minimum term not more than two years and a maximum term of five years or less; or a minimum term not more than three years and within two years of completing the minimum term. The court may exercise discretion to exclude the person from eligibility. If eligible, the person must give consent to enter the program.

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the [ offender is authorized as eligible ] person is excluded from eligibility 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.

(3) Upon successful completion of the program, the person shall be immediately released on parole, subject to intensive supervision. Expulsion from the program results in the person's continued service of the original sentence imposed, with consideration of parole upon completion of the minimum term.

(c) [ State Intermediate Punishment (SIP). ] State Drug Treatment Program (SDP). A 24-month program for drug-related persons committed to the Department of Corrections designed to address the individually assessed drug and alcohol abuse and addition needs of a participant and to address other issues essential to the participant's successful reintegration into the community, including, but not limited to, educational and employment issues.

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for [ State Intermediate Punishment ] State Drug Treatment Program: 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. ] State Drug Treatment Program is recommended for eligible persons convicted of drug-related offenses committed to the Department of Corrections with a minimum term not more than two years and a maximum term of five years or less; or a minimum term not more than five years and within two years of completing the minimum term. The court and the prosecutor may exercise discretion to exclude the person from eligibility. If eligible, the person must give consent to enter the program, and the DOC assessment must conclude that the person is in need of drug and alcohol addiction treatment.

(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 ] shall indicate on the offender's commitment order and the Guideline Sentence Form if the person is excluded from eligibility for the State Drug Treatment Program. The Department of Corrections makes the final determination as to whether the offender will be accepted into the State Drug Treatment Program.

(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 ] successful completion of the program, the entire term of confinement that rendered the person eligible to participate in the State Drug Treatment Program shall be deemed to have been served. Expulsion from the program results in the person's continued service of the original sentence imposed, with consideration of parole upon completion of the minimum term.

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

(d) Recidivism Risk Reduction Incentive (RRRI). A program to encourage eligible non-violent offenders committed to the Department of Corrections to participate in and successfully complete evidence-based programs that reduce the likelihood of recidivism and improve public safety.

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the Recidivism Risk Reduction Incentive Program: 61 Pa.C.S. Chapter 45.

(ii) Recidivism Risk Reduction Incentive Program is an individualized plan that contains approved treatment and other approved programs designed to reduce recidivism risk of a specific inmate. If the court determines the person committed to the Department is statutorily eligible, the court shall provide notice of eligibility to the person, and the court shall direct the Department to calculate the RRRI minimum sentence.

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the person is eligible and direct the Department to calculate the RRRI minimum sentence. The RRRI minimum sentence is three-fourths of the minimum sentence when the minimum sentence is three years or less. The RRRI minimum sentence is offender is five-sixths of the minimum sentence when the minimum sentence is greater than three years.

(3) Upon certification by the Department that the person has completed all requirements of the program and remains an eligible offender, the Parole Board may grant parole upon the expiration of the RRRI minimum sentence.

(e) Short Sentence Parole (SSP). A program for eligible non-violent offenders committed to the Department of Corrections with an aggregate mini-

imum sentence of confinement of two years or less for which parole at minimum without an interview is authorized

**(1) Eligibility.**

(i) The following statute governs operation of and eligibility for Short Sentence Parole: 61 Pa.C.S. § 6137.1.

(ii) Short Sentence Parole requires the Parole Board to approve for parole an eligible person at the expiration of the minimum date or RRRRI minimum date, whichever is shorter, without requiring an interview.

(2) A person shall not be eligible for Short Sentence Parole if found guilty of a major disciplinary infraction while confined in a county or state correctional institution, or has pending felony charges.

**(f) Reentry Programs**

(1) County Reentry Program (as provided in 42 Pa.C.S. § 9756(b)(3))

(i) A release plan that may include drug and alcohol treatment, behavioral health treatment, job training, skills training, education, life skills or any other condition deemed relevant by the court.

(ii) At the time of sentencing, the court shall state whether or not the defendant is eligible to participate in a reentry plan at any time prior to the expiration of the minimum sentence or at the expiration of a specified portion of the minimum sentence.

(iii) The reentry plan eligibility shall be considered a party of the sentence and subject to the requirements related to the entry, recording and reporting of sentences.

(2) State Reentry Supervision (as provided in 61 Pa.C.S. § 6137.2)

(i) Requirement that applies to persons committed to the Department of Corrections with an aggregate minimum sentence of total confinement of four years or more.

(ii) At the time of sentencing, a period of reentry supervision of 12 months shall be imposed consecutive to and in addition to any other lawful sentence issued by the court.

(iii) The Court may impose the period of reentry supervision required in addition to the maximum sentence permitted for the offense for which the person was convicted.

(iv) Persons who have been granted any period of parole during the same period of incarceration shall be deemed to have served the reentry supervision requirement.

(3) Mandatory period of probation for certain sexual offenders (as provided in 42 Pa.C.S. § 9718.5)

(i) Requirement that applies to persons convicted of an offense under 42 Pa.C.S. § 9799.14(d) (relating to sexual offenses and tier system)

(ii) At the time of sentencing, a mandatory period of probation of three years shall be imposed consecutive to and in addition to any other lawful sentence issued by the court.

(iii) The court may impose the term of probation required in addition to the maximum sentence permitted for the offense for which the person was convicted.

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

**(a) [ When ] Unless otherwise prohibited by statute, when** the court determines that an aggravating [ circumstance(s) ] circumstance is present, [ it ] **including consideration of validated assessments of risk, needs and responsivity to guide decisions related to the intensity of intervention, use of restrictive conditions and duration of community supervision, the court** 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 ] 1—3.

**(b) [ When ] Unless otherwise prohibited by statute, when** the court determines that a mitigating [ circumstance(s) ] circumstance is present, [ it ] **including consideration of validated assessments of risk, needs and responsivity to guide decisions related to the intensity of intervention, use of restrictive conditions and duration of community supervision, the court** 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** ] **an enhancement** is applied may the mitigated sentence recommendation be lower than [ **3 months** ] **the duration of the enhancement of the standard range described in § 303.10.**

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

stances. 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** ] **a condition of probation** (see [ **restorative sanction** ] **non-confinement sentence recommendations** § 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) ] (i) *OGS 1*

[ i. ] (A) PRS 0 25 hours-50 hours

[ ii. ] (B) PRS 1 50 hours-75 hours

[ iii. ] (C) PRS 2 75 hours-100 hours

[ iv. ] (D) PRS 3 100 hours-125 hours

[ v. ] (E) PRS 4 125 hours-150 hours

[ vi. ] (F) PRS 5 150 hours-175 hours

[ (B) ] (ii) *OGS 2*

[ i. ] (A) PRS 0 25 hours-50 hours

[ ii. ] (B) PRS 1 75 hours-100 hours

[ iii. ] (C) PRS 2 100 hours-125 hours

[ iv. ] (D) PRS 3 125 hours-150 hours

[ v. ] (E) PRS 4 150 hours-175 hours

[ (C) ] (iii) *OGS 3*

[ i. ] (A) PRS 0 50 hours-75 hours

[ ii. ] (B) PRS 1 150 hours-175 hours

[ iii. ] (C) PRS 2 225 hours-250 hours

[ iv. ] (D) PRS 3 300 hours-325 hours

[ (D) ] (iv) *OGS 4*

[ i. ] (A) PRS 0 100 hours-125 hours

[ ii. ] (B) PRS 1 225 hours-250 hours

[ iii. ] (C) PRS 2 300 hours-325 hours

[ (E) ] (v) *OGS 5*

[ i. ] (A) PRS 0 225 hours-250 hours

(b) *Costs and fees.*

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

- (i) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation 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 fees)

(iv) 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs)

(v) 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 of any reward)

(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 prosecution involving domestic violence)

(vii) 42 Pa.C.S. § 9728(g) (relating to costs, etc.)

(3) Costs and fees, in addition to those required by law, shall be considered by the court pursuant to the Domestic Violence Enhancement (§ 303.9(o)), as authorized by law.

(c) *Restitution*

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

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

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

(iii) 18 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)

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

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

(2) Restitution may be imposed as a direct sentence [ or ] and/or as a condition of probation [ or intermediate punishment ], and is considered a non-confinement [ sentencing alternative ] sentencing recommendation (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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
910(a)(1)(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
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
2502 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	15	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	15	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	15	4
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	15	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	15	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	15	4
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
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	15	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	15	4
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2604(c)(1)	Murder of unborn child-3rd degree	F-1	14	4
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	11	4
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	11	4
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	10	3
2701(a)(1)	Simple assault-attempt/cause BI	M-2	3	m
2701(a)(1)	Simple assault-attempt/cause BI (against child <12 by adult >=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

<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>
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-attempt/cause BI to police/enumerated persons	F-2	6	2
2702(a)(4)	Aggravated assault-attempt/cause BI w/ deadly weapon	F-2	8	2
2702(a)(5)	Aggravated assault-attempt/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
<b>[ 2703(a) ]</b> <b><u>2703(a)(1)(i)</u></b>	Assault by prisoner	F-2	7	2
<b><u>2703(a)(1)(ii)</u></b>	<b><u>Assault by prisoner-against employee (attempt/cause BI)</u></b>	<b><u>F-2</u></b>	<b><u>7</u></b>	<b><u>2</u></b>
<b><u>2703 (a)(2)</u></b>	<b><u>Assault by prisoner-fluids</u></b>	<b><u>F-2</u></b>	<b><u>7</u></b>	<b><u>2</u></b>
<b><u>2703(a)(3)</u></b>	<b><u>Assault by prisoner-against employee (attempt/cause SBI)</u></b>	<b><u>F-1</u></b>	<b><u>8</u></b>	<b><u>3</u></b>
2703.1	Aggravated harassment by prisoner	F-3	6	1
2704	Assault by life prisoner	Murder of 2nd Degree	15	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	14	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly endangering another person	M-2	3	m
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	3	m
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	1
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	3	m
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	1
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	3	m
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	1
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	3	m
2707(b)	Propulsion of missiles onto a roadway	M-2	2	m
2707.1(a)	Discharge of firearm into an occupied structure	F-3	10	1

<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>
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(a.1)(1)(i)	Cyber harassment of a child; seriously disparaging statements or opinion (course of conduct)	M-3	1	m
2709(a.1)(1)(ii)	Cyber harassment of a child; threat to inflict harm (course of conduct)	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 death)	F-1	11	3
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 death)	F-1	11	3
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
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct)	F-3	5	1
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc.	M-2	2	m
2713.1(a)(1)(i)	Abuse of care-dependent person-intent to harass, etc. (strike, shove kick)	M-1	4	m
2713.1(a)(1)(ii)	Abuse of care-dependent person-intent to harass, etc. (course of conduct)	M-1	4	m
2713.1(a)(1)(iii)	Abuse of care-dependent person-intent to harass, etc. (communications-type)	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>
2713.1(a)(1)(iv)	Abuse of care-dependent person-intent to harass, etc. (communicate-extremely inconvenient hours)	M-1	3	m
2713.1(a)(2)	Abuse of care-dependent person-offense under 18 § 2709.1 (related to stalking)	F-3	5	1
2714	Unauthorized administration of intoxicant	F-3	8	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	m
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	2
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	m
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	1
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	4
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	15	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)

<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-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2718(a)(1)	Strangulation-applying pressure to throat or neck	M-2	3	m
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-2	9	2
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-1	10	[ 3 ] 4
2718(a)(2)	Strangulation-blocking nose and mouth	M-2	3	m
2718(a)(2)	Strangulation-blocking nose and mouth	F-2	9	2
2718(a)(2)	Strangulation-blocking nose and mouth	F-1	10	[ 3 ] 4
2802(a)(1)	Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI)	M-3	1	m
2802(a)(2)	Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI)	M-3	1	m
2802(a)(3)	Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI)	M-3	2	m
2802(a)(4)	Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI)	M-3	2	m
2802(a)(5)	Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI)	M-3	2	m
2802(a)(6)	Hazing a minor or student-endure other activity (reasonable likelihood of BI)	M-3	1	m
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (SBI)	F-3	5	1
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (death)	F-3	7	1
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI)	F-3	5	1
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death)	F-3	7	1
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

<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>
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) ] 2904(a)*	Interfere with custody of children-good cause/time <24 hrs.	M-2	3	m
2904(a)*	Interfere with custody of children-good cause/time <24 hrs. (ML Tier I)	M-2	3	m
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	8	2
2905(a)	Interfere with custody of committed person	M-2	4	m
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	2	m
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	m
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	m
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	m
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	2	m
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	m
2906(a)(4)	Criminal coercion-threaten official act	M-2	2	m
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	m
2907	Disposition of ransom	F-3	5	1
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	1
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	1
2910(a)	Luring child into motor vehicle/structure	M-1	5	1
2910	Luring a child into motor vehicle/structure (child <13 yrs)	F-2	8	2
3011(a)(1)	[ Human trafficking-trafficking ] Trafficking in individuals [ ( )-recruits, entices, solicits, harbors, etc.( ) ]	[ F-2 ] F-1	[ 12 ] 10	[ 2 ] 4
3011(a)(1)	<b>Trafficking in individuals recruits, entices, solicits, harbors, etc. (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b))</b>	F-1	12	4
3011(a)(2)	[ Human trafficking-trafficking ] Trafficking in individuals [ ( )-knowingly benefits financially( ) ]	[ F-2 ] F-1	[ 12 ] 10	[ 2 ] 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>
<b>3011(a)(2)</b>	<b>Trafficking in individuals-knowingly benefits financially (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b))</b>	<b>F-1</b>	<b>12</b>	<b>4</b>
<b>3011(a)(3)</b>	<b>Trafficking in individuals-knows or recklessly disregards</b>	<b>F-2</b>	<b>9</b>	<b>2</b>
<b>3011(a)(4)</b>	<b>Trafficking in individuals-knowingly benefits financially</b>	<b>F-2</b>	<b>9</b>	<b>2</b>
<b>[ 3011(b) ]</b>	<b>[ Human trafficking-trafficking in minors (activities in (a) result in minor's sexual servitude) ]</b>	<b>[ F-1 ]</b>	<b>[ 12 ]</b>	<b>[ 4 ]</b>
3012(b)(1)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-cause serious harm[ ) ]	F-1	10	3
3012(b)(1)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-threaten serious harm[ ) ]	F-1	9	3
3012(b)(2)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-physically restrain another[ ) ]	F-1	10	3
3012(b)(2)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-threaten to physically restrain another[ ) ]	F-1	9	3
3012(b)(3)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-kidnap[ ) ]	F-1	11	4
3012(b)(3)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-attempt to kidnap[ ) ]	F-1	10	3
3012(b)(4)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-abuse legal process[ ) ]	F-1	10	3
3012(b)(4)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-threaten to abuse legal process[ ) ]	F-1	9	3
3012(b)(5)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-taking/retaining personal property[ ) ]	F-1	10	3
3012(b)(6)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-unlawful conduct of documents[ ) ]	F-1	10	3
3012(b)(7)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-extortion[ ) ]	F-1	10	3
3012(b)(8)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-fraud[ ) ]	F-1	10	3
3012(b)(9)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-criminal coercion[ ) ]	F-1	10	3
3012(b)(10)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-duress through force[ ) ]	F-1	10	3
3012(b)(10)*	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-duress through threat of force[ ) ]	F-1	9	3
3012(b)(11)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-(debt coercion[ ) ]	F-1	10	3
3012(b)(12)	[ Human trafficking-involuntary ] <u>Involuntary</u> servitude [ ( ]-facilitate/restrict access to controlled substance[ ) ]	F-1	10	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)	[ <b>Human trafficking-involuntary</b> ] <b>Involuntary</b> servitude [ ( )-cause believe harm/restraint to another( ) ]	F-1	10	3
[ <b>3013(a)</b> ] <b>3013(a)(1)*</b>	[ <b>Human trafficking-patronizing</b> ] <b>Patronizing</b> victim of sexual servitude	[ <b>F-2</b> ] <b>F-1</b>	10	[ <b>2</b> ] <b>4</b>
<b>3013(a)(1)*</b>	<b>Patronizing</b> victim of sexual servitude-minor victim	<b>F-1</b>	<b>11</b>	<b>4</b>
<b>3013(a)(2)(i)*</b>	<b>Patronizing</b> victim of sexual servitude-reckless disregard (1st offense)	<b>F-3</b>	<b>6</b>	<b>1</b>
<b>3013(a)(2)(i)*</b>	<b>Patronizing</b> victim of sexual servitude-reckless disregard; minor victim (1st offense)	<b>F-3</b>	<b>7</b>	<b>1</b>
<b>3013(a)(2)(ii)*</b>	<b>Patronizing</b> victim of sexual servitude-reckless disregard (2nd/subsq offense)	<b>F-1</b>	<b>9</b>	<b>4</b>
<b>3013(a)(2)(ii)*</b>	<b>Patronizing</b> victim of sexual servitude-reckless disregard; minor victim (2nd/subsq offense)	<b>F-1</b>	<b>10</b>	<b>4</b>
3014(1)	[ <b>Human trafficking-unlawful</b> ] <b>Unlawful</b> conduct regarding documents [ ( )-passport/other immigration document( ) ]	F-3	6	1
3014(2)	[ <b>Human trafficking-unlawful</b> ] <b>Unlawful</b> conduct regarding documents [ ( )-government ID document( ) ]	F-3	6	1
3015(a)(1)	[ <b>Human trafficking-nonpayment</b> ] <b>Nonpayment</b> of wages (<\$2,000)	M-3	2	m
3015(a)(2)(i)	[ <b>Human trafficking-nonpayment</b> ] <b>Nonpayment</b> of wages (=>\$2,000)	F-3	6	1
3015(a)(2)(ii)	[ <b>Human trafficking-nonpayment</b> ] <b>Nonpayment</b> of wages (2nd/subsq. violation)	F-3	6	1
3015(a)(2)(iii)	[ <b>Human trafficking-nonpayment</b> ] <b>Nonpayment</b> of wages (falsely denies amount due or validity of claim)	F-3	6	1
3016	[ <b>Human trafficking-obstruction</b> ] <b>Obstruction</b> 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

<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>
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
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 childcare volunteer/employee	F-3	6	1
<b>3124.2(a.4)(1)</b>	<b>Institutional sexual assault by peace officer</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
<b>3124.2(a.4)(1)</b>	<b>Institutional sexual assault by peace officer-child (victim &lt;18)</b>	<b>F-3</b>	<b>6</b>	<b>1</b>
3124.3(a)	Sexual assault by sports official of non-profit association	F-3	6	1
3124.3(b)	Sexual assault by volunteer or employee of non-profit association	F-3	6	1
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	10	4
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	4
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	4
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	4
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	4
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	4
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	4
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	4
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	4
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	4
3125(a)(7)	Aggravated indecent assault-victim <13 yrs	F-2	10	4



<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>
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
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	m
3131(a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs)	M-2	2	m
<b><u>3132(a)(1)</u></b>	<b><u>Female mutilation</u></b>	<b><u>F-1</u></b>	<b><u>12</u></b>	<b><u>3</u></b>
<b><u>3132(a)(2)</u></b>	<b><u>Female mutilation-is a parent of a minor and the parent knowingly consents or permits</u></b>	<b><u>F-1</u></b>	<b><u>11</u></b>	<b><u>3</u></b>
<b><u>3132(a)(3)</u></b>	<b><u>Female mutilation-knowingly removes or permits the removal of a minor from this Commonwealth</u></b>	<b><u>F-1</u></b>	<b><u>11</u></b>	<b><u>3</u></b>
<b><u>3133(a)(1)</u></b>	<b><u>Sexual extortion-engage in sexual conduct</u></b>	<b><u>M-1</u></b>	<b><u>3</u></b>	<b><u>m</u></b>
<b><u>3133(a)(1)</u></b>	<b><u>Sexual extortion-engage in sexual conduct: victim&lt;18</u></b>	<b><u>F-3</u></b>	<b><u>6</u></b>	<b><u>1</u></b>
<b><u>3133(a)(1)</u></b>	<b><u>Sexual extortion-engage in sexual conduct: intellectual disability</u></b>	<b><u>F-3</u></b>	<b><u>6</u></b>	<b><u>1</u></b>
<b><u>3133(a)(1)</u></b>	<b><u>Sexual extortion-engage in sexual conduct: offender's position</u></b>	<b><u>F-3</u></b>	<b><u>6</u></b>	<b><u>1</u></b>
<b><u>3133(a)(1)</u></b>	<b><u>Sexual extortion-engage in sexual conduct: course of conduct</u></b>	<b><u>F-3</u></b>	<b><u>5</u></b>	<b><u>1</u></b>
<b><u>3133(a)(1)</u></b>	<b><u>Sexual extortion-engage in sexual conduct: 2nd/subsq</u></b>	<b><u>F-3</u></b>	<b><u>5</u></b>	<b><u>1</u></b>
<b><u>3133(a)(2)</u></b>	<b><u>Sexual extortion-produce/disseminate image, etc.</u></b>	<b><u>M-1</u></b>	<b><u>3</u></b>	<b><u>m</u></b>

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
<u>3133(a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: victim&lt;18</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: intellectual disability</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: offender's position</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: course of conduct</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>3133(a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: 2nd/subsq</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>3133(c)(1)</u>	<u>Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.</u>	<u>M-1</u>	<u>3</u>	<u>m</u>
<u>3133(c)(1)</u>	<u>Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: victim&lt;18</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(c)(1)</u>	<u>Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: intellectual disability</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(c)(1)</u>	<u>Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: offender's position</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(c)(1)</u>	<u>Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: course of conduct</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>3133(c)(1)</u>	<u>Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: 2nd/subsq</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>3133(c)(2)</u>	<u>Sexual extortion-threaten/disseminate image, etc. &amp; demand payment for removal/prevent disclosure</u>	<u>M-1</u>	<u>3</u>	<u>m</u>
<u>3133(c)(2)</u>	<u>Sexual extortion-threaten/disseminate image, etc. &amp; demand payment for removal/prevent disclosure: victim&lt;18</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(c)(2)</u>	<u>Sexual extortion-threaten/disseminate image, etc. &amp; demand payment for removal/prevent disclosure: intellectual disability</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(c)(2)</u>	<u>Sexual extortion-threaten/disseminate image, etc. &amp; demand payment for removal/prevent disclosure: offender's position</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>3133(c)(2)</u>	<u>Sexual extortion-threaten/disseminate image, etc. &amp; demand payment for removal/prevent disclosure: course of conduct</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>3133(c)(2)</u>	<u>Sexual extortion-threaten/disseminate image, etc. &amp; demand payment for removal/prevent disclosure: 2nd/subsq</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
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

<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(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	15	4
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	15	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	15	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
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



<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>
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
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)

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3311(a)(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)
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)

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3311(a)(2)(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)(i)	Burglary-home/person present and bodily injury crime as defined in 18 Pa.C.S. § 3502(e)	F-1	10	4
3502(a)(1)(ii)	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.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	m
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	m
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	m
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	m
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	m
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	m
3504(b)	Railroad protection-stowaways prohibited	M-3	1	m
3505(a)(3)	Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband	F-2	7	2
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



<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>
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
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3922(a)(1)	Theft by deception-false impression (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
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3922(a)(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
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3923(a)(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
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



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3923(a)(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
3925(a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	7	2
3925(a)*	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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3926(a)(1)	Theft of services-obtain service (<=\$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
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

<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>
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
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3929.3(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
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
3935.1(a)	Theft of secondary metal (<\$50)	M-3	1	m
3935.1(a)	Theft of secondary metal (\$50-<\$200)	M-2	2	m
3935.1(a)	Theft of secondary metal (\$200-<\$1,000)	M-1	3	m
3935.1(a)	Theft of secondary metal (\$=>\$1,000)	F-3	5	1
3935.1(a)	Theft of secondary metal (third/subsq offense)	F-3	5	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



<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>
4101(a)(3)	Forgery-utter forged writing (other)	M-1	3	m
4102	Simulating objects of antiquity	M-1	3	m
4103	Fraudulent destruction of recordable instruments	F-3	5	1
4104(a)	Tampering w/ records or identification	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	1
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (\$500-<\$1,000)	M-2	2	m
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	m
4105(a)(1)	Bad checks-issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	1
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	5	1
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	1
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	m
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	m
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

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	1
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	1
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	1
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	m
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	m
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	2	m
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	m
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	m
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	m
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	m
4110	Defrauding secured creditors	M-2	2	m
4111	Fraud in Insolvency	M-2	2	m
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	m
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	2	m
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	m
4112	Receiving deposits in failing financial institution	M-2	2	m
4113(a)	Misapplication of entrusted property (>\$50)	M-2	2	m
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	1	m
4114	Securing execution of documents by deception	M-2	2	m
4115	Falsely impersonating persons privately employed	M-2	2	m
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



<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>
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	m
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	m
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	2
4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	m
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	1
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	m
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	1
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	1
4117(a)(2)	Insurance fraud-false insurance claim	F-3	4	1
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

<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>
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(2)	Trademark counterfeiting-sells	M-1	3	m
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	3	m
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(4)	Trademark counterfeiting-displays	M-1	3	m
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(5)	Trademark counterfeiting-advertises	M-1	3	m
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(6)	Trademark counterfeiting-distributes	M-1	3	m
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(7)	Trademark counterfeiting-transport	M-1	3	m
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

<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>
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
4121(a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc)	F-3	5	1
4121(a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc.) (2nd/subsq offense)	F-2	7	2
4121(a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information)	F-3	5	1
4121(a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information) (2nd/subsq offense)	F-2	7	2
4121(a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device	F-3	5	1
4121(a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device (2nd/subsq offense)	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 (child <6 yrs)	F-3	6	1
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	1
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs)	F-2	8	2
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI	F-3	6	1
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child <6 yrs)	F-2	8	2
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct)	F-2	8	2
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child <6 yrs)	F-1	9	3
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 (child <6 yrs)	F-3	6	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs)	F-2	8	2
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

<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>
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	1
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	1
4702(a)(1)	Threats-to influence decision as public servant	M-2	2	m
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	1
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	m
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	1
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



<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>
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	1
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	2	m
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	1
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	m
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	1
4912	Impersonating a public servant	M-2	2	m
4913(a)	Impersonating a notary public	M-2	2	m
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	3	m
4913(a)	Impersonating a doctor of medicine (provides medical advice or treatment)	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

<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>
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
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
4915.2(a)(1)	Fail to register-10 year registration	F-3	6	1
4915.2(a)(1)	Fail to register-10 year registration (2nd/subsq off)	F-2	8	2
4915.2(a)(1)	Fail to register-lifetime registration	F-2	8	2
4915.2(a)(1)	Fail to register-lifetime registration (2nd/subsq off)	F-1	10	3
4915.2(a)(2)	Fail to verify address/be photographed-10 year registration	F-3	6	1
4915.2(a)(2)	Fail to verify address/be photographed-10 year registration (2nd/subsq off)	F-2	8	2
4915.2(a)(2)	Fail to verify address/be photographed-lifetime registration	F-2	8	2
4915.2(a)(2)	Fail to verify address/be photographed-lifetime registration (2nd/subsq off)	F-1	10	3
4915.2(a)(3)	Fail to provide accurate information-10 year registration	F-2	8	2
4915.2(a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	3
4915.2(a.1)(1)	Fail to comply with SVP counseling requirements	M-1	5	m
4915.2(a.1)(2)	Fail to comply with SVP counseling requirements (another 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

<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>
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	m
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	2
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	1
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	m
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	2
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	1
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	m
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	2
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	1
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	m
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	2
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	1
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	m
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

<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>
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
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



<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>
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
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
5103.1	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area	M-2	2	m
5103.1	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2nd/subsq)	M-1	3	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

<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>
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
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

<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>
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
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
5532(a)(1)*	Neglect of animal-fails to provide sustenance/water (cause BI/risk SBI)	M-3	1	m
5532(a)(1)*	Neglect of animal-violates 5536 tethering an unattended dog (cause BI/risk SBI)	M-3	1	m
5532(a)(2)	Neglect of animal-fails to provide shelter (cause BI/risk SBI)	M-3	1	m
5532(a)(3)	Neglect of animal-fails to provide veterinary care (cause BI/risk SBI)	M-3	1	m
5533(a)*	Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI)	M-2	2	m
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI)	M-2	2	m

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI)	M-2	2	m
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI)	M-2	2	m
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI)	M-2	2	m
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI)	M-2	2	m
5534(a)(1)	Aggravated cruelty to animal-tortures animal	F-3	5	1
5534(a)(2)*	Aggravated cruelty to animal-violates 5532 (cause SBI/death)	F-3	6	1
5534(a)(2)*	Aggravated cruelty to animal-violates 5533 (cause SBI/death)	F-3	6	1
5535(a)	Attack of service, guide, or support dog	M-3	1	m
5539	Transporting equine animals in cruel manner (2nd/subsq)	M-3	1	m
5543(1)	Animal fighting (for amusement/gain)	F-3	5	1
5543(2)	Animal fighting (receives compensation)	F-3	5	1
5543(3)	Animal fighting (owns fighting animal)	F-3	5	1
5543(4)	Animal fighting (encourage/aid/assist)	F-3	5	1
5543(5)	Animal fighting (wagers on fight outcome)	F-3	5	1
5543(6)	Animal fighting (pays admission)	F-3	5	1
5543(7)	Animal fighting (permits use of animal for fight)	F-3	5	1
5544	Possession of animal fighting paraphernalia	M-3	1	m
5548(a)	Police animals-illegal to taunt	F-3	5	1
5548(b)	Police animals-illegal to torture	F-2	7	2
5549(a)	Assault with biological agent on animal/fowl/honey bees	F-2	7	2
5512(b)(1)	Lotteries-set up unlawful game	M-1	3	m
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	m
5512(b)(3)	Lotteries-publish advertisement	M-1	3	m
5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	m
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	3	m
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	m
5513(a)(4)	Gambling devices-allows gambling on premises	M-1	3	m
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



<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>
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
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

<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>
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
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

<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>
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
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

<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>
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 or drug felony (loaded/ammo available) ((a.1)(1))	F-2	10	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (previous conviction)	F-1	11	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (possession/control of firearm or within reach)	F-1	11	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1))	F-2	9	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (previous conviction)	F-1	10	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (possession/control of firearm or within reach)	F-1	10	3
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



<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>
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	2	m
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	1	m
6105(a)(1)	Firearms-persons not to possess: fail to relinquish w/PFA ((a.1)(2))	M-2	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 misdemeanor (loaded/ammo available) ((c)(2))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (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 ] <u>M-2</u>	6	1
6105(a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	[ M-1 ] <u>M-2</u>	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
6105.2(a)(1)	Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons	M-2	4	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

<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>
6106(a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	1
6106(a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	1
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/no other crim. act.)	M-1	3	1
6107(a)	Firearms-prohibited conduct during emergency	M-1	3	1
6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	1
6108*	Firearms-carrying in Philadelphia (unloaded/ no ammo available)	M-1	4	1
6110.1(a)	Firearms-possession by minor	M-1	3	1
6110.1(c)	Firearms-delivery to minor by adult	F-3	7	1
6110.2(a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	10	2
6110.2(a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	m
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	m
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	2
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

<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>
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	m
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	2
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	m
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	2
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	1
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

<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>
6303(a)	Sale of starter pistols-to minors	M-1	4	m
6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	m
6307(a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	m
6309(a)	Representing that minor is of age	M-3	1	m
6310(a)	Inducement of minors to buy liquor/beer	M-3	1	m
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	1	m
6310.2(a)	Manufacture/sale of false ID card	M-2	2	m
6310.3(a)	Carrying a false ID card (2nd/subsq off)	M-3	1	m
6311(a)	Tattooing a minor (1st off)	M-3	1	m
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	2	m
6311(b)	Body piercing a minor (1st off)	M-3	1	m
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	2	m
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<13 yrs 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-2	10	2
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-2	10	2
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



<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>
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-2	10	2
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-2	10	2
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

<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>
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation [underlying offense <F-3]	F-3	6	1
6319(a)	Solicitation of minors to traffic drugs-general	F-2	9	2
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	3
6320	Sexual exploitation of children	F-2	9	2
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs)	M-3	1	m
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	m
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	m
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	m
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	m
6504	Public nuisances	M-2	2	m
6701(b)(1)	Misrepresentation of military service	M-3	1	m
6701(b)(2)	Misrepresentation of military honors	M-3	1	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

<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>
7309(a)	Unlawful coercion in contracting insurance	M-1	3	m
7310(a)	Furnishing free insurance as inducement for purchase	M-3	1	m
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	1	m
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	1	m
7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	m
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	m
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	m
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	m
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	m
7312(a)	Debt pooling	M-3	1	m
7313(a)	Buying/exchanging SNAP benefits ( $\geq$ \$1,000)	F-3	5	1
7313(a)	Buying/exchanging SNAP benefits ( $<$ \$1,000)	M-1	3	m
7314(a)	Fraudulent traffic in SNAP benefits ( $\geq$ \$2,500)	F-2	7	2
7314(a)	Fraudulent traffic in SNAP benefits (\$1,000- $<$ \$2,500)	F-3	5	1
7314(a)	Fraudulent traffic in SNAP benefits ( $<$ \$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

<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>
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	3	m
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	8	2
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	3
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	1	m
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	1	m
7510(a)	Municipal housing code avoidance (4th off)	M-2	2	m
7510(a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	m
7512(a)	Criminal use of communication facility	F-3	5	1
7515(a)(1)	Contingent compensation-compensate other	M-3	1	m
7515(a)(2)	Contingent compensation-agree to lobby	M-3	1	m
7516(a)	Greyhound racing-for remuneration	M-1	3	m
7517(b)	Commemorative service demonstration activities	M-3	1	m
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	1
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	1
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	1
7612(a)	Disruption of computer service	F-3	7	1
7613(a)	Computer theft	F-3	7	1
7614(a)	Unlawful duplication (>\$2500)	F-2	7	2
7614(a)	Unlawful duplication (<=\$2500)	F-3	5	1
7615(a)(1)	Computer trespass-remove data/programs	F-3	7	1
7615(a)(2)	Computer trespass-cause malfunction	F-3	7	1
7615(a)(3)	Computer trespass-alter/erase data	F-3	7	1
7615(a)(4)	Computer trespass-transfer funds	F-3	7	1
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	7	1
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	1
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	1
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	m
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	m
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	1
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



<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)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	m
7702(1)	Owning/operating/conducting a chop shop	F-2	7	2
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	2
7703	Altered or illegally obtained property-veh ID num	F-3	5	1
7704	Altered or illegally obtained property-disposition	F-3	5	1

\*=subcategorized offenses. See § 303.3(b).  
 m=other misdemeanor offense. See § 303.7(a)(5).  
 Inchoates=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)(2)	Failure to report or to refer suspected child 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 ] <u>F-3</u>	[ 3 ] <u>5</u>	[ m ] <u>1</u>
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action (child abuse if F-1 or higher)	[ F-3 ] <u>F-2</u>	[ 5 ] <u>7</u>	[ 1 ] <u>2</u>
6319(c)	Failure to report or to refer suspected child abuse (2nd/subsq)	F-3	6	1
6319(c)	Failure to report or to refer suspected child abuse-child abuse if F-1 or higher (2nd/subsq)	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

<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 (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
<b>5502(a)(1)</b>	<b>Oper. watercraft under influence-general impairment/incapable of safe operation (passenger &lt;18)</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
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
<b>5502(a)(2)</b>	<b>Oper. watercraft under influence-general impairment: BAC .08-&lt;.10 (passenger &lt;18)</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
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
<b>5502(a.1)</b>	<b>Oper. watercraft under influence-high rate of alcohol: BAC .10-&lt;.16 (passenger &lt;18)</b>	<b>M-1</b>	<b>5</b>	<b>1</b>
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

<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>
<b><u>5502(a.2)</u></b>	<b><u>Oper. watercraft under influence-highest rate of alcohol: BAC =&gt;.16 (passenger &lt;18)</u></b>	<b><u>M-1</u></b>	<b><u>5</u></b>	<b><u>1</u></b>
<b><u>5502(a.3)</u></b>	<b><u>Oper. watercraft under influence-controlled substances (passenger &lt;18)</u></b>	<b><u>M-1</u></b>	<b><u>5</u></b>	<b><u>1</u></b>
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	1	m
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	1	m
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	1	m
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	1	m
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	1	m
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
<b><u>5502(a.4)</u></b>	<b><u>Oper. watercraft under influence-minor operator (passenger &lt;18)</u></b>	<b><u>M-1</u></b>	<b><u>5</u></b>	<b><u>1</u></b>
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

<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>
5502.1(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
<b>5502.4(a)</b>	<b>Aggravated assault by watercraft (SBI)</b>	<b>F-3</b>	<b>5</b>	<b>1</b>
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)

#### GAME

<i>34 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
<b>2314(a)(2)</b>	<b>Trespass on private property while hunting-no authorization; defies order (2nd/subsq off)</b>	<b>M</b>	<b>2</b>	<b>m</b>

**m=other misdemeanor offense. See § 303.7(a)(5)**

#### DRUG ACT OFFENSES

<i>35 P.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



<i>35 P.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)(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
(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	3
(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

<i>35 P.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-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
(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

<i>35 P.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 ( >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
(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-fentanyl and its derivatives and analogues (>=100 g)	F	14	3
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (50-<100 g)	F	13	3
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (10-<50 g)	F	11	2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (1-<10 g)	F	10	2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (<1 g)	F	8	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

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (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
(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



<i>35 P.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-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
(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

<i>35 P.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-heroin (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (≥100 g)	F	14	3
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (50-<100 g)	F	13	3
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (10-<50 g)	F	11	2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (1-<10 g)	F	10	2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (<1 g)	F	8	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
(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

<i>35 P.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-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
(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	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

<i>35 P.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)(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
(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

m=other misdemeanor offense. See § 303.7(a)(5).

<i>35 P.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 P.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 P.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
6018.101—6018.1002	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	9	1
	Transports, etc. hazardous waste without permit	F-2	7	2
	Violation of Act, DER Order, etc.	M-3	1	m
691.1—691.1001	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	1	m
4001—4015	Air Pollution Control Act			
	Knowingly releases hazardous air pollutant	F-1	9	1
	Violation of Act, DER Order, etc.	M-2	2	m
	Negligently releases hazardous air pollution	M-3	1	m

m=other misdemeanor offense. See § 303.7(a)(5).

**JUDICIAL CODE**

<i>42 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	2
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	1
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	2
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	1
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	2
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	1
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	2
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	1

**VEHICLE LAW OFFENSES**

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
1543(b)(1)(iii)	Drive w/ suspended/revoked license as condition of ARD/conviction for DUI (3rd/subsq off)	M-3	1	m
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC >=0.02%/or under influence of controlled subst. (2nd off)	M-3	1	m

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC $\geq$ 0.02%/or under influence of controlled subst. (3rd/subsq off)	M-1	3	m
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	1
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	m
3105(g)(2)	Unauth. operation of preemptive device	M-3	1	m
3367	Racing on highways (2nd/subsq off)	M	1	m
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	m
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	m
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	1
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	1	m
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 <sup>1</sup>	10	1
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543)	F-3 <sup>1</sup>	10	1
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 <sup>1</sup>	8	1
3732(a)*	Homicide by vehicle-w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended/revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 <sup>1</sup>	8	1
3732(a)*	Homicide by vehicle	F-3	6	1
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 <sup>2</sup>	9	1
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543)	F-3 <sup>2</sup>	9	1
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 <sup>2</sup>	7	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>
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended/revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 <sup>2</sup>	7	1
3732.1(a)*	Aggravated assault by vehicle	F-3	5	1
3733(a)	Fleeing or eluding police officer	M-2	2	m
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	1
3735(a)(1)(i)	Homicide by vehicle while DUI	F-2	10	2
3735(a)(1)(ii)	Homicide by vehicle while DUI (prior DUI)	F-1	11	3
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	9	2
3735.1(a.1)*	Aggravated assault by vehicle while DUI-required to be licensed (75-1501) or operating privilege suspended/revoked (75-1543)	F-2	10	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)(1)*	Accident involving death/personal injury-not properly licensed (death)	F-3	6	1
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	1
3742.1(a)(1)	Accident involving death/personal injury-not properly licensed	M-2	2	m
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (death)	M-2	3	m
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (SBI)	M-3	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 off)	M-2	3	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off)	F-3	6	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735)	F-3	6	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735)	F-3	6	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant; 3rd/subsq off)	F-3	6	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	F-3	6	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735)	F-3	6	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735)	F-3	6	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 3rd/subsq off)	F-3	6	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 off)	M-2	3	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off)	F-3	6	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735)	F-3	6	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant; 1st/2nd off)	M-1	5	1
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant; 3rd/subsq off)	F-3	6	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



<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	F-3	6	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735)	F-3	6	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 1st/2nd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735)	F-3	6	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 1st/2nd off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735)	F-3	6	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant; 3rd/subsq off)	F-3	6	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	1	m
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd/subsq off)	F-3	6	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735)	F-3	6	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735)	F-3	6	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 3rd/subsq off)	F-3	6	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (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)(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)	F-3	6	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735)	F-3	6	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735)	F-3	6	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735)	F-3	6	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (minor occupant; 3rd/subsq off)	F-3	6	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)	F-3	6	1
3802(e)	DUI-minor driver (prior conviction 75-3735)	F-3	6	1
3802(e)	DUI-minor driver (minor occupant; 1st/2nd off)	M-1	5	1
3802(e)	DUI-minor driver (minor occupant; 3rd/subsq off)	F-3	6	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	5	1
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	F-3	6	1
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735)	F-3	6	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant; 3rd/subsq off)	F-3	6	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	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)(1)(ii)	DUI-school vehicles (4th/subsq off)	F-3	6	1
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735)	F-3	6	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant; 3rd/subsq off)	F-3	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	m
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	5	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	F-3	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735)	F-3	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	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	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	F-3	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735)	F-3	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant; 3rd/subsq off)	F-3	6	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	5	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	F-3	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735)	F-3	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 3rd/subsq off)	F-3	6	1
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	m
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	1	m
3808(b)	Tampering with ignition interlock system-using/ providing breath sample	M	1	m
6308(d)	Investigation by police officers-records	M-3	1	m

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
6503.1	Habitual offenders	M-2	2	m
7111	Deal in titles/plates for stolen vehicles	M-1	3	m
7112	False report of theft or conversion of vehicle	M-3	1	m
7121	False application for title or registration	M-1	3	m
7122	Altered/forged/counterfeit title/plates	M-1	3	m
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	m
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	m

\*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

<sup>1</sup> statutory maximum increased by 5 years if offense occurred in active work zone or if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=12 years)

<sup>2</sup> statutory maximum increased by 2 years if offense occurred in active work zone or if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=9 years)

#### OMNIBUS ASSIGNMENTS

<i>Omnibus Assignments</i>	<i>Statutory Class</i>	<i>§ 303.3 Offense Gravity Score</i>	<i>§ 303.7 Prior Record Score Points</i>
Offenses not otherwise listed and new offenses:	F-1	8	3
	F-2	7	2
	F-3	5	1
	Felony Not Classified	5	1
	M-1	3	m
	M-2	2	m
	M-3	1	m
	Misdemeanor Not Classified	1	m



§ 303.16(a). Basic Sentencing Matrix.

(Editor's Note. § 303.16(a) is replaced in its entirety for readability purposes)

Level	OGS	Prior Record Score						RFEL	REVOC	AGG/MIT
		0	1	2	3	4	5			
LEVEL 5	14	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/-12
	13	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	36-54	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	22-36	30-42	36-48	42-54	48-60	60-72	72-84	120	+/- 12
	9	12-24	18-30	24-36	30-42	36-48	48-60	60-72	120	+/- 12
LEVEL 4	8	9-16	12-18	15-21	18-24	21-27	27-33	40-52	NA	+/- 9
LEVEL 3	7	6-14	9-16	12-18	15-21	18-24	24-30	35-45	NA	+/- 6
	6	3-12	6-14	9-16	12-18	15-21	21-27	27-40	NA	+/- 6
LEVEL 2	5	RS-9 P2 (225-250)	1-12	3-14	6-16	9-16	12-18	24-36	NA	+/- 3
	4	RS-3 P1 (100-125)	RS-9 P2 (225-250)	RS-<12 P2 (300-325)	3-14	6-16	9-16	21-30	NA	+/- 3
	3	RS-1 P1 (50-75)	RS-6 P1 (150-175)	RS-9 P2 (225-250)	RS-<12 P2 (300-325)	3-14	6-16	12-18	NA	+/- 3
LEVEL 1	2	RS (25-50)	RS-2 P1 (75-100)	RS-3 P1 (100-125)	RS-4 P1 (125-150)	RS-6 P1 (150-175)	1-9	6- <12	NA	+/- 3
	1	RS (25-50)	RS-1 P1 (50-75)	RS-2 P1 (75-100)	RS-3 P1 (100-125)	RS-4 P1 (125-150)	RS-6 P1 (150-175)	3-6	NA	+/- 3

Restorative Sanctions (RS) are non-confinement sentence recommendation (204 Pa. Code § 303.9(f))  
 Guilt without further penalty (42 Pa.C.S. § 9723)  
 Fines (18 Pa.C.S. § 1101) including Fines/Community Service Guidelines (204 Pa. Code § 303.14(a)(4))  
 Community Service (range of hours), including Fines/Community Service Guidelines (204 Pa. Code § 303.14(a)(4))  
 Restitution (18 Pa.C.S. § 1106)  
 Probation (42 Pa.C.S. §§ 9722, 9763(b)), including recommendations for duration of probation  
 P1: 1 year                      P2: 2 years                      Probation as Restorative Sanction = Recommended aggregate term not to exceed 5 years.

Confinement sentence recommendations (204 Pa. Code § 303.9(e)) are ranges of minimum terms in months  
 Confinement in state facility (§ 303.9(e)(1))  
 Confinement in county facility (§ 303.9(e)(2), (3))  
 Probation with restrictive conditions (§ 303.9(e)(2), (3)) are CIP programs (42 Pa.C.S. Chapter 98), subject to the following recommendations:  
*Sentencing guidelines*. Duration of restrictive conditions and confinement recommended not to exceed sentence range.  
*DUI mandatory minimum requirement*. Duration of restrictive conditions and confinement equivalent to mandatory minimum requirement.  
*Clinical evaluation*. Diagnostic evaluation of dependency on alcohol and other drugs consistent with clinically prescribed treatment.  
*RNR assessment*. Validated assessment of risk, needs, and responsibility may guide decisions related to: intensity of intervention, use of restrictive conditions, and duration of community supervision.  
 Probation supervision period = Recommended aggregate term not to exceed 10 years.

Omnibus Offense Gravity Score (OGS) assignments. See Omnibus policy (§ 303.3(f)) and OGS assignments (§ 303.15):  
 M3 = OGS 1                      M2 = OGS 2                      M1 = OGS 3  
 F3 = OGS 5                      F2 = OGS 7                      F1 = OGS 8                      F1 (maximum>20 years) = OGS 10

§ 303.16(b). Basic Sentencing Matrix for Offenders Convicted of 1st or 2nd Degree Murder.

Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree										
	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
<b>Murder of 1st Degree</b>										
Offender >=18	15	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	N/A
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
<b>Murder of 2nd Degree</b>										
Offender >=18	15	LWOP	LWOP	LWOP	LWOP	LWOP	LWOP	LWOP	LWOP	N/A
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.
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 when committed by an offender under age 18 (18 Pa.C.S. § 1102.1(b)).
6. Recommendations for Murder 1 and 2 apply to offenders under age 18 at the time of the offense and the conviction occurred after June 24, 2012.

§ 303.17(a). Deadly Weapon Enhancement/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								AGG/MIT
			0	1	2	3	4	5	RFEL	REVOC	
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] **probation with restrictive conditions** 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))] In no case where the enhancement is applied may the mitigated sentence recommendation be lower than the duration of the enhancement of the standard range described in § 303.10(a)(5) (i.e., OGS 1-4 = 3 months; OGS 5-8 = 6 months; OGS 9-14 = 9 months). See § 303.13(b)(6).**
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								AGG/MIT
			0	1	2	3	4	5	RFEL	REVOC	
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	~/- 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
Level 3	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When [county intermediate punishment] **probation with restrictive conditions** 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))] In no case where the enhancement is applied may the mitigated sentence recommendation be lower than the duration of the enhancement of the standard range described in § 303.10(a)(6) (i.e., OGS 1-4 = 6 months; OGS 5-8 = 12 months; OGS 9-14 = 18 months). See § 303.13(b)(6).**
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). School Enhancement Matrix.

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

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] restrictive conditions of probation are 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). Youth Enhancement Matrix.

Level	OGS	Prior Record Score						RFEL	REVOC	Agg/Mit
		0	1	2	3	4	5			
5	14	84 - SL	96 - SL	108 - SL	SL	SL	SL	SL	SL	~-/12
	13	72 - 102	78 - 108	84 - 114	90 - 120	96 - SL	108 - SL	SL	SL	+/-12
	12	60 - 90	66 - 96	72 - 102	78 - 108	84 - 114	96 - SL	108 - SL	SL	+/-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] restrictive conditions of probation are** 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). School and Youth Enhancement Matrix.

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

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When [county intermediate punishment is] restrictive conditions of probation are 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. 20-1338. Filed for public inspection September 25, 2020, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM  
GENERAL PROVISIONS**

**COMMISSION ON SENTENCING  
[ 204 PA. CODE CH. 307 ]**

**Adopted Resentencing Guidelines, Amendment 1**

On June 4, 2020, the Pennsylvania Commission on Sentencing approved for the purpose of public comment proposed Amendment 1 of the Resentencing Guidelines, 204 Pa. Code §§ 307.1—307.4. The proposal was published in the *Pennsylvania Bulletin* on July 4, 2020 (50 Pa.B. 3305). Public hearings were held August 18, 2020 (McKeesport, Allegheny County, and via ZOOM) and

August 20, 2020 (Harrisburg, Dauphin County, and via ZOOM).

On September 10, 2020, the Pennsylvania Commission on Sentencing adopted Resentencing Guidelines, Amendment 1. The Guidelines adopted by the Commission are submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*, and will become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly.

The Commission originally adopted Resentencing Guidelines on June 13, 2019. As per the mandate (42 Pa.C.S. § 2154.4), the Guidelines take into account: (1) factors considered in adopting the Sentencing Guidelines, (2) the seriousness of the violation, and (3) the rehabilitative needs of the defendant. The Resentencing Guidelines are informed by an analysis of the revocations

and resentences reported to the Commission since 2016. As no statewide data existed upon which to base Resentencing Guidelines, counties were required to report all revocations of probation, county intermediate punishment, and state intermediate punishment that were imposed on or after January 1, 2016 and the related resentences (7th Edition Sentencing Guidelines, Amendment 3).

The Resentencing Guidelines became effective January 1, 2020. They were to apply to sentences of probation, county intermediate punishment, and state intermediate punishment imposed on or after January 1, 2020 and that were subsequently revoked for technical violations and conviction violations and resentenced.

However, prior to the effective date of January 1, 2020, Act 115 of 2019 was enacted. It repealed the sentencing alternatives of County Intermediate Punishment and State Intermediate Punishment as of December 18, 2019. The Act reassigns County Intermediate Punishment Programs as restrictive conditions of probation and created the State Drug Treatment Program under the authority of the Department of Corrections as a replacement for State Intermediate Punishment.

The Resentencing Guidelines, as adopted June 13, 2019 and effective January 1, 2020, remain applicable to sentences of probation imposed on or after January 1, 2020 and that are subsequently revoked and resentenced.

On September 10, 2020, the Commission adopted Resentencing Guidelines, Amendment 1, primarily to address the repeal of County and State Intermediate Punishment under Act 115 of 2019. Additionally, in response to practitioners, the Commission incorporated language to consider time spent serving the order of probation when resentencing offenders (42 Pa.C.S. § 9771(e)).

Resentencing Guidelines, Amendment 1, as adopted by the Commission, is summarized below and set forth in Annex A.

REPRESENTATIVE TODD STEPHENS,  
*Chair*

#### Commentary on Annex A

This Commentary provides selected highlights of the adopted Resentencing Guidelines, Amendment 1. The adopted Amendment is set forth in Annex A.

##### *Revisions to § 307.1—Preliminary provisions*

Act 115 of 2019 repealed county intermediate punishment and state intermediate punishment as sentencing alternatives effective December 18, 2019. Definitions and references to these alternatives were removed under (a) and (b). Under the definition of ‘probation’ in (b), language was added to reference restrictive conditions of probation and restrictive DUI probation conditions. Under the definition of ‘resentence,’ language was incorporated to include due consideration of time served under probation. Technical changes were made in numbering in (b).

##### *Revisions to § 307.2—Resentencing Guidelines standards*

Act 115 of 2019 repealed county intermediate punishment and state intermediate punishment as sentencing alternatives effective December 18, 2019. References to those alternatives were removed.

Resentencing Guidelines were effective January 1, 2020 and applied to all sentences of probation, county intermediate punishment, and state intermediate punishment that were revoked for technical violations or conviction violations and subsequently resentenced. Resentencing Guidelines, Amendment 1, continue to apply to sentences

of probation that are revoked for technical or conviction violations and subsequently resentenced. It includes sentences imposed with restrictive conditions of probation.

##### *Revisions to § 307.3—Procedure for determining the guideline sentence*

Act 115 of 2019 repealed county intermediate punishment and state intermediate punishment as sentencing alternatives effective December 18, 2019. References to those alternatives were removed.

The Commission added language to include due consideration given to time spent serving the order of probation (42 Pa.C.S. § 9771(e)) when resentencing offenders.

##### *Revisions to § 307.4—Guideline sentence recommendations*

No change.

##### *Resource Utilization*

In accordance with 42 Pa.C.S.A. § 2153(a)(15), the Commission is mandated to determine resources required under current Resentencing Guidelines and resources that would be required to carry out Resentencing Guidelines, Amendment 1. Changes to the Resentencing Guidelines may be initiated by the Commission or in response to legislation enacted by the General Assembly.

Amendment 1 is a technical change to remove references to County Intermediate Punishment and State Intermediate Punishment which were already repealed as sentencing alternatives (Act 115 of 2019). As these two sentencing alternatives were repealed prior to the effective date of the original Resentencing Guidelines, only probation sentences imposed and subsequently revoked fell under the initial Resentencing Guidelines.

Therefore, the modifications adopted in Resentencing Guidelines, Amendment 1 do not impact resource utilization since the removed provisions were no longer subject to resentencing.

##### *Effective Date*

Resentencing Guidelines, Amendment 1 shall become effective January 1, 2021 unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VIII. CRIMINAL SENTENCING

#### CHAPTER 307. RESENTENCING GUIDELINES, AMENDMENT 1

##### § 307.1. Preliminary provisions.

###### (a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing an offender following the revocation of probation [ , county intermediate punishment, or state intermediate punishment ].

(2) The Resentencing Guidelines shall take into account:

- (i) factors considered in adopting the sentencing guidelines,
  - (ii) the seriousness of the violation, and
  - (iii) the rehabilitative needs of the defendant.
- (b) *Definitions.* For the purposes of this chapter:



[ (1) ] “Conviction.” A finding of guilty or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

[ (2) ] **“County intermediate punishment (CIP).” A sentencing alternative as provided in 42 Pa.C.S. Chapter 98 and imposed pursuant to 42 Pa.C.S. § 9763.** ]

[ (3) ] “Court.” A court of record.

[ (4) ] “Judicial proceeding.” A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

[ (5) ] “Offense gravity score (OGS).” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code § 303.3 and § 303.15).

[ (6) ] “Offense tracking number (OTN).” A unique identifying number assigned to an entire set of charges related to a conviction. An OTN is generally assigned by the court at the time of arraignment.

[ (7) ] “Prior record score (PRS).” A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code § 303.4).

[ (8) ] “Probation.” A sentencing alternative as provided in 42 Pa.C.S. § 9722 and imposed pursuant to 42 Pa.C.S. § 9754; **conditions of probation, pursuant to 42 Pa.C.S. § 9763, include conditions generally (b), restrictive DUI probation conditions (c), and restrictive conditions of probation (d).**

[ (9) ] “Resentence.” A new sentence imposed following the revocation of probation[ , **county intermediate punishment, or state intermediate punishment** ]. Upon revocation, the sentencing alternatives available to the court shall be the same as were available at the time of the initial sentence, **due consideration given to time spent serving the order of probation.**

[ (10) ] “Revocation.” The termination of an order of probation [ **or a sentence of county intermediate punishment or state intermediate punishment** ], upon proof of a violation of specific conditions of the order or sentence, as provided in 42 Pa.C.S. §§ 9771 and 9771.1 (relating to revocation of probation)[ , **42 Pa.C.S. § 9773 (relating to revocation of county intermediate punishment), and 42 Pa.C.S. § 9774 (relating to revocation of state intermediate punishment)** ].

[ (11) ] “Risk assessment instrument.” An empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

[ (i) ] 1st generation. “Professional judgment,” with assessments based on training and experience;

[ (ii) ] 2nd generation. “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

[ (iii) ] 3rd generation. “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employ-

ment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

[ (iv) ] 4th generation. “Risk-needs-responsivity (RNR) assessment,” an actuarial assessment of static and dynamic factors used to match the level of service to the offender’s risk to re-offend; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities, and strengths of the offender.

[ (12) ] “Sentencing Guidelines Software Web Application (SGS Web).” A JNET-based application operated by the Commission which includes the modules for Sentencing Guidelines and for Resentencing Guidelines. SGS Web serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences.

[ (13) ] “State identification number (SID).” A unique number associated with each offender based on fingerprints. The Commission requires the inclusion of SID as part of the record in the completed Guideline Sentence Form (§ 303.1(f)).

[ (14) ] **“State intermediate punishment (SIP).” A sentencing alternative as provided in 61 Pa.C.S. Chapter 41 and imposed pursuant to 61 Pa.C.S. § 4104(d).** ]

[ (15) ] “Violation.” A finding by a court of record, following a hearing, that the offender failed to comply with terms and conditions of an order of probation [ **or a sentence of county intermediate punishment or state intermediate punishment** ].

[ (i) ] “Technical violation.” Failure to comply with the terms and conditions of an order of probation [ **or a sentence of county intermediate punishment or state intermediate punishment** ], other than by the commission of a new offense of which the offender is convicted in a court of record.

[ (ii) ] “Conviction violation.” Commission of a new offense during the period of probation[ , **county intermediate punishment, or state intermediate punishment** ], resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

### § 307.2. Resentencing Guidelines standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation[ , **county intermediate punishment, or state intermediate punishment** ].

(b) The Resentencing Guidelines shall apply to revocations of probation[ , **county intermediate punishment, and state intermediate punishment** ] for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation[ , **county intermediate punishment, and state intermediate punishment** ] for all offenses committed on or after the effective date of the amendment. Amendment 1 is effective January 1, 2021.

(c) Upon revocation of probation[ , **county intermediate punishment, or state intermediate punishment** ], all sentencing alternatives available to the court at the time of the initial sentence shall be available to the court for resentencing.

(d) In every case in which a court of record imposes a resentencing for a felony or misdemeanor, the court shall make as a part of the record and disclose in open court at the time of resentencing, a statement of the reason or reasons for the revocation and for the sentence imposed. In every case where a court of record imposes a sentence outside the Resentencing 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 204 Pa. Code § 303.1(e).

(e) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to report all revocations of probation [ , **county intermediate punishment, and state intermediate punishment** ] and related sentences 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.

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

(a) For a technical violation resulting in the revocation of an order of probation [ **or a sentence of county intermediate punishment or state intermediate punishment** ], the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation [ **or a sentence of county inter-**

**mediate punishment or state intermediate punishment** ], the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines), and include consideration of the following:

(1) If the PRS category of the initial sentencing guidelines is PRS 0 through PRS 4, the PRS is increased by one category;

(2) If the PRS category of the initial sentencing guidelines is PRS 5, RFEL, or REVOC, there is no change to the PRS category.

**Consideration shall be given to any service of the original sentence.**

(c) If the revocation of an order of probation [ **or a sentence of county intermediate punishment or state intermediate punishment** ] is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

**§ 307.4. Guideline sentence recommendations.**

(a) Prior to resentencing, the Commission recommends the court obtain additional information via a risk-needs assessment or a risk-needs-responsivity assessment to identify any rehabilitative needs that may be addressed in a sentence.

(b) Guideline resentencing recommendations relating to sentencing level, sentencing programs, aggravated and mitigated circumstances, and economic sanctions shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code §§ 303.11, 303.12, 303.13, and 303.14.

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