

PENNSYLVANIA BULLETIN

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for The General Assembly

Part I

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Department of Health
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Insurance Department
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Susquehanna River Basin Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 585, August 2023

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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.

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

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or 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.

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.

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.

The *Pennsylvania Bulletin* is available at www.pacodeandbulletin.gov.

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Printing Format

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**.

Proposed new chapters and rules are printed in regular type to enhance readability.

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

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 2023.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Proposed Amendments to the Pennsylvania Rules of Professional Conduct Relating to Conflict of Interest—Client Lawyer Sexual Relationships

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (the “Board”) is considering recommending to the Supreme Court of Pennsylvania an amendment to the Comment to Pennsylvania Rule of Professional Conduct (“RPC”) 1.8, as set forth in Annex A.

EXPLANATORY REPORT

RPC 1.8(j) prohibits a lawyer from having sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced. The rationale behind this rule is that a sexual relationship that starts after the commencement of legal representation may adversely influence the lawyer’s professional judgment and creates an impermissible personal conflict of interest. Comment (17) explains that a client-lawyer relationship is a fiduciary relationship at its heart, and is inherently unequal in that the lawyer holds the power. Thus, RPC 1.8(j) prohibits sexual relations between a lawyer and a client that start after commencement of the professional relationship due to the significant danger of harm to the client’s interests.

Recently, Pennsylvania’s disciplinary system has experienced an increase in “sex with clients” investigations where the matters involve sexual communications by way of “sexting” or similar communications, as opposed to actual physical relationships.

The Board is considering a proposal to amend comment (17) to RPC 1.8 to clarify and reinforce to the profession that lawyers have an ethical obligation to keep their relationships with clients professional, and that the current prohibition on “sexual relations” also includes sexual communications engaged in by a lawyer with a client after the commencement of representation and where no prior consensual relationship existed. The justification for the Rule’s ban on client sexual relations applies with equal force to prohibit sexual communications between lawyer and client, as the same danger of harm to the client’s interests exists.

Interested persons are invited to submit written comments, suggestions or objections by mail, email or facsimile to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, facsimile number (717-231-3381), email address Dboard.comments@pacourts.us on or before September 26, 2023.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.

* * * * *

(j) A lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced.

* * * * *

Comment:

* * * * *

Client-Lawyer Sexual Relationships

(17) The relationship between lawyer and client is a fiduciary one in which the lawyer occupies the highest position of trust and confidence. The relationship is almost always unequal; thus, a sexual relationship between lawyer and client can involve unfair exploitation of the lawyer’s fiduciary role, in violation of the lawyer’s basic ethical obligation not to use the trust of the client to the client’s disadvantage. In addition, such a relationship presents a significant danger that, because of the lawyer’s emotional involvement, the lawyer will be unable to represent the client without impairment of the exercise of independent professional judgment. Moreover, a blurred line between the professional and personal relationships may make it difficult to predict to what extent client confidences will be protected by the attorney-client evidentiary privilege, since client confidences are protected by privilege only when they are imparted in the context of the client-lawyer relationship. Because of the significant danger of harm to client interests and because the client’s own emotional involvement renders it unlikely that the client could give adequate informed consent, this Rule prohibits the lawyer from having sexual relations with a client regardless of whether the relationship is consensual and regardless of the absence of prejudice to the client. **For purposes of this Rule, “sexual relations” includes, but is not limited to, sexual communications with a client.**

(18) Sexual relationships that predate the client-lawyer relationship are not prohibited. Issues relating to the exploitation of the fiduciary relationship and client dependency are diminished when the sexual relationship existed prior to the commencement of the client-lawyer relationship. However, before proceeding with the representation in these circumstances, the lawyer should consider whether the lawyer’s ability to represent the client will be materially limited by the relationship. See Rule 1.7(a)(2).

(19) When the client is an organization, paragraph (j) of this Rule prohibits a lawyer for the organization (whether inside counsel or outside counsel) from having a sexual relationship with a constituent of the organization who supervises, directs or regularly consults with that lawyer concerning the organization's legal matters.

* * * * *

[Pa.B. Doc. No. 23-1143. Filed for public inspection August 25, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Local Rules Governing Electronic Filing in Criminal and Juvenile Matters; No. 2019IR0009

Order

And Now, this 8th day of August, 2023, it is hereby Ordered and Decreed that Bradford County Court of Common Pleas adopts Local Rule of Criminal Procedure 576.1 Electronic Filing and Service of Papers, Local Rule of Juvenile Court Procedure—Delinquency Matters 205 and Local Rule of Juvenile Court Procedure—Dependency Matters 1205 governing electronic filing in criminal cases, juvenile delinquency and dependency cases respectively for the 42nd Judicial District as set forth hereafter and shall be effective September 18, 2023.

The Bradford County District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

6) The effective date of the local rule shall be September 18, 2023 or 30 days after publication in the *Pennsylvania Bulletin* whichever occurs first.

By the Court

MAUREEN T. BEIRNE,
President Judge

Bradford County Local Rule of Criminal Procedure Local Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) General Scope and Purpose of the Rule

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Bradford County, the 42nd Judicial District, as of September 18, 2023. The Administrative Office of Pennsylvania Courts and the

judicial district of Bradford County have agreed upon an implementation plan for PACFile in Bradford County.

(B) PACFile

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal.

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(C) Legal Papers

(1) "Legal papers" which may be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, copies of exhibits and attachments, but excluding:

(a) applications for search warrants;

(b) applications for arrest warrants;

(c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;

(d) submissions filed ex parte as authorized by law;

(e) submissions filed or authorized to be filed under seal; and

(f) exhibits offered into evidence, whether or not admitted, in a court proceeding.

(2) Third party filing of amicus briefs or other third party filings shall not be permitted to be filed electronically.

(3) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.

(4) Any legal paper submitted for filing to the Clerk of Courts in a paper ('hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and this rule.

(D) Filing Fees

Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts, and at the same time and in the same amount as required by statute, Court rule or order. In addition to the filing fees now applicable, an online payment convenience fee for use of the PACFile system shall be imposed. See 204 Pa. Code § 207.3.

(E) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(4), shall become the record on appeal.

(F) *Confidential Information*

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format.

Bradford County Local Rule of Juvenile Court Procedure—Delinquency Matters**Rule 205. Electronic Filing and Service of Legal Papers.**(A) *General Scope and Purpose of the Rule*

Pursuant to Pennsylvania Rule of Juvenile Court Procedure 205, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Bradford County, the 42nd Judicial District, as of September 18, 2023. The Administrative Office of Pennsylvania Courts and the judicial district of Bradford County have agreed upon an implementation plan for PACFile in Bradford County.

(B) *PACFile*

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal.

(2) Pursuant to Pa.R.J.C.P. 205(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.J.C.P. 205.

(C) *Legal Papers*

(1) "Legal papers" which may be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, copies of exhibits and attachments, but excluding:

- (a) applications for search warrants;
- (b) applications for arrest warrants;
- (c) submissions filed or authorized to be filed under seal;
- (d) exhibits offered into evidence, whether or not admitted, in a court proceeding; and
- (e) submissions filed ex parte as authorized by law.

(2) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.

(3) Any legal paper submitted for filing to the Clerk of Courts in a paper ('hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.J.C.P. 205(C) and this rule.

(D) *Filing Fees*

Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts, and at the same time and in the same amount as required by statute, Court rule or order. In addition to the filing fees now applicable, an online payment convenience fee for use of the PACFile system shall be imposed. See 204 Pa. Code § 207.3.

(E) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(3), shall become the record on appeal.

(F) *Confidential Information*

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format.

Bradford County Local Rule of Juvenile Court Procedure—Dependency Matters**Rule 1205. Electronic Filing and Service of Legal Papers.**(A) *General Scope and Purpose of the Rule*

Pursuant to Pennsylvania Rule of Juvenile Procedure 1205, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Bradford County, the 42nd Judicial District, as of September 18, 2023. The Administrative Office of Pennsylvania Courts and the judicial district of Bradford County have agreed upon an implementation plan for PACFile in Bradford County.

(B) *PACFile*

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal.

(2) Pursuant to Pa.R.J.C.P. 1205(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.J.C.P. 1205.

(C) *Legal Papers*

(1) "Legal papers" which may be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, copies of exhibits and attachments, but excluding:

(a) submissions filed or authorized to be filed under seal.

(b) exhibits offered into evidence, whether or not admitted, in a court proceeding.

(c) Submissions filed ex parte as authorized by law.

(2) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.

(3) Any legal paper submitted for filing to the Clerk of Courts in a paper ('hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.J.C.P. 1205(C) and this rule.

(D) *Filing Fees*

Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts, and at the same time and in the same amount as required by statute, court rule or order. In addition to the filing fees now applicable, an online payment convenience fee for use of the PACFile system shall be imposed. See 204 Pa. Code § 207.3.

(E) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(3), shall become the record on appeal.

(F) *Confidential Information*

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential

information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format.

[Pa.B. Doc. No. 23-1144. Filed for public inspection August 25, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Victim Services Fee; No. 9 AD 2023

Administrative Order

And Now, this 15th day of August 2023, it is hereby *Ordered* and *Decreed* that pursuant to the Crime Victims Act a person who pleads guilty or nolo contendere, who is convicted of a crime, or is placed in a diversionary program shall, in addition to costs imposed under 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion of fines, etc.), pay costs of one hundred dollars (\$100.00).

Costs imposed shall be paid into the Crime Victim Services and Compensation Fund except that 70% of any costs which exceed \$60 shall be paid into a local victim services fund, established and administered by the county treasurer pursuant to 18 Pa. Stat. Ann. § 11.1101(b)(4). The county treasurer shall disperse money from a local victim services fund at the discretion of the county district attorney. The money in the local victim services fund shall be used only for victim services.

In accordance with Pa.R.J.A. 103(d), it is further *Ordered* that the Clerk of Courts shall distribute this Order to the Legislative References Bureau for publication in the *Pennsylvania Bulletin*, file one copy with the Administrative Office of Pennsylvania Courts, and the District Court Administrator shall publish this Order on the Fayette County website. The effective date of this Order shall be thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

STEVE P. LESKINEN,
President Judge

[Pa.B. Doc. No. 23-1145. Filed for public inspection August 25, 2023, 9:00 a.m.]

NOTICES

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 August 15, 2023.

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, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmsnspspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustrsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance 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, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
08-10-2023	MCS Bank Milroy Mifflin County	200 North Logan Boulevard Burnham Mifflin County	Approved
08-15-2023	CNB Bank Clearfield Clearfield County	926 Parade Street Erie Erie County	Approved

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

WENDY S. SPICHER,
Acting Secretary

[Pa.B. Doc. No. 23-1146. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Wild Resource Conservation Program; Public Hearing

The Department of Conservation and Natural Resources (Department) will hold a public hearing Wednesday, October 11, 2023, to comment on the applications submitted to the Wild Resource Conservation Program for grant funding in Fiscal Year 2023-2024. The hearing will be held at 11 a.m. in the 6th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this hearing can be directed to Jennifer Girton, (717) 787-3212, jgirton@pa.gov or Rebecca Bowen, (717) 772-0258, rebbowen@pa.gov. Individuals who plan to make comments should contact either Jennifer Girton or Rebecca Bowen.

Persons in need of accommodations as provided for the Americans with Disabilities Act of 1990 should contact Rebecca Bowen directly at (717) 772-0258 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 23-1147. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. 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). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of DEP for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to stormwater discharges associated with construction activities. A 30-day public comment period applies to these applications and draft permits. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice.

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and 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 DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs and to submit comments for those applications, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. 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. DEP will postpone its final determination until after a public hearing is held.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0223802	Joint DEP/PFBC Pesticides Permit	New	Maronda Farms HOA P.O. Box 688 Canonsburg, PA 15317-0688	Findlay Township Allegheny County	SWRO
0913863	Joint DEP/PFBC Pesticides Permit	Renewal	Yang Maria 1435 Pheasant Run Circle Yardley, PA 19067-3921	Lower Makefield Township Bucks County	SERO
0913879	Joint DEP/PFBC Pesticides Permit	Renewal	Timber Ridge Home Owner Assoc 975 Easton Road Suite 102 Warrington, PA 18976-1858	Upper Makefield Township Bucks County	SERO
0923815	Joint DEP/PFBC Pesticides Permit	New	Reserve at Northampton Comm Assoc 950 Town Center Drive Suite B25 Langhorne, PA 19047-1866	Northampton Township Bucks County	SERO
1513839	Joint DEP/PFBC Pesticides Permit	Renewal	East Goshen Township Chester County 1580 Paoli Pike West Chester, PA 19380-6107	East Goshen Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2023808	Joint DEP/PFBC Pesticides Permit	New	Sandra Grinarml 19531 Skeltontown Road Cambridge Springs, PA 16403-2153	Cussewago Township Crawford County	NWRO
2523802	Joint DEP/PFBC Pesticides Permit	New	Jill Faulkner 7911 Bargain Road Erie, PA 16509-4219	McKean Township Erie County	NWRO
6123803	Joint DEP/PFBC Pesticides Permit	New	Daniel Slagle 306 Wallaceville Road Titusville, PA 16354-8462	Oakland Township Venango County	NWRO
1500421	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO
0605411	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Amity Township Berks County 2004 Weavertown Road Douglassville, PA 19518-8971	Amity Township Berks County	SCRO
2987401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Todd Township Fulton County 2998 East Dutch Corner Road McConnellsburg, PA 17233	Todd Township Fulton County	SCRO
NNOEXSC48	No Exposure Certification	Renewal	TE Connectivity Corp 1590 Kauffman Road Landisville, PA 17538-1400	East Hempfield Township Lancaster County	SCRO
NNOEXSC84	No Exposure Certification	Renewal	Sherwin Williams Co. 1 Sherwin Williams Drive Fredericksburg, PA 17026	Bethel Township Lebanon County	SCRO
NOEXNW184	No Exposure Certification	Renewal	Advanced Finishing USA Inc. 7401 Klier Drive Fairview, PA 16415-2462	Fairview Township Erie County	NWRO
NOEXNW209	No Exposure Certification	Transfer	Burckhardt Compression US Inc. 488 Geesey Road Indiana, PA 15701	White Township Indiana County	NWRO
NOEXSC170	No Exposure Certification	Transfer	601 Memory LN Owner LLC 4 Radnor Corporate Center Radnor, PA 19087-4525	Springettsbury Township York County	SCRO
NOEXSE165	No Exposure Certification	Renewal	Veolia Wts USA Inc. 3600 Horizon Boulevard Feasterville Trevose, PA 19053-4945	Bensalem Township Bucks County	SERO
NOEXSE165	No Exposure Certification	Transfer	Veolia Wts USA Inc. 3600 Horizon Boulevard Feasterville Trevose, PA 19053-4945	Bensalem Township Bucks County	SERO
NOEXSW244	No Exposure Certification	Renewal	Emerson Proc Management Power & Water Solutions Inc. 200 Beta Drive Pittsburgh, PA 15238-2918	Ohara Township Allegheny County	SWRO
PAG032359	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Norfolk Southern Railway Co. 650 W Peachtree Street NW Box 13 Atlanta, GA 30308-1925	Bethlehem City Lehigh County	NERO
PAG032409	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	Frailey Township Schuylkill County	NERO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033799	PAG-03 NPDES General Permit for Industrial Stormwater	New	York County Transportation Authority dba Rabbittransit 415 N Zarfoss Drive York, PA 17404-8705	West Manchester Township York County	SCRO
PAG034056	PAG-03 NPDES General Permit for Industrial Stormwater	New	DF Stauffer Biscuit Co. 360 S Belmont Street York, PA 17403-2616	Spring Garden Township York County	SCRO
PAG035003	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	C & S Wholesale Grocers Inc. P.O. Box 80818 Simpsonville, SC 29680-0014	DuBois City Clearfield County	NCRO
PAG036556	PAG-03 NPDES General Permit for Industrial Stormwater	New	Gladiator Energy LLC 146 Painter-Koser Road Smithton, PA 15479-8722	Smithton Borough Westmoreland County	SWRO
PAG038326	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	M & B Redi Mix Inc. dba Dubrook 15303 Route 322 Clarion, PA 16214-6265	Evans City Borough Butler County	NWRO
PAG038361	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Pro Waste Service Inc. 813 E 18th Street Erie, PA 16503-2147	Erie City Erie County	NWRO
PAG038489	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	North Apollo Borough Armstrong County	NWRO
PAG038502	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Electric Materials Co. P.O. Box 390 50 South Washington Street North East, PA 16428-0390	North East Borough Erie County	NWRO
PAG038503	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Corry Forge Co. 441 E Main Street Corry, PA 16407-2013	Corry City Erie County	NWRO
PAG038538	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Weaber Inc. 11117 Skyline Drive Titusville, PA 16354-1375	Oil Creek Township Crawford County	NWRO
PAG038542	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Erie Region Airport Authority 4411 W 12th Street Erie, PA 16505-3035	Millcreek Township Erie County	NWRO
PAG038546	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Glen Gery Corp 433 S Pottsville Pike Shoemakersville, PA 19555-9742	Summerville Borough Jefferson County	NWRO
PAG038550	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Joseph McCormick Const Co. Inc. P.O. Box 176 3340 Pearl Avenue Erie, PA 16512-0176	Wesleyville Borough Erie County	NWRO
PAG038554	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Matson Lumber Co. 132 Main Street Brookville, PA 15825-1213	Brookville Borough Jefferson County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038561	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Saint Marys Area Airport Authority Elk County 159 Cessna Road Saint Marys, PA 15857-3053	Saint Marys City Elk County	NWRO
PAG044825	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Hall Cecil P.O. Box 129 Woodland, PA 16881-0129	Bradford Township Clearfield County	NCRO
PAG049240	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Kaulbach Melissa 6011 Bridlewood Drive Fairview, PA 16415-2709	Fairview Township Erie County	NWRO
PAG136368	PAG-13 NPDES General Permit for MS4s	Renewal	Potter Township Beaver County 206 Mowry Road Monaca, PA 15061-2224	Potter Township Beaver County	SWRO
0621406	Pump Stations Individual WQM Permit	Amendment	Reading City Berks County 503 N 6th Street Reading, PA 19601-3085	Reading City Berks County	SCRO
PA0233315	Single Residence STP Individual NPDES Permit	Transfer	Spink James 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
PA0239500	Single Residence STP Individual NPDES Permit	Transfer	Rodgers Dillen 2200 Brickyard Road North East, PA 16428-2828	North East Township Erie County	NWRO
0223403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Gilliland Jonathan 175 Audubon Road Sewickley, PA 15143-9013	Sewickley Heights Borough Allegheny County	SWRO
1722403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Hall Cecil P.O. Box 129 Woodland, PA 16881-0129	Bradford Township Clearfield County	NCRO
1922401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Spink James 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
2623400	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Peck Jeremy 101 Cabin Road Normalville, PA 15469-1145	Springfield Township Fayette County	SWRO
3123402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Vreeland Justin K 7024 Willow Brook Road Alexandria, PA 16611-2014	Logan Township Huntingdon County	SCRO
4323411	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Churchill Linda 2425 Mercer Butler Pike Grove City, PA 16127-3523	Liberty Township Mercer County	NWRO
WQG012232	WQG-01 WQM General Permit	New	Bower Neil 6968 Bake Oven Road Germansville, PA 18053-2309	Heidelberg Township Lehigh County	NERO
WQG018339	WQG-01 WQM General Permit	Transfer	Rodgers Dillen 2200 Brickyard Road North East, PA 16428-2828	North East Township Erie County	NWRO
WQG018451	WQG-01 WQM General Permit	Transfer	Kaulbach Melissa 6011 Bridlewood Drive Fairview, PA 16415-2709	Fairview Township Erie County	NWRO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northeast Regional Office

PA0020176, Sewage, SIC Code 4952, **Slatington Joint Client (Slatington Borough and Slatington Borough Authority)**, 125 S Walnut Street, Slatington, PA 18080-2099. Facility Name: Slatington WWTP. This existing facility is located in Slatington Borough, **Lehigh 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), Lehigh River (TSF, MF), is located in State Water Plan watershed 2-C and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.50 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.50 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	Report	Report Daily Max	XXX	25.0	50.0 Daily Max	50.0

The proposed effluent limits for Outfall 001 are based on a design flow of 1.50 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	Report	Report Daily Max	XXX	20.0	40.0 Daily Max	40.0

The proposed effluent limits for Outfall 001 are based on a design flow of 1.50 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (ug/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total	0.54	0.64 Daily Max	XXX	43.2	51.4 Daily Max	108.0

The proposed effluent limits for Outfall 001 are based on a design flow of 1.50 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Aluminum, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Iron, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Manganese, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.50 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.50	XXX	1.00

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Temperature (deg F) (°F)	XXX	XXX	Report Inst Min	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	312	500	XXX	25.0	40.0	50.0
CBOD ₅ Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
	Min Mo Avg					
Total Suspended Solids	375	563	XXX	30.0	45.0	60.0
Total Suspended Solids Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
	Min Mo Avg					
Total Dissolved Solids	Report	Report	XXX	1,000.0	2,000.0	2,500.0
		Daily Max			Daily Max	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Nitrate as N	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Nitrite an N	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Total Kjeldahl Nitrogen	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Total Phosphorus	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Zinc, Total (ug/l)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	

The proposed effluent limits for Stormwater Outfall Nos. 002 and 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Internal Monitor Point/Outfall 101 are based on a design flow of NA MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Raw Sewage Influent						
Temperature (deg F) (°F)	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Raw Sewage Influent						
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						

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

- Stormwater Prohibition; Necessary Property Rights; Residuals Management; Chlorine Minimization; Notification of Responsible Lead Certified Operator; WWTP Upgrade to Meet DRBC Docket Limits for Ammonia-N; High Flow Management Plan; Influent Flow Meter/Chamber & Flow Proportional Influent Composite Sampler; Oil & Gas Wastewater; Changes to Existing Stream/Discharge; Solids Management Condition; Water Quality-Based Effluent Limitations for Toxic Pollutants (Copper); Whole Effluent Toxicity (WET) Conditions; Requirements Applicable to Stormwater Outfalls.

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

The EPA Waiver is not in effect.

Northeast Regional Office

PA0276073, Sewage, SIC Code 4952, **Lemon Township, Tunkhannock Township, Joint Municipal Sewer Authority**, 26 Billings Mill Road, Tunkhannock, PA 18657-7807. Facility Name: Lake Carey WWTP. This existing facility is located in Tunkhannock Township, **Wyoming County**.

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

The receiving stream, Tunkhannock Creek (TSF, MF), is located in State Water Plan watershed 4-F and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.120 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.120 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.60
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	25.0	40.0	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent Total Suspended Solids	30.0	45.0	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	25.0	XXX	XXX	25.0	Report Daily Max	50.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	Report Daily Max	XXX
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Lead, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Mercury, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	0.0 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs) Total Annual	XXX	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs) Total Annual	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Total Annual	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Total Annual	XXX	0.0	XXX	XXX	XXX	XXX
Effluent Net						

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Requirements
- Solids Management

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0061069, Industrial, SIC Code 3229, **SCHOTT North America, Inc.**, 400 York Avenue, Duryea, PA 18642-2036. Facility Name: SCHOTT North America, Inc. This existing facility is located in Duryea Borough, **Luzerne 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), Lackawanna River (CWF), is located in State Water Plan watershed 5-A 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 0.0146 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Chesapeake Bay Nutrient Requirements
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0046680, Industrial, SIC Code 4953, **Republic Service of PA LLC**, 4400 Mount Pisgah Road, York, PA 17406-8240. Facility Name: Modern Landfill. This existing facility is located in Windsor and Lower Windsor Townships, **York County**.

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

The receiving stream(s), Kreutz Creek (WWF, MF) and Unnamed Tributary to Kreutz Creek (WWF, MF), are located in State Water Plan watershed 7-I.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.25	XXX	0.81
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	41.7	83.4	XXX	10	20	25
Total Suspended Solids	41.7	83.4	XXX	10	20	25
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	129	183	322
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli. (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	12.5	25.0	XXX	3.0	6.0	7.5
Nov 1 - Apr 30						
May 1 - Oct 31	4.17	8.34	XXX	1.0	2.0	2.5
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Boron, Total	17.2	23.0	XXX	4.12	5.52	10.3
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report	Report	XXX
Cobalt, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	0.27	0.47	XXX	0.065	0.11	0.16
a-Terpineol	0.013	0.026	XXX	0.0031	0.0063	0.0077
Benzoic Acid	0.058	0.096	XXX	0.014	0.023	0.034
Bis(2-Ethylhexyl) Phthalate	0.062	0.11	XXX	0.015	0.025	0.037
p-Cresol	0.011	0.020	XXX	0.0027	0.0048	0.0067
Phenol	0.029	0.038	XXX	0.0069	0.0090	0.017
Trichloroethylene	0.032	0.050	XXX	0.0078	0.012	0.020
Tritium (pCi/L)	XXX	XXX	XXX	XXX	Report	XXX
Uranium	XXX	XXX	XXX	XXX	Report	XXX
Aldrin (ug/l)	XXX	XXX	XXX	Report	Report	XXX
Beta-BHC (ug/l)	XXX	XXX	XXX	Report	Report	XXX
Beta-Endosulfan (ug/l)	XXX	XXX	XXX	Report	Report	XXX
Heptachlor Epoxide (ug/l)	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFOS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFAS (ng/l)	XXX	XXX	XXX	XXX	XXX	Report
Color (Pt-Co Units)	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) Downstream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) Upstream Monitoring	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (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	0.25	XXX	0.81
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	41.7	83.4	XXX	10	20	25
Total Suspended Solids	41.7	83.4	XXX	10	20	25
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	85.9	134	215
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli. (No./100 ml)	XXX	XXX	XXX	Geo Mean	XXX	Report
Ammonia-Nitrogen	12.5	25.0	XXX	3.0	6.0	7.5
Nov 1 - Apr 30						
May 1 - Oct 31	4.17	8.34	XXX	1.0	2.0	2.5
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4
Antimony, Total	0.063	0.096	XXX	0.015	0.023	0.038
Arsenic, Total	0.11	0.18	XXX	0.027	0.042	0.067
Boron, Total	17.2	23.0	XXX	4.12	5.52	10.3
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report	Report	XXX
Cobalt, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	0.23	0.35	XXX	0.055	0.085	0.14
Cyanide, Free	0.046	0.071	XXX	0.011	0.017	0.027
Dissolved Iron	3.34	5.25	XXX	0.80	1.26	2.01
Iron, Total	16.8	26.1	XXX	4.02	6.27	10.05
Manganese, Total	11.18	17.43	XXX	2.68	4.18	6.70
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	0.054	0.088	XXX	0.013	0.021	0.033
Zinc, Total	0.27	0.47	XXX	0.065	0.11	0.16
a-Terpineol	0.013	0.026	XXX	0.0031	0.0063	0.0077
Benzoic Acid	0.058	0.096	XXX	0.014	0.023	0.034
Bis(2-Ethylhexyl) Phthalate	0.018	0.027	XXX	0.0042	0.0065	0.010
p-Cresol	0.011	0.020	XXX	0.0027	0.0048	0.0067

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Phenol	0.029	0.038	XXX	0.0069	0.0090	0.017
Trichloroethylene	0.032	0.050	XXX	0.0078	0.012	0.020
Tritium (pCi/L)	XXX	XXX	XXX	XXX	Report	XXX
Uranium	XXX	XXX	XXX	XXX	Report	XXX
Aldrin (ug/l)	0.00021	0.00042	XXX	0.05	0.10	0.125
Beta-BHC (ug/l)	0.00042	0.00067	XXX	0.10	0.16	0.26
Beta-Endosulfan (ug/l)	0.00063	0.00096	XXX	0.15	0.23	0.38
Heptachlor Epoxide (ug/l)	0.00021	0.00042	XXX	0.05	0.10	0.125
PFOA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFOS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFAS (ng/l)	XXX	XXX	XXX	XXX	XXX	Report
Color (Pt-Co Units)	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) Downstream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units) Instream Monitoring	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania’s Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia-N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl-N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen (lbs)*	XXX	50,803	XXX	XXX	XXX	XXX
Net Total Phosphorus(lbs)*	XXX	300	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department’s Chapter 96 regulations (Water Quality Standards). The conditions include the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- A requirement that monitoring for PFOA, PFOS, and PFAS shall use draft analytical method 1633.
- A re-opener clause indicating that the permit can be amended during its term and permit limits added for PFOA, PFOS, and/or PFAS if Federal effluent guideline limitations are developed for this industry that include these parameters or if surface water quality criteria are promulgated for these parameters. Any such permit amendment would be considered a formal major DEP permitting action subject to applicable permit modification procedures.
- An option for the permittee to collect and submit to DEP site-specific data to verify or refine the new Water-Quality Based Effluent Limits for 14 parameters which are scheduled to take effect following a three-year compliance schedule, subject to the permittee’s input during the draft permit’s comment period.
- A requirement to conduct a Toxics Reduction Evaluation, commencing 120 days from the final permit’s effective date, for the 14 parameters with new Water-Quality Based Effluent Limits.
- A requirement for the permittee to submit progress reports every six months towards achieving the final limits for the 14 parameters with new Water-Quality Based Effluent Limits.
- A requirement for the permittee to continue to report separately the volume of groundwater discharged at outfall 001; the volume of on-site leachate discharged; the volume of other industrial wastewater generated on-site and discharged; and the volume and source of leachate from off-site introduced to the treatment plant. The permittee is required to report these items on a monthly basis on the Daily Effluent Monitoring Supplemental Reporting Form or as an attachment to the Supplemental DMR forms.

- A requirement to notify DEP in writing at least 30 days before introducing to the treatment plant any leachate that is not generated on-site. DEP retains the right to not authorize the acceptance of said leachate, or to request additional information if needed.
- Compliance with the requirements of the facility's DEP-issued waste permit.
- Notification requirements for Chemical Additives to be used by the permittee and restrictions on their usage.
- A requirement to electronically submit DEP's Annual Chesapeake Bay Spreadsheet to record nutrient concentrations and loads, any credits purchased, and any offsets applied.
- Requirements to conduct semi-annual inspections for stormwater management; follow Best Management Practices to keep pollutants out of stormwater discharges; maintain a Preparedness, Prevention, and Contingency Plan; and submit to DEP a Stormwater annual report.

Members of the public may make an appointment to review the DEP files on this permit by calling the DEP SCRO File Review Coordinator at 717-705-4732. An electronic copy of the draft permit and the associated Fact Sheet are also accessible for review at: NPDES and WQM Public Notice (pa.gov) (www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Pages/NPDES-and-WQM-Public-Notice.aspx.) From the webpage, click on the link 'Applications Received with Comment Periods Report'. Proceed to uncheck the 'Null' boxes before entering data in fields, enter the *Pennsylvania Bulletin* publication date or a range of *Pennsylvania Bulletin* publication dates in the *Pennsylvania Bulletin* fields shown, the permit number PA0046680 in the field labeled 'Application No.', and 'No' in the 'Open Comments Period' field. Click on 'View Report' button. Click on the links to Draft Permit and to Draft Fact Sheet.

The EPA Waiver is not in effect due to the existence of a significant Chesapeake Bay discharge.

Southcentral Regional Office

Application No. PA0294098, Concentrated Animal Feeding Operation (CAFO), **Wesley Burkholder (Wesley Burkholder Turkey Farm)**, 4715 Fort McCord Road, Chambersburg, PA 17202-9559.

Wesley Burkholder has submitted an application for an Individual NPDES permit for a new CAFO known as Wesley Burkholder Turkey Farm, located in Hamilton Township, **Franklin County**.

The CAFO is situated near Back Creek (TSF, MF) in Watershed 13-C, which is classified for Trout Stocking and Migratory Fishes. The CAFO will be designed to maintain an animal population of approximately 406.32 animal equivalent units (AEUs) consisting of 18,900 Turkey Tom Brooders and 18,900 Turkey Heavy Toms. All solid turkey manure will be stored on the floor of the turkey barns. There are no manure storages located on this operation. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Southcentral Regional Office

Application No. PA0294110, Concentrated Animal Feeding Operation (CAFO), **Kevyn Musser (Kevyn Musser Farm CAFO)**, 878 S Colebrook Road, Manheim, PA 17545-8676.

Kevyn Musser has submitted an application for an Individual NPDES permit for a new CAFO known as Kevyn Musser Farm CAFO, located in Rapho Township, **Lancaster County**.

The CAFO is situated near Chiques Creek (WWF, MF) in Watershed 7-G, which is classified for Warm Water Fishes and Migratory Fishes. The CAFO will be designed to maintain an animal population of approximately 810.99 animal equivalent units (AEUs) consisting of 5,200 Swine Grow Finish. Liquid Swine Manure is collected in two existing swine underbarn storages. The operation is proposing the construction of a third swine barn with underbarn storage. Prior to operation of the new swine manure storage facility, the design engineer will be required to submit certification that the facility was constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Southeast Regional Office

Application No. PA0058301, Sewage, SIC Code 8811, **Richard Maurer**, 807 Ridge Road, Telford, PA 18969-1528. Facility Name: Maurer SRSTP. This existing facility is located in Salford Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Ridge Valley Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	10.0	XXX	20.0
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0

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

Proposed Part C Conditions:

I. Other Requirements

A. AMR to DEP

B. DMR to DEP

C. Depth of Septage

D. Solids Removal from Septic Tanks

E. No Stormwater

F. Necessary Property Rights

G. Proper Sludge Disposal

H. Abandon STP when Municipal Sewers Available

I. UV Handling

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0021148, Sewage, SIC Code 4952, **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672. Facility Name: Mt Pleasant Borough STP. This existing facility is located in Mount Pleasant Borough, **Westmoreland 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), Shupe 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 1.5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Cyanide, Free (ug/L)	Report	Report	XXX	Report	Report	XXX
Benzo(k)Fluoranthene (ug/L)	Report	Report	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dichlorobromomethane (ug/L)	Report	Report	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate (ug/L)	Report	Report	XXX	Report	Report	XXX
Chloroform (ug/L)	Report	Report	XXX	Report	Report	XXX
Indeno(1,2,3-cd)Pyrene (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.03	XXX	0.10

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	XXX	0.035

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Copper, Total (ug/L)	0.12	0.18	XXX	9.46	14.2	14.2
Cyanide, Free (ug/L)	0.051	0.079	XXX	4.06	6.33	10.1
Benzo(k)Fluoranthene (ug/L)	0.0001	0.0002	XXX	0.012	0.018	0.029
Dichlorobromomethane (ug/L)	0.014	0.021	XXX	5.78	9.02	14.4
Bis(2-Ethylhexyl)Phthalate (ug/L)	0.005	0.007	XXX	0.37	0.58	0.93
Chloroform (ug/L)	0.072	0.11	XXX	5.78	9.02	14.4
Indeno(1,2,3-cd)Pyrene (ug/L)	0.00001	0.00002	XXX	0.001	0.002	0.003

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	220.0	335.0	Daily Min XXX	17.0	27.0	36
Nov 1 - Apr 30						
May 1 - Oct 31	125.0	185.0	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	310.0	475.0	XXX	25.0	38.0	50
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean		
Ammonia-Nitrogen	40.0	XXX	XXX	3.2	4.8	Report 6.4
Nov 1 - Apr 30						
May 1 - Oct 31	23.9	XXX	XXX	1.91	3.82	XXX
Iron, Dissolved (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0205681, Sewage, SIC Code 4952, **Somerset Township Municipal**, P.O. Box 247, Somerset, PA 15501-0247. Facility Name: SCI Somerset STP. This existing facility is located in Black Township, **Somerset County**.

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

The receiving stream(s), UNT to Laurel Run (WWF), is located in State Water Plan watershed 19-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report Daily Max	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.06	XXX	0.18

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Copper, Total (ug/L)	XXX	XXX	XXX	9.15	13.7 Daily Max	13.7
Zinc, Total (ug/L)	XXX	XXX	XXX	117.0	118.0 Daily Max	118

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	0.420	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	35.0	52.5	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	35.0	52.5	XXX	10.0	15.0	20
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30				200		
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	9.28	XXX	XXX	2.65	XXX	5.3
Nov 1 - Apr 30						
May 1 - Oct 31	6.66	XXX	XXX	1.9	XXX	3.8

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

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

Northeast Regional Office

Applicant: **SJC Hoffman Lane Holdings, LLC, c/o Salvator Rizutto**

Applicant Address: 6341 Hoffman Lane, Coopersburg, PA 18036-3025

Application Number: **PAD390275**

Application Type: New

Municipality/County: Lower Milford Township, **Lehigh County**

Project Site Name: Limeport Commons

Total Earth Disturbance Area (acres): 7.57 acres

Surface Waters Receiving Stormwater Discharges: Saucon Creek via EV Wetlands (HQ-CWF, MF) (EV Wetlands) and UNT to Saucon Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: SJC Hoffman Lane Holdings, LLC is proposing 11 twin housing units and 2 single-family homes. Improvements to the site include a private cul-de-sac street, landscaping, lighting, stormwater management BMPs and new utilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Southeast Regional Office

Applicant: **Borough of Quakertown**

Applicant Address: 35 N. Third Street, Quakertown, PA 18951

Application Number: **PAD090092**

Application Type: New

Municipality/County: Quakertown Borough and Richland Township, **Bucks County**

Project Site Name: Quakertown Wastewater Treatment Plant Upgrade

Total Earth Disturbance Area (acres): 4.16 acres

Surface Waters Receiving Stormwater Discharges: Tohickon Creek (TSF, MF), Tohickon Creek (EV)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Install a new reception building and driveway, cogeneration facility structures, and replacement stormwater basin.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

Northcentral Regional Office

Applicant: **Brian Haggy**

Applicant Address: 724 Swart Road Lewisburg PA 17837

Application Number: **PAD600012**

Application Type: New

Municipality/County: Buffalo Township, **Union County**

Project Site Name: Brian Haggy Agricultural Development

Total Earth Disturbance Area (acres): 3.5 acres

Surface Waters Receiving Stormwater Discharges: UNT to Black Run (HQ-CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project is located in Buffalo Township, Union County, PA. The project consists of the development of 5.0 acres of existing farmstead and agricultural field into a transportation company with building, access drives, on-lot stormwater management, and associated improvements. The development will be situated along Swarts Road (T-410) on an existing farmstead approximately 0.8 mile west of the intersection of Swartz Road (T-410) and Spruce Run Road SR 1001. The project will disturb approximately 3.5 acres.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Northcentral Regional Office

Applicant: **LandPro Equipment**

Applicant Address: 1756 Lundquist Drive, Falconer, NY 14733

Application Number: **PAD140099**

Application Type: New

Municipality/County: Potter Township, **Centre County**

Project Site Name: LandPro Equipment—Centre Hall

Total Earth Disturbance Area (acres): 6.63 acres

Surface Waters Receiving Stormwater Discharges: Spring Creek (HQ-CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project is for the construction of a 16,000 SF building, customer parking, outdoor display area, stormwater management facilities, and on-lot wastewater disposal.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Northcentral Regional Office

Applicant: **UGI Utilities, Inc.**

Applicant Address: 1 UGI Drive, Denver, PA 17517

Application Number: **PAD530015**

Application Type: New

Municipality/County: Sharon Township, **Potter County**

Project Site Name: Route 44 Gas Main Replacement

Total Earth Disturbance Area (acres): 6.1 acres

Surface Waters Receiving Stormwater Discharges: Oswayo Creek (HQ-CWF) and Wildcat Creek (CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project is for installation of approx. 13,315 ft of 8 and 2-inch HDPE gas main and associated gas service lines via HDD and direct burial to replace a section of existing gas main.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Northcentral Regional Office

Applicant: **UGI Utilities, Inc.**

Applicant Address: 1 UGI Drive, Denver, PA 17517

Application Number: **PAD530016**

Application Type: New

Municipality/County: Sweden Township and Eulalia Township, **Potter County**

Project Site Name: Roberts Road Gas Main Replacement

Total Earth Disturbance Area (acres): 1.73 acres

Surface Waters Receiving Stormwater Discharges: Mill Creek and Trout Run (HQ-CWF0) Wild Trout

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project is for installation of approx. 11,228 ft of 6, 4, and 2-inch HDPE gas main and associated gas service lines via HDD and direct burial to replace a section of existing gas main.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Northeast Regional Office

Applicant: **DEPG Mosier Associates, LP**

Applicant Address: 1000 Fayette St., Conshohocken, PA 19428

Application Number: **PAD450013 A-5**

Application Type: Renewal

Municipality/County: Smithfield Township, **Monroe County**

Project Site Name: Smithfield Gateway Phase 1A-2

Total Earth Disturbance Area (acres): 34.89 acres

Surface Waters Receiving Stormwater Discharges: UNT to Brodhead Creek (TSF, MF), Brodhead Creek (TSF, MF), Marshall's Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Development of Phase 1A-2 of Smithfield Gateway for the construction of a Convenience Store and restaurant, including utilities and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Southeast Regional Office

Applicant: **Stoltzfus Enterprises LTD**

Applicant Address: 26 East Main Street, Elverson, PA 19520

Application Number: **PAD150308**

Application Type: New

Municipality/County: West Nantmeal Township, **Chester County**

Project Site Name: 626 Bulltown Road

Total Earth Disturbance Area (acres): 3.895 acres

Surface Waters Receiving Stormwater Discharges: French Creek (EV, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: A single family home and barn is proposed with public water and sewer. The drainage area is divided into a Bypass Area (controlled by a proposed culvert) and an area controlled by BMP's including vegetation, swales, and an infiltration basin.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

Northeast Regional Office

Applicant: **Jake Vida Management Corp of PA**

Applicant Address: 60 Davinci Drive, Bohemia, NY 11716

Application Number: **PAD480192**

Application Type: New

Municipality/County: City of Bethlehem, **Northampton County**

Project Site Name: 2897 Easton Avenue Apartments

Total Earth Disturbance Area (acres): 2.6 acres

Surface Waters Receiving Stormwater Discharges: Nancy Run (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project will construct two (2) multi-family apartment buildings with a total of fifty-four (54) residential units (14 one-bedroom units and 40 two-bedroom units). The project will also include construction of associated parking and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northcentral Regional Office

Applicant: **Brian Haggy**

Applicant Address: 724 Swartz Road, Lewisburg, PA 17837

Application Number: **PAD600012**

Application Type: New

Municipality/County: Buffalo Township, **Union County**

Project Site Name: Brian Haggy Agricultural Development

Total Earth Disturbance Area (acres): 3.5 acres

Surface Waters Receiving Stormwater Discharges: UNT to Black Run (HQ-CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project is located in Buffalo Township, Union County, PA. The project consists of the development of 5.0 acres of existing farmstead and agricultural field into a transportation company with building, access drives, on-lot stormwater management, and associated improvements. The development will be situated along Swarts Road (T-410) on an existing farmstead approximately 0.8 mile west of the intersection of Swartz Road (T-410) and Spruce Run Road SR 1001. The project will disturb approximately 3.5 acres.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Southeast Regional Office

Applicant: **Philadelphia Department of Aviation**

Applicant Address: 8500 Essington Ave, Philadelphia, PA 19153

Application Number: **PAD230012 A-19**

Application Type: Major Amendment

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: PHL Runway 8-26 EMAS System

Total Earth Disturbance Area (acres): 7.974 acres

Surface Waters Receiving Stormwater Discharges: Lower Schuylkill/Delaware River South (WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The Philadelphia International Airport is building a standard safety area and installing an Engineered Material Arresting System (EMAS) at the end of Runway 8-26 to comply with current FAA Standards. The safety area has a limit of disturbance greater than 1 acre and converting a large portion of turf area to asphalt. A large rain garden/bio retention system will be located at the end of the new safety area.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

Northeast Regional Office

Applicant: **Kenneth Schuchman**

Applicant Address: P.O. Box 404, Marshalls Creek, PA 18335

Application Number: **PAD450072**

Application Type: Renewal

Municipality/County: Smithfield Township, **Monroe County**

Project Site Name: JMS/Hallet-Buttermilk Falls Corporate Center

Total Earth Disturbance Area (acres): 3.5 acres

Surface Waters Receiving Stormwater Discharges: Candle Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Renewal of NPDES Permit for Construction of a 26,600 square foot building with parking, utilities and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Southcentral Regional Office*Applicant: **Andrew III**

Applicant Address: 2143 East Mount Hope Road, Manheim, PA 17545

Application Number: **PAD360106**

Application Type: New

Municipality/County: Penn Township, **Lancaster County**

Project Site Name: Andrew III

Total Earth Disturbance Area (acres): 9.38 acres

Surface Waters Receiving Stormwater Discharges: UNT to Shearers Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Construction of new animal heavy use area and feed bunkers.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4732.

*Northeast Regional Office*Applicant: **Bethlehem Parking Authority**

Applicant Address: 85 W. North St., Bethlehem, PA 18018

Application Number: **PAD480191**

Application Type: New

Municipality/County: City of Bethlehem, **Northampton County**

Project Site Name: Walnut Street Parking Garage

Total Earth Disturbance Area (acres): 1.39 acres

Surface Waters Receiving Stormwater Discharges: Monocacy Creek—HQ-CWF, MF

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project proposes improvements to the site, including: the demolition of 56,486 square feet garage, and rock stabilization.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

*Southcentral Regional Office*Applicant: **Boing US Holdco, Inc.**

Applicant Address: 440 South Church Street, Suite 700, Charlotte, NC 28202

Application Number: **PAD210098**

Application Type: New

Municipality/County: Middlesex Township, and North Middleton Township, **Cumberland County**

Project Site Name: Take 5 Car Wash & Oil Change

Total Earth Disturbance Area (acres): 1.4 acres

Surface Waters Receiving Stormwater Discharges: Letort Spring Run, (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Construction of a drive through car wash and oil change building.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4732.

Southcentral Regional Office

Applicant: **M&G Realty Inc.**

Applicant Address: 2295 Susquehanna Trail, Suite C, York, PA 17404

Application Number: **PAD070014A-1**

Application Type: Major Amendment

Municipality/County: Antis Township, **Blair County**

Project Site Name: Rutters # 82—Waste Haul Road

Total Earth Disturbance Area (acres): 2.76 acres

Surface Waters Receiving Stormwater Discharges: UNT to Sandy Run (HQ-CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The major amendment adds a temporary haul road to the already approved earth disturbances for the proposed construction of a Rutter's convenience store with fuel dispensing facilities, parking lot, and stormwater best management practices.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4732.

Southwest Regional Office

Applicant: **Peoples Natural Gas Company LLC**

Applicant Address: 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212

Application Number: **PA630005D**

Application Type: New

Municipality/County: Beallsville Borough and Deemston Borough, North Bethlehem Township, Somerset Township, West Bethlehem Township, and West Pike Run Township, **Washington County**.

Project Site Name: Goodwin Tombaugh System Conversion Phase 3 Areas 10—12

Total Earth Disturbance Area (acres): 30 acres

Surface Waters Receiving Stormwater Discharges: Center Branch Pigeon Creek (WWF), Plum Run (TSF), Daniels Run (TSF), and Pigeon Creek (WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The Project consists of the installation of 10 miles of new 2-inch, 3-inch, 4-inch and 6-inch plastic gas pipeline in Beallsville Borough, Deemston Borough, North Bethlehem Township, Somerset Township, West Bethlehem Township, and West Pike Run Township, Washington County, PA. PNG intends to complete a portion of the Project using Horizontal Directional Drilling (HDD) to reduce earth disturbance and limit environmental impacts. The remainder of the Project will be installed via trenching methods. Use of the existing pipeline will be abandoned. The pipeline will remain in place except for sections of exposed pipeline within streams and wetlands, which will be removed. Additionally, the abandoned pipeline will either be removed or capped at all stream and wetland crossings in accordance with PA DEP requirements. In-lieu of grouting the abandoned line at resource crossings, PNG shall maintain liability of the abandoned line. If there are any environmental concerns or any issues identified due to the abandoned pipe, PNG will be responsible to correct the issue. The Project will be restored to pre-construction conditions and no new permanent impervious areas are proposed.

Special Conditions: Earth disturbance may not commence in Chapter 105 regulated areas until all Chapter 105 authorizations have been obtained.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

Southwest Regional Office

Applicant: **North Allegheny Wind, LLC**

Applicant Address: 115 Industrial Drive, Cresson, PA 16630

Application Number: **PAD110016**

Application Type: New

Municipality/County: Cresson Township, Juniata Township, Portage Township and Washington Township, **Cambria County** and **Blair County**

Project Site Name: North Allegheny Wind Repower

Total Earth Disturbance Area (acres): 82.45 acres

Surface Waters Receiving Stormwater Discharges: UNT 46071 to Spring Run (CWF), UNT 46099 to Bens Creek (CWF), UNT 46053 to Trout Run (CWF), UNTs to Bobs Creek (CWF-HQ), Bobs Creek (CWF-HQ), UNTs to Trout Run; Trout Run (CWF), UNT 46103 to Bens Creek (CWF), UNT 46111 to Little Conemaugh River (CWF), UNT 16368 to Blair Run (CWF) and UNTs 16496, 16497 to Poplar Run (CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: North Allegheny Wind Repower Project proposes to repower the existing turbines with newer technology turbines. The project includes repowering 33 turbines out of the existing 35 turbines within Cambria and Blair Counties. The repower work proposes additional gravel areas during the repowering process by expanding the turning radius to facilitate crane mobilization. After the completion of work, these locations will be restored to their original conditions. As no additional permanent impervious areas are proposed, the project is considered as a Site Restoration Project. As part of site restoration, the immediate area surrounding the pads near each turbine will be treated with permanent seeding.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

Northwest Regional Office

Applicant: **Millfair Holdings LLC**

Applicant Address: 10 Peninsula Drive, Erie, PA 16505

Application Number: **PAD250021**

Application Type: New

Municipality/County: McKean Township, **Erie County**

Project Site Name: Sterretania Road RV Parking

Total Earth Disturbance Area (acres): 5.7 acres

Surface Waters Receiving Stormwater Discharges: UNT to Walnut Creek HQ, CWF, MF

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Construction of a RV parking area, stormwater conveyance system, and rain garden.

Special Conditions: A—L

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

Northeast Regional Office

Applicant: **WIP Allentown Redevelopment, LLC c/o Matthew Hainzl**

Applicant Address: 100 Passaic Avenue, Suite 240, Fairfield, NJ 07004-3520

Application Number: **PAD390278**

Application Type: New

Municipality/County: City of Allentown, **Lehigh County**

Project Site Name: South 12th Street Redevelopment

Total Earth Disturbance Area (acres): 8.6 acres

Surface Waters Receiving Stormwater Discharges: Trout Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The proposal includes the demolition of an existing commercial retail site and construction of a new 133,000 SF warehouse facility with associated improvements including parking areas, walkways, access drives, truck loading docks and storage spaces, utilities, stormwater management systems and landscaping.

Special Conditions: N/A—No site-specific special conditions proposed

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

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.

Individuals 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.

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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>
Garret Moyer 1200 Red Bank Road Middleburg, PA 17842	Snyder County	153.9	726.9	Swine	NA	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 Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals 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 Environmental Protection (DEP) 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, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa D. Houser, P.E., Facilities Manager, 570 327-3740.

WMGR163NC002. Highland Field Services, LLC, 2000 Westinghouse Drive, Suite 400, Cranberry Township, PA 16066-5238, Chatham Township, **Tioga County.** Application to construct a temporary gravel pad to store and transfer produced fluid for beneficial reuse. Application received: August 10, 2023.

Comments or questions concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (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.

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager.

101728. Armada Waste OH-PA, LLC, 3490 Piedmont Road, Suite 1350, Atlanta, GA 30305, Crescent Township, **Allegheny County**. Application for a municipal waste transfer facility permit to accept municipal and residual waste at their facility located at 1306 Main Street, Glenwillard, PA 15046. The applicant currently operates under general permit WMGM043SW005 at this location. Application received: October 16, 2020. Deemed administratively complete: June 29, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton 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 of Environmental Protection (DEP) 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 DEP, 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 DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP'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 DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals 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 DEP'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.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, 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 DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PLAN APPROVALS

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

49-00070A: Atlantic Metal Industries, 600 Susquehanna Trail, Liverpool, PA 17045, Point Township, **Northumberland County**. Application received: February 9, 2023. The Department intends to issue a plan approval for the construction and operation of a 40 ton per hour Texas model 80104 scrap metal shredder at the proposed Railroad Street facility. The Department of Environmental Protection's (Department) review of the information submitted by Atlantic Metal Industries indicates that the air contamination source to be 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 this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from the proposed source included in this project will not exceed the following limits: 4.20 tons of volatile organic compounds per year, 3.03 tons of particulate matter less than 10 microns, 0.87 ton of particulate matter less than 2.5 microns, and 0.24 ton of hazardous air pollutants. The facility is a State Only (Synthetic Minor) facility. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 49-00070A, 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief, 484-250-5920.

15-0054D: Highway Materials, Inc./Malvern, 680 Morehall Rd, Frazer, PA 19355, East Whiteland Township, **Chester County**. Application received: June 19, 2023. This plan approval revises the mass emission limits and emission factors of the hot mix batch asphalt plant (Source 101) when firing natural gas or propane fuels at their existing facility. The revisions will be based on the results of the stack test conducted on the asphalt plant on August 9, 2022. The plan approval will also convert previously established short-term mass emission limits of the asphalt plant when firing liquid fuels from pound per ton values to pound per hour values. There are no proposed changes or modifications to the asphalt plant or its control devices. Stack testing shall be conducted on a recurring basis, once every five (5) years. The facility shall continue to comply with all other requirements of their State Only Operating Permit 15-00054 and shall retain a synthetic minor status by limiting facility-wide emissions to below major source thresholds. The plan approval will include monitoring, recordkeeping, and reporting requirements designed to address 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 can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

Correction—previously published on June 17, 2023

09-0197B: Hiossen, Inc., 85 Ben Fairless Dr, Fairless Hills, PA 19030-5012, Falls Township, **Bucks County**. Application received: January 30, 2023. The proposed project has been modified as follows: the installation and operation of (a) a new acid etching unit (Source ID 103) that will vent to the existing back-up packed tower scrubber (Source ID C103); and (b) the existing acid etching unit (Source ID 102) that will vent only to the primary packed tower scrubber (Source ID C102). The potential emissions from the project remain the same: 0.59 TPY hydrochloric acid (HCl) and 0.39 TPY sulfuric acid (H₂SO₄). The plan approval contains all applicable

requirements including monitoring, recordkeeping, reporting and work practice requirements 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 plan approval can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

08-00045, Hamilton Liberty LLC, 151 Liberty Lane, Towanda, PA 18848, Asylum Township, **Bradford County**. Application received: October 19, 2022. The Department intends to issue the Acid Rain Permit, TIVOP 08-00045, for the Hamilton Liberty Generation Plant facility. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Clean Air Act. The application is subject to the regulatory requirements specified in 40 CFR Part 72. The Acid Rain Permit will cover the two (2) combined cycle combustion turbine units at the facility. The Acid Rain Permit incorporates the applicable requirements to the units, as specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72—80. The SO₂ allowance allocated by the Acid Rain Program pursuant to 40 CFR Part 73 for this facility is zero. The Title IV permit includes special permit conditions for the allowance tracking system. The units are not subject to the NO_x emission limitations of 40 CFR Part 96 since they are only authorized to combust natural gas for operation. Based on the information previously presented and included in the application for the Acid Rain Permit, TIVOP 08-00045, the Department intends to issue TIVOP 08-00045 for the Hamilton Liberty facility. The Acid Rain Permit will be incorporated into the Title V operating permit for the facility. 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. Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit (specify TIVOP 08-00045) and concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspa-

per or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701.

41-00084, Hamilton Patriot LLC, 50 Patriot Lane, Montgomery, PA 17752, Clinton Township, **Lycoming County**. Application received: November 7, 2022. The Department intends to issue the Acid Rain Permit, TIVOP 41-00084, for the Hamilton Patriot Generation Plant facility located in Clinton Township, Lycoming County. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Clean Air Act. The application is subject to the regulatory requirements specified in 40 CFR Part 72. The Acid Rain Permit will cover the two (2) combined cycle combustion turbine units at the facility. The Acid Rain Permit incorporates the applicable requirements to the units, as specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72—80. The SO₂ allowance allocated by the Acid Rain Program pursuant to 40 CFR Part 73 for this facility is zero. The Title IV permit includes special permit conditions for the allowance tracking system. The units are not subject to the NO_x emission limitations of 40 CFR Part 96 since they are only authorized to combust natural gas for operation. Based on the information previously presented and included in the application for the Acid Rain Permit, TIVOP 41-00084, the Department intends to issue TIVOP 41-00084 for the Hamilton Patriot Generation Plant facility. The Acid Rain Permit will be incorporated into the Title V operating permit for the facility. 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. Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit (specify TIVOP 41-00084) and concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick, 570-826-2409.

54-00004, Gilberton Power Co./John B. Rich Memorial Power Station, 81 Eleanor Avenue, Frackville, PA 17931-2301, Mahanoy Township, **Schuylkill County**. Application received: December 23, 2022. The Department intends to issue a renewal Title V Operating Permit for the electric generation facility located in Mahanoy Township, Schuylkill County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The main sources at this facility consist of two (2) fluidized bed boilers, an auxiliary boiler, ash handling system, and a diesel fire pump. The sources are controlled by baghouses. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. On April 23, 2016, the Pennsylvania Department of Environmental Protection (PA DEP) published 25 Pa. Code §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO_x and VOC, also known as Reasonably Available Control Technology (RACT II). Gilberton Power Co./John B. Rich Memorial Power Station qualifies as a major source of NO_x emissions because facility-wide potential NO_x emissions are above the RACT II major source threshold (i.e., 100 tons per year). As a result, the NO_x emitting operations at the facility will be subject to the provisions of the RACT II rule. The NO_x emitting sources at the facility are Source ID # 031 and Source ID # 032, the Circulating Fluidized Bed (CFB) Boilers, Source ID # 033, an Auxiliary Boiler, and Source ID # 200, a Diesel Fire Pump. The Presumptive RACT II requirements are included in the TV operating permit. Chapter 129 §§ 129.111—129.115—Effective on November 12, 2022, upon its publication in the *Pennsylvania Bulletin*, the Environmental Quality Board (EQB) amended Chapter 129 to establish additional presumptive reasonable available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO_x), and volatile organic compounds (VOC) emissions in existence on or before August 3, 2018. These additional requirements and limitations, collectively known as RACT III, address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Gilberton operates several sources subject to RACT, including Source ID # 031 and Source ID # 032, the Circulating Fluidized Bed (CFB) Boilers, Source ID # 033, an Auxiliary Boiler, and Source ID # 200, a Diesel Fire Pump, however, the requirements for these sources were previously incorporated into the Title V Operating Permit under RACT II. The Presumptive RACT III requirements are included in the TV operating permit. The proposed Title V operating permit contains 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.

OPERATING PERMITS

Notice of Intent to Issue Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

40-00125, Sunlight Crematory of Wilkes-Barre LLC, 628 Nanticoke St, Hanover Township, PA 18706, Hanover Township, **Luzerne County**. Application re-

ceived: May 4, 2023. The Department intends to issue a renewal State-Only Operating Permit for their cremation units. The proposed 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

43-00294, Intl Timber & Veneer/Jackson Commerce Park, 75 McQuiston Dr, Jackson Center, PA 16133-1635, Jackson Township, **Mercer County**. Application received: September 15, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the hardwood veneer and plywood manufacturing facility. The facility's primary emission sources include: a 23.9 mmBtu/hr wood fired boiler controlled by primary and secondary cyclones, an 8.4 mmBtu/hr natural gas boiler, three space heaters, four veneer dryers, and sawing, grinding and chipping sources controlled by cyclones for the processing of hardwood logs into veneer. The PM, SO_x, NO_x, CO, and VOC emissions are less than 22 TPY, 3 TPY, 30 TPY, 69 TPY, and 8 TPY, respectively; thus, the facility is a natural minor. The wood-fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00161, Greentree Landfill Gas Company, 5087 Junction Road, Lockport, NY 14094, Horton Township, **Elk County**. Application received: August 29, 2022. The Department intends to renew a State Only Operating Permit for Greentree Landfill Gas Company's Brockway Booster Station. The sources at the facility are an emergency generator and 2 Caterpillar Model G3512LE compressor engines rated at 1,004 bhp at 1,400 rpm. The 2 compressor engines are each equipped with a catalyst. The facility is a Natural Minor. The potential emissions from the facility are as follows: 3.73 tpy CO, 39.83 tpy NO_x, 0.72 tpy PM, 0.04 tpy SO_x, 3.21 tpy VOC, and 1.5 tpy formaldehyde. Engines # 1 and # 2 are subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAPs for Stationary Reciprocating Internal Combustion Engines. The conditions of the previous plan approval are incorporated into the renewal permit. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

10-00381, Mountain Gathering LLC, 190 Thorn Hill Rd, Warrendale, PA 15086, Forward Township, **Butler County**. Application received: August 26, 2022. The Department intends to renew a State Only Operating Permit for Mountain Gathering LLC's Forward Compressor Station. The primary emissions sources are six 1,775 Hp compressor engines, two Triethylene Glycol dehydrators and reboilers, line heaters, condensate and water storage tanks, a gun barrel tank, and fugitive emissions at the facility. Potential emissions from the facility are less than the Title V emission thresholds. The facility is a Natural Minor. The potential emissions from the facility are as follows: 54.09 tpy NO_x; 26.51 tpy CO; 40.49 tpy VOCs; 0.19 tpy SO_x; 3.34 tpy PM₁₀; 3.34 tpy PM_{2.5}; 5.11 tpy HAPs. Actual reported emissions for the calendar

year 2022 were 43.82 tons NO_x; 8.72 tons CO; 17.70 tons VOC; 0.18 ton SO_x; 3.27 tons PM₁₀; 3.27 tons PM_{2.5}; 2.518 tons HAPs; and 37,285 tons CO₂. Sources at this facility are subject to the following Federal emission standards: 40 CFR Part 60 Subpart JJJJ, the standards of performance for stationary spark ignition internal combustion engines; and 40 CFR Part 60 Subpart OOOO, the standards of performance for crude oil and natural gas production, transmission and distribution; and 40 CFR Part 63 Subpart HH, the national emission standards for hazardous air pollutants from oil and natural gas production facilities. The conditions of the previous plan approvals are incorporated into the renewal permit. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

21-03078, Carlisle Coatings & Waterproofing Inc., 1275 Ritner Hwy., Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. Application received: April 24, 2023. To issue a State Only Operating Permit for its asphalt roofing materials plant. Potential air emissions from the facility are estimated to be 2.19 tpy NO_x, 3.44 tpy CO, 1.49 tpy PM₁₀, 5.75 tpy VOCs and < 1 tpy SO_x. 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 for Federal 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture and 40 CFR Part 63, Subpart AAAAAA—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

38-03035, V & S Lebanon Galvanizing, LLC, 153 Micro Drive, Jonestown, PA 17038, Union Township, **Lebanon County**. Application received: May 9, 2023. To issue a State Only Operating Permit for the metal coating facility. The potential emissions from the facility are estimated at 6.80 tpy of NO_x, 5.72 tpy of CO, 4.76 tpy of PM₁₀, 0.04 tpy of SO_x, 0.37 tpy of VOC and 1.47 tpy of 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 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

36-05157, Ivy Creek Custom Cabinetry, Inc., 99 Elmwood Avenue, Landisville, PA 17538-1305, East Hempfield Township, **Lancaster County**. Application received: April 27, 2023. To issue a State-Only Operating Permit for the operation of their wood furniture surface coating facility. Past actual emissions from the facility for 2022 were estimated to be 2.99 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the

applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52.

38-03022, Murry's Inc., 1501 Willow Street, Lebanon, PA 17042, City of Lebanon, **Lebanon County**. Application received: April 28, 2023. To issue a State-Only Operating Permit for operation of their frozen food processing plant. The subject facility has the potential to emit 6.11 tpy CO, 7.27 tpy NO_x, 6.01 tpy PM₁₀/PM_{2.5}, 0.04 tpy SO_x, and 2.18 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 123.11 and 123.22.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

09-00062, Oldcastle Infrastructure Inc./Telford, 200 Keystone Dr, Telford, PA 18969, West Rockhill Township, **Bucks County**. Application received: February 28, 2023. For operation of a concrete casting and coating facility. The facility is classified as a Synthetic Minor for Volatile Organic Compound (VOC) emissions and Hazardous Air Pollutant (HAP) emissions; facility-wide VOC emission limit is less than 25 tons per year and the facility-wide HAP emission limit is less than 25 tons per year, any combination HAP, and less than 10 tons per year, any single HAP. The permit will include monitoring, recordkeeping and reporting 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 can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

09-00132, McAdoo & Allen Inc., 201 S Hellertown Rd, Quakertown, PA 18951-1768, Quakertown Borough, **Bucks County**. Application received: April 5, 2023. A State Only Operating Permit renewal application for their facility, Quaker Color Division, which is a pigment dispersions manufacturer for the automotive and industrial coatings markets. The Quaker Color Division is also a manufacturer of polymers and all components of the waterborne coatings for the architectural market. The primary emission sources include the chip manufacturing process, which is comprised of roll mills (chip granulators) and paddle blenders generating VOC/HAP emissions, the dispersion process, which is comprised of includes (4) dust collectors on closed dispersion vats to capture powder emission (particulate matter) during additions, diesel dual fuel-fired emergency generator and miscellaneous VOC emission sources (i.e., chip granulators and paddle blenders) and insignificant eight insignificant natural gas-fired boilers with rated heat input capacities ranging from 0.54—2.4 MMBtu/hr. This is the fourth renewal of the operating permit. The renewed permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. The pollutant emission sources at McAdoo & Allen/Quaker Color Division are subjected to restrictions to ensure that the total emission rates for VOCs are below the major source threshold limits of 24.9 tons per year (tpy). To remain a minor or area source of HAPs, the facility is restricted to

a limit of 10 tpy for any single individual HAP and 25 tpy for any combination of HAPs. 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 can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov

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 are also subject to 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 (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if 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 DEP 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). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, 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 also contain 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 is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunc-

tion with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 30810703. NPDES No. PA0236438. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. To renew the permit and related NPDES permit. Application received: June 28, 2023. Accepted: August 3, 2023.

Mining Permit No. 30121301. NPDES No. PA 0236195. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Morris and Center Townships, **Greene County**. To revise the permit and related NPDES permit to change 4,219 acres of the underground permit area and subsidence control plan area from underground development mining to longwall mining. Application received: July 6, 2023. Accepted: August 4, 2023.

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Morris Townships, **Greene and Washington Counties**. To revise the permit and related NPDES permit for installation of degas boreholes. Application received: July 13, 2023. Accepted: August 7, 2023.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, **Greene County**. To revise the permit and related NPDES permit to revise alignments of 10L-4 and 11L-4 borehole access roads. Application received: July 28, 2023. Accepted: August 8, 2023.

Mining Permit No. 56111601. NPDES No. PA0236098 and GP12-56111601. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Shade Township, **Somerset County**. To renew the permit and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. Application received: June 20, 2023. Accepted: August 9, 2023.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert 724-925-5500 RA-EPNEWSTANTON@pa.gov.

Mining Permit No. Government Financed Contract Number 26-23-01. NPDES No. PA0278599. Stash Mining, LLC, 675 Old Route 51, Waltersburg, PA 15488, Franklin Township, **Fayette County**. Application for commencement, operation and restoration for a Government Financed Construction Contract and associated NPDES permit, affecting 7.8 acres. Receiving streams: Unnamed tributary to Redstone Creek, classified for the following use: WWF. Application received: July 26, 2023.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity must always exceed acidity.			
pH must always be greater than 6.0; less than 9.0.			

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 41230801. GP-104 No. PAM223006. Zachary Cleaver, 7207 Sulphur Springs Road, Montgomery, PA 17752, Washington Township, **Lycoming County**. New permit application for a small noncoal (industrial minerals) operation affecting 5.0 acres. Receiving stream(s): Unnamed tributary to Spring Creek classified for the following use(s): TSF. Application received: August 9, 2023. Accepted: August 9, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (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 (DEP) 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 must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

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 § 77.522 are pH 6 to 9 and other parameters DEP 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.

Coal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

NPDES No. PA0279510. Mining Permit No. 56160101. Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963, Paint Township, **Somerset County**. Renewal of an NPDES permit affecting 159.2 acres related to a coal mining activity permit. Receiving stream: Weaver Run, classified for the following use: Cold Water Fishes—CWF. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: July 20, 2022.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to Weaver Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate (MGD)</i>
001	Existing	Treatment	0.186
002	Existing	Treatment	0.186
003	Existing	Sediment	0.186
004	Existing	Sediment	1.42

The proposed effluent limits for the previously listed outfalls are as follows:

Mine Drainage Treatment and Stormwater Control Outfalls discharging to infiltration galleries; 002, 004

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	-	-	9.0
Total Suspended Solids (mg/L)	-	-	-	90.0
Iron, Total (mg/L)	-	-	-	7.0
Manganese, Total (mg/L)	-	-	-	5.0
Aluminum, Total (mg/L)			Report	
Net Alkalinity (as CaCO ₃ , mg/L)			Report	

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Alkalinity, Total (as CaCO ₃ , mg/L)	0.0	N/A	N/A	N/A
Acidity, Total (as CaCO ₃ , mg/L)			Report	
Flow (gpm)			Report	
Temperature (°C)			Report	
Specific Conductance (µmhos/cm)			Report	
Sulfate, Total (mg/L)			Report	

Mine Drainage Treatment Outfall 001

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	-	-	9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Iron, Total (mg/L)		1.5	3.0	3.7
Manganese, Total (mg/L)		1.0	2.0	2.5
Aluminum, Total (mg/L)			Report	
Net Alkalinity (as CaCO ₃ , mg/L)			Report	
Alkalinity, Total (as CaCO ₃ , mg/L)	0.0	N/A	N/A	N/A
Acidity, Total (as CaCO ₃ , mg/L)			Report	
Flow (gpm)			Report	
Temperature (°C)			Report	
Specific Conductance (µmhos/cm)			Report	
Sulfate, Total (mg/L)			Report	

Stormwater Control Outfall 003

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	-	-	9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Iron, Total (mg/L)		1.5	3.0	3.7
Manganese, Total (mg/L)		1.0	2.0	2.5
Aluminum, Total (mg/L)		0.75	0.75	0.75
Net Alkalinity (as CaCO ₃ , mg/L)			Report	
Alkalinity, Total (as CaCO ₃ , mg/L)	0.0	N/A	N/A	N/A
Acidity, Total (as CaCO ₃ , mg/L)			Report	
Flow (gpm)			Report	
Temperature (°C)			Report	
Specific Conductance (µmhos/cm)			Report	
Sulfate, Total (mg/L)			Report	

Outfalls which represent emergency spillways in response to precipitation that exceeds a 10 yr/24 hr event: 004

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	-	-	9.0
Total Suspended Solids (mg/L)	-	-	-	90.0
Iron, Total (mg/L)	-	-	-	3.7
Manganese, Total (mg/L)	-	-	-	2.5
Aluminum, Total (mg/L)	-	-	-	0.75
Net Alkalinity (as CaCO ₃ , mg/L)			Report	
Alkalinity, Total (as CaCO ₃ , mg/L)	0.0	N/A	N/A	N/A
Acidity, Total (as CaCO ₃ , mg/L)			Report	
Flow (gpm)			Report	
Temperature (°C)			Report	
Specific Conductance (µmhos/cm)			Report	
Sulfate, Total (mg/L)			Report	

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.

NPDES No. PA0269573 (Mining Permit No. 17060101). Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830. Renewal of an NPDES permit for discharge of water resulting from coal surface mining in Lawrence Township,

Clearfield County, affecting 203 acres. Receiving stream(s): unnamed tributaries to Little Clearfield Creek, classified for the following use(s): HQ-CWF. This receiving stream is included in the Clearfield Creek TMDL. Application received: April 27, 2023.

The following outfalls require a non-discharge alternative:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Pond G	No Discharge
004	Existing	Treatment Pond J	No Discharge
005	Existing	Treatment Pond K	No Discharge
006	Existing	Sediment Pond A	No Discharge
007	Existing	Sediment Pond B	No Discharge
008	Existing	Sediment Pond C	No Discharge
009	Existing	Sediment Pond D	No Discharge
010	Existing	Sediment Pond E	No Discharge
012	Existing	Sediment Pond L&M	No Discharge
013	Existing	Sediment Pond N	No Discharge

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of NDA (Non-Discharge Alternative system comprised of non-discharging distribution manifolds). Instantaneous maximum BAT limits will be applied to the outfall effluent entering the NDA systems for the protection of the groundwater.

The following outfalls discharge to tributaries to Little Clearfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
006	N	Sediment Pond Emergency Spillway
007	N	Sediment Pond Emergency Spillway
008	N	Sediment Pond Emergency Spillway
009	N	Sediment Pond Emergency Spillway
010	N	Sediment Pond Emergency Spillway
012	N	Sediment Pond Emergency Spillway
013	N	Sediment Pond Emergency Spillway

The only potential point source discharges to surface water are the discharges from the emergency spillway of a sediment pond during precipitation that exceeds a 10 yr/24 hr event.

Effluent limits for the emergency spillways are as follows:

Outfalls: 006, 007, 008, 009, 010, 012, & 013 Sediment Pond Emergency Spillway

(Discharge after >10-yr/24-hr Precipitation Event)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	N/A	N/A	1.5
Manganese (mg/L)	N/A	N/A	1.0
Aluminum (mg/L)	N/A	N/A	0.75
Total Suspended Solids (mg/L)	N/A	N/A	10.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

Noncoal NPDES Draft Permits

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

NPDES No. PA0107433. Mining Permit No. 3074SM13. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Butler County**. Renewal of an NPDES permit. Application received: April 20, 2023.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following treated wastewater outfalls discharge to unnamed tributaries to Wolf Creek and Slippery Rock Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
002	Existing	SWO	0.02
003	Existing	SWO	0.04
004	Existing	SWO	0.05
005	Existing	SWO	0.16
007	Existing	SWO	0.05
008	Existing	SWO	0.06

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
010	Existing	SWO	0.07
012	Existing	TFO	0.13

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0226297. Mining Permit No. 64132501. Kevin Schrader, P.O. Box 262, Lake Como, PA 18437, Buckingham Township, **Wayne County**. New NPDES Permit on General Permit for Bluestone Mining affecting 12.0 acres. Receiving stream: No Discharge to the UNT to Equinunk Creek, classified for the following uses: HQ-CWF, MF. The first downstream potable water supply intake from the point of discharge is NRG Energy Portland Generating Station. Non-discharging Best Management Practices will be in effect. Application received: May 9, 2022.

NPDES Permit No. PA0226387. Mining Permit No. 45152801. Elmer F. Possinger & Sons, Inc., P.O. Box 520, Bartonsville, PA 18321, Hamlin Township, **Monroe County**. New NPDES permit affecting 5.0 acres. Receiving stream: McMichaels Creek, classified for the following uses: HQ-CWF, MF. The operation does not discharge to waters of the Commonwealth. Non-discharging Best Management Practices will be in effect. Application received: February 21, 2023.

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 (DEP). 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. Individuals 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 DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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)).

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E4802223-001. Chester Franklin Group, LLC, 664 Northampton Street, Easton, PA 18042, City of Easton, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District. Application received: March 16, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Grand Riverview Hotel project: 1) A fill in the floodway of the Delaware River (WWF, MF) consisting of the widening of SR 611, the installation of roadside curbing, the construction of two (2) 38-foot wide entrance roads adjoining SR 611, and associated grading. This impact will result in 5,640 ft³ of net fill within the floodway. 2) A utility line crossing within the floodway of the Delaware River (WWF, MF) consisting of a 14-inch diameter x 23-inch diameter reinforced concrete elliptical stormwater pipe and concrete inlet box. 3) A utility line crossing within the floodway of the Delaware River (WWF, MF) consisting of a 12-inch diameter reinforced concrete stormwater pipe and two (2) concrete inlet boxes. The project is located at 289 S. Delaware Avenue, approximately 0.23 mile northwest of the intersection of SR 611 and E. Nesquehoning Street (Easton, PA Quadrangle Latitude: 40° 41' 8", Longitude: -75° 12' 13") in the City of Easton, Northampton County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E4306223-003. Greenville Borough, 125 Main Street, Greenville, PA 16125, Greenville Borough, **Mercer County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 19, 2023.

To construct and maintain two infiltration basins to be constructed partially within Tributary 36166 to Shenango River (WWF) and partially in the floodway with 700 linear feet of 36-inch storm sewer to alleviate flooding along North Third Street in Greenville Borough, Mercer County with miscellaneous site work due to earth disturbances all temporarily impacting approximately 0.52 acre of floodway and permanently impacting approximately 0.09 acre of watercourse and 0.58 acre of floodway. Latitude: 41.403852°, Longitude: -80.398232°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E2103223-004. Mr. Mark A Malarich, Borough of Carlisle, 53 West South Street, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 21, 2023.

To install an 8" force main under Letort Spring Run (EV, MF) via an open cut trench. The project proposes to temporarily impact approximately 32 square feet of Letort Spring Run (EV, MF) and 55 square feet of its floodway. The project proposes to permanently impact approximately 1,375 square feet of Letort Spring Run (EV, MF) and 7,249 square feet of its floodway. All impacts are for the purpose of accommodating the additional flow capacity resulting from new development. All wetland impacts are below de minimis. Latitude: 40.1937°, Longitude: -77.1932°.

E6703123-008. PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, East Hopewell Township, and Fawn Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 6, 2023.

To remove existing structure and to install and maintain a 49.5-foot x 30.63-foot bridge over South Branch Muddy Creek (HQ-CWF-MF) with riprap scour protection, for the purpose of improving transportation safety. The project proposes to permanently impact 79 linear feet and temporarily 82 linear feet of stream channel. The project is located in East Hopewell and Fawn Townships, York County (39.7728°, -76.5136°) Latitude: 39.7728°, Longitude: -76.5136°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E6305221-010. Rivendale Farms Pittsburgh, LLC, 1357 Valleyview Road, Bulger, PA 15019, Robinson Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: September 15, 2021.

The applicant proposes to:

1. Operate and maintain a 20-foot long, 36-inch diameter smooth lined corrugated plastic pipe (SLCPP) culvert within an unnamed tributary (UNT) to Little Raccoon Run (WWF);

2. Operate and maintain a 22-foot long, 48-inch diameter SLCPP culvert at another location within the preceding UNT;

3. Modify an existing dam in the preceding UNT, by lowering the dam height to 2.3 feet. The dam is located in a stream not exceeding 50 feet in width;

4. Operate and maintain a pond across the preceding UNT. The pond has an approximate area of 0.06 acre and a maximum storage volume of 6,071 cubic feet behind the aforementioned dam;

5. Operate and maintain a 25-foot long, 8-foot-wide wooden bridge with a gravel surface across a second UNT to Little Raccoon Run (WWF);

6. Operate and maintain a 30-foot long, 9-foot-wide wooden bridge with a gravel surface at another location across the preceding UNT;

7. Operate and maintain a 25-foot long, 8-foot-wide wooden bridge with a gravel surface at another location across the preceding UNT;

8. Operate and maintain a 6-inch diameter PVC outfall structure at another location within the preceding UNT, which serves as an underdrain for the adjacent flat vegetated area;

9. Operate and maintain a 25-foot long, 10-foot-wide wooden bridge with a gravel surface across Little Raccoon Run;

10. Operate and maintain a 25-foot long, 18-inch diameter SLCPP culvert within a third UNT to Little Raccoon Run (WWF), which has a drainage area less than 100 acres;

11. Operate and maintain a 99-foot long, 15-inch diameter SLCPP culvert at another location within the preceding UNT;

12. Construct, operate, and maintain a 42-foot-long, 21-foot-wide concrete bridge at another location across Little Raccoon Run (WWF);

13. Construct, operate, and maintain an outfall structure within the floodway of Little Raccoon Run, consisting of a 15-foot by 19-foot R-4 riprap apron, in association with the construction of a stormwater management pond.

For the purpose of providing property access for farm equipment and livestock. Cumulatively, the project will permanently impact 205 linear feet of perennial stream, temporarily impact 503 linear feet of perennial stream, permanently impact 0.12 acre of floodway, and temporarily impact 0.86 acre of floodway. As compensation for the permanent stream impacts, approximately 303 linear feet of Little Raccoon Run will be enhanced by installing streambank stabilization BMPs, consisting of log deflectors, a rock cross vane, log toe with branch layering, and toe wood with branch layering. The project site is located at 1357 Valleyview Road (Sub-basin 20D). Latitude: 40° 24' 2", Longitude: -80° 19' 27".

E0405223-007. Wright Brothers Development, VII, LLC, 1200 Sharon Road, Suite 1, Beaver, PA 15009, Vanport Township, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 17, 2023.

The applicant proposes to: Place and maintain fill in 0.136 acre of PEM wetland for the purpose of developing a clean fill site to mitigate an abandoned quarry high wall. The project will permanently impact 0.136 acre of PEM wetland. The applicant proposes to purchase 0.14 acre of PEM wetland mitigation banking. The project

site is located behind parcels that front 3rd Street, South Walnut Lane, Georgetown Lane and Olivia Street (Sub-basin 20B). Latitude: 40° 41' 20", Longitude: -80° 19' 19".

E04-361. Tri-State River Products, Inc., P.O. Box 218, Beaver, PA 15009, Ambridge Borough, Center Township, Conway Borough, Hopewell Township, Monaca Borough, Potter Township, Freedom Township, South Heights Borough, Vanport Township, City of Aliquippa, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: December 12, 2022.

The applicant proposes to: Amend DEP Permit No. E04-361, which authorizes the performance of commercial sand and gravel dredging in the Ohio River (WWF), to

1.) include the areas where commercial sand and gravel dredging is authorized by Permit No. E04-363 (i.e. to combine Permit Nos. E04-361 and E04-363 into one, single authorization), and

2.) continue to perform commercial sand and gravel dredging operations in the following areas of the Ohio River (WWF):

- from Ohio River Mile 15.9 to Ohio River Mile 16.35, (Upstream beginning point: Ambridge, PA Quadrangle N: 14.5 inches W: 15.0 inches; Latitude: 40° 34' 49", Longitude: -80° 14' 0". Downstream end point: Ambridge, PA Quadrangle N: 15.6 inches W: 15.3 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 7"; originally permitted as E02-584-A18 and most recently authorized by Permit No. E04-363), right and left descending banks;

- from Ohio River Mile 16.35 to Ohio River Mile 16.4 (Upstream beginning point: Ambridge, PA Quadrangle N: 15.6 inches W: 15.3 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 7". Downstream end point: Ambridge, PA Quadrangle N: 15.8 inches W: 15.4 inches; Latitude: 40° 35' 14", Longitude: -80° 14' 9"; originally permitted as E02-584-A18 and most recently authorized by Permit No. E04-363), left descending bank;

- from Ohio River Mile 21.9 to Ohio River Mile 22.3 (Upstream beginning point: Baden, PA Quadrangle N: 6.7 inches W: 17.2 inches; Latitude: 40° 39' 46", Longitude: -80° 15' 0". Downstream end point: Beaver, PA Quadrangle N: 7.6 inches W: 0.5 inches; Latitude: 40° 40' 4", Longitude: -80° 15' 15"), right and left descending banks, in Center Township and Conway Borough, Beaver County.

- from Ohio River Mile 22.3 to Ohio River Mile 22.7, (Upstream beginning point: Beaver, PA Quadrangle N: 7.7 inches W: 0.6 inch; Latitude: 40° 40' 2.51", Longitude: -80° 15' 14". Downstream end point: Beaver, PA Quadrangle N: 8.5 inches W: 0.8 inches; Latitude: 40° 40' 24", Longitude: -80° 15' 20"; originally permitted as E02-919-A13), right and left descending banks;

- from Ohio River Mile 22.7 to Ohio River Mile 23.3 (Upstream beginning point: Beaver, PA Quadrangle N: 8.5 inches W: 0.5 inches; Latitude: 40° 40' 24", Longitude: -80° 15' 20". Downstream end point: Beaver, PA Quadrangle N: 10.2 inches W: 0.8 inch; Latitude: 40° 40' 54", Longitude: -80° 15' 22"; originally permitted as E02-919-A13), right descending bank; and

- from Ohio River Mile 26.2 to Ohio River Mile 27.92 (Upstream beginning point: Beaver, PA Quadrangle N: 11.8 inches W: 6.8 inches; Latitude: 40° 41' 24", Longitude: -80° 17' 56". Downstream end point: Beaver, PA Quadrangle N: 9.9 inches W: 11.0 inches; Latitude: 40° 40' 48", Longitude: -80° 19' 45", originally permitted as E02-919 and E02-919-A14), right and Left Descending banks. Mitigation for the proposed impacts includes elevating the river bottom in a scoured area approximately

1 mile downstream of Phyllis Island in order to improve river habitat, within the Montgomery Pool of the Ohio River (WWF). The commercial sand and gravel dredging operations are located in the previously noted areas, in the Boroughs of Ambridge Conway, Monaca, Freedom, Beaver, South Heights, and Vanport, and the Townships of Center, Hopewell and Potter, and the City of Aliquippa, Beaver County. Latitude: 40° 34' 49", Longitude: -80° 14' 0".

E0205222-026. PA Department of General Services on Behalf of the PA Army National Guard, 1800 Herr Street, Arsenal Building, Harrisburg, PA 17125, Moon Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: September 12, 2022.

The applicant proposes to: 1. Construct and maintain a PVC 240' x 0.5" stream culvert underneath a parking lot, starting at the spring head water and carrying an unnamed tributary (UNT) to McClarens Run (WWF), 2. Construct and maintain a parking lot in 0.39 acre of the floodway of the same UNT to McClarens Run as previously noted, 3. To place and maintain fill in 0.005 acre of the floodway of a second UNT to McClarens Run (WWF), 4. To place and maintain fill in 0.031 acre of the floodway of the second UNT to McClarens Run, 5. To construct and maintain a security fence and associated gates in and along the second UNT to McClarens Run, 6. To remove an existing 45" CMP culvert (approximately 40' long) which carries an internal access road over a third UNT to McClarens Run (WWF), and to construct and maintain a replacement 45" CMP culvert. For the purpose of constructing a Combined Support Maintenance Shop for the PA Army National Guard. The project will cumulatively and permanently impact 280 LF of watercourse and 0.426 acre of floodway. The project will cumulatively and temporarily impact 0.55 acre of floodway. The project site is located at 1101 McClaren Road, Moon Township, PA 15108-7759 (Oakdale, PA; Sub-basin 20G). Latitude: 40° 28' 38", Longitude: -80° 12' 35".

E6505223-005. Laurel Valley Golf Club, P.O. Box 435, Ligonier, PA 15658, Ligonier Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 1, 2023.

The applicant proposes to: 1. Remove an existing 32 LF long 18-inch HDPE culvert which carries a cart path over Tributary 43755 to the Loyalhanna Creek (CWF), and to construct and maintain two (2) 18-inch diameter x 33 LF long culverts at another location in Tributary 43755; 2. Construct and maintain stream bank restoration along another 280 LF section of Tributary 43755, consisting of rock-lined bottoms and sod/turf banks, and vegetated banks; 3. Construct and maintain a 441 LF relocation of another section of Tributary 43755; 4. Place and maintain fill within an existing 0.12-acre water hazard pond and remove the outlet weir structure; 5. Dredge and maintain a second 0.19-acre pond to its original storage capacity; 6. Place and maintain fill within an existing 0.27-acre pond and remove the outlet weir structure, and to construct and maintain 249 LF of watercourse in its place; 7. The project will also permanently impact 1.8 acres of the floodway of Tributary 43755 to Loyalhanna Creek by grading to accommodate the proposed stream restoration and relocation. For the purpose of remediating bank failures due to erosion and water ponding, along an approximately 771 LF section of Tributary 43755 to Loyalhanna Creek and making improvements to the golf course. The project site is located at 175 Palmer Drive, Ligonier, PA 15658, Ligonier, PA (Sub-basin 18C). Latitude: 40° 13' 40", Longitude: -79° 14' 13".

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

EA6715223-003. York County Rail Trail Authority, P.O. Box 335, Seven Valleys, PA 17360, Heidelberg Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 13, 2023.

The applicant proposes to restore Oil Creek and unnamed tributaries to Oil Creek (WWF, MF), by removing approximately 104,200 cubic yards of legacy sediment and other historic fills from the floodplain. The total length of channel being temporarily impacted during construction is approximately 7,600 linear feet, and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 63 acres. The project proposes to restore approximately 17.7 acres of integrated wetland, stream and floodplain areas. Additional restoration activities proposed include: to place log sills, root wads, and other wood grade control structures and habitat structures in restored channels and floodplain areas; to place rock underlayment for grade control and bank armoring for bank stability; to construct temporary stream crossings, rock construction entrances, and other erosion controls during restoration activities; to construct a pedestrian bridge for public recreation. The restoration project consists of two project sites in Heidelberg Township, York County, PA. Site A includes approximately 3,300 linear feet of Oil Creek, located north of Hanover Road and west of Jacob's Road in Spring Grove, PA. Site B includes approximately 2,300 linear feet of Oil Creek, located north of Hanover Road and east of Jacob Mills Road in Hanover, PA Latitude: 39.834674°, Longitude: -76.923339°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

EA0405223-003. US Army Corps of Engineers, Pittsburgh District, 1000 Liberty Avenue, Pittsburgh, PA 15222, Industry Borough, Potter Township and Raccoon Township, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 11, 2023. Latitude: 40° 38' 54.55", Longitude: -80° 23' 7.29".

The applicant proposes to:

1. Remove a portion of the existing dam and auxiliary lock chamber, at USACE's Montgomery locks and dam structure, and to construct and maintain a replacement 110 Linear Feet (LF) wide x 600 LF long lock chamber, within the Ohio River (WWF, N);

2. Operate and maintain the remaining portions of the existing dam and main lock chamber (existing main lock chamber to function as the auxiliary lock chamber, after construction);

3. Construct and maintain a 1,475 LF guard wall and bullnose coffer cells, in the Ohio River, at the downstream end of the new lock chamber;

4. Construct and maintain a 1,027 LF guard wall and bullnose coffer cells, in the Ohio River, at the upstream end of the new lock chamber;

5. Dredge approximately 640,000 CY of material from the Ohio River, in association with these construction activities—a majority of this material will be reused on site;

6. Construct and maintain five (5) river navigation dikes upstream, and one (1) river navigation dike downstream, in the Ohio River, for safer travel of barges through the lock;

7. Construct and maintain 270 LF of derrick stone along the downstream face of the existing dam, to fill existing scour holes;

8. Construct temporary coffer cells and other temporary erosion and sediment pollution control structures, which will be removed after construction;

For the purpose of replacing the deteriorating auxiliary chamber of the Montgomery locks and dam, with a new river chamber, in order to improve navigation on the Ohio River.

This project will cumulatively impact approximately 5,240 linear feet (24.8 acres) of the Ohio River, and will temporarily impact an additional 4,631 LF of the Ohio River. This project is the third phase of the Corps' improvements to its existing Montgomery locks and dam structure. DEP previously granted state water quality certification for two (2) other phases of this project—The Montgomery Concrete Batch Plant Project (DEP File No. EA0405223-001) and the Montgomery Slough Habitat Mitigation Project (DEP File No. EA0405223-002). These improvements to the Montgomery locks and dam structure are only one component of USACE's Upper Ohio River Navigation (UON) Project, which will include future improvements to its Emsworth and Dashields locks and dam structures. To provide aquatic habitat mitigation for the entire UON Project, USACE will improve habitat for fish and invertebrates within the Montgomery Slough through placement of brush reefs, consisting of large woody debris, in a 3.0-acre area of the Montgomery Slough (PA DEP File: EA0405223-002). The Montgomery Slough is an embayment of the Ohio River, which is located just upstream of the Montgomery Dam.

The project site is located in the Ohio River, at River Mile 31.7, off of Montgomery Dam Road (Midland, PA USGS topographic quadrangle; N: 40°, 38', 54.55"; W: -80°, 23', 7.29"; Sub-basins 20B and 20D; USACE Pittsburgh District), in Industry Borough, Potter Township, and Raccoon Township, in Beaver County.

EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP Regional Office listed above the application within 30 days of this public notice. Comments reviewed 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 DEP of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held

after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Applications Received Under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: William Stevens, Clerical Supervisor 2, 412-442-4134.

ESCGP-3 # **ESCP # ESP0765230001-00**

Applicant Name **CNX Midstream Operating Company, LLC—Slickville Trunkline**

Contact Person Andrew Kinter

Address 1000 Horizon Vue Drive, Suite 1200

City, State, Zip Canonsburg, PA 15317-6506

Township(s) Bell Township, Loyalhanna Township, Salem Township

County **Westmoreland County**

Receiving Stream(s) and Classification(s) Trib 42946 to Beaver Run and UNTs; TSF, Trib 42951 to Beaver Run and UNTs; TSF, 43086 to Wolford Run and UNTs; WWF, Trib 43089 to Wolford Run and UNTs; WWF, Trib 43099 to Wolford Run and UNTs; WWF, Trib 43101 to Wolford Run and UNTs; WWF, Trib 42994 to Beaver Run and UNTs; HQ-CWF, Trib 42996 to Beaver Run; HQ-CWF, Trib 42997 to Beaver Run; HQ-CWF, Trib 43013 to Beaver Run and UNTs; HQ-CWF, Trib 43021 to Beaver Run; HQ-CWF, Trib 43023 to Beaver Run; HQ-CWF, Trib 43030 to Beaver Run and UNTs; HQ-CWF, Trib 43031 to Beaver Run and UNTs; HQ-CWF, Trib 43034 to Beaver Run; HQ-CWF, Beaver Run and UNTs; HQ-CWF, Trib 43007 to Porters Run; HQ-CWF, Porters Run and UNTs; HQ-CWF; Latitude 40.458951 Longitude -79.545078

Application received: August 19, 2023

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 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 official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPpublicNotice.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

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. 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. 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. Individuals 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. 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. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA030001D	Chapter 102 Individual NPDES Permit	Issued	RIDC 611 William Penn Place Suite 600 Pittsburgh, PA 15219	South Buffalo Township Armstrong County	NWRO
PA300005D	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Washington Township Greene County	SWRO
PAD020005	Chapter 102 Individual NPDES Permit	Issued	Almono LP 225 Fifth Avenue Pittsburgh, PA 15222	Pittsburgh City Allegheny County	SWRO
PAD060030	Chapter 102 Individual NPDES Permit	Issued	Dave and Ruth Mast 784 Memorial Highway Oley, PA 19547-8781	Oley Township Berks County	SCRO
PAD150094	Chapter 102 Individual NPDES Permit	Issued	Stoltzfus Enterprises 23 E Main Street Elverson, PA 19520-9385	East Nantmeal Township Chester County	SERO
PAD360103	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 1639 Church Road Allentown, PA 18104-9342	Heidelberg Township Lancaster County	SCRO
PAD390072	Chapter 102 Individual NPDES Permit	Issued	Brinley Court, LLC 2312 N Broad Street Colmar, PA 18915	Upper Saucon Township Lehigh County	NERO
PAD450053	Chapter 102 Individual NPDES Permit	Issued	Running Lane LLC 563 Carlton Road Tobyhanna, PA 18466-9737	Pocono Township Monroe County	NERO
PAD450182	Chapter 102 Individual NPDES Permit	Issued	Leeward Const Inc. 239 Golf Hill Road Honesdale, PA 18431-4169	Paradise Township Monroe County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD520005	Chapter 102 Individual NPDES Permit	Issued	Pocono Ranch Lands 112 Ranchlands Drive Bushkill, PA 18324-9080	Lehman Township Pike County	NERO
PAD560009	Chapter 102 Individual NPDES Permit	Issued	Conemaugh Township Somerset County 113 South Main Street Davidsville, PA 15928	Conemaugh Township Somerset County	SWRO
PAD640040	Chapter 102 Individual NPDES Permit	Issued	Snehal LLC 1242 Hamlin Highway Lake Ariel, PA 18436-9365	Salem Township Wayne County	NERO
PAD670076	Chapter 102 Individual NPDES Permit	Issued	Holstein Capital Management LLC 10 Bentzel Road York, PA 17404	York Township York County	SCRO
PA0244937	Industrial Stormwater Individual NPDES Permit	Issued	A Marinelli & Sons Inc. 405 North Walnut Street West Chester, PA 19380	Upper Darby Township Delaware County	SERO
0123804	Joint DEP/PFBC Pesticides Permit	Issued	Gettysburg Battlefield Resort 1960 Emmitsburg Road Gettysburg, PA 17325-7196	Cumberland Township Adams County	SCRO
0621804	Joint DEP/PFBC Pesticides Permit	Issued	Goodrich Lonnie 33 Docwill Drive Barto, PA 19504-8740	Washington Township Berks County	SCRO
0813813	Joint DEP/PFBC Pesticides Permit	Issued	Lake Omeadows Lake Owners Association P.O. Box 354 Little Meadows, PA 18830-0354	Warren Township Bradford County	NCRO
0913879	Joint DEP/PFBC Pesticides Permit	Issued	Timber Ridge Home Owner Assoc 975 Easton Road Suite 102 Warrington, PA 18976-1858	Upper Makefield Township Bucks County	SERO
0913884	Joint DEP/PFBC Pesticides Permit	Issued	Wolfe Don 71 Sweetbriar Road Perkasie, PA 18944-3866	Bedminster Township Bucks County	SERO
0913931	Joint DEP/PFBC Pesticides Permit	Issued	Peterson Eric 2597 Street Road Box 127 Lahaska, PA 18931	Buckingham Township Bucks County	SERO
0923810	Joint DEP/PFBC Pesticides Permit	Issued	Rufe Kenneth 2645 Steinsburg Road Quakertown, PA 18951-3837	Milford Township Bucks County	SERO
0923814	Joint DEP/PFBC Pesticides Permit	Issued	Klein Joe 1 Sarah Drive Newtown, PA 18940-4129	Wrightstown Township Bucks County	SERO
0923815	Joint DEP/PFBC Pesticides Permit	Issued	Reserve at Northampton Comm Assoc 950 Town Center Drive Suite B25 Langhorne, PA 19047-1866	Northampton Township Bucks County	SERO
1513839	Joint DEP/PFBC Pesticides Permit	Issued	East Goshen Township Chester County 1580 Paoli Pike West Chester, PA 19380-6107	East Goshen Township Chester County	SERO
1523829	Joint DEP/PFBC Pesticides Permit	Issued	Saunders Alison 2010 Newcomen Road Chester Springs, PA 19425-2027	Charlestown Township Chester County	SERO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1723801	Joint DEP/PFBC Pesticides Permit	Issued	Irvona Municipal Authority Clearfield County P.O. Box 247 Irvona, PA 16656-0247	Chest Township Clearfield County	NCRO
3613858	Joint DEP/PFBC Pesticides Permit	Issued	Safe Harbor Water Power Corp 126 Lambertson Lane Hawley, PA 18428-7606	Manor Township Lancaster County	SCRO
4614808	Joint DEP/PFBC Pesticides Permit	Issued	Superior Tube Inc. 3900 Germantown Pike Collegeville, PA 19426-3112	Collegeville Borough Montgomery County	SERO
5323801	Joint DEP/PFBC Pesticides Permit	Issued	Brenda and Larry Kauffman 101 Huntingwood Drive Lancaster, PA 17602-1390	Ulysses Township Potter County	NCRO
6513818	Joint DEP/PFBC Pesticides Permit	Issued	Redstone Presb Seniorcare Inc. 6 Garden Center Drive Greensburg, PA 15601-1351	North Huntingdon Township Westmoreland County	SWRO
PAI133544	MS4 Individual NPDES Permit	Issued	Penbrook Borough 150 S 28th Street Harrisburg, PA 17103-1910	Penbrook Borough Dauphin County	SCRO
PA0096342	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Fairchance Georges Joint Municipal Sewer Authority 141 Big Six Road Smithfield, PA 15478-1601	Georges Township Fayette County	SWRO
PA0090328	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Green Valley Packing Inc. 2992 Green Valley Road Claysville, PA 15323-1360	Buffalo Township Washington County	SWRO
PA0092274	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Unity Township Municipal Authority 370 Pleasant Unity Mutual Road Greensburg, PA 15601-6388	Unity Township Westmoreland County	SWRO
1171403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Cambria Township Sewer Authority P.O. Box 247 Revloc, PA 15948-0247	Cambria Township Cambria County	SWRO
2410402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Benezette Township P.O. Box 45 16 Trout Run Road Benezette, PA 15821-0045	Benezette Township Elk County	NWRO
5088402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Landisburg Municipal Authority Perry County 77 W High Street Landisburg, PA 17040-8000	Tyrone Township Perry County	SCRO
6570410	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Jones Estates Stanton Hills PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-5798	Hempfield Township Westmoreland County	SWRO
NNOEXSC29	No Exposure Certification	Issued	Carpenter Co. 2337 E Pleasant Valley Boulevard Altoona, PA 16601-8965	Antis Township Blair County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXNW083	No Exposure Certification	Issued	Erie Ceramic Arts Co. LLC 1501 Michigan Street Sidney, OH 45365-3500	Millcreek Township Erie County	NWRO
NOEXNW232	No Exposure Certification	Issued	Berry Global Inc. 316 W 16th Street Erie, PA 16502-1807	Erie City Erie County	NWRO
NOEXSC198	No Exposure Certification	Issued	Carpenter Co. 5016 Monument Avenue Richmond, VA 23230-3620	Lititz Borough Lancaster County	SCRO
NOEXSW240	No Exposure Certification	Issued	Sensia LLC 1000 McClaren Woods Drive Coraopolis, PA 15108-7766	Findlay Township Allegheny County	SWRO
PAG030116	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	121 CD Assoc LP 106 Pintail Pointe Road New Hope, PA 18938	Richland Township Bucks County	SERO
PAG030163	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Central Bucks School District 320 W Swamp Road Doylestown, PA 18901-2401	Doylestown Township Bucks County	SERO
PAG030175	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Graphic PKG International LLC 1035 Longford Road Phoenixville, PA 19460	Upper Providence Township Montgomery County	SERO
PAG030186	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Intigral Inc. 365 Victoria Road Austintown, OH 44515-2006	Quakertown Borough Bucks County	SERO
PAG030240	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Republic Service of PA LLC 1235 Westlakes Drive Suite 310 Berwyn, PA 19312-2401	Philadelphia City Philadelphia County	SERO
PAG030280	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Silvi Concrete of Downingtown LLC 355 Newbold Road Fairless Hills, PA 19030	East Caln Township Chester County	SERO
PAG030286	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PEL Healthcare LLC 650 Cathill Road Sellersville, PA 18960-1512	West Rockhill Township Bucks County	SERO
PAG032304	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Effort Foundry Inc. 6980 Chrisphalt Drive Bath, PA 18014-8505	East Allen Township Northampton County	NERO
PAG032348	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Scranton City Lackawanna County	NERO
PAG032394	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fabri-Kal LLC 150 Lions Drive Hazle Township, PA 18202-1166	Hazle Township Luzerne County	NERO
PAG033685	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Richland Partners LLC P.O. Box 659 Douglassville, PA 19518-0659	Mount Joy Township Lancaster County	SCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033686	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Richland Partners LLC d/b/a Leffler Energy P.O. Box 659 21 Unionville Road Suite 300 Douglassville, PA 19518-0659	Union Township Berks County	SCRO
PAG033695	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Aquatic Co. 40 Industrial Road Elizabethtown, PA 17022-9425	West Donegal Township Lancaster County	SCRO
PAG034002	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Champion Home Bldr Inc. 101 Garden Spot Road Ephrata, PA 17522-9760	East Cocalico Township Lancaster County	SCRO
PAG034860	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Under Pressure Connections LLC 825 US Highway 15 South Williamsport, PA 17702-8501	Armstrong Township Lycoming County	NCRO
PAG036395	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	HRI Inc. 1750 W College Avenue State College, PA 16801-2719	Richland Township Cambria County	SWRO
PAG036404	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	DB Pipe LLC 5790 Kennedy Avenue Export, PA 15632	McKeesport City Allegheny County	SWRO
PAG036467	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	FS Elliott Co. LLC P.O. Box 335 Youngstown, PA 15696-0335	Penn Township Westmoreland County	SWRO
PAG066103	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	Homestead Borough 221 E 7th Avenue Homestead, PA 15120-1511	Homestead Borough Allegheny County	SWRO
PAG136132	PAG-13 NPDES General Permit for MS4s	Waived	Dunlevy Borough P.O. Box 18 2 Walnut Street Dunlevy, PA 15432-0018	Dunlevy Borough Washington County	SWRO
1023409	Sewer Extensions Individual WQM Permit	Issued	Butler Area Sewer Authority 100 Litman Road Butler, PA 16001-3256	Butler Township Butler County	NWRO
1123401	Sewer Extensions Individual WQM Permit	Issued	Highland Sewer & Water Authority 120 Tank Drive Johnstown, PA 15904-3251	Richland Township Cambria County	SWRO
PA0209783	Single Residence STP Individual NPDES Permit	Issued	Novosel Jerry 41 Gearhart Road Pulaski, PA 16143-1117	Shenango Township Mercer County	NWRO
PA0239054	Single Residence STP Individual NPDES Permit	Issued	Deinert Gary W 16548 Sunwood Oval Strongsville, OH 44136-7500	Wayne Township Crawford County	NWRO
PA0263974	Single Residence STP Individual NPDES Permit	Issued	Clark Mariah 138 Saint Joe Road Butler, PA 16002-0050	Oakland Township Butler County	NWRO
PA0265608	Single Residence STP Individual NPDES Permit	Issued	Hall Dale 1242 Nebraska Road Tionesta, PA 16353	Green Township Forest County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0293261	Single Residence STP Individual NPDES Permit	Issued	Ziegler Ryan 8660 Baron Road McKean, PA 16426-1155	McKean Township Erie County	NWRO
1012401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Clark Mariah 138 Saint Joe Road Butler, PA 16002-0050	Oakland Township Butler County	NWRO
1500417	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Wight Briana 595 Cricket Lane Downingtown, PA 19335-4838	East Nantmeal Township Chester County	SERO
2523415	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Ziegler Ryan 8660 Baron Road McKean, PA 16426-1155	McKean Township Erie County	NWRO
PA0058548	Small Flow Treatment Facility Individual NPDES Permit	Issued	Keelersville Club 2522 Ridge Road Perkasie, PA 18944	East Rockhill Township Bucks County	SERO
PA0087564	Small Flow Treatment Facility Individual NPDES Permit	Issued	Roundtop Self Storage & Rentals LLC 3574 Taneytown Road Gettysburg, PA 17325-8635	Cumberland Township Adams County	SCRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090625	PAG-02 General Permit	Issued	M. Properties, LLC 1678 Pennington Road Ewing, NJ 08618-1315	Middletown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215.345.7577 x 110 RA-EPNPDES_SERO@ pa.gov
PAC090605	PAG-02 General Permit	Issued	Fairwinds Holdings, LLC 311 Sinclair Road Bristol, PA 19007-1524	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC510275	PAG-02 General Permit	Issued	Wexford Science and Technology 3675 Market Street Suite 200 Philadelphia, PA 19104	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC610024	PAG-02 General Permit	Issued	Cardinal Solar, LLC 3402 Pico Boulevard Santa Monica, CA 90405	Cranberry Township Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC370068	PAG-02 General Permit	Issued	New Castle (Wilmington) DPP LLC 9010 Overlook Boulevard Brentwood, TN 37027	Neshannock Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC430092	PAG-02 General Permit	Issued	Gill Development Group LLC 17 Westminster Place Grove City, PA 16127	Jackson Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC500056	PAG-02 General Permit	Issued	James Osborne 607 Sunbury Path Millerstown, PA 17062	Greenwood Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717-582-8988
PAC440030	PAG-02 General Permit	Issued	Mifflin County School District 700 Pitt Street Lewistown, PA 17044	Derry Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC670632	PAG-02 General Permit	Issued	York Airport Properties LLC 950 Smile Way York, PA 17404	Jackson Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670636	PAG-02 General Permit	Issued	Robinson Lesh LLC 1640 West Lisburn Road Mechanicsburg, PA 17050	Washington Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAD630004A-9	PAG-02 General Permit	Issued	Wilderness Wildlife Center Foundation, Inc. 227 W Monroe Street Suite 500 Chicago, IL 60606	Robinson Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630277	PAG-02 General Permit	Issued	339 Justabout Land Co, LLC 333 Technology Drive Suite 108 Canonsburg, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC650361	PAG-02 General Permit	Issued	To The Range Properties, LLC 6466 State Route 30 Jeannette, PA 15644	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650364	PAG-02 General Permit	Issued	Stanton Farm, LLC 174 Tomlinson Drive Zelienople, PA 16063	South Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271

Permit Number	Permit Type	Action Taken	Applicant Name & Address	Municipality, County	Office
PAC130008	PAG-02 General Permit	Issued	First Northern Bank & Trust c/o Richard Strauss Fourth Street & Lafayette Avenue Palmerton, PA 18071	Mahoning Township Carbon County	Carbon County Conservation District 5664 Interchange Road Leighton, PA 18235 610-377-4894 RA-EPWW-NERO@pa.gov

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. 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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**

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Approved or Disapproved
Zack Akers 1218 Cherry Lane Clearville, PA 15535	Bedford County	221.3	117.18	Ducks/ Beef	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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Ryan Fox, Environmental Engineering Specialist, 570-826-2533.

Construction Permit No. 6623501MA, Minor Amendment, Public Water Supply.

Applicant **Clarendon Acres Water Company**
 Address 105 Fieldcrest Dr.
 Tunkhannock, PA 18657
 Municipality Tunkhannock Township
 County **Wyoming County**
 Consulting Engineer Michael P. Goodwin, P.E.
 12 Frear Hill Road
 Tunkhannock, PA 18657
 Application Received February 8, 2023
 Permit Issued August 10, 2023
 Description Construction permit for 4-Log treatment system improvements.

Construction Permit No. 6423503, Major Amendment, Public Water Supply.

Applicant **Worobey Transport, Inc.**
 Address 539 Shehawken Road
 P.O. Box 72
 Preston Park, PA 18455
 Municipality Preston Township
 County **Wayne County**
 Consulting Engineer Max E. Stoner
 3705 Trindle Rd.
 Camp Hill, PA 17011
 Application Received May 5, 2023
 Permit Issued August 9, 2023
 Description Addition of Pennsylvania American Water Co. Lake Scranton as a bulk water hauling source.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Transfer Permit No. 7360129, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Drive
 Mechanicsburg, PA 17055
 Municipality Providence Township
 County **Lancaster County**
 Application Received May 1, 2023
 Permit Issued August 10, 2023
 Description The Department issued a transferred comprehensive operation permit to Pennsylvania American Water Company for its Creekside Water System.

Construction Permit No. 6723515 MA, Minor Amendment, Public Water Supply.

Applicant **Dillsburg Area Authority**
 Address 98 West Church Street
 Dillsburg, PA 17019
 Municipality Franklin Township
 County **York County**
 Consulting Engineer Joel Kostelac, P.E.
 225 Grandview Avenue
 Camp Hill, PA 17011
 Application Received July 24, 2023
 Permit Issued August 10, 2023
 Description The Department issued a permit to Dillsburg Area Authority for the rescission of the operation permit and the abandonment of Well No. 1.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

Operation Permit 0522505 MA. PWSID No. **4050467**. **Sac, Inc.**, 4588 Business Rt 220, Bedford, PA 15522, East Providence Township, **Bedford County**. Application received: July 24, 2023. Permit Issued: August 8, 2023. This permit approves operation of the 4-log disinfection system approved under construction permit 0522505 MA.

Emergency Permit 2823509 E. PWSID No. **7210043**. **Shippensburg Borough Authority**, 111 North Fayette Street, Shippensburg, PA 17257, Lurgan Township, **Franklin County**. Application received: August 8, 2023. Permit Issued: August 11, 2023. This emergency permit authorizes the removal of the existing underdrain in filter # 2, the installation of a new underdrain in the filter, and the replacement of the media above the underdrain.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

NCWSA Operation Permit 7011011. PWSID No. **7011011**. **R&L Orchard Co**, 495 Clines Church Road, Gardners, PA 17324, Menallen Township, **Adams County**. Application received: August 1, 2023. Permit Issued: August 10, 2022. Installation of a cation exchange system for hardness removal.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Operation Permit 2122502. PWSID No. **7210886**. **Calvary Chapel Harrisburg**, 702 Lisburn Road, Camp Hill, PA 17011, Silver Spring Township, **Cumberland County**. Application received: August 14, 2023. Permit Issued: August 15, 2023. New water system and 4-log treatment of viruses.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epsdwd@pa.gov.

4-log Treatment of Viruses for Groundwater Sources Permit 1122511GWR. PWSID No. **4110003**. **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, Northern Cambria Borough, **Cambria County**. Application re-

ceived: November 30, 2022. Permit Issued: August 9, 2023. 4-log treatment of Viruses for Groundwater Sources for the Hazeltine Mine Source (Source 004).

Water Allocation Permit WA56-1013A. PWSID No. 4560046. **Somerset Township Municipal Authority**, P.O. Box 247, Somerset, PA 15501, **Somerset County**. Application received: December 27, 2022. Permit Issued: August 9, 2023. Right to purchase up to 950,000 gallons of water per day, peak month, 30-day average from the Municipal Authority of the Borough of Somerset.

Operation Permit 1123509MA. PWSID No. 4110017. **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904, Croyle Township, **Cambria County**. Application received: August 1, 2023. Permit Issued: August 11, 2023. Approximately 8,550 linear feet of 12-inch diameter waterline and appurtenances along Frankstown Road (SR 2006) and Lake Road.

Operation Permit 1123501MA. PWSID No. 4110017. **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904, Summerhill Township, **Cambria County**. Application received: June 2, 2023. Permit Issued: August 14, 2023. Use of the flow-weighted average of the individual filter effluent (IFE) turbidities to report the combined filter effluent (CFE) turbidity at the Beaverdam Water Treatment Plant.

Operation Permit 5622507. PWSID No. 4560037. **Hooversville Borough**, 50 Main Street P.O. Box 176, Hooversville, PA 15936, Hooversville Borough, **Somerset County**. Application received: August 7, 2023. Permit Issued: August 14, 2023. Interconnection with the Cone-maugh Township Municipal Authority (including 9,000 linear feet of waterline and appurtenances and the Hooversville Pump Station) and approximately 14,000 linear feet of waterline and appurtenances throughout the Hooversville distribution system.

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, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Carrie Wilt, Sewage Planning Specialist II, 717-705-4755.

Plan Location:

Municipality	Address	County
Dallastown Borough	175 East Broad Street Dallastown, PA 17313	York County

Plan Description:

Colonial Park, A3-67804-033-3m. Supplemental information received to update an Act 537 minor revision of Dallastown Borough, **York County**. The project is known as Colonial Park. The plan provides for a change in location for a pump station previously proposed in a minor plan revision approved on September 17, 2015. The location change will shorten the length of required force main. 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 A3-67804-033-3m and the APS ID is 874075.

Contact: Noah D. Niedererr, Sewage Planning Specialist, 717-705-4768.

Plan Location:

Municipality	Address	County
Logan Township	7228 Diamond Valley Road Alexandria, PA 16611	Huntingdon County

Plan Description:

Justin Vreeland, A3-31922-047-3S. Approval of a revision to the official plan of Logan Township, **Huntingdon County**. The project is known as the Justin Vreeland Small Flow Treatment Facility (SFTF) proposal. The plan provides a SFTF to serve an existing single-family residential dwelling on 1.04 acres with total estimated sewage flows of 400 gpd. The SFTF will replace a malfunctioning on-lot disposal system. There will be a proposed stream discharge to Shaver Creek. The proposed development is located at 7024 Willow Brook Road in Logan Township, Huntingdon County. 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 A3-31922-047-3S and the APS ID is 1091426. Any permits must be obtained in the name of the property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREMABLE 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 of Environmental Protection (DEP) 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, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department has received the following plans and reports.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Homes at Thackston Park Phase 2, Primary Facility ID # **854009**, 300-342 W College Avenue, York, PA 17401, City of York, **York County**. Element Environmental Solutions, Inc., 61 Willow Street, P.O. Box 921, Adamstown, PA 19501, on behalf of York Housing Authority, 31 South Broad Street, York, PA 17403, submitted a Final Report concerning remediation of soil contaminated with metals. The Final Report is intended to document remediation of the site to meet the site-specific standards.

U-Haul of Lebanon, Primary Facility ID # **866241**, 1435 West Cumberland Street, Lebanon, PA 17042, City of Lebanon, **Lebanon County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of U-Haul Storage of Harrisburg, 14 Laurel Street, Lebanon, PA 17046, submitted a Final Report concerning remediation of soil contaminated with leaded gasoline. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREMABLE 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 of Environmental Protection (DEP) 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 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. 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 DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following plans and reports.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

CVS Pharmacy No. 11040, Primary Facility ID # **824870**, 131 East Main Street, Hummelstown, PA 17063, Hummelstown Borough, **Dauphin County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Pennsylvania CVS Pharmacy, LLC, One CVS Drive, Woonsocket, RI 02895, submitted a Final Report concerning remediation of soil and groundwater contaminated with petroleum related compounds. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 8, 2023.

Lion Auto Service, Inc., Primary Facility ID # **857804**, 781 Delta Road, Red Lion, PA 17365, Windsor Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Lion Auto Service, Inc., 781 Delta Road, Red Lion, PA 17365, submitted a Final Report concerning remediation of soil contaminated with No. 2 Heating Oil. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 9, 2023.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Northwest Region: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.

WMGM015NW001. Dirt Works Organics, LLC, 4735 Shannon Road, Erie, PA 16510, Harborcreek Township,

Erie County. This General Permit covers the processing and beneficial use of wood and timber waste (i.e. tree stumps, limbs, cleanwood, untreated and unpainted wood and pallets) and the leaf and yard waste as mulch and compost. Application received: November 11, 2022. Denied: July 25, 2023.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

AG5-14-00005A: Superior Midstream Appalachian, LLC, 400 Town Center Blvd, Suite 220, Canonsburg, PA 15317, Snow Shoe Township, **Centre County.** The Department approved authorization for the continued operation of one (1) 40 million standard cubic feet per day triethylene glycol dehydration unit equipped with a flash tank and a 1.0 MMBtu/hr natural gas-fired reboiler burner, one (1) 10.5 MMscf/d triethylene glycol dehydration unit equipped with a flash tank and an associated 1.0 MMBtu/hr natural gas-fired reboiler burner, one (1) 8,820-gallon waste fluids storage tank with truck loadout, one (1) 500-gallon triethylene glycol tank, one (1) natural gas-fired tank heater rated at 0.08 MMBtu/hr along with piping and associated fugitive components pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-5 for Natural Gas Compression Stations, Processing Plants, and Transmissions Stations (BAQ-GPA/GP-5) at the Snow Shoe Dehydration Station. Application received: June 27, 2023. Authorized: August 10, 2023. Expiration date: August 9, 2028.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Mark J Wejkszner, Air Quality Program Manager, 570-826-2511.

GP3-35-034: Mellott Company, LLC, 100 Mellott Drive, Warfordsburg, PA 17267, Covington Township, Archbald Borough, **Lackawanna County.** For the construction and operation of a portable crushing operation with water sprays. Application received: July 20, 2023. Issued: August 9, 2023.

GP11-35-020: Mellott Company, LLC, 100 Mellott Drive, Warfordsburg, PA 17267, Covington Township, Archbald Borough, **Lackawanna County.** For the operation of IC engines. Application received: July 20, 2023. Issued: August 9, 2023.

Contact: Raymond Kempa, New Source Review Chief, 570-826-2507

AG5A-58-00056A: Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Jessup Township, **Susquehanna County.** For the construction and opera-

tion of one (1) 690 BHP Caterpillar G3508J 4SLB natural gas-fired compressor engine controlled by an oxidation catalyst, and seven (7) small heaters <5 MMBtu/hr each, 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) located at Rag Apple LLC Pad 1. Application received: June 8, 2023. Issued: July 27, 2023.

AG5A-58-00057A: Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Jessup Township, **Susquehanna County.** For the construction and operation of one (1) 690 BHP Caterpillar G3508J 4SLB natural gas-fired compressor engine controlled by an oxidation catalyst, and four (4) small heaters <5 MMBtu/hr each, 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) located at JHHC Pad 1. Application received: June 29, 2023. Issued: July 25, 2023.

AG5A-58-00058A: SWN Production Company, LLC, P.O. Box 12359, Spring, TX 77391, New Milford Township, **Susquehanna County.** For the construction and operation of two (2) 1,380 BHP Caterpillar G3516B 4SLB natural gas-fired compressor engine controlled by oxidation catalysts, and six (6) small heaters <5 MMBtu/hr each, 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) located at RU-75 SGL A Pad. Application received: July 14, 2023. Issued: August 9, 2023.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

AG5A-58-00059A: Coterra Energy, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Springville Township, **Susquehanna County.** AG5A-58-00059A: Coterra Energy (2000 Park Lane, Suite 300, Pittsburgh, PA 15275) on August 7, 2023 a general Operating Permit GP5A issued for the construction & operation of a Unconventional Natural Gas Well Site at Russo, B. Pad 1 located in Springville Twp., Susquehanna County. Application received: July 20, 2023. Issued: August 7, 2023.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, Environmental Engineer Manager, 814-332-6328.

AG5-03-00016A: EXCO Appalachia Midstream, LLC, 12377 Merit Drive, Suite 1700, Dallas, TX 75251, Kittanning and Plumcreek Townships, **Armstrong County.** The Department authorized the continued operation of one (1) 1,380 bhp 2011 model year Caterpillar model G3516B four-stroke lean-burn natural gas-fired compressor engines equipped with an Emit oxidation catalyst, one (1) 30 MMscf/day Exterran dehydration unit equipped with a 1.0 MMBtu/hr natural gas-fired reboiler and flash tank, one (1) 17 kW Generac Guardian emergency generator powered by a 22.8 bhp natural gas-fired engine, one (1) 8,820-gallon produced water tank, one (1) 1,000-gallon compressor oil tank, one (1) 250-gallon waste oil tank along with truck load-out operations, miscellaneous gas venting, pigging operations, fugitive emissions from component leaks and access road emissions at the Sawmill Compressor Station pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5). Application received: March 2, 2023. Renewal issued: August 10, 2023. New expiration date: August 9, 2028.

Actions(s) Taken on Plan Approval(s) 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Section Chief, 814-332-6328.

37-00013H: CEMEX Construction Materials Atlantic, LLC, 2001 Portland Park, Wampum, PA 16157-3913, Wampum Borough, **Lawrence County**. The Department issued a Plan Approval for re-activation of the bagging machines used to package cement. The facility's cement operations were deactivated in 2010. The facility currently operates under Title V permit 37-00013 as a transfer station/cement terminal. The project includes three bagging machines, each of which is controlled by an existing baghouse. Current emissions, including this project, are below Title V permitting thresholds; however, plan approval 37-00013G, issued on October 6, 2022 was issued prior to the Title V Operating Permit renewal, and so its status as a Title V facility was maintained. The plan approval contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, an initial Operating Permit amendment application addressing the inclusion of the plan approval may be submitted for the facility per 25 Pa. Code Chapter 127. Application received: February 24, 2023. Issued: August 8, 2023.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

36-05106C: Premier Custom Built, Inc., 110 Short Street, New Holland, PA 17557, East Earl Township, **Lancaster County**. For the installation of a spray booth at their cabinet manufacturing facility. Plan Approval No. 36-05106C is for the installation of a Global Finishing Solutions model DFECG-120815-NSB-SD-SP-FW fully enclosed spray booth. The booth will have an airflow of 9,600 scfm and will be controlled by dry panel filters. Coatings will be applied using HVLP guns that will ensure a high transfer efficiency. Additionally, the booth will be equipped with a 0.7857 mmBtu/hr natural gas direct fired make-up air unit. Application received: April 24, 2023. Issued: August 8, 2023.

22-03109A: Dimon Funeral Home & Cremation Services, Inc., 201 East Market Street, Williamstown, PA 17098, Williamstown Borough, **Dauphin County**. For a new crematory unit at their funeral home. Application received: February 10, 2023. Issued: August 8, 2023.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief: 484-250-5920.

23-0038F: Delcora STP, 3201 W Front St, Chester, PA 19013-1829, City of Chester, **Chester County**. This action is for an extension for construction and operation of a new air pollution control system for each of the two

multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer. Each of the incinerators were modified to remove the afterburner function from the incinerators' upper hearths and replace that with the RTO downstream. Application received: August 4, 2023. Issued: August 8, 2023.

09-0152G: Gelest Inc., 11 Steel Rd E, Morrisville, PA 19067-3613, Falls Township, **Bucks County**. This action is for the installation and operation of ten (10) reactor vessels and one (1) filter dryer at a specialty chemical manufacturing facility. Application received: January 11, 2023. Issued: August 14, 2023.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-05001E: Magnesita Refractories Co., 425 South Salem Church Road, York, PA 17408-5955, West Manchester Township, **York County**. For the refractory manufacturing facility. Plan Approval No. 67-05001E authorizes the increased capacity in the facility's rotary kilns. The rotary kilns and cure oven will be fitted with additional natural gas burners to increase production by an estimated 118 tons product per hour. The rotary kilns will have additional NO_x and SO_x controls installed as part of this plan approval. The plan approval was extended. Application received: July 25, 2023. Issued: August 8, 2023.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

38-03003E: Bayer Healthcare, LLC, 400 West Stoever Avenue, Myerstown, PA 17067, Myerstown Borough, **Lebanon County**. For the installation of a Combined Heat and Power (CHP), 2.0 MW, Siemens Model KG2 3G (or similar) natural gas fired combustion turbine. The turbine will be equipped with a heat recovery steam generator (HRSG). NO_x emissions will be controlled by a Dry Low Emissions (DLE) combustion system. The CHP system will be installed at the Myerstown plant. The plan approval was extended. Application received: July 28, 2023. Issued: August 8, 2023.

Plan Approval(s) Denied, Terminated, Modified, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the Provisions of 25 Pa. Code §§ 127.13b and 127.13c.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief, 484-250-5920.

09-0244: MM Metals/Falls, 53 Middle Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. A minor modification to the plan approval for the installation of a new low-carbon ferrochrome alloy manufacturing and for the installation of a new replacement plasma arc furnace associated with Source ID 104 (Low Carbon Ferrochrome Production), now listed as Source ID 104A. Application received: June 7, 2023. Issued: August 8, 2023.

Title V Operating Permit(s) Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

16-00132: Clarion Boards, LLC, P.O. Box 340, Shippenville, PA 16254, Paint Township, **Clarion County**. The Department renewed the Title V Operating Permit for the operation of Clarion Boards, a manufacturer of medium density fiberboard. The facility's primary emission sources include: 137 million Btu/hr wood dust burner and drying and press system controlled by a RTO; sawing, sanding, and finishing systems; 2 diesel-fueled emergency engines; and 4 natural gas fueled 5,966 hp electric generators. The facility is a major source of CO and NO_x. Actual reported emissions for the facility for 2022 were: 84 tons NO_x; 19 tons SO_x; 68 tons CO; 32 tons PM₁₀; 2 tons PM_{2.5}; 11.94 tons VOCs; 8.7689 tons all HAPs combined; and 192,289 tons CO₂. This facility is subject to the following Standards of Performance of 40 CFR Part 60: Subpart JJJJ for Stationary Spark Ignition Internal Combustion Engines. It is also subject to the following National Emission Standards for Hazardous Air Pollutants in 40 CFR Part 63: Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The conditions of the previous plan approvals and Operating Permit are incorporated into the renewal permit. Application received: June 9, 2020. Renewal issued: July 14, 2023.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

28-05002: Letterkenny Army Depot—US Department of Defense, AMLD-EN, One Overcash Avenue, Chambersburg, PA 17201, Greene Township and Letterkenny Township, **Franklin County**. For the Letterkenny Army Depot. The Title V permit was renewed. Application received: October 20, 2022. Issued: August 9, 2023.

Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

49-00038: Xylem Water Solutions Zelienople, LLC, 455 East 8th Street, Watsonstown, PA 17777, Delaware Township, **Northumberland County**. The Department issued a renewal State Only Operating Permit for the Xylem Water Solutions facility. The State Only Operating Permit contains all applicable regulatory requirements including testing, monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: November 17, 2022. Renewal issued: August 1, 2023. New expiration date: July 31, 2028.

47-00010: Kurt Weiss Danville, LLC, 233 PPL Road, Danville, PA 17821, Anthony Township, **Montour County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the greenhouse facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: October 31, 2022. Renewal issued: August 10, 2023. New expiration date: August 9, 2028.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

10-00152: Triangle Gasoline Co, 1100 N Main St., Ext, Butler, PA 16001-1958, Butler Township, **Butler County**. The Department issued a renewal of the State Only Operating Permit for the bulk gasoline plant (three gasoline storage tanks) with vapor recovery system. The facility also has a small parts washer. The facility is subject to the NESHAPs for Area Sources for Gasoline Bulk Plants in 40 CFR 63 Subpart BBBB. The gasoline throughput from the facility is less than 20,000 gallons per day. The potential VOC emissions from the facility are approximately 3 TPY. The facility is located in Butler Township, Butler County. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: May 18, 2022. Renewal issued: August 11, 2023.

10-00030: Concast Metal Products Company, 131 Myoma Road, Mars, PA 16046-2227, Adams Township, **Butler County**. The Department issued a renewal of the State Only Operating Permit of a foundry that produces continuous cast and wrought copper alloy products. Permitted sources at the facility are electric induction furnaces and associated casters, machining operations, and two natural gas-fired emergency generators. The natural gas-fired emergency generators are EPA-certified generator sets, which are subject to 40 CFR 60 Subpart JJJJ pertaining to New Source Performance Standards (NSPS) for Stationary Spark Ignition Internal Combustion Engines. With PTEs of 33.79, 3.43, 2.01, 0.17, 0.01, and 0.03 for PM₁₀, NO_x, CO, VOC, SO_x, and HAPs, respectively, the facility is Natural Minor for permitting purposes. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: April 19, 2022. Renewal issued: August 8, 2023.

23-00019: Forest State Correctional Institute, One Woodland Dr, Marienville, PA 16239, Jenks Township, **Forest County**. The Department intends to issue a renewal of the State Only Operating Permit for the State Correctional Institution (a.k.a. Forest SCI). The primary sources at the facility include 2 natural gas fueled boilers rated at 25 million Btu/hr each and 1 natural gas fueled boiler rated at 12.5 million Btu/hr, several small natural gas fueled heaters, two 2,931 hp No. 2 oil fueled emergency generators, and a 149 hp oil fueled emergency generator. The facility is a Synthetic Minor. Actual emissions reported from the facility for 2022 were as follows: 3.65 tons CO; 1.87 tons NO_x; 0.31 ton PM₁₀; 0.37 ton SO_x; and 0.25 ton VOC. Potential emissions are as follows: PM

16.49 tpy; NO_x 81.76 tpy; SO_x 13.14 tpy; CO 70.92 tpy; VOC 17.47 tpy. The facility is subject to 40 CFR Part 60 Subpart Dc, Standards of Performance Small Industrial—Commercial—Institutional Steam Generating Units. It is also subject to 40 CFR Part 63 Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities. The 149 hp emergency generator is subject to 40 CFR Part 60 Subpart IIII, New Source Performance Standards for Stationary Compression Ignited Internal Combustion Engines. The permit incorporates plan approvals previously issued to the facility and contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: July 12, 2022. Renewal issued: July 23, 2023.

62-00018: Warren State Hospital, 33 Main Dr., Warren, PA 16365, Conewango Township, **Warren County**. The Department issued the renewal of the State Only Operating Permit for Warren State Hospital. The significant sources at this facility are 6 dual-fueled boilers, various natural gas fueled small space and water heaters, and 10 diesel-fueled emergency power generators. The 7 emergency generators installed prior to 2006 are each limited to a maximum of 325 hours of operation in any 12 consecutive month period. The boilers primarily burn natural gas. Periodic testing of liquid fuels in the boilers shall not exceed a combined total of 48 hours during any calendar year. Two of the emergency power generators are subject to 40 CFR 60, Subpart IIII, the New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines. Actual emissions reported from the facility for 2022 were as follows: 5.68 tons CO; 6.76 tons NO_x; 0.21 ton PM₁₀; 0.05 ton SO_x; and 0.40 ton VOC. This facility is a Synthetic Minor. The potential emissions from this facility are as follows: 32.98 tpy CO; 61 tpy NO_x; 5.74 tpy PM₁₀; 17.42 tpy SO_x; and 2.8 tpy VOC. The conditions of the previous plan approvals and Operating Permit are incorporated into the renewal permit. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: June 30, 2022. Renewal issued: August 7, 2023.

25-00964: FMC Technologies, Inc., 1602 Wagner Ave, Erie, PA 16510-1444, City of Erie, **Erie County**. The Department issued a renewal State Only Natural Minor Operating Permit for the manufacturing facility. The facility's primary emission sources include natural gas space heaters (16.202 mmBtu/hr total), two (2) paint booths, parts wash stations, a steam jenny, two (2) natural gas-fueled emergency generators, a diesel-fired water pump engine, and a heat treat oven. The potential emissions of the primary pollutants from the facility are as follows: 12.34 TPY NO_x, 13.05 TPY CO, 7.94 TPY VOC, 0.78 TPY PM₁₀ and PM_{2.5}, and 0.11 TPY SO_x; thus, the facility is a natural minor. Emergency Generator 2 (R&D) is subject to 40 CFR Part 60 Subpart JJJJ, the New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines. The diesel-fired water pump engine is subject to 40 CFR 60 Subpart IIII, NSPS for Stationary Compression Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: July 19, 2022. Renewal issued: August 8, 2023.

61-00147: PA DHS Polk Center, Route 62, P.O. Box 94, Polk, PA 16342, Polk Borough, **Venango County**. The Department issued the renewal of the State Only Operating Permit for PA DHS Polk Center for the intermediate care facility. The facility is a Synthetic Minor. The primary sources at the facility consist of three coal boilers limited to 2,500 tons of coal for each boiler, 28.6 MMBtu/hr natural gas boiler, miscellaneous natural gas fired units rated less than 2.5 MMBtu/hr, emergency generators. The actual reported emissions for this facility in 2022 are (TPY): 21.4 NO_x, 16.2 SO_x, 4.3 CO, 1.8 PM, 0.8 VOC, 0.5 HAPs, and 7,736.7 CO₂. The renewal permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: July 11, 2022. Issued: August 8, 2023.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration 215-685-9426.

OP23-000016: Comcast OTN, Office & Call Center, 11400 Northeast Avenue, Philadelphia, PA 19116, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Natural Minor Operating Permit (NMOP) for the operation of an office and call center in the City of Philadelphia, Philadelphia County. The facility's air emission sources include six diesel-fired emergency generators with ratings from 230 kilowatts to 1,111 kilowatts. Application received: April 28, 2023. Issued: August 9, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

41-00016: Plastic Development Company, P.O. Box 4007, Williamsport, PA 17701, Woodward Township, **Lycoming County**. The Department issued a revised Title V Operating Permit for a change in the responsible official and permit contact for their PDC Spas manufacturing facility. Application received: July 17, 2023. Effective: August 10, 2023. Revised: August 10, 2023.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

42-00154: Bradford Hospital, 116 Interstate Pkwy., Bradford, PA 16701, City of Bradford, **McKean County**. The Department issued an administrative amendment of the State Only Operating Permit for the facility to incorporate the change of responsible official and permit contact. Application received: May 8, 2023. Revised: July 25, 2023.

43-00270: CCL Container Advanced Monobloc Aerosol Division, 1 Llodio Drive, Hermitage, PA 16148, City of Hermitage, **Mercer County**. The Department issued an administrative amendment of the Title V Operating Permit for the facility to incorporate the new responsible official and permit contact. Application received: June 21, 2023. Revised: August 3, 2023.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

38-03029: GAF, formerly Elk Corporation of Texas, 401 Weavertown Road, P.O. Box 228, Myerstown, PA 17067-0228, Jackson Township, **Lebanon County**. Pursuant to 25 Pa. Code 127.449(i), this *Pennsylvania Bulletin* Notice is for de minimis emissions increases of 0.42 ton/yr of PM₁₀, 0.18 ton/yr of VOC, 0.01 ton/yr of SO₂, 0.65 ton/yr of NO_x, 1.09 ton/yr of CO, and 0.003 ton/yr of HAP resulting from increasing asphalt shingle production from 90 tons/hour to 100 tons/hour for the shingle manufacturing facility. This is the first de minimis increase at the facility during the term of the current Operating Permit.

36-03066: Perdue Agribusiness, LLC, 1609 River Road, Marietta, PA 17547-9504, East Donegal Township, **Lancaster County**. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for the de minimis emissions increase of 0.60 tpy PM₁₀, resulting from the transloading of feed and feed products (such as soymeal) through the rail transload. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

36-05136: Energy Developments Honey Brook, LLC, 481 South Churchtown Road, Narvon, PA 17555, Caernarvon Township, **Lancaster County**. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.005 tpy of PM₁₀, 0.13 tpy of SO₂, 0.01 tpy of NO_x, 0.20 tpy of CO, and 0.0005 tpy of VOCs for the operation of a temporary flare at the LFG-to-energy facility. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

61-00011: Sasol Chemicals USA, LLC, 292 State Route 8, Oil City, PA 16301-5626, Cornplanter Township, **Venango County**. The facility ceased operation at this site and is no longer operating any air contamination sources which require an Air Quality Operating Permit. The permit was therefore revoked. Application received: July 6, 2023. Revoked: July 24, 2023.

ACTIONS ON COAL AND NONCOAL 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 National Pollutant Discharge Elimination System (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—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 56140702. NPDES No. PA0236306. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Shade Township, **Somerset County**. To revise the NPDES permit to remove TDS effluent limits from outfall 001. Application received: April 12, 2023. Accepted: April 12, 2023. Issued: July 11, 2023.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17980104. NPDES No. PA0237922. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Renewal of a bituminous surface coal mine and associated NPDES permit, for reclamation only with the continued operation and maintenance of mine drainage water treatment systems, affecting 84.0 acres. This renewal does not contain revisions to the existing operation. Receiving stream(s): Moose Creek classified for the following use(s): CWF, MF. Application received: December 13, 2022. Accepted: December 28, 2022. Issued: August 10, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 19950101. Blaschak Anthracite Corp., P.O. Box 12, Mahanoy City, PA 17948, Conyngham Township and Centralia Borough, **Columbia County**. Renewal of an anthracite surface mine, coal refuse disposal and coal preparation plant operation affecting 1,374.29 acres. Receiving streams: Shamokin Creek and Mahanoy Creek. Application received: March 24, 2021. Renewal issued: August 14, 2023.

Mining Permit No. 19950101. GP104 Permit No. PAM111046. Blaschak Anthracite Corp., P.O. Box 12, Mahanoy City, PA 17948, Conyngham Township and Centralia Borough, **Columbia County**. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP-GP-104). Receiving streams: Shamokin Creek and Mahanoy Creek. Application received: March 24, 2021. Coverage issued: August 14, 2023.

Mining Permit No. 13070101. Lehigh Anthracite, LP, 1233 East Broad Street, Tamaqua, PA 18252, Nesquehoning Borough, **Carbon County**. Renewal of an anthracite surface mine operation affecting 252.3 acres. Receiving stream: Nesquehoning Creek. Application received: August 30, 2022. Renewal issued: August 14, 2023.

Mining Permit No. GP12 Permit No. GP12-19950101. Blaschak Anthracite Corp., P.O. Box 12, Mahanoy City, PA 17948, Conyngham Township and Centralia Borough, **Columbia County**. Renewal of general Operating Permit to operate a coal preparation plant. Application received: March 24, 2021. Coverage issued: August 14, 2023.

Mining Permit No. 40663028. Ebervale Mining Division, LLC, 100 Hazlebrook Road, PA 18201, Hazle Township, **Luzerne County**. Transfer of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation from Pagnotti Enterprises, Inc. and increase the permitted acres to 536.0 acres. Receiving stream: Black Creek. Application received: February 23, 2023. Transfer issued: August 14, 2023.

Mining Permit No. 40663028. GP104 Permit No. PAM123005. Ebervale Mining Division, LLC, 100 Hazlebrook Road, PA 18201, Hazle Township, **Luzerne County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: Black Creek. Application received: February 23, 2023. Coverage issued: August 14, 2023.

Noncoal Permits

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 42232801. Duffy, Inc., P.O. Box 374, Smethport, PA 16749, Keating Township, **McKean County**. Commencement, operation and restoration of a small industrial minerals mine. Application received: May 3, 2023. Issued: August 14, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 58232502. MM Quarries, Inc., 1202 Marshwood Road, Throop, PA 18512, Lenox Township, **Susquehanna County**. Commencement, operation and restoration of a GP105 quarry operation affecting 10.0 acres. Receiving stream: UNT to East Branch Tunkhannock Creek. Application received: December 29, 2022. Permit issued: August 8, 2023.

Mining Permit No. 58232502. GP104 Permit No. PAM123003. MM Quarries, Inc., 1202 Marshwood Road, Throop, PA 18512, Lenox Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: UNT

to East Branch Tunkhannock Creek. Application received: December 29, 2022. Coverage issued: August 8, 2023.

Mining Permit No. 58232503. Blue Ridge Aggregates, LLC, 3 Export Lane, Archbald, PA 18403, Lenox Township, **Susquehanna County**. Commencement, operation and restoration of a GP105 quarry operation affecting 10.0 acres. Receiving streams: UNT to East Branch Tunkhannock Creek. Application received: January 30, 2023. Permit issued: August 14, 2023.

Mining Permit No. 58232503. GP104 Permit No. PAM123004. Blue Ridge Aggregates, LLC, 3 Export Lane, Archbald, PA 18403, Lenox Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: UNT to Tunkhannock Creek. Application received: January 30, 2023. Coverage issued: August 14, 2023.

ABANDONED MINE RECLAMATION PRIMACY BOND FORFEITURE PROJECT

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500/724-925-5500.

Contact: Jeffrey Parr.

Primacy Bond Forfeiture Project No.	PBF 26840110.3
Municipality	Luzerne Township
County	Fayette County
Description	Luzerne Township Mine William J. Bane and James Rumble
Contractor Name and Address	Wayne Mills dba Mills Excavating
Address	753 Flatwoods Road
City, State, Zip	Vanderbilt, PA 15486
Amount	\$226,707.00
Date of Award	August 10, 2023

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) 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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 15234106. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, East Whiteland Township, **Chester County**. Construction blasting for Anfield Development. Application received: August 3, 2023. Permit issued: August 8, 2023. Expiration date: September 1, 2024.

Permit No. 67234107. Douglas Explosives, Inc., 2052 Philipsburg Bigler Highway, Philipsburg, PA 16866, Conewago Township, **York County**. Construction blasting for Fox Run Heights. Application received: August 4, 2023. Permit issued: August 8, 2023. Expiration date: April 15, 2024.

Permit No. 40234112. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, Pittston Township, **Luzerne County**. Construction blasting for Wilkes-Barre Airport Taxiway B Extension. Application received: August 6, 2023. Permit issued: August 11, 2023. Expiration date: August 3, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) 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, DEP 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.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

Action(s) Taken on Application(s) 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 & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E5402223-001. PPL Electric Utilities Corporation, 1639 Church Road, Allentown, PA 18104-9342, Butler Township, **Schuylkill County**. U.S. Army Corps of Engineers Philadelphia District.

To permanently impact 0.17 acre of PEM wetlands, for the replacement of the existing Frackville substation, resulting in 0.17 acre of wetland mitigation being required. Latitude: 40°46'38", Longitude: -76°14'43". Application received: February 21, 2023/August 9, 2023.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E2506222-001. Millcreek Ventures LLC, 500 Seneca Street, Suite 508, Buffalo, NY 14204, Millcreek Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District.

Millcreek Ventures, LLC was found to be in violation of Water Obstruction and Encroachment Permit # E2506222-001. Specifically, failure to provide the Department within 45-days of the issuance of the permit, proof of transfer of the approved credit amounts and types of compensatory wetland credits and acceptance of liability by First Pennsylvania Resource, LLC in violation of Paragraph 19.D of the WOE Permit. Pursuant to 25 Pa. Code § 105.21(b) and Paragraph 19.D of the permit, the Department has revoked Water Obstruction and Encroachment Permit # E2506222-001. Latitude: 42.061050°, Longitude: -80.11340°. Application received: March 3, 2022. Revoked: August 10, 2023.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E3603222-010. Suburban Lancaster Sewer Authority, 280 Granite Run Drive, Lancaster, PA 17601, Lancaster Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

To stabilize and maintain an existing outfall structure impacting 29.0-lineal feet (568.0-square feet) of a UNT to the Conestoga River (WWF, MF) as well as 5,037.0-square feet of the associated floodway and to remove an existing gravel bar impacting 84.0-lineal feet (5,460.0-square feet) of the Conestoga River (WWF, MF). The project is located at 1220 New Danville Pike, Lancaster, PA 17603 (Latitude: (40.0168), Longitude: (-76.3036)). There will be no wetland impacts associated with the project. Latitude: 40.0168°, Longitude: -76.3036°. Application received: September 23, 2022. Issued: July 5, 2023.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E4601222-017. Borough of Hatboro, 414 South York Road, Hatboro, PA 19040, Hatboro Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To perform stream and streambank restoration to a tributary to Pennypack Creek (TSF-MF) as part of their MS4 program. This activity will result in 1,200 linear feet (34,800 square feet, 0.78 acre) of permanent watercourse impact, 34,800 square feet (0.78 acre) of permanent floodway impact, 1,200 linear feet (30,000 square feet, 0.69 acre) of temporary watercourse impact, and 30,000 square feet (0.69 acre) of temporary floodway impact. Restoration work includes grading of banks, placement of rock boulder revetment, toe armoring, and cross vanes to

maintain stream bed elevation. This project is located in Hatboro Memorial Park, Montgomery County (USGS PA Hatboro Quadrangle). Latitude: 40.181798°, Longitude: -75.110791°. Application received: August 1, 2022. Issued: August 9, 2023.

E1501123-006. Pennsylvania Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Londonderry Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the SR 0041/SR 0926 Roundabout Project: 1) To place fill within a wetland area (W1, PEM) associated with the construction of roadway embankment resulting in 0.47 acre of permanent wetland impact and 0.09 acre of temporary wetland impact due to erosion and sedimentation control and construction access. This activity also includes the construction and maintenance of two 18-inch diameter outfalls. 2) To remove a 72-foot-long, 48-inch diameter, reinforced concrete pipe culvert carrying an unnamed tributary to Middle Branch of White Clay Creek (Stream 1, TSF-MF) and to construct and maintain a 71-foot-long, 54-inch diameter reinforced concrete pipe culvert (including the placement of riprap rock apron) directly downstream under the newly constructed SR 0041 leg of the roundabout. This activity will result in 104 linear feet (0.01 acre) of permanent watercourse impact, 31 linear feet (0.01 acre) of temporary watercourse impact, 0.21 acre of permanent floodway impact, and 0.01 acre of temporary floodway impact. 3) To perform grading within a wetland area (W2, PEM) associated with an adjacent wetland mitigation site resulting in 0.02 acre of permanent wetland impact. The objective of this mitigation is to establish a combined total of 0.49 acre wetland creation and restoration, and streambank stabilization for the 72 linear feet daylighted section of the culvert. This project is located at the Gap Newport Pike and Street Road intersection in Londonderry Township, Chester County (USGS PA West Grove Quadrangle). Latitude: 39.868353°, Longitude: -75.866970°. Application received: March 23, 2023. Issued: August 10, 2023.

E0901223-005. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914, Chalfont Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To propose the construction and maintenance of 1,380 linear feet of 8 feet wide bituminous multi-use on-grade trail associated with The Northern Neshaminy Greenway Trail, along the west bank of the North Branch of Neshaminy Creek (TSF). There are no wetland impacts. There is approximately 500 sq feet of permanent floodway impacts. The trail will connect the Patriot Place, Lindenfield, and Chestnut Street neighborhoods. The site is located in the northeast portion of Chalfont Borough along the North Branch Neshaminy Creek (Doylestown, PA USGS Map) in Chalfont Borough, Bucks County. Latitude: 40.293416°, Longitude: -75.207579°. Application received: May 3, 2023. Issued: August 15, 2023.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205221-001. Plum Borough, 4575 New Texas Road, Pittsburgh, PA 15239, Plum Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: Revised to include wetland waived impact and revise impact to UNT to Abers Creek. 1. Enlarge through excavation an existing stormwater basin which is approximately 5' deep with a maximum storage volume of approximately 44,800 CF to a proposed maximum depth of 10' deep and maximum storage volume of approximately 286,000 CF, 2. Permanently impact a 0.23-acre PEM wetland through excavation within the existing stormwater basin, 3. Relocate approximately 120' by 12' of an intermittent stream, UNT to Abers Creek (TSF), through a proposed rip rap apron with end wall and into the previously proposed stormwater basin, 4. Remove an approximately 4,000 sf riprap emergency spillway, and a standard concrete outlet control structure with 24" RCP outfall pipe, 5. Remove 70 LF of an existing 24" CPP, end wall, and rip rap apron, 6. Remove a manhole, 50 LF of an existing 36" RCP, end wall, and, rip rap apron, 7. Remove 36 LF of an existing 24" RCP, 8. Remove 12 LF of an existing 24" CPP and rip rap apron, 9. Remove a rip rap apron, 50 LF of a 24" RCP, and outlet control structures, 10. Construct and maintain a new approximately 2,000 sf emergency spillway, 11. Construct and maintain a new 10' by 4' inlet control structure to three (3) 15" RCPs, end wall and rip rap apron to the expanded detention basin, 12. Construct and maintain an outlet control structure consisting of a 58 LF of 24" RCP, 25 LF of a 6" perforated underdrain, rip rap, and end wall, and 13. Construct and maintain a second outlet control structure consisting of a 70 LF of 24" RCP, 25 LF of a 6" perforated underdrain, rip rap, and end wall. For the purposes of increasing stormwater detention and flood protection of properties adjoining Aber's Creek. The project will permanently impact approximately 804 LF of Abers Creek, 120 LF of a UNT to Abers Creek, 0.23 acre of PEM wetland, 1.2 acres of floodway of both streams, and 0.18 acre of floodplain. The project site is located 0.8 mile north of the intersection of New Texas Road along the east side of O'Block Road (Murrysville, PA; Sub-basin 19A). Latitude: 40° 27' 50", Longitude: -79° 43' 11". Application received: January 27, 2021. Issued: August 2, 2023.

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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsyl-

vania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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.

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 ESG070223003-00

Applicant Name **Olympus Energy, LLC—
Midas To Hermes Waterline**

Contact Person Jennifer Hoffman, (412) 380-2355
jennifer.hoffman@HHenergyCo.com
Address 0.3 mile east of Kerr Road and
Coxcomb Hill Road

City, State, Zip New Kensington, PA 15068
Township(s) Plum Borough, Murrysville Borough
County **Allegheny County, Westmoreland County**

Receiving Stream(s) and Classification(s) 001. Lat 40.53115, Long -79.76474, Allegheny River, Ch 93 Class: WWF 002. Lat 40.52726, Long -79.75969, Bodies Run, Ch 93 Class: WWF 003. Lat 40.52135, Long -79.75813, Trib 42269 to Little Plum Creek, Ch 93 Class: WWF 004. Lat 40.51800, Long -79.5256, Trib 42268 to Little Plum Creek, Ch 93 Class: WWF 005. Lat 40.50852, Long -79.74783, Little Plum Creek, Ch 93 Class: WWF 006. Lat 40.49904, Long -79.71117, Trib 42274 to Little Plum Creek, Ch 93 Class: WWF 007. Lat 40.49801, Long -79.70286, Trib 42275 to Little Plum Creek, Ch 93 Class: WWF

Application received: August 15, 2023

Issued: August 14, 2023

ESCGP # 3 ESG073023012-00

Applicant Name **EQT Prod Co—Shalennial Well Site**
Contact Person Todd Klaner, (724) 746-9043

TKlaner@eqt.com
Address 0.25 Mile east of Earnest Hill Road
City, State, Zip New Freeport, PA 15352
Township(s) Springhill Township
County **Greene County**

Classification(s) 001. Lat 39.73611, Long -80.50446, UNT Knob Run, Ch 93 Class WWF 002. Lat 39.73589, Long -80.50717, UNT Knob Run, Ch 93 Class WWF 003. Lat 39.73705, Long -80.51002, UNT Knob Run, Ch 93 Class WWF 004. Lat 39.73704, Long -80.51280, UNT Knob Run, Ch 93 Class WWF 005. Lat 39.73705, Long -80.51843, UNT Knob Run, Ch 93 Class WWF 006. Lat 39.74050, Long -80.51688, UNT PA Fork Fish, Ch 93 Class WWF 007. Lat 39.74073, Long -80.51437, UNT PA Fork Fish, Ch 93 Class WWF 008. Lat 39.73966, Long -80.51213, UNT PA Fork Fish, Ch 93 Class WWF 009. Lat 39.74104, Long -80.51119, UNT PA Fork Fish, Ch 93 Class WWF 010. Lat 39.74091, Long -80.50773, UNT PA Fork Fish, Ch 93 Class WWF

Application received: May 8, 2023

Issued: August 14, 2023

ESCGP # 3 ESG076323007-00

Applicant Name **Range Resources Appalachia LLC—
Hickory Partners 17812 Well Site**

Contact Person Karl Matz, (724) 873-3090
kmatz@rangeresources.com
Address 0.4 mile south of Donaldson Road and
Herderson Road
City, State, Zip Washington, PA 15301

Township(s) Mount Pleasant Township

County **Washington County**

Receiving Stream(s) and Classification(s) 001. Lat 40.27949, Long -80.32455, UNT to Chartiers Run, Ch 93 WWF 002. Lat 40.27930, Long -80.32390, UNT to Chartiers Run, Ch 93 WWF 003. Lat 40.28289, Long -80.32125, UNT to Chartiers Run, Ch 93 WWF

Application received: May 15, 2023

Issued: August 14, 2023

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The Following Storage Tank Site-Specific Installation Permit(s), Under the Authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and Under 25 Pa. Code Chapter 245, Subchapter C, Have Been Issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Application No.	23002
Applicant Name	United Refining Company
Address	15 Bradley St.
City, State, Zip	Warren, PA 16365
County	Warren County
Municipality	City of Warren
Tank Type	One AST storing petroleum products
Tank Capacity	5,118,078 gallons
Application Received	June 23, 2023
Permit Issued	August 15, 2023

**CORRECTIVE ACTION UNDER
ACT 32, 1989**

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted 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 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 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.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

J.A. & W.A. Hess Ready Mix, Storage Tank Facility ID # **40-51043**, 10 Hess Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of J.A. & W.A. Hess, Inc., 10 Hess Road, Hazleton, PA 18202 submitted a Remedial Action Plan concerning remediation of soil contaminated with diesel. The plan is intended to document the remedial actions for meeting site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Pennsbury Citgo, Storage Tank Facility ID # **09-32284**, 415 W. Trenton Ave., Morrisville, PA 19067, Falls Township, **Bucks County**. On-Site Environmental Inc., 119 Shepherds Way, Coatesville, PA 19320, on behalf of Gus McKee, 415 W. Trenton Ave., Morrisville, PA 19067 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Sunoco 8000 0452, Storage Tank Facility ID # **46-20322**, 300 N. Lewis Rd., Royersford, PA 19468, Limerick Township, **Montgomery County**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken 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 construction details for the remedial action, and describe how the remedial action will attain the selected remediation stan-

dard. 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 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.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Murphys Mini Mart, Storage Tank Facility ID # **53-35296**, 1327 E 2nd St, Coudersport, PA 16915, Coudersport Borough, **Potter County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Murphys Mini Mart, 1327 E 2nd St, Coudersport, PA 16915 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Petroleum. The plan residential demonstrated attainment of the Statewide health standards and was approved by DEP on July 31, 2023.

Fuel On 2, Storage Tank Facility ID # **19-00603**, 711 Market Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Fuel on 2, 711 Market Street, Bloomsburg, PA 17815 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The plan nonresidential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on August 3, 2023.

Rays Gulf, Storage Tank Facility ID # **49-70630**, 150 North Oak Street, Mount Carmel, PA 17851, Mount Carmel Borough, **Northumberland County**. Letterle & Associates Inc., 2022 Axemann Rd, Suite 201, Bellefonte, PA 16823, on behalf of Rays Gulf, 150 North Oak Street, Mount Carmel, PA 17851 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The plan residential demonstrated attainment of the Statewide health standards and was approved by DEP on July 27, 2023.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Chris, 724-598-2206.

AFI Edinburg, Storage Tank Facility ID # **37-91014**, 645 Route 224, Edinburg, PA 16116, Mahoning Township, **Lawrence County**. Letterle & Associates, Inc., 191 Howard State, Suite 108, Franklin, PA 16323, on behalf of Reed Oil Company, 511 Montgomery Avenue, New Castle, PA 16102 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on August 9, 2023.

Reds Place for Car Care, Storage Tank Facility ID # **37-20525**, 101 S New Castle St, New Wilmington, PA 16142, New Wilmington Borough, **Lawrence County**. Letterle & Associates, 191 Howard St, Suite 108, Franklin, PA 16323, on behalf of Reds Place for Car Care, 101 S New Castle St, New Wilmington, PA 16142 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential and nonresidential was acceptable to meet the site-specific standards and was approved by DEP on August 11, 2023.

Contact: Lee, 814-332-6127.

Jim's Auto, Storage Tank Facility ID # **25-90455**, 13250 Route 6, Corry, PA 16407, Wayne Township, **Erie County**. Insite Group, Inc., 611 S Irvine Ave, Sharon, PA 16146, on behalf of Sibble Enterprises, 13250 Route 6, Corry, PA 16047 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on August 9, 2023.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Michael Stefanic, P.G., Project Officer, 717-705-4705.

Former Herbert W. Heffner Trucking, Storage Tank Facility ID # **06-10401**, 5291 Pottsville Pike, Reading, PA 19605, Ontelaunee Township, **Berks County**. Scientific Based Solutions, LLC, 612 Carsonia Avenue, Reading, PA 19606, on behalf of CHIPT Reading Ontelaunee, LLC, 3819 Maple Avenue, Dallas, TX 75219 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel constituents. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on August 10, 2023.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Central Office: Radiation Protection Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: 717-783-3594 Austyn Shank.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

In the month of July 2023, 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 persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two 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 Address</i>	<i>Certification</i>	
Johnathan Musselman	517 Park Avenue Harleysville, PA 19438-1751	Testing Individual
Musselman Home Inspection, LLC	517 Park Avenue Harleysville, PA 19438-1751	Testing Firm
Bradley Longosky	101 N Sycamore Street Newtown, PA 18940-1512	Testing Individual
Seymour Levine	198 Rose Hill Drive New Cumberland, PA 17070-2357	Testing Individual
Seymour Levine	198 Rose Hill Drive New Cumberland, PA 17070-2357	Mitigation Individual
Amber Robson	27 Telescope Street Pittsburgh, PA 15203-2521	Testing Individual
D-Tech, Inc.	P.O. Box 902 Blue Bell, PA 19422-0198	Testing Firm
Raymond Matthews	27 Telescope Street Pittsburgh, PA 15203-2521	Testing Individual
Raymond Matthews	27 Telescope Street Pittsburgh, PA 15203-2521	Mitigation Individual
Ryan McGrady	1000 Dunham Drive Suite B Dunmore, PA 18512-2666	Testing Individual
Anthony Carrozza, Jr.	770 Fairview Road Mount Joy, PA 17552-8558	Testing Individual

<i>Name Address</i>	<i>Certification</i>	
Jeffrey Hunt	P.O. Box 1402 Chadds Ford, PA 19317-1402	Testing Individual
Troy Rudy	P.O. Box 4214 Lancaster, PA 17604-4214	Testing Individual
Jerry Pickholtz	1475 Naugahyde Road Westmister, MD 21157	Testing Individual
Stephen Murphy	104 Great Oaks Drive Lincoln University, PA 19352-9389	Testing Individual
Sean Weaver	4145 Pechin Street Philadelphia, PA 19128-3515	Testing Individual
David Freeman	1029 Carlisle Street Natrona Heights, PA 15065-1015	Testing Individual
GC Scheer Inspection and Testing, LLC	474 McCollum Road Montrose, PA 18801-7681	Mitigation Firm
Ryan Hubbard	1524 Yardley Newtown Road Yardley, PA 19067-4041	Testing Individual
Michael Gelsick	537 Maurus Street Saint Marys, PA 1587-1021	Mitigation Individual
A-Z Tech Home Inspections, Inc.	100 Upper Middletown Road Smock, PA 15480-1104	Testing Firm
Safe Shelter Environmental	346 N Pottstown Pike Exton, PA 19341-2220	Testing Firm
Safe Shelter Environmental	346 N Pottstown Pike Exton, PA 19341-2220	Mitigation Firm
Dominick Peda	40 N Feathering Lane Media, PA 19063-1908	Testing Individual
Robert Meyer	247 Mine Bank Road Wellsville, PA 17365-9540	Mitigation Individual
A.B.E. Radiation Measurement Labs	1005 Old Route 22 Lenhartsville, PA 19534-9292	Testing Firm
A.B.E. Radiation Measurement Labs	1005 Old Route 22 Lenhartsville, PA 19534-9292	Laboratory Firm
Anthony Lamastra	1005 Old Route 22 Lenhartsville, PA 19534-9292	Testing Individual
Anthony Lamastra	1005 Old Route 22 Lenhartsville, PA 19534-9292	Laboratory Individual

NOTICE OF PUBLIC MEETING

Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton.

Notice is hereby given that the Pennsylvania Department of Environmental Protection (Department) will hold a public hearing on September 26, 2023 concerning the applications for a new large industrial minerals (noncoal) surface mining permit and associated NPDES permit submitted by **Bishop Brothers Construction Company, Inc.**, which is located at 1376 Leisure Drive, Towanda PA 18848. The proposed mine site is referred to as the Minard Mine and is located in Athens Township, **Bradford County**, PA. The mining permit application number is 08230301 and the NPDES permit application number is PA0270041. All interested parties are encouraged to attend the hearing. The application is being reviewed by the Department's Moshannon District Mining Office located at 186 Enterprise Drive, Philipsburg, PA, 16866. The phone number for the Moshannon office is 814-342-8200. The email address for the Moshannon office is RA-EPMOSHANNON@pa.gov.

The proposed site consists of 360.7 acres and is situated at on the property of Jeanette Minard. The proposed permit area is situated 0.5 mile south of the intersection of Mile Lane Road (SR-4020) and Meadowlark Drive (T-303). The Sayre 7.5 Minute U.S.G.S. Topographic Map contains the area described. Mining of sandstone and sand and gravel is proposed within the permit area.

The site is located within the Chemung River and Tutelow Creek watersheds. The associated NPDES application proposes discharges of stormwater from the support/processing area and discharges of treated water from the mining pit to Tutelow Creek, which is designated as Warm Water Fishes, Migratory Fishes. The draft NPDES permit document and fact sheet are available on the DEP webpage (see the following details). A draft NPDES permit notice was published in the *Pennsylvania Bulletin* on August 5, 2023.

The application includes proposals for three (3) variances to conduct mining activities within 100 feet of the Chemung River and Tutelow Creek; to conduct blasting; and to change the postmining land use from cropland to unmanaged water impoundment and forest to unmanaged

natural habitat. The stream encroachment activities consist of: installation of a bridge to cross Tutelow Creek, installation of a culvert to cross unnamed tributary 1 to Tutelow Creek, and three (3) encroachments of Tutelow Creek for mining support activities and mineral extraction as described in the application documents.

The public hearing will be held at the Athens Area High School Auditorium, 401 W Frederick St, Athens, PA 18810, on Tuesday, September 26, 2023, starting at 6:00 p.m. and ending at 8:00 p.m. or sooner if testimony is complete. Doors will open at 5:30 p.m. The public hearing is for the collection of comments only. Department staff do not directly answer questions during the hearing. During the hearing, Department staff will first give a brief update on the status of the applications, then accept oral comments of three minutes or less regarding the permit applications. A transcript of the public hearing, including all oral comments, will be produced by a stenographer.

To register to testify at the hearing, contact Jordi Comas, Environmental Justice Coordinator, at jcomas@pa.gov or 570-327-3656. Onsite registrations to testify will also be taken as space allows.

Anyone wishing to submit written comments may give a copy to the Department during the hearing. Written comments will also be accepted until September 26, 2023, and should be sent to John Mital, Licensed Professional Geologist, Moshannon District Mining Office, via email at jmital@pa.gov or via mail to the Moshannon District Mining Office. All comments, whether provided orally or in writing, will be given equal consideration and will be addressed by DEP in a comment and response document when the permit decision is issued.

Paper copies of the applications are available for public inspection at the Athens Township Municipal Building, 45 Herrick Avenue, Sayre, PA 18840, and electronically at <https://www.dep.pa.gov/About/Regional/North-central-Regional-Office/Community-Information/Pages/Minard-Mine.aspx>. You also may find the webpage by searching for "Minard Mine" via search engine.

If you are a person with a disability wishing to attend this meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings, please contact Jordi Comas to discuss how we may best accommodate your needs. If necessary, you may use the Pennsylvania Hamilton Relay Service by calling 1-800-654-5984 (TDD Users) or 1-800-654-5988 (Voice Users) and request that your call be relayed to Jordi Comas.

[Pa.B. Doc. No. 23-1148. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Coastal Zone Grant Program

The Department of Environmental Protection's (Department) Compacts and Commissions Office invites interested parties to apply for a Federal Fiscal Year 2024 Coastal Zone Grant beginning Monday, August 28, 2023.

Applicants must meet certain eligibility requirements (for example, an applicant must be an authority, an incorporated nonprofit organization, a political subdivi-

sion or an educational institution). Projects must be located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone boundaries as noted in the Coastal Program Grant Application Instruction Guide. Proposals must support the mission of the Department's Coastal Resources Management Program to protect and enhance coastal resources in this Commonwealth.

The Coastal Zone Grant Program guidelines and application instructions are available online through the Department's web site at www.dep.pa.gov (select the "Grants" icon and scroll down under "Schools" and select "Coastal Zone Grant—for protecting water quality and shorelines in the Delaware Estuary and Lake Erie Coastal Zone") or by contacting the Department's Coastal Resources Management Program at RA-epcoastalzone@pa.gov or (717) 772-5622.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. Hard copy applications will not be accepted. The Department will begin accepting applications on Monday, August 28, 2023. Applications must be received by midnight on Monday, October 16, 2023.

For more information regarding the Coastal Zone Grant Program, contact the Department of Environmental Protection, Compacts and Commissions Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17105-8465, RA-epcoastalzone@pa.gov or (717) 772-5622. Information is also available on the Department's web site at www.dep.pa.gov (select "Businesses," then "Water," then "Compacts and Commissions," then "Coastal Resources Management Program," then "Grants").

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1149. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Driving PA Forward Initiative; Fiscal Year 2021-2022 Pennsylvania State Clean Diesel Grant Program

The Department of Environmental Protection (Department) announces an opportunity to apply for \$3,659,904 in grants offered through the Fiscal Year 2021-2022 Pennsylvania State Clean Diesel Grant Program (Grant Program). A portion of funding has been made available for this opportunity through the United States Environmental Protection Agency (EPA) and the Federal Diesel Emission Reduction Act (DERA). Most of the funding for this offering, approximately \$2.6 million, is from the settlement of a lawsuit with Volkswagen Group—USA, relating to diesel vehicle emission violations, and is being used as the Commonwealth's voluntary match funding under the DERA program. Funding is available for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from diesel-powered vehicles and engines.

The Department is seeking applications for projects that will replace or retrofit fleet diesel-powered highway and nonroad vehicles, engines and equipment. Most of the vehicle or engine's annual operation time must occur

within this Commonwealth. Public and private entities that operate diesel-powered fleets throughout this Commonwealth should apply. These entities may include school districts, municipal authorities, political subdivisions, State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations and metropolitan or rural planning organizations. Projects must use technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions, unless otherwise noted in the Grant Program guidelines. The technology may be a single technology or a combination of available technologies.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement. The Grant Program guidelines and application instructions are available on the Department's Driving PA Forward webpage at www.dep.pa.gov/DrivingPAForward.

A recorded presentation providing an overview of the Grant Program and application process is available on the Department's Driving PA Forward webpage. Applicants can contact the Bureau of Air Quality at ra-epvmitigation@pa.gov or (717) 787-9495 with questions about this grant offering.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site, eGrants, at <https://www.esa.dced.state.pa.us/Login.aspx>. The Department is now accepting applications. Applications must be received by 11:59 p.m. on October 20, 2023. The Department will review and score applications after the application period closes.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1150. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Small Business Advantage Grant Program

The Department of Environmental Protection (Department) announces the availability of at least \$1 million in grant funding for the 20th year of the Commonwealth's Small Business Advantage Grant Program (Program). The Program assists small businesses undertaking energy efficiency, pollution prevention or natural resource conservation projects. With nearly 1 million small businesses in this Commonwealth, well-designed projects can help small businesses cut operating costs and grow the Commonwealth's economy, while simultaneously protecting the environment.

The Program is a first-come, first-served grant program that provides matching grants, ranging from a maximum of 50% or \$5,000, up to 80% or \$8,000, whichever is less. Maximum funding will vary based on project location and environmental impact. Eligible projects must save the small business a minimum of \$500 per year and at least 20% in annual energy consumption or pollution-related expenses.

Natural resource protection projects are exempt from the minimum cost savings requirements but may need to meet minimum pollution reduction goals; projects must

provide enough information to allow quantification of the sediment and nutrient diversion from the directly related receiving waterway to be eligible.

To be eligible, the applicant's business must be Commonwealth-based, be registered to do business in the Commonwealth, and be a for-profit small business with 100 or fewer full-time equivalent employees. The project to which the grant will apply must be undertaken in or on a facility located in this Commonwealth. Applicants may not have current environmental violations or obligations due to the Commonwealth. Applications will be accepted beginning when the application period opening is announced on the Small Business Advantage Grant web site through March 22, 2024, or when funds are exhausted, whichever occurs first.

Application guidance, required forms and information are located on the Department's web site at www.dep.pa.gov (select "Residents," then "Grants, Loans and Rebates," then under the Businesses headline "Small Business Advantage Grant—for energy efficiency, pollution prevention, or natural resource protection efforts," then "Small Business Advantage Grant program").

For applicants who are deaf, hard of hearing, deafblind or have a speech disorder, the Pennsylvania Hamilton Relay Service is available by calling (800) 654-5984 (TTD users) or (800) 654-5988 (voice users), and request that the call be relayed to Samantha Harmon at (717) 783-0909.

ATTENTION: If you speak another language other than English, language assistance services can be made available to you. Call (717) 783-0909.

ATENCIÓN: Si habla otro idioma que no sea el inglés, los servicios de asistencia lingüística pueden estar disponibles para usted. Llame al (717) 783-0909.

ACHTUNG: Wenn Sie eine andere Sprache als Englisch sprechen, können Ihnen Sprachunterstützungsdienste zur Verfügung gestellt werden. Rufen Sie (717) 783-0909 an.

注意：如果您说英语以外的其他语言，可以为
您提供语言帮助服务。请致电 717.783.0909。

주의: 영어 이외의 다른 언어를 사용하는 경우
언어 지원 서비스를 이용할 수 있습니다. 전화
717.783.0909.

ध्यान दें: यदि आप अंग्रेजी के अलावा अन्य भाषा बोलते
हैं, तो भाषा सहायता सेवाएं आपको उपलब्ध कराई जा
सकती हैं। 717.783.0909 पर कॉल करें।

For further information, contact the Small Business Ombudsman Office by e-mail at RA-epAdvantageGrant@pa.gov or by telephone at (717) 783-9640.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1151. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a document should contact the person whose name and phone number are listed with each document.

Draft TGD: Substantive Revision

DEP ID: 361-0300-002. **Title:** Land Application of Manure—A Supplement to Manure Management for Environmental Protection. **Description:** Manure Management for Environmental Protection and its supplements (Manure Management Manual) provide guidelines that comply with Department regulations concerning animal manures and agricultural process wastewaters. The criteria established in this TGD are required to be followed by all operations applying manure or agricultural process wastewater, farms that pasture animals and farms managing an Animal Concentration Area (ACA) unless the operators obtain a permit or approval from the Department to implement alternative practices. The substantive revisions in this draft TGD include the following:

- **Manure Management Plan Short Form**—The Manure Management Plan Short Form (Short Form) is a new form. If the guidelines on the Short Form are followed, then the water quality risks associated with the agricultural operation are deemed to be minimal and the short form will satisfy the planning requirements for the operation set forth in 25 Pa. Code § 91.36(b) (relating to pollution control and prevention at agricultural operations).

- **Manure Management Plan Workbook**

- **Operation Information**—In addition to clarifying existing language, the following points have been added or modified on the Operation Information Page:

- **Animals on the Operation**—Modified to a check item. If answered yes, the Animals Worksheet must be completed.

- **Environmentally Sensitive Areas**—Included springs for clarification.

- **Agricultural Process Wastewater**—New check item. If answered yes, the Agricultural Process Wastewater Worksheet must be completed.

- **Manure Spreader Calibration**—New check item. The operator must identify that the manure spreader will be calibrated according to the recommendations in Agronomy Facts 68 (Appendix 3) prior to manure application.

- **Animals Worksheet**—New worksheet to be completed by any operator with animals housed onsite. Includes an Animal Equivalent Unit Calculation. If after completion of the worksheet, it is determined that the operation is regulated under the Nutrient Management Act (P.L. 112, No. 38), the operation should contact a certified nutrient management specialist before proceeding with the remainder of the Manure Management Plan.

- **Environmentally Sensitive Areas Worksheet**—Included springs for clarification.

- **Winter Spreading Worksheet**—Included language related to "vegetative cover." No changes to winter manure spreading requirements.

- **Manure Management Plan Summary**

- New check box identifying that soils tests taken in the last 3 years indicated phosphorous levels are less than 200 ppm.

- Clarification language indicating that no single manure application can exceed 9,000 gallons per acre unless it is applied in accordance with 25 Pa. Code § 83.294(e) (relating to nutrient application procedures).

- **Operation Map**—New blank page inserted to facilitate hand drawing or remind the planner to include a map, or both.

- **Agricultural Process Wastewater Worksheet**—New worksheet to facilitate planning for agricultural process wastewater management. Though, there are no changes to the requirement to address the agricultural process wastewater in the Manure Management Plan.

- **Manure Storage and Stacking Worksheet**—Updated the former "Manure Storage Facilities Worksheet" to facilitate planning for stacking and stockpiling of manure.

- **Pasture Management Worksheet**

- Clarification of vegetation requirements needed to maintain pasture.

- Added installation quantities and dates to obtain the necessary information to report pasture best management practices (BMP) in Manure Management Plans towards implementation of the Commonwealth's Phase 3 Chesapeake Bay Watershed Implementation Plan.

- **ACA Worksheet**—Added installation quantities and dates to obtain the necessary information to report pasture BMPs in Manure Management Plans towards implementation of the Commonwealth's Phase 3 Chesapeake Bay Watershed Implementation Plan.

- **Appendix 1: Manure Application Rate Tables**—Simplified rate tables to include only application rates for phosphorus removal of common crops and manure types in this Commonwealth.

- **Appendix 2: Agronomy Facts 54**—New appendix to assist with completion of the Animals Worksheet.

- **Appendix 3: Agronomy Facts 68**—New appendix to assist with manure calibration.

Written Comments: Interested persons may submit written comments on this draft TGD by Monday, September 25, 2023. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are urged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to the Technical Guidance Coordinator,

Department of Environmental Protection, Policy Office,
Rachel Carson State Office Building, P.O. Box 2063,
Harrisburg, PA 17105-2063.

Contact: Questions regarding this TGD can be directed to Kathryn Bresaw at (717) 772-5650 or kbresaw@pa.gov.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1152. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pennsylvania Agriculture Energy Efficiency Rebate Program

The Department of Environmental Protection (Department) announces the availability of a rebate program for agriculture energy efficiency projects to Commonwealth agriculture producers under the Pennsylvania Agriculture Energy Efficiency Rebate Program (Program). The Program provides rebates to assist agricultural producers with the purchase of LED lighting systems, efficient ventilation equipment, and efficient milk pumping and cooling equipment for their farming operations.

To qualify for the rebate, the applicant must meet the definition of a normal agricultural operation under the act of June 10, 1982 (P.L. 454, No. 133), known as the Pennsylvania Right to Farm Law and the application must be submitted to the Department prior to the installation of the project. Equipment purchase costs after July 1, 2023, are eligible. The rebate will be offered on a first-come, first-served basis in the order in which they are received, until no later than December 31, 2023. Approved applicants will be issued a voucher, then install eligible equipment and submit a payment request form with required documentation to the Department to receive rebate moneys.

The following rebates are offered:

- \$7,500 rebate for LED lighting systems (up to 50% of equipment purchase costs).
- \$7,500 rebate for efficient ventilation (up to 50% of equipment purchase costs).
- \$7,500 rebate for dairy and refrigeration or cooling equipment (up to 50% of equipment purchase costs).
- \$7,500 for variable frequency drives (up to 50% of equipment purchase costs).
- Installation costs of up to \$2,000 may be included for each technology category.

Applicants may apply under each category, but no more than a total of \$7,500 in rebates will be issued to any one applicant.

Information on how to apply will be available on the Department's agriculture energy webpage at www.dep.pa.gov/agricultureenergy.

Questions concerning the rebate program can be directed to Michelle Ferguson at miferguson@pa.gov or (570) 327-3783.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1153. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions), specifically the definition of nurse aide:

Cole Place
1001 East Second Street
Coudersport, PA 16915
FAC ID # 031802

Green Home, Inc.
37 Central Avenue
Wellsboro, PA 16901
FAC ID # 072202

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Hollidaysburg Veterans' Home
P.O. Box 319
Hollidaysburg, PA 16648
FAC ID # 341402

Seton Manor Nursing and Rehabilitation Center
1000 Seton Drive
Orwigsburg, PA 17961
FAC ID # 096902

Saint Anne's Retirement Community
3952 Columbia Avenue
Columbia, PA 17512
FAC ID # 450102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1154. Filed for public inspection August 25, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule Revisions; 2023 Healthcare Common Procedure Coding System Updates; Fee Adjustments; Prior Authorization Requirements

The Department of Human Services (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after September 5, 2023.

The Department is adding and end-dating procedure codes as a result of the 2023 updates published by the Centers for Medicare & Medicaid Services to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding other procedure codes and making changes to procedure codes currently on the MA Program Fee Schedule, to include setting limitations and making fee adjustments. As follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Procedure Codes Being Added or End-dated

The Department is adding the following procedure codes, and procedure code and modifier combinations to the MA Program Fee Schedule as a result of the 2023 HCPCS updates. These procedure codes may include the modifiers 80 (assistant surgeon), SG (ASC/SPU facility support component), TC (technical component), 26 (professional component), NU (purchase) or RR (rental).

Procedure Codes and Modifiers

15778	15778 (80)	30469	30469 (SG)	49591
49591 (SG)	49591 (80)	49592	49592 (SG)	49592 (80)
49593	49593 (SG)	49593 (80)	49594	49594 (SG)
49594 (80)	49595	49595 (SG)	49595 (80)	49596
49596 (80)	49613	49613 (SG)	49613 (80)	49614
49614 (SG)	49614 (80)	49615	49615 (SG)	49615 (80)
49616	49616 (80)	49617	49617 (80)	49618
49618 (80)	49621	49621 (80)	49622	49622 (80)
49623	49623 (80)	55867	55867 (80)	76883
76883 (TC)	76883 (26)	81449	81456	84433
87467	87468	87469	87478	87484
93569	93573	93574	93575	A4239
D0372	D0373	D0374	D7509	D7509 (SG)
D9953	E0183 (NU)	E0183 (RR)	E2103 (NU)	E2103 (RR)

The Department is adding the following procedure codes, and procedure code and modifier combinations to the MA Program Fee Schedule based upon clinical review or provider request. These procedure codes may include modifiers FP (family planning) SG, 26, TC, RR or NU.

Procedure Codes and Modifiers

55874	55874 (SG)	81445	81450	81455
87563	87563 (FP)	92136	92136 (TC)	92136 (26)
99473	A4238	A4453	A4459	A4663
A4670	D4342	D4342 (SG)	E0766 (RR)	E2102 (NU)
E2102 (RR)	K0455 (NU)	K0455 (RR)		

The Department is end-dating the following procedure codes from the MA Program Fee Schedule as a result of the 2023 HCPCS updates:

Procedure Codes

49560	49561	49565	49566	49568
49570	49572	49580	49582	49585
49587	49590	49652	49653	49654
49655	49656	49657	99217	99218
99219	99220	99224	99225	99226
99241	99251	99318	99324	99325
99326	99327	99328	99334	99335
99336	99337	99343	K0553	K0554

Prior Authorization Requirements

The following procedure codes being added to the MA Program Fee Schedule will require prior authorization, under section 443.6(b)(7) of the Human Services Code (code) (62 P.S. § 443.6(b)(7)) regarding reimbursement of certain medical assistance items and services:

Procedure Codes

84433	A4453	A4459
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The following dental procedure codes and modifier combinations being added to the MA Program Fee Schedule will require prior authorization, under section 443.6(b)(5) of the code:

Procedure Codes

D4342	D4342 (SG)
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The following durable medical equipment (DME) procedure code and modifier combinations being added to the MA Program Fee Schedule will require prior authorization. Procedure codes with the NU modifier require prior authorization for purchase, under section 443.6(b)(2) of the code and procedure codes with the RR modifier require prior authorization after 3 months of rental under section 443.6(b)(3) of the code.

Procedure Codes and Modifiers

E0183 (NU)	E0183 (RR)	K0455 (NU)	K0455 (RR)
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The Department will require prior authorization for procedure code and modifier combination E0766 (RR) being added to the MA Program Fee Schedule with the first month's rental, as authorized under section 443.6(b)(3) of the code.

*Updates to Procedure Codes Currently on the MA Program Fee Schedule**Physicians' Services*

The Department is updating the unit and service limitations to the following evaluation and management (E&M) procedure code as a result of clinical review and National Correct Coding Initiative edits as indicated as follows:

<i>Procedure Code</i>	<i>Present Unit Limit</i>	<i>New Unit Limit</i>	<i>Present Limit</i>	<i>New Limit</i>
99292	1:46	1:8	46 per day	8 per day

Application of Topical Fluoride Varnish

The Department is updating the service limitation for procedure code 99188, for the application of topical fluoride varnish, from "4 per calendar year" to "6 per calendar year" as a result of clinical review.

Laboratory Services

The Department is adjusting the MA Program fee for the following laboratory procedure code as 55 Pa. Code § 1150.62(a) (relating to payment levels and notice of rate setting changes) requires that no MA fee exceed the Medicare Upper Payment Limit.

<i>Procedure Code</i>	<i>Description</i>	<i>Current Fee</i>	<i>New Fee</i>
81243	FMR1 (fragile X mental retardation 1) (for example, fragile X mental retardation) gene analysis; evaluation to detect abnormal (for example, expanded) alleles	\$93.14	\$45.63

DME and Medical Supplies

The Department is updating units and service limitations to the following medical supply procedure codes as a result of clinical review:

<i>Procedure Code</i>	<i>Present Unit Limit</i>	<i>New Unit Limit</i>	<i>Present Service Limit</i>	<i>New Service Limit</i>
A4224	1:1	1:5	Once per week	5 per calendar month
A4351	1:30	1:200	30 per 30 days	Any combination of A4351, A4352, A4353; 200 Intermittent Catheter per calendar month
A4352	1:30	1:200	30 per 30 days	
A4353	1:30	1:200	30 per 30 days	

The Department is adjusting the MA Program fees as identified as follows for the following medical supply procedure codes based on clinical review and provider request:

<i>Procedure Code</i>	<i>Description</i>	<i>Current Fee</i>	<i>New Fee</i>
A4224	Supplies for maintenance of insulin infusion catheter, per week	\$18.12	\$21.58

<i>Procedure Code</i>	<i>Description</i>	<i>Current Fee</i>	<i>New Fee</i>
A4351	Intermittent urinary catheter; straight tip, with or without coating (Teflon, silicone, silicone elastomer or hydrophilic, and the like), each	\$1.73	\$1.83
A4352	Intermittent urinary catheter; Coude (curved) tip, with or without coating (Teflon, silicone, silicone elastomeric or hydrophilic, and the like), each	\$1.99	\$6.83
A4353	Intermittent urinary catheter, with insertion supplies	\$5.40	\$7.44
A4362	Skin barrier; solid, 4 x 4 or equivalent; each	\$0.56	\$3.70

The Department is end-dating the U7 pricing modifier for medical supply procedure code A4353 as there is only one fee for this procedure code, so the pricing modifier is no longer necessary.

Dental Services

The Department will no longer require procedure codes D1310 and D1330 be billed together as a result of clinical review. Each procedure can now be billed separately.

The Department is updating the service limitation to include a lifetime limit for the following dental procedure code as a result of clinical review:

<i>Procedure Code</i>	<i>Present Limit</i>	<i>New Limit</i>
D1354	1 per tooth per day, maximum of 10 teeth per day, 4 times per tooth per year	1 per tooth per day, maximum of 10 teeth per day, 4 times per tooth per year, 6 times per tooth per lifetime

The Department is end-dating the following PT/Spec/Place of Service (POS) combinations, as indicated as follows, from dental procedure code D1354 with and without the SG modifier as these settings were determined to be clinically inappropriate for this service:

<i>Procedure Code</i>	<i>End-dated PT/Spec/POS</i>
D1354 (SG)	01 (Inpatient Hospital)/021 (Short Procedure Unit)/24 (Ambulatory Surgical Center)
	02 (Ambulatory Surgical Center)/020 (Ambulatory Surgical Center)/24
D1354	27 (Dentist)/All/21 (Inpatient Hospital)
	27/All/24

The Department is updating the unit limitation to the following dental procedure code as a result of clinical review:

<i>Procedure Code</i>	<i>Present Unit Limit</i>	<i>New Unit Limit</i>
D4341	1:4	1:2

The Department is updating the service limitations to the following dental procedure codes as a result of clinical review:

<i>Procedure Code</i>	<i>Present Limit</i>	<i>New Limit</i>
D1110	Any combination of D1110, D1120, D4346, D4910, for routine prophylaxis and periodontal maintenance, totaling 3 per year.	1 per 180 days
D1120		1 per 180 days
D4346		1 per 180 days
D4910		1 per 90 days

Telehealth—All Provider Types

The Department is adding POS 10, (Telehealth Provided in a Patient's Home) for the following procedure codes and procedure code and modifier combinations for all PT/Spec combinations as the Department determined this setting is appropriate for the performance of these services. These procedure codes may include modifiers FP, GN (speech pathology), HD (pregnant/parenting women's program), HQ (group therapy), TC, TJ (Childhood Nutrition Weight Management Services), TM (School-Based ACCESS Program), UA (audiology), UB (pricing), U3 (pricing), U4 (pricing), U5 (pricing), U6 (pricing), U7, U8 (pricing), U9 (pricing), 24 (unrelated E&M service by the same physician or other qualified health care professional during a postoperative period), 25 (significant, separate identifiable E&M service by the same physician or other qualified health care professional on the same day of the procedure or other service), 26, 27 (multiple outpatient hospital E&M encounters on the same date), 57 (decision for surgery).

Procedure Codes with the Addition of POS 10

77427	90791 (U3) (TM)	90791 (U4) (TM)	90832 (U3) (TM)
90853 (U3) (TM)	92002	92002 (24)	92002 (25)

92002 (27)	92002 (57)	92004	92004 (24)
92004 (25)	92004 (27)	92004 (57)	92012
92012 (24)	92012 (25)	92012 (27)	92012 (57)
92014	92014 (24)	92014 (25)	92014 (27)
92014 (57)	92507	92507 (U3) (TM)	92507 (U4) (TM) (UA)
92507 (U9) (TM) (HQ)	92507 (UB) (TM) (GN)	92508	92508 (U3) (TM)
92521 (U9)	92522 (U9)	92523 (U9)	92523 (U3) (TM)
92523 (U4) (TM) (GN)	92523 (U5) (TM)	92523 (U6) (TM)	92524 (U9)
92526	92550	92552	92553
92555	92556	92557	92563
92565	92567	92568	92570
92587	92587 (TC)	92587 (26)	92588
92588 (TC)	92588 (26)	92601	92602
92603	92604	92610	92625
92625 (52)	92626	92627	94002
94003	94004 (U7)	94664	95970
95971	95972	95983	95984
96040	96040 (24)	96040 (25)	90640 (27)
96040 (57)	96105	96105 (TC)	96105 (26)
96110	96112	96113	96125
96127	96130	96131	96132
96133	96136	96137	96156 (TJ)
96156 (U5) (TJ)	96156 (U3) (TM)	96156 (U4) (TM)	96158 (U3) (TJ)
96159 (U3) (TJ)	96160	96160 (FP)	96161
96164 (TJ)	96165 (TJ)	96167 (TJ)	96168 (TJ)
97110	97110 (U3) (TM)	97110 (U8) (TM) (HQ)	97112
97116	97129	97130	97161 (U8)
97162 (U8)	97162 (U3) (TM)	97163 (U8)	97164 (U8)
97164 (U3) (TM)	97165 (U8)	97166 (U8)	97166 (U3) (TM)
97167 (U8)	97168 (U8)	97168 (U3) (TM)	97530
97530 (U7)	97530 (U3) (TM)	97530 (U8) (TM) (HQ)	97550
97755	99188	G0108	G0109
G9016 (HD)	H0004 (U8) (HD)	H0004 (U9) (HD)	H0031 (U3) (TM)
H0031 (U4) (TM)	H0046 (U3) (TM)	H0046 (U7) (TM)	H0046 (U7) (TM) (HQ)
H1002 (HD)	H2027 (TM) (HQ)	H2027 (U3) (TM)	S9152
S9152 (U3) (TM)	S9152 (U4) (TM)	S9436 (HD)	S9437 (HD)
S9444 (HD)	S9451 (HD)	S9470 (U3) (TJ)	S9470 (U7) (HD)
T1023	T1023 (U3) (TM)	D0140	D1206
D1310	D1320	D1330	

The Department is end-dating the POS 02 (Telehealth Provided Other than in a Patient's Home) for all provider types for the following procedure codes and procedure code and modifier combinations as the Department determined that telehealth is not appropriate for these services. These procedure codes may include modifiers TC, TM, U1 (pricing), U3, U7, 22 (increased procedural services), 52 (incomplete EPSDT screen), 26.

Procedure Codes

90993 (U7)	90993 (U7) (22)	92630	92633	93224
93226	93227	93228	93268	93270
93271	93272	93278	93278 (TC)	93278 (26)
93292	93292 (TC)	93292 (26)	93293	93293 (TC)
93293 (26)	93294	93295	93296	93297

93298	93724	93724 (TC)	93724 (26)	93750
94010	94010 (TC)	94010 (26)	94060	94060 (TC)
94060 (26)	94150	94150 (TC)	94150 (26)	94200
94200 (TC)	94200 (26)	94375	94375 (TC)	94375 (26)
94642	94644	94645	94660	94662
94680	94680 (TC)	94680 (26)	94681	94681 (TC)
94681 (26)	94690	94690 (TC)	94690 (26)	94726
94726 (TC)	94726 (26)	94727	94727 (TC)	94727 (26)
94728	94728 (TC)	94728 (26)	94729	94729 (TC)
94729 (26)	94760	94761	94772	94777
95004	95017	95018	95024	95027
95028	95044	95070	95076	95079
95115	95117	95165	95180	95250
95251	95782	95782 (TC)	95782 (26)	95783
95783 (TC)	95783 (26)	95805	95805 (TC)	95805 (26)
95807	95807 (TC)	95807 (26)	95808	95808 (TC)
95808 (26)	95810	95810 (TC)	95810 (26)	95811
95811 (TC)	95811 (26)	95812	95812 (TC)	95812 (26)
95813	95813 (TC)	95813 (26)	95816	95816 (TC)
95816 (26)	95819	95819 (TC)	95819 (26)	95822
96110 (U1)	96161 (52)	97533 (U3) (TM)	99172 (U3) (TM)	99172 (U4) (TM)
99173	99490	99491	99499	G2066
S0618	T1002 (U3) (TM)			

The Department is end-dating the GT (telemedicine) modifier for the following procedure codes, as a result of the addition of POS 02 and POS 10 to procedure codes that the Department has determined are appropriate for delivery by telehealth:

Procedure Codes

90791	90832	90853	92521	92522
92523	92524	97161	97162	97163
97164	97165	97166	97167	97168
S9152				

Fiscal Impact

The estimated cost for Fiscal Year 2023-2024 is \$1.815 million (\$0.824 million in State funds and \$0.991 million in Federal funds). The estimated annualized cost is \$2.177 million (\$0.989 million in State funds and \$1.188 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1588. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2023-24 is \$824,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$989,000; (4) 2022-23 Program—\$746,852,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 23-1155. Filed for public inspection August 25, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
106-14	Environmental Hearing Board Practice and Procedure 53 Pa.B. 3193 (June 17, 2023)	07/17/23	08/16/23

**Environmental Hearing Board
Regulation # 106-14 (IRRC # 3377)**

Practice and Procedure

August 16, 2023

We submit for your consideration the following comments on the proposed rulemaking published in the June 17, 2023 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (Act) (71 P.S. § 745.5b). Section 5.1(a) of the Act (71 P.S. § 745.5a(a)) directs the Environmental Hearing Board (Board) to respond to all comments received from us or any other source.

**Section 1021.51. Commencement, form and content.—
Implementation procedures; Clarity.**

Subsection (f)

Subsection (f)(1)(iv) and (2)(vi)(C), regarding electronic and conventional filing, respectively, provide for an appellant to serve a copy of a notice of appeal on any potentially adversely affected person in accordance with the Pennsylvania Rules of Civil Procedure or a document evidencing the action by the Department of Environmental Protection. The general citation to the Pennsylvania Rules of Civil Procedure is vague and does not provide clear guidance to an appellant. We ask the Board to clarify these provisions by citing specific Pennsylvania Rules of Civil Procedure regarding service.

Subsection (j)

Subsection (j) outlines the procedures to intervene in an appeal. Interested persons identified under subsection (h)(4) who wish to intervene are required to file under Section 1021.81 “unless otherwise specified in the order of the Board.” The comment to Section 1021.81 states that subsection (j) allows persons to intervene “by simply filing an entry of appearance.” However, this subsection only provides this method of filing for persons identified under subsection (h)(2) and (3). We have two questions regarding implementation. First, is an interested person identified by the Board under subsection (h)(4) required to file a petition to intervene or an entry of appearance? Second, what intervention procedure is typically included in the previously-referenced order? We ask the Board to respond to these questions in the Preamble to the final-form regulation. Further, we ask the Board to consider clarify-

ing this subsection so that it is consistent with the comment to Section 1021.81.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-1156. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

**Apex Adjustment Associates, LLC; Public Adjuster
License Denial Appeal; Doc. No. AG23-08-019**

Under the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. §§ 1601—1608), referred to as the Public Adjuster Licensing Law, Apex Adjustment Associates, LLC has appealed the denial of an application for an insurance public adjuster license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for September 26, 2023, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 22, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before September 12, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before September 22, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1157. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

Fidelis Underwriting Limited has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on November 2, 2022, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application 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 should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1158. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Reinsurer

Fidelis Insurance Bermuda Limited has applied for an initial designation as a reciprocal reinsurer in this Commonwealth. The application was received on December 27, 2022, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application 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 should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1160. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Reinsurer

Conduit Reinsurance Limited has applied for an initial designation as a reciprocal reinsurer in this Commonwealth. The application was received on February 10, 2023, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application 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 should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1159. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Reinsurer

Lancashire Insurance Company Limited has applied for an initial designation as a reciprocal reinsurer in this Commonwealth. The application was received on October 26, 2022, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application 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 should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1161. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Reinsurer

Liberty Special Markets Bermuda Limited has applied for an initial designation as a reciprocal reinsurer in this Commonwealth. The application was received on November 16, 2022, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application 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 should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1162. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be governed in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for September 7, 2023, at 11 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 5, 2023.

The hearing will be held at the Department of Insurance, c/o Bureau of Hearings and Appeals, 801 Market Street, 4th Floor, Fairmount Hearing Room # 4129, Philadelphia, PA 19107.

Appeal of Nicholas W. Trubisky; Nationwide General Insurance Company; File No. 23-119-283308; Doc. No. P23-07-028; September 14, 2023, 1 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1163. Filed for public inspection August 25, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized under section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the termination of the insured's homeowners policy. The proceedings will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for September 7, 2023, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 5, 2023.

The hearing will be held at the Department of Insurance, c/o Bureau of Hearings and Appeals, 801 Market Street, 4th Floor, Fairmount Hearing Room # 4129, Philadelphia, PA 19107.

Appeal of Francine Holly Maultz, Esquire; Truck Insurance Exchange; File No. 23-115-283618; Doc. No. P23-07-026; September 14, 2023, 3 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1164. Filed for public inspection August 25, 2023, 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 (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 11, 2023. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by September 11, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. 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. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2023-3041801. Hijos Del Rey, LLC (141 South Wyoming Street, Apartment 1, Hazleton, Luzerne County, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Hazleton Area School District to Hazleton Area School District Schools, and return.

A-2023-3042041. Classic Car Service, LLC (275 Glen Riddle Road, Apartment H21, Media, Delaware County, PA 19063-5886) persons in group and party service, in vehicles seating between 11 and 15 persons, including the driver, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3042074. Andy J. Mast (928 Swartz Road, Lewisburg, Union County, PA 17837) for the right to

begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Union County, and from points in Union County, to points in the Counties of Dauphin, Lackawanna and Lancaster, and return.

A-2023-3042143. Ace Transit Management, LLC (580 Buckstone Drive, Southampton, Bucks County, PA 18966) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester and Montgomery, to points in Pennsylvania, and return.

A-2023-3042158. Feroz, LLC (265 Rivercrest Drive, Phoenixville, Montgomery County, PA 19460) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Montgomery County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2023-3042170. Helping Hands Transportation, LLC (2839 West Girard Avenue, Floor 1, Philadelphia, Philadelphia County, PA 19130) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Applications 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 each application.*

A-2023-3042151. Gegen, LLC (175 Greenwich Street, Floor 47, New York, NY 10007) for the discontinuance and cancellation of the right to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania, as originally docketed at Docket A-2012-2317300.

A-2023-3042152. Gegen, LLC (175 Greenwich Street, Floor 47, New York, NY 10007) for the discontinuance and cancellation of the right to transport persons, in limousine service, between points in Pennsylvania, as originally docketed at Docket A-2012-2339043.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1165. Filed for public inspection August 25, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3042281. Brightspeed of Pennsylvania, LLC and Earthgrid PBC. Joint petition of Brightspeed of Pennsylvania, LLC and Earthgrid PBC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Brightspeed of Pennsylvania, LLC and Earthgrid PBC, by their counsel, filed on August 16, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Brightspeed of Pennsylvania, LLC and Earthgrid PBC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kimberly Hafner, Director, Office of Special Assistants, (717) 705-3822.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1166. Filed for public inspection August 25, 2023, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than September 11, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicant or attorneys, or both.

Doc. No. A-23-08-04. Alfa Motors, LLC, t/a Alfa Limo (106 Spring Flower Court, Huntingdon Valley, PA 19006): An application for a limousine certificate of public convenience to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David Temple, Esq., 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-1167. Filed for public inspection August 25, 2023, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

The Susquehanna River Basin Commission (Commission) will conduct its regular business meeting on September 14, 2023, at 9 a.m. in person and digitally from the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110. Details concerning the matters to be addressed at the business meeting are in the Supplementary Information section as follows. The Commission published a document in the *Federal Register* at 88 FR 44436 (July 12, 2023), concerning its public hearing on August 10, 2023, in Harrisburg, PA.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, fax (717) 238-2436, joyler@srbc.gov. Also see the Commission's web site at www.srbc.gov.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) adoption of the Commission's Fiscal Year (FY) 2025 Budget; (2) adoption of member jurisdictions allocation for FY 2025; (3) approval of contracts, grants and agreements; (4) adoption of a resolution regarding climate change; (5) adoption of a resolution regarding Artesian Water Maryland, Inc. withdrawal; (6) adoption of a compliance settlement agreement; and (7) actions on 22 regulatory program projects.

This agenda is complete at issuance, but other items may be added and some stricken without further notice. Listing an item on the agenda does not necessarily mean that the Commission will take final action at this meeting. When the Commission does take final action, notice of these actions will be published in the *Federal Register* after the meeting. Actions specific to projects will also be provided directly to project sponsors in writing.

The meeting will be conducted in-person at the Commission's Harrisburg headquarters and digitally. The public is invited to attend the Commission's business meeting. Individuals can access the business meeting remotely by means of Zoom at <https://us02web.zoom.us/j/82472805136?pwd=VlpHaElpeWF2U0RhWVFRHhTbU40UT09> then enter meeting ID 824 7280 5136 and passcode SRBC4423! or by telephone at (309) 205-3325 or (312) 626-6799. The meeting ID is 824 7280 5136.

Except for the actions on the 22 regulatory program projects subject to the August 10, 2023, public hearing and comment process that closed on August 21, 2023, written comments about any other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. Comments are due to the Commission on or before September 8, 2023. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 11, 2023

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 23-1168. Filed for public inspection August 25, 2023, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following projects from July 1, 2023, through July 31, 2023.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.gov. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified.

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 726 Pad E; ABR-202307001; Plunketts Creek Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 17, 2023.

2. Coterra Energy, Inc.; Pad ID: StarzecE P1; ABR-201306009.R2; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2023.

3. Coterra Energy, Inc.; Pad ID: VandermarkR P1; ABR-201107029.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2023.

4. Repsol Oil & Gas USA, LLC; Pad ID: Lynn 719; ABR-201207012.R2; Liberty Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 23, 2023.

5. Seneca Resources Company, LLC; Pad ID: DCNR 100 PAD B; ABR-201107035.R2; Cogan House and McIntyre Townships, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2023.

6. Seneca Resources Company, LLC; Pad ID: DCNR Tract 007 Pad D; ABR-201807001.R1; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2023.

7. SWN Production Company, LLC; Pad ID: Heckman Camp (Pad F); ABR-201307001.R2; Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

8. SWN Production Company, LLC; Pad ID: King N (Pad NW1); ABR-201307004.R2; Franklin Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

9. SWN Production Company, LLC; Pad ID: TNT LTD PART WEST; ABR-201307002.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

10. SWN Production Company, LLC; Pad ID: Whipple (Pad 14); ABR-201307003.R2; Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

11. Alliance Petroleum Corporation; Pad ID: Sterling Run Club 4; ABR-201706003.R1; Burnside Township, Centre County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 27, 2023.

12. Alliance Petroleum Corporation; Pad ID: Sterling Run Club 5; ABR-201706004.R1; Burnside Township, Centre County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 27, 2023.

13. Blackhill Energy, LLC; Pad ID: NICHOLS 2H Pad; ABR-201107020.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: July 27, 2023.

14. Chesapeake Appalachia, LLC; Pad ID: Brown Homestead; ABR-201207005.R2; Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2023.

15. Chesapeake Appalachia, LLC; Pad ID: CDJ; ABR-201207018.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2023.

16. Chesapeake Appalachia, LLC; Pad ID: Cherrymills; ABR-201207019.R2; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2023.

17. EQT ARO, LLC; Pad ID: MAC Pad B; ABR-201805002.R1; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

18. Repsol Oil & Gas USA, LLC; Pad ID: ALDERSON (05 269); ABR-201807002.R1; Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2023.

19. Repsol Oil & Gas USA, LLC; Pad ID: BROADLEAF HOLDINGS (01 115); ABR-201807003.R1; Columbia, Springfield and Troy Townships, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2023.

20. Repsol Oil & Gas USA, LLC; Pad ID: MOUNTAIN RUN HUNTING CLUB (02 153); ABR-201107050.R2; Union Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2023.

21. Seneca Resources Company, LLC; Pad ID: DCNR 595 Pad G; ABR-201107033.R2; Blossburg Borough and Blossburg Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

22. Seneca Resources Company, LLC; Pad ID: Rich Valley Pad E; ABR-201107032.R2; Shippen Township, Cameron County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

23. Seneca Resources Company, LLC; Pad ID: Taft 851 ALT; ABR-202307002; Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

24. Blackhill Energy, LLC; Pad ID: CRANE Pad; ABR-201107023.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: July 28, 2023.

25. Blackhill Energy, LLC; Pad ID: HOLCOMBE 1H Pad; ABR-201107022.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: July 28, 2023.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18
CFR Parts 806 and 808

Dated: August 11, 2023

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 23-1169. Filed for public inspection August 25, 2023, 9:00 a.m.]

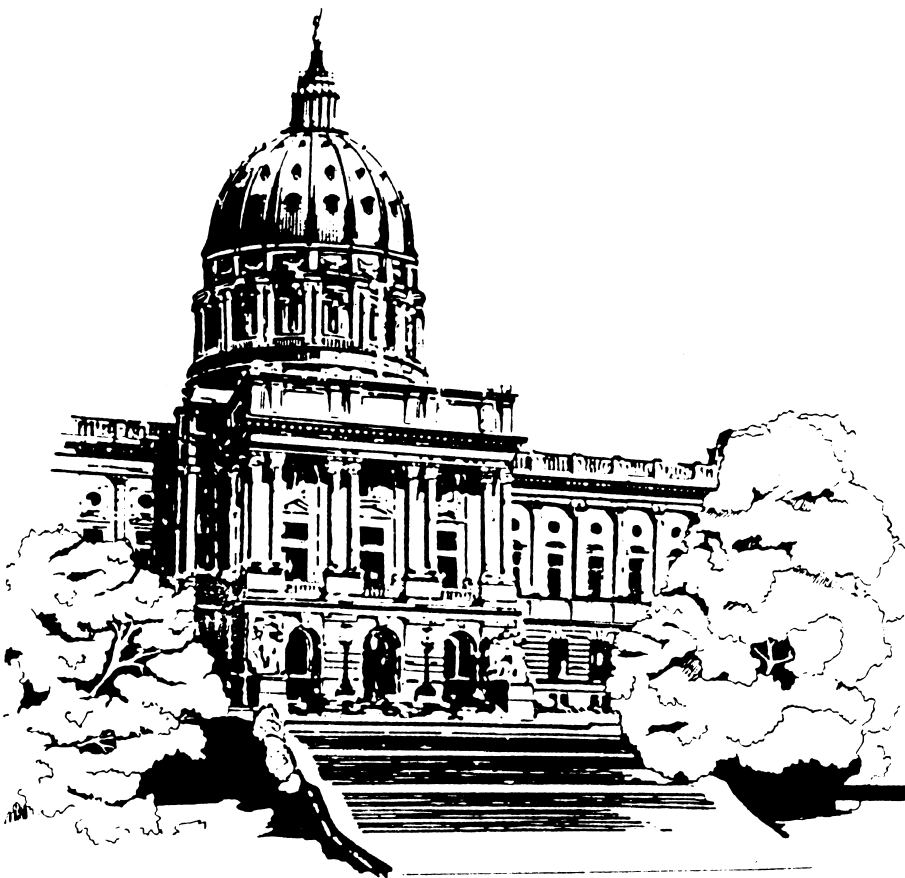
PENNSYLVANIA BULLETIN

Volume 53
Saturday, August 26, 2023 • Harrisburg, PA

Number 34

Part II

This part contains
The General Assembly



THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING

[204 PA. CODE CHS. 303 AND 303a]

Adopted 8th Edition Sentencing Guidelines

On January 7, 2023, the Pennsylvania Commission on Sentencing (Commission) published at 53 Pa.B. 125 (January 7, 2023) proposed 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 303a.1—303a.8, to replace the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18, and requested public comment. Six public hearings were held:

February 8, 2023 (Philadelphia)

February 17, 2023 (Easton)

February 22, 2023 (Pittsburgh)

February 27, 2023 (PA DOC via Zoom, limited to testimony from incarcerated individuals)

March 2, 2023 (Erie)

March 8, 2023 (Harrisburg and via Zoom)

On March 9, 2023, the Commission adopted the 8th Edition Sentencing Guidelines, and on June 8, 2023, approved the final document for publication. The adopted 8th Edition Sentencing Guidelines are hereby submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*. The 8th Edition Sentencing Guidelines become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly, and will apply to all offenses committed on or after January 1, 2024.

The 7th Edition Sentencing Guidelines and all previous editions of the sentencing guidelines are retained for reference in Chapter 303 (relating to sentencing guidelines, 7th edition) and apply to all offenses committed prior to January 1, 2024. The 8th Edition Sentencing Guidelines are set forth in Chapter 303a (relating to sentencing guidelines, 8th edition) and apply to all offenses committed on or after January 1, 2024. The 8th Edition Sentencing Guidelines include substantial changes to the assignment of offense gravity scores and the procedures for determining the prior record score, provide more targeted offense-specific sentence recommendations and contain judicial proceeding considerations. The 8th Edition Sentencing Guidelines also include an expanded preliminary provisions section which addresses authorization for guidelines, descriptions of sentencing alternatives and programs and definitions of terms.

The 8th Edition Sentencing Guidelines, as adopted by the Commission, are summarized as follows and set forth in Annex B.

JUDGE TAMARA R. BERNSTEIN,
Chair

Commentary on Annex A

In light of the addition of the approved 8th Edition Sentencing Guidelines under Chapter 303a, Chapter 303 is renamed to reflect that it contains the 7th Edition

Sentencing Guidelines, which are retained for reference rather than reserved and rescinded, and § 303.19 (relating to applicability) is added.

Commentary on Annex B

On January 22, 2022, the Commission published a working draft of sentencing guidelines proposals at 52 Pa.B. 583 (January 22, 2022) and held six public hearings. The working draft was developed following a comprehensive review of the sentencing guidelines, which began in 2014, and considered recommendations from the following:

- Strategic Planning Work Group (SPWG, 2014—2016)
- Model Penal Code: Sentencing (MPCS, 2001—2017)
- Justice Reinvestment Initiative (JRI-II, 2016—2019)
- Academic Review Panel (ARP, 2020-2021)

As noted in the publication of the working draft, the comprehensive review provided an opportunity to study current practices and research best practices; to consider approaches to streamline, automate and update the sentencing guidelines; to promote greater certainty in sentencing and more efficient use of resources and programs; and to harmonize the sentencing guidelines with amended statutes and with other Commission mandates, including the sentence risk assessment instrument, re-sentencing guidelines, parole guidelines and recommitment ranges. The working draft proposals suggested restructuring of the sentencing guidelines by providing more targeted sentence recommendations, redirecting the primary focus of the recommendations on factors associated with the conviction offense and reducing the impact of the prior record.

On January 7, 2023, the Commission published at 53 Pa.B. 125 (January 7, 2023) proposed 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 303a.1—303a.8, to replace the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18, and held six public hearings. The proposed 8th Edition Sentencing Guidelines replace the 7th Edition Sentencing Guidelines and apply to offenses committed on or after the effective date set in the new guidelines. The 8th Edition Sentencing Guidelines are set forth in Chapter 303a, with earlier sentencing guidelines retained for reference in Chapter 303. Consistent with the working draft, the proposed 8th Edition Sentencing Guidelines:

- Recalibrate and expand the number of offense gravity score categories, from 14 general categories to 30 general categories, with an additional 8 categories established for the three degrees of murder. The restructured offense gravity score categories are intended to provide more targeted recommendations and more uniform and proportional increases between categories.

- Rebuild the prior record score, reducing the number of categories from eight to five and focusing on the severity of the most serious prior offense and the number of priors offenses of equal seriousness. And reduce the overall impact of the prior record score for less serious offenders, by lowering increases in sentence recommendations linked to criminal history, and by expanding lapsing provisions to include the removal of certain prior convictions.

- Streamline the application of enhancements, by using standardized adjustments to offense gravity score assignments to address the nearly 20 statutes and over 50

sentence factors considered and restructure the offense gravity score assignments for DUI and BUI to address both the mandatory minimum sentencing requirements and the grade of the offense.

- Promote greater consideration of the aggregate sentence, whether confinement or probation, the use of clinical assessments and evaluations, and the programs and treatment alternatives available through correctional institutions and in the community.

On March 9, 2023, the Commission adopted the 8th Edition Sentencing Guidelines, and on June 8, 2023, approved the final document for publication. The adopted 8th Edition Sentencing Guidelines incorporate as sections of the sentencing guidelines the tables contained in the proposed 8th Edition Sentencing Guidelines, including Table A (effective dates), Tables B-1, B-2 and B-3 (OGS-POG assignments), Table C (OGS enhancements), Tables D-1 and D-2 (OGS assignments for mandatory provisions), and Table E (prior offense groups and PRS categories). Various sections and subsections of the proposed 8th Edition Sentencing Guidelines were reordered, text modified to improve clarity and several definitions were added. The 8th Edition Sentencing Guidelines become effective 90 days after publication unless they are rejected by concurrent resolution of the General Assembly and will apply to all offenses committed on or after January 1, 2024.

Description of Changes

Provided as follows is a description of each of the new sections of the adopted 8th Edition Sentencing Guidelines, noting changes from the previously published proposal and identifying similar sections contained in the 7th Edition Sentencing Guidelines.

§ 303a.1. Preliminary provisions

This section provides the statutory authorization to adopt guidelines for sentencing, probation, restrictive conditions, fines and community service; a list of dispositions authorized by statute, also referred to as sentencing alternatives; a list of sentencing and correctional programs authorized by statute; and a list of definitions of words and phrases used in the sentencing guidelines. Amendments to the published proposal include a re-ordering of subsections and the addition and modification of several definitions.

This is a new section, not included in the 7th Edition, but does include as subsections the authorized dispositions found in part in § 303.9 (relating to guideline sentence recommendation: general) of the 7th Edition and authorized programs found in § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs) of the 7th Edition.

§ 303a.2. Guideline sentencing standards

This section provides general provisions, procedures at sentencing and the reporting of information to the Commission. Amendments to the published proposal include reference to § 303a.8 (relating to effective dates of sentencing guidelines editions), which incorporates Table A from the proposal, and provides a listing of the effective dates of the editions and amendments to the sentencing guidelines; and modifications to the text to clarify the reporting of sentences and the distinction between offense-specific recommendations and judicial proceeding considerations.

This section is substantially similar to §§ 303.1 and 303.2 (relating to sentencing guidelines standards; and procedure for determining the guideline sentence) of the 7th Edition.

§ 303a.3. Offense gravity score

This section provides policies related to the assignment of offense gravity scores, including assignments for enhancements and for mandatory minimum sentencing provisions. Amendments to the published proposal include corrections regarding OGS categories limited to assignments for murder, excluding inchoates to murder from the general policy concerning OGS assignments for felonies of the first degree; references new §§ 303a.9, 303a.10 and 303a.11 (relating to offense listing (OGS/POG assignments); BUI/DUI offense listing (OGS/POG assignments); and omnibus OGS tables) that incorporate Tables B1, B-2, B-3, D-1 and D-2 related to OGS assignments and consolidate omnibus OGS assignments from the proposal; references new § 303a.12 (relating to OGS enhancements table) that incorporates Table C related to enhancements from the proposal; the addition of an omnibus enhancement to serve as a default assignment for newly enacted enhancements; and modifications to the text to correct and clarify the application of enhancements, and provide consistency between § 303a.3 (relating to offense gravity score) and § 303a.12.

The general provisions of this section are substantially similar to § 303.3 (relating to offense gravity score—general) of the 7th Edition but increases the number of offense gravity score categories from 14 general categories and an additional category limited to murder of the first and second degree, to 30 general categories and an additional eight categories limited to murder. The enhancement provisions are substantially similar to § 303.10 (relating to guideline sentence recommendations: enhancements) of the 7th Edition, although OGS adjustments replace various other methods to enhance sentences, and new or modified enhancements enacted by the General Assembly and adopted by the Commission, are included. The mandatory sentencing provisions are substantially similar to § 303.9 of the 7th Edition, although the OGS assignments for BUI and DUI have been updated to reflect recent legislative amendments and greater reliance on the mandatory requirements.

§ 303a.4. Prior record score

This section provides policies related to the determination of the prior record score, including general provisions, procedures for identifying previous offenses, lapsing provisions, procedures for determining the prior record score category and miscellaneous provisions. Amendments to the published proposal include retaining the prior record score the consideration of adjudications for crimes of violence by a person 14 years of age or older but less than 16 years of age; removing the burden of proof on the person for the lapsing of prior adjudications and convictions; providing a 10-year crime-free period since the last adjudication or conviction (gap) for removing an adjudication for a crime of violence by a person 14 years of age or older but less than 16 years of age; and deletion of the term REVOC in reference to PRS 4.

This section related to but substantially changes §§ 303.4—303.8 of the 7th Edition. Substantive amendments include increasing the age at which juvenile adjudications are considered in the prior record score from 14 years of age to 16 years of age, except for crimes of violence; establishing four prior offense groups (POG) based on the grade and seriousness of the offense, to replace the current point system; expanding the juvenile lapsing provisions and adding adult lapsing provisions; and streamlining the process for determining the prior

record score, reducing the number of PRS categories and limiting the impact of prior record score for less serious offenders.

§ 303a.5. *Offense-specific sentence recommendation (re-labeled)*

This section provides general provisions, purposes of sentencing, sentencing levels and standard range recommendations. Amendments to the published proposal include reference to § 303a.14 (relating to sentencing matrix), which is the sentencing matrix provided at § 303a.8 in the proposal; including a reference to developmental disorders or disability when addressing consideration of treatment alternatives; deletion of references to costs and fees, and clarification of references to fines and restitution; addition of administrative probation and clarification related to general probation; and amendments to the text to correct and clarify, including consistent use of the term recommend when referring to offense-specific recommendations.

This section is substantially similar to § 303.9 and §§ 303.5 and 303.11 (relating to prior record score—prior convictions; and guideline sentence recommendation: sentencing levels) of the 7th Edition. However, amendments include an increase in the number of sentencing levels from five to eight, with each of the new levels linked to a specific disposition, and in case of State confinement, further linked to a duration or specific offense; and the addition of a new level limited to murder of the third degree. Murder 3 was separated out due to the nature of the circumstances leading to a conviction and the wide distribution of sentences. In creating this new level, the Commission seeks to provide courts with broad discretion while at the same time requiring the reporting of reasons for sentences to provide a better basis for future assignments.

§ 303a.6. *Aggravated and mitigated circumstances*

This section provides consideration of aggravating and mitigating circumstances, the aggravated and mitigated ranges of the sentencing guidelines, sentences that depart from the guidelines and the reporting of reasons to the Commission. Amendments to the published proposal include the addition of a definition of conformity to the guidelines related to offense-specific recommendations; changes to the duration of certain aggravated/mitigated ranges and corrections of related examples; corrections to reflect no aggravated range at Level G and no mitigated range at Level A; addition of a reason related to the nature and circumstances of the offense, and a reason added to the history and character of the person; and modifications to the text to add clarity.

This section is substantially similar to § 303.13 (relating to guideline sentence recommendations: aggravated and mitigated circumstances) of the 7th Edition, but includes a list of reasons that may be considered by the court; it also expands reporting requirements by providing for the reporting of reasons to the Commission when sentencing for murder of the third degree and when the sentence imposed is outside the standard range of the guidelines.

§ 303a.7. *Judicial proceeding recommendations*

This section provides suggestions for consideration for imposition of concurrent or consecutive sentences, and the aggregation of consecutive sentences, during a judicial proceeding; the consideration of sentencing programs; and the determination of eligibility and appropriateness for correctional programs. These suggestions for consideration are intended to promote greater consistency in the

use of concurrent or consecutive sentences, and to encourage the consideration of evidence-based programs and practices. Amendments to the published proposal include clearer distinctions between offense-specific recommendations that are used throughout the guidelines and linked to conformity and reporting, and these judicial proceeding considerations that encourage practices that promote consistency and consideration of available programming.

This is a new section, not included in the 7th Edition, but does include provisions from §§ 303.9, 303.11, and 303.12, including statutory provisions related to mandatory consecutive sentences, and provisions related to the aggregate terms of probation.

§ 303a.8. *Effective dates of sentencing guidelines editions (Sentencing matrix, previously found at this section, is moved to § 303a.14).*

This section provides a list of the effective dates of the editions and amendments of the sentencing guidelines. This was included as Table A in the published proposal and is now incorporated as § 303a.8. Amendments to the published proposal include adding a notation regarding the availability of previous editions and amendments to the sentencing guidelines upon request. This section is substantially similar to information provided in § 303.1 of the 7th Edition.

§ 303a.9. *Offense listing (OGS/POG assignments)*

This new section provides a list of all OGS and POG assignments for offenses with OGS assignments other than the omnibus OGS, as well as subcategorized offenses and offenses subject to offense-specific enhancements. This was included as Tables B-1, B-2 and B-3 in the published proposal and is now incorporated as § 303a.9. Changes to the published proposal include removing columns related to special categories of offenses, removing most offenses with the omnibus OGS assignment and creating a separate section to address the omnibus assignments. This section is substantially similar to information provided in § 303.15 (relating to offense listing) of the 7th Edition.

§ 303a.10. *BUI/DUI offense listing (OGS/POG assignments)*

This new section provides a list of all OGS and POG assignments for BUI and DUI offenses. This was included as Tables D-1 and D-2 in the published proposal and is now incorporated as § 303a.10. Changes to the published proposal include adding any missing offenses and creating a separate section to address the omnibus assignments. This section is substantially similar to information provided in § 303.15 of the 7th Edition.

§ 303a.11. *Omnibus OGS tables*

This new section provides three omnibus OGS tables, including general omnibus OGS assignments, BUI omnibus OGS assignments, and DUI omnibus OGS assignments. These tables were included in Table B-3, D-1 and D-2 in the published proposal and are now combined and incorporated as § 303a.11. Changes to the published proposal include removing the omnibus tables from the OGS/POG offense listing and creating a separate omnibus OGS section. This section is substantially similar to information provided in § 303.3 of the 7th Edition.

§ 303a.12. *OGS enhancement table*

This new section provides a list of all enhancements, with designation whether enhanced through subcategorization and/or adjustment, as well as the increases for the OGS adjustments. This was included as Table C in

the published proposal and is now incorporated as § 303a.12. Changes to the published proposal include corrections or additions consistent with statute and with the provisions contained in § 303a.3. This section is substantially similar to information provided in § 303.10 of the 7th Edition.

§ 303a.13. *POG/PRS tables*

This new section provides the definition of the prior offense groups (POG) and the determination of prior record score (PRS) categories. The POG definitions were included in § 303a.4 (relating to prior record score) of the published proposal, and the PRS categories were included as Table E in the published proposal and are now combined in § 303a.13 (relating to POG/PRS tables). There are no substantive changes to the published proposal. Similar to § 303a.4, this section reflects substantive changes to prior record score policies provided in §§ 303.4—303.8 of the 7th Edition.

§ 303a.14. *Sentencing matrix*

This new section provides the sentencing matrix, previously published as § 303a.8, which includes the standard range offense-specific sentence recommendations based on OGS assignment and/or adjustment and the PRS determination, and information on sentencing levels and aggravated and mitigated ranges. As provided in §§ 303a.5 and 303a.6 (relating to offense-specific sentence recommendation; and aggravated and mitigated circumstances), the matrix reflects adopted changes to the published proposal. The sentencing matrix replaces those found at §§ 303.16(a) and (b), 303.17(a) and (b), and 303.18(a)—(c) of the 7th Edition, and provides more targeted sentence recommendations; greater emphasis on the use of probation and restorative sanctions, including fines and community service; and more consistent and uniform increases from across OGS and PRS categories, which supports the use of step-increases for enhancements, thus eliminating multiple matrices.

Effective Date

The 8th Edition Sentencing Guidelines will be effective January 1, 2024, for offenses committed on or after that date, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b) (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

Resource Utilization

Prior to the adoption of changes to the sentencing guidelines, the Commission is required to use a correctional population simulation model to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed changes to the guidelines. 42 Pa.C.S. § 2153(a)(15) (relating to powers and duties of commission).

Two resource analyses are provided. The first compares actual sentences imposed in 2019 to sentences recommended under the 8th Edition Guidelines. This approach allows for an estimation of the type and duration of sentences for the 7th Edition Guidelines when the guidelines, at lower sentencing levels, do not provide a distinct sentencing alternative recommendation (i.e., RS-9). The second approach compares sentencing recommendations from both the 7th and 8th Edition to estimate the overall, and racial impact, on State confinement sentences. This more refined approach allows for a comparison of guideline structures that is not influenced by actual sentencing practices.

Resource Utilization (Approach # 1)

The proposed sentencing guidelines are intended to reflect typical sentences imposed by courts, based in great part on the median sentences reported for the years 2017—2019. In estimating the resource utilization of the proposed sentencing guidelines, the bottom of the proposed standard range was selected as the basis for comparison for several reasons.

- First, the proposed sentencing guidelines recommend a single disposition (e.g., county confinement) rather than a range of dispositions (e.g., restorative sanctions, probation or county confinement) as is typical under the current sentencing guidelines. There are numerous examples where a substantial portion of sentences imposed below the median were for a less restrictive disposition. In such cases, the Commission anticipates higher rates of mitigation or departures below the guidelines, both of which reduce anticipated resource utilization.

- Second, as a rule when developing the proposal, the standard range of the proposed sentencing guidelines was included within the “footprint” of the standard range of the current sentencing guidelines. When the median sentence was outside the current standard range, the proposed standard range was set at the bottom or the top of the current standard range, whichever was closest to the median sentence. Medians below the current standard range were far more common than medians above the current standard range. So again, the Commission anticipates higher rates of mitigation or departures below the guidelines, both of which reduce anticipated resource utilization.

- Third, the Commission does not have a basis for estimating the conformity to the proposed sentencing guidelines, given the substantial changes to the structure of the guidelines and the use of median sentences to guide the development of recommendations. The standard range best reflects the Commission’s recommendations, and the bottom of the standard range accounts for the issues discussed previously.

The use of State confinement would be reduced 15.9% or an aggregate reduction of 3,511 beds through reduced commitments for slightly longer average minimum terms; the use of county confinement would be reduced 29.8% or an aggregate reduction of 2,727 beds through increased commitments for substantially shorter average minimum terms; and the use of probation reduced Statewide by 10,817 cases (30.7%) with an overall workload reduction of 21.8% based on the aggregate number of months of supervision ordered.

A significant increase in the use of restorative sanctions, including community service and fines with or without administrative probation, are required to offset the reduction in the use of probation, targeting misdemeanor offenses such as theft of less than \$50 and possession of a small amount of marijuana.

State Confinement Impact Analysis (Approach # 2)

The second approach to the impact analysis focuses solely on a comparison of recommended sentences for State confinement (Levels 4 and 5 of the 7th Edition and Levels D through H of the 8th Edition). This ‘apples to apples’ comparison allows for a focus on the structural changes to the guideline edition, eliminating the influence of judicial discretion.

Overall, there is a 27.4% reduction in the use of State confinement and a 34.5% reduction in the number of individuals recommended for State confinement sentence.

There is a slightly higher reduction in the use of State confinement for Blacks (28.4%) than for Whites (27.6%). The reduction in the number of Whites and Blacks recommended for State confinement is consistent with the Statewide average.

Additional information on the resource utilization analysis and details of the findings are available from the Commission and at <https://pcs.la.psu.edu>.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES, 7TH EDITION

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

§ 303.19. Applicability.

The provisions of this chapter apply to offenses committed before January 1, 2024.

Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303a. SENTENCING GUIDELINES, 8TH EDITION

Sec.	
303a.1.	Preliminary provisions.
303a.2.	Guideline sentencing standards.
303a.3.	Offense gravity score.
303a.4.	Prior record score.
303a.5.	[Guideline] Offense-specific sentence recommendations.
303a.6.	Aggravated and mitigated circumstances.
303a.7.	Judicial proceeding [recommendations] considerations .
303a.8.	[Sentencing matrix] Effective dates of sentencing guidelines editions .
<u>303a.9.</u>	<u>Offense listing (OGS/POG assignments).</u>
<u>303a.10.</u>	<u>BUI/DUI offense listing (OGS/POG assignments).</u>
<u>303a.11.</u>	<u>Omnibus OGS tables.</u>
<u>303a.12.</u>	<u>OGS enhancements table.</u>
<u>303a.13.</u>	<u>POG/PRS tables.</u>
<u>303a.14.</u>	<u>Sentencing matrix.</u>

§ 303a.1. Preliminary provisions.

(a) *Authorization for adoption of guidelines.*

(1) *Adoption of guidelines for sentencing and probation.* As authorized by 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), the Commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for persons who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors.

(i) In adopting guidelines, the Commission shall recommend confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and the community and the rehabilitative needs of the person.

(ii) The guidelines shall address the following retributive factors:

(A) Seriousness of the offense, by specifying the range of sentences applicable to crimes of a given degree of gravity.

(B) Criminal history, by specifying a range of sentences of increased severity or intensity of intervention for

persons previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. The Commission may exclude or reduce the valuation of less serious offenses and increase the valuation of offenses committed while under supervision or in a temporal or offense pattern.

(C) Criminal behavior, by specifying a range of sentences of increased severity or intensity of possessed intervention for persons with increased culpability, including those who possessed or used a deadly weapon or inflicted substantial harm during the commission of the current conviction offense.

(D) Aggravated and mitigated ranges, by specifying variations from the range of sentences applicable on account of aggravating or mitigating circumstances.

(E) The impact of any amendments to 42 Pa.C.S. § 9756 (relating to sentence of total confinement).

(iii) The guidelines shall include the following risk-related adjustments:

(A) Incapacitation of serious violent persons.

(B) Modifications to criminal history to reflect risk to reoffend and substantial risk to public safety to adjust the length of total confinement for more serious criminal history.

(iv) The guidelines shall address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation.

(v) The guidelines shall include interactive information to support decisions with risk and recidivism information.

(2) *Adoption of guidelines for restrictive conditions and certification of compliance.* As authorized by 42 Pa.C.S. § 2154.1 (relating to adoption of guidelines for restrictive conditions), the Commission shall adopt guidelines to identify persons who would be eligible and appropriate for restrictive conditions of probation. These guidelines shall be considered by the sentencing court in determining whether to impose restrictive conditions pursuant to 42 Pa.C.S. § 9763 (relating to conditions of probation).

(i) The guidelines shall give primary consideration to reducing recidivism for the protection of the public safety.

(ii) The Commission shall certify compliance by each county with guidelines adopted by the Commission for county intermediate punishment or for imposing restrictive conditions of probation, and with related statutory requirements and 42 Pa.C.S. § 9728(g.1) (relating to collection of restitution, reparation, fees, costs, fines and penalties), and report the results to the Pennsylvania Commission on Crime and Delinquency.

(3) *Adoption of guidelines for fines, other economic sanctions, and community service.* As authorized by 42 Pa.C.S. § 2154.3 (relating to adoption of guidelines for fines), the Commission shall adopt guidelines for fines or other lawful economic sanctions, within the limits established by law, which shall be considered by the sentencing court in determining the appropriate sentence for persons who plead guilty or nolo contendere to or who are found guilty of felonies and misdemeanors. The guidelines shall do all of the following:

(i) Specify the range of fines or other lawful economic sanctions, applicable to crimes of a given degree of gravity.

(ii) Specify a range of fines or other lawful economic sanctions of increased amount for persons previously convicted or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this paragraph, the term

“previously convicted or adjudicated delinquent” shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

(iii) Prescribe variations from the range of fines applicable on account of aggravating or mitigating circumstances.

(iv) Prescribe community service alternatives which may be imposed in lieu of all or part of the fines where the sentencing court finds the person lacks the ability to pay all or part of the fine.

(b) [*Definitions.* For the purposes of these guidelines, as codified in Part VIII of 204 Pa. Code (relating to criminal sentencing), the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

“*Adjudication.*” A finding by a Juvenile Court that a juvenile has committed a delinquent act or that a child has committed an offense excluded from the definition of “delinquent act” and has been transferred from criminal proceedings pursuant to 42 Pa.C.S. § 6322 (relating to transfer from criminal proceedings).

“*Adjudication of delinquency.*” Following an adjudication hearing in which a Juvenile Court finds the juvenile committed a delinquent act, a determination by a Juvenile Court that the juvenile is in need of treatment, supervision, or rehabilitation.

“*Aggregated sentence.*” As required by 42 Pa.C.S. § 9762(f) (relating to sentencing proceeding; place of confinement), two or more consecutive sentences that have been combined, whereby the aggregate minimum term is the sum of the consecutive minimum terms, and the aggregate maximum term is the sum of the consecutive maximum terms.

“*Aggregate term of probation.*” The sum of all consecutive terms of probation imposed during a judicial proceeding.

“*Autism spectrum disorder.*” Any of the pervasive developmental disorders defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), including autistic disorder, Asperger’s disorder and pervasive developmental disorder not otherwise specified.

“*Board.*” Pennsylvania Parole Board. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole offenders sentenced to confinement in a state facility.

“*Bodily injury.*” Impairment of physical condition or substantial pain.

“*CPCMS—common pleas case management system.*” A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from courts of common pleas on current and prior conviction offenses, used to prepare sentencing guidelines and sentence risk assessments.

“*Commission.*” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered

by the court, and guidelines for parole and recommitment to be considered by the Board.

“*Concurrent sentence.*” Sentences imposed to be served simultaneously or at the same time.

“*Consecutive sentence.*” Sentences imposed to be served one after another. As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f), consecutive confinement sentences shall be aggregated into a single sentence with one minimum term and one maximum term.

“*Conviction.*” A finding of guilty or the entering of a plea of guilty or nolo contendere for a felony or misdemeanor, whether or not judgement of sentence has been imposed.

“*Course of conduct.*” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.

“*Court.*” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“*Crime-free period.*” Following a conviction and sentence and subsequent release to the community, the completion of a prescribed period of time without commission of a new felony or misdemeanor, for which the person pleads guilty or nolo contendere or is found guilty. For non-confinement sentences, release to the community begins on the date of sentencing; for confinement sentences, release to the community begins on the date of initial release on parole, or release following completion of the confinement sentence, whichever is earlier.

“*Crime of violence.*” An adjudication or conviction for an offense listed under 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

“*Criminal gang.*” A formal or informal ongoing organization, association, or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons.

“*Deadly weapon.*” Any firearm, as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms), whether loaded or unloaded; or any dangerous weapon, as defined in 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility); or any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury, including where the court determines that the person intended to use the weapon to threaten or injure another person.

“*Decay.*” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed period of time.

“*Delinquent act.*” An act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law.

“*Department.*” Pennsylvania Department of Corrections (DOC). An executive branch agency re-

sponsible for operating the state prison system and providing parole supervision of reentrants.

“Disposition.” The final determination made by a Juvenile Court after an adjudication of delinquency.

“Enhancement.” An adjustment to the basic sentence recommendations based on a determination by the court that a specified factor is present. Enhancements may be incorporated into the offense gravity score assignments or may require an increase in the assignments.

“Family or household member.” Spouses or persons who have been spouses, persons living 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.

“Gap.” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed crime-free period.

“Guideline sentence form.” A document or a computer generated sentence information report promulgated by the Commission. The form provides the court with a guideline sentence recommendation and other relevant information for each conviction offense for consideration prior to sentencing; following sentencing, the form includes information on the sentence imposed and reasons for the sentence. The form is generated by SGS Web based on information entered or verified by users authorized by the court; following sentencing, SGS Web is used to electronically submit all required information used to generate the form to the Commission.

“Inchoate offenses.” The offenses of criminal attempt, criminal solicitation, and criminal conspiracy.

“Intellectual disability.” Regardless of the age of the individual, significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communications; self-care; home living; social and interpersonal skills; use of community resources; self-direction; functional academic skills; work; safety.

“Judicial proceeding.” A sentencing hearing in which all offenses for which a person is convicted are pending before the court. A judicial proceeding may include multiple dockets and OTNs.

“Lapsing.” The removal from the determination of the prior record score certain prior adjudication or conviction offenses. Lapsing includes decay and gap. Decay is the removal of a prior offense following a prescribed period of time. Gap is the removal of a prior offense following a prescribed period of crime-free behavior.

“MDJS—magisterial district judge system.” A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from minor courts on charges filed and the disposition of charges filed, used to prepare sentencing guidelines and sentence risk assessments.

“Minor.” A person who is less than 18 years of age.

“OGS—offense gravity score.” An assignment in the sentencing guidelines reflecting the seriousness of the conviction offense. There are 30 general OGS categories, OGS 1 through OGS 30, and eight OGS categories limited to assignments for murder.

“OTN—offense tracking number.” A unique identifying number assigned to an entire set of related charges. An OTN is generally assigned by the court at the time of arraignment.

“POG—prior offense group.” Classification of previous adjudication and conviction offenses based on seriousness used to determine the prior record score. There are four groups, POG1 through POG4, with POG1 being the least serious previous offenses and POG4 being the most serious previous offenses.

“PRS—prior record score.” A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person, based on certain previous juvenile adjudications and/or convictions. There are five PRS categories, PRS 0 through PRS 4.

“Prior adjudication.” A previous offense for which the commission of the offense and the adjudication of delinquency for the offense occurred prior to the commission of the current conviction offense.

“Prior conviction.” A previous offense for which the commission of the offense and the conviction for the offense occurred prior to the commission of the current conviction offense.

“REVOC—repeat violent offender category.” A prior record score category based on adjudications and/or convictions of two or more crimes of violence, as provided in 42 Pa.C.S. § 9714(g).

“RS—restorative sanctions.” Non-confinement and sentencing alternatives and penalties, including determination of guilt without further penalty, fine, community service, and restitution.

“School zone.” Within 250 feet of the real property on which is located a public or private elementary or secondary school.

“Sentencing levels.” Categories associated with recommended dispositions and durations, based on the combination of the offense gravity score and prior record score. There are eight sentencing levels (Level A—Level H).

“Serious bodily injury.” Bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Serious crimes.” Except for crimes of violence, an adjudication or conviction for any felony of the first degree or felony of the second degree, or an adjudication or conviction for a felony of the third degree or misdemeanor of the first degree as provided in the following: 18 Pa.C.S. Part II, Article B (relating to offenses involving danger to the person), 18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act), and 42 Pa.C.S. § 9799.14 (relating to sexual offenses and tier system).

“SGS Web—sentencing guidelines software web application.” A JNET web-based application developed and operated by the Commission and required to be used for the preparation of sentencing guide-

lines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.

“SID—state identification number.” A unique number associated with each person based on fingerprints.

“Statutory limit.” The longest minimum term of confinement permitted by law, which is one-half the statutory maximum.

“Statutory maximum.” The maximum period of confinement or of probation authorized for the disposition of a person, as provided in 18 Pa.C.S. Chapter 11 (relating to authorized disposition of offenders).

(c)] *Authorized dispositions.*

(1) The guidelines include recommendations regarding the type of disposition, referred to as sentencing alternatives; the duration of confinement and/or community supervision; the intensity of conditions; and the requirements associated with restitution and other economic sanctions.

(2) *Sentencing alternatives.* As provided in 42 Pa.C.S. Chapter 97 (relating to sentencing), courts [**are authorized to**] **shall consider and** select one or more of the alternatives [**listed below**] **authorized by 42 Pa.C.S. § 9721 (relating to sentencing generally)** when determining the sentence to impose. For purposes of the guidelines, the Commission has grouped these alternatives into four categories based on the increasing severity of the sanction to promote proportionality in sentencing.

(i) Restorative sanctions, **including non-confinement and limited supervision alternatives such as:**

(A) Determination of guilt without further penalty, pursuant to 42 Pa.C.S. § 9753 (relating to determination of guilt without further penalty).

(B) Fine, as provided in 42 Pa.C.S. §§ **9726 and 9758** (relating to fine), **subject to consideration of the defendant’s ability to pay**, including but not limited to:

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

(II) **Section 13(b)—(o) of The Controlled Substance, Drug, Device and Cosmetic Act** (35 P.S. § 780-113(b)—(o)) [**(relating to)** **regarding** prohibited acts, penalties]] .

(III) 42 Pa.C.S. § 9726 [**(relating to fine)**] .

(IV) 75 Pa.C.S. § 3804 (relating to penalties).

(C) Restitution, as provided in 42 Pa.C.S. §§ **9721(c) [(relating to mandatory restitution)] and 9763(b)(10)**, including but not limited to:

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

(II) 18 Pa.C.S. § 1107 (relating to **restitution for theft of timber**).

(III) 18 Pa.C.S. § 1107.1 (relating to restitution for identity theft).

(IV) 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories).

(V) **Section 1302 of the Crime Victims Act** (18 P.S. § 11.1302) [**(relating to)** **regarding** restitution]] .

(D) **Administrative probation.** [Costs, as provided in 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs), including but not limited to:

(I) 18 Pa.C.S. § 1109 (relating to costs)

(II) 18 P.S. § 11.1101 (relating to costs)

(III) 18 P.S. § 11.1102 (relating to costs for offender supervision programs)

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

(V) 42 Pa.C.S. § 1726.1 (relating to forensic examination costs for sexual offenses)

(VI) 42 Pa.C.S. § 1726.2 (relating to criminal prosecutions involving domestic violence)

(E) Fees, including but not limited to:

(I) 42 Pa.C.S. § 1725 (relating to establishment of fees and charges)

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

(III) 42 Pa.C.S. § 1725.4 (relating to fee increases and automation fee)

(IV) 42 Pa.C.S. § 1725.5 (relating to booking center fee)

(V) 42 Pa.C.S. § 1725.7 (relating to petition for expungement or order for limited access fee)]

(ii) [**Probation.**] **General probation.** Order of probation, pursuant to 42 Pa.C.S. § 9754 (relating to order of probation), as provided in 42 Pa.C.S. § 9763(b) [**(relating to conditions of probation generally)**] .

(iii) *Probation with restrictive conditions.* Order of probation, pursuant to 42 Pa.C.S. § 9754, as provided in:

(A) 42 Pa.C.S. § 9763(c) **regarding restrictive DUI probation conditions**; and

(B) 42 Pa.C.S. § 9763(d) **regarding restrictive conditions of probation.**

(iv) *Confinement*

(A) Partial or total confinement in a county facility, pursuant to 42 Pa.C.S. § 9755 (relating to sentence of partial confinement) and § 9756, as provided in:

(I) 42 Pa.C.S. § 9762(b)(2) and (3) (relating to sentencing proceeding; place of confinement); and

(II) 75 Pa.C.S. § 3804(d) [**(relating to)** **regarding** extended supervision of court]] .

(B) Total confinement in a State facility, pursuant to 42 Pa.C.S. § 9756, as provided in 42 Pa.C.S. § 9762(b)(1) and (2).

[(d)] (c) *Authorized programs.*

(1) The guidelines include recommendations and requirements for sentencing and reentry programs for consideration by the court, as well as correctional programs operated by the Department for which the court determines eligibility and appropriateness.

(2) *Sentencing and reentry programs.* The following sentencing and reentry programs are authorized by statute for consideration by the courts:

(i) County intermediate punishment programs as restrictive conditions of probation, as provided in 42 Pa.C.S. § 9804 (relating to county intermediate punishment programs).

(A) *Purpose.* 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 persons 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 persons who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

(B) *Eligibility.* The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs as restrictive conditions of probation:

(I) 37 Pa. Code §§ 451.111 [et seq]—**451.124 (relating to intermediate punishment program minimum standards).**

(II) 42 Pa.C.S. §§ 2154, 2154.1, 9754, 9763, 9773, and Chapter 98.

(III) Sentence recommendations which include an option of county intermediate punishment programs as restrictive conditions of probation for certain persons are described in §§ 303a.3(c) and 303a.5(c) (relating to offense gravity score; and offense-specific sentence recommendations).

(C) *Plan.* The county intermediate punishment plan, as described in 42 Pa.C.S. Chapter 98 (relating to county intermediate punishment), 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.

(D) *Restrictive conditions of probation.* Restrictive conditions of probation, as provided in 42 Pa.C.S. § 9763(d), are defined as programs that provide for strict supervision of the person. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of persons. All programs must meet the statutory requirements of 42 Pa.C.S. § 9763, satisfy the minimum standards of the Pennsylvania Commission on Crime and Delinquency regulations at 37 Pa. Code Chapter 451 (relating to intermediate punishment programs), and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1 (relating to adoption of guidelines for restrictive conditions).

(I) *Restrictive conditions of probation.* House the person full time or part time or significantly restrict the person's movement and monitor the person's compliance with the program, including electronic monitoring or home confinement.

(II) A person under consideration for restrictive conditions of probation at Level C [or D] 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 **Pennsylvania** Department of Drug and Alcohol Programs.

(III) A person assessed to be dependent on alcohol or other [**dugs**] **drugs** shall be evaluated for purposes of a treatment recommendation by one of the above listed assessors. The evaluation shall consider the level of motivation of the person. If sentenced to a restrictive condition 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) A person assessed as not in need of drug or alcohol treatment may be placed in any approved restrictive condition of probation. Each day of participation in a restrictive condition of probation shall be considered the equivalent of one day of confinement for [**guideline**] **offense-specific** sentence recommendations.

(E) *Restrictive DUI probation conditions.* Restrictive DUI probation conditions, as provided in 42 Pa.C.S. § 9763(c), are specified programs that may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 75 Pa.C.S. § 1543(b) (**relating to driving while operating privilege is suspended or revoked**), former 75 Pa.C.S. § 3731 (**relating to driving under the influence of alcohol or controlled substance**) (**Repealed**) or § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38 (**relating to driving after imbibing alcohol or utilizing drugs**). The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of persons. All programs must meet the statutory requirements of 42 Pa.C.S. § 9763, satisfy the minimum standards of the Pennsylvania Commission on Crime and Delinquency regulations at 37 Pa. Code Chapter 451, and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1. Unless otherwise provided in statute, restrictive DUI probation conditions include:

(I) If the person 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, a sentence with restrictive DUI probation conditions shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and shall have restrictive DUI probation conditions of: a residential inpatient program or residential rehabilitative center; house arrest with electronic surveillance; a partial confinement program such as work release, a work camp or a halfway facility; or any combination of these programs.

(II) If the person is determined not to be in need of drug and alcohol treatment, the person shall have restrictive DUI probation conditions of: house arrest with electronic surveillance; or partial confinement programs such as work release, a work camp or a halfway facility; or any combination of these programs.

(ii) County reentry plan, as provided in 42 Pa.C.S. § 9756(b)(3).

(A) 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.

(B) A county reentry plan is not authorized where the maximum sentence imposed is two years or more, or where a mandatory minimum sentence of imprisonment or total confinement is required by law.

(C) At the time of sentencing, the court shall state whether or not the person is eligible to participate in a county 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.

(D) The county reentry plan eligibility shall be considered a part of the sentence and subject to the requirements related to the entry, recording and reporting of sentences.

(iii) Partial release from a county facility (work release), as provided in 42 Pa.C.S. § 9755(c).

(A) An order, imposed with a partial confinement sentence, granting a person the privilege of leaving the county correctional facility during necessary and reasonable hours, for employment, education, medical treatment, or any other purpose approved by the court.

(B) At the time of sentencing, the court shall state whether partial release is authorized, and any conditions ordered, with a partial confinement sentence.

(C) Correctional authorities shall determine when and under what conditions consistent with the order issued the person shall be permitted to be absent from the correctional institution.

(iv) Mandatory period of probation for certain sexual offenders, as provided in 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).

(A) Requirement that applies to persons convicted of an offense under 42 Pa.C.S. § 9799.14(d) (relating to sexual offenses and tier system).

(B) 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.

(C) 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.

(v) State reentry supervision, as provided in 61 Pa.C.S. § 6137.2 (relating to reentry supervision).

(A) Requirement that applies to persons committed to the Department with an aggregate minimum sentence of total confinement of four years or more.

(B) 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.

(C) 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.

(D) 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) *Correctional programs.* The following correctional programs are authorized by statute and operated by the Department for which the court determines eligibility and appropriateness:

(i) State motivational boot camp program, as provided in 61 Pa.C.S. Chapter 39 (relating to motivational boot camp).

(A) A program for eligible persons committed to the Department in which the person participates 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.

(B) *Eligibility.* The following statute governs operation of and eligibility for the state motivational boot camp: eligible persons, as provided in 61 Pa.C.S. § 3903 (relating to definitions).

(C) Boot camp is recommended for eligible persons less than 40 years of age committed to the Department 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.

(D) The court shall indicate on the person's commitment order and the guideline sentence form if the person is excluded from eligibility for the boot camp program. The Department makes the final determination as to whether the person will be accepted into the boot camp program.

(E) 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.

(ii) State drug treatment program, as provided in 61 Pa.C.S. Chapter 41 (relating to state drug treatment program).

(A) A 24-month program for drug-related persons committed to the Department designed to address the individually assessed drug and alcohol abuse and [**addition**] **addiction** 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.

(B) *Eligibility.* The following statute governs operation of and eligibility for the State drug treatment program: eligible person, as provided in 61 Pa.C.S. § 4103 (relating to definitions).

(C) State drug treatment program is recommended for eligible persons convicted of drug-related offenses committed to the Department 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.

(D) The court shall indicate on the person's commitment order and the guideline sentence form if the person is excluded from eligibility for the State drug treatment program. The Department makes the final determination as to whether the person will be accepted into the State drug treatment program.

(E) Upon 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.

(F) The court may impose a consecutive period of probation. The total duration of a sentence of State confinement and consecutive probation may not exceed the maximum term for which the eligible person could otherwise be sentenced.

(iii) Recidivism risk reduction incentive (RRRI) program, as provided in 61 Pa.C.S. Chapter 45 (relating to recidivism risk reduction incentive).

(A) A program to encourage eligible non-violent persons committed to the Department to participate in and successfully complete evidence-based programs that reduce the likelihood of recidivism and improve public safety.

(B) *Eligibility.* The following statute governs operation of and eligibility for the recidivism risk reduction incentive program: eligible person, as provided in 61 Pa.C.S. § 4503 (relating to definitions).

(C) 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 person. 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.

(D) The court shall indicate on the person'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 five-sixths of the minimum sentence when the minimum sentence is greater than three years.

(E) Upon certification by the Department that the person has completed all requirements of the program and remains an eligible person, the Board may grant parole upon the expiration of the RRRI minimum sentence.

(iv) Short sentence parole (SSP) program, as provided in 61 Pa.C.S. § 6137.1 (relating to short sentence parole).

(A) A program for eligible non-violent persons committed to the Department with an aggregate minimum sentence of confinement of two years or less for which parole at minimum without an interview is authorized.

(B) *Eligibility.* The following statute governs operation of and eligibility for SSP: 61 Pa.C.S. § 6137.1(a).

(C) SSP requires the Board to approve for parole an eligible person at the expiration of the minimum date or RRRI minimum date, whichever is shorter, without requiring an interview.

(D) A person shall not be eligible for SSP if found guilty of a major disciplinary infraction while confined in a county or state correctional institution or has pending felony charges.

(d) Definitions. For the purposes of these guidelines, as codified in this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

"Adjudication." A finding by a Juvenile Court that a juvenile has committed a delinquent act or that a child has committed an offense excluded from the definition of "delinquent act" and has been transferred from criminal proceedings pursuant to 42 Pa.C.S. § 6322 (relating to transfer from criminal proceedings).

"Adjudication of delinquency." Following an adjudication hearing in which a Juvenile Court finds the juvenile committed a delinquent act, a determination by a Juvenile Court that the juvenile is in need of treatment, supervision or rehabilitation.

"Administrative probation." An order of probation with supervision limited to only that necessary to monitor compliance and promote successful collection of restitution and/or fines and/or the completion of community service, for a period not to exceed six months.

"Aggregate confinement sentence." As required by 42 Pa.C.S. § 9762(f), two or more consecutive sentences that have been combined, whereby the aggregate minimum term is the sum of the consecutive minimum terms, and the aggregate maximum term is the sum of the consecutive maximum terms.

"Aggregate term of probation." The sum of all consecutive terms of probation imposed during a judicial proceeding.

"Autism spectrum disorder." Any of the pervasive developmental disorders defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), including autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified.

"BUI—boating under the influence." An adjudication or conviction for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).

"Board." Pennsylvania Parole Board. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole persons sentenced to confinement in a State facility.

"Bodily injury." Impairment of physical condition or substantial pain.

"CPCMS—common pleas case management system." A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from courts of common pleas on current and prior conviction offenses, used to prepare sentencing guidelines and sentence risk assessments.

"Commission." Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment ranges following revocation to be considered by the Board.

"Concurrent sentence." Sentences imposed to be served simultaneously or at the same time.

"Consecutive sentence." Sentences imposed to be served one after another. As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f), consecutive confinement sentences shall

be aggregated into a single sentence with one minimum term and one maximum term.

“Conviction.” A finding of guilty or the entering of a plea of guilty or nolo contendere for a felony or misdemeanor, whether or not judgement of sentence has been imposed.

“Course of conduct.” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.

“Court.” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“Crime-free period.” Following a conviction and sentence and subsequent release to the community, the completion of a prescribed period of time without commission of a new felony or misdemeanor, for which the person pleads guilty or nolo contendere or is found guilty. For non-confinement sentences, release to the community begins on the date of sentencing; for confinement sentences, release to the community begins on the date of initial release on parole, or release following completion of the confinement sentence, whichever is earlier.

“Crime of violence.” An offense listed under 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

“Criminal gang.” A formal or informal ongoing organization, association, or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons.

“DUI—driving under the influence.” An adjudication or conviction for a violation of former 75 Pa.C.S. § 3731 (relating to driving under the influence of alcohol or controlled substance) (Repealed) or 75 Pa.C.S. Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs).

“Deadly weapon.” A firearm, as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms), whether loaded or unloaded; or any dangerous weapon, as defined in 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility); or any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury, including where the court determines that the person intended to use the weapon to threaten or injure another person.

“Decay.” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed period of time.

“Delinquent act.” An act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law.

“Department.” Pennsylvania Department of Corrections. An executive branch agency responsible for operating the State prison system and providing parole supervision of reentrants.

“Disposition.” Upon conviction, and for purposes of the guidelines, the sentencing alternative and/or

program imposed by the court during a sentencing hearing. A separate consideration is the duration of the sentence.

“Enhancement.” An increase in the OGS assignment that applies when a court determines one or more specified sentencing factors were present during the commission of a crime.

“Family or household member.” Spouses or persons who have been spouses, persons living 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.

“Gap.” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed crime-free period.

“Guideline sentence form.” A document or a computer-generated sentence information report promulgated by the Commission. The form provides the court with a guideline sentence recommendation and other relevant information for each conviction offense for consideration prior to sentencing; following sentencing, the form includes information on the sentence imposed and reasons for the sentence. The form is generated by the Commission’s sentencing guidelines application based on information entered or verified by users authorized by the court; following sentencing, the Commission’s sentencing guidelines application is used to electronically submit all required information used to generate the form to the Commission.

“Inchoate offenses.” The offenses of criminal attempt, criminal solicitation, and criminal conspiracy.

“Intellectual disability.” Regardless of the age of the individual, significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communications; self-care; home living; social and interpersonal skills; use of community resources; self-direction; functional academic skills; work; safety.

“Juvenile disposition.” The final determination made by a Juvenile Court after an adjudication of delinquency.

“Judicial proceeding.” A sentencing hearing in which all offenses for which a person is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple dockets and OTNs.

“Judicial proceeding consideration.” Suggestions for determining the service of multiple sentences, the eligibility and appropriateness of certain sentencing and correctional programs, and the aggregate term of probation during a sentencing hearing, intended to encourage greater consistency in sentencing and to promote the use of evidence-based practices. Decisions based on these general policies are not considered by the Commission when reporting conformity to the sentencing guidelines.

“Lapsing.” The removal from the determination of the prior record score certain prior adjudication or conviction offenses. Lapsing includes “decay” and “gap.”

“MDJS—magisterial district judge system.” A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from minor courts on charges filed and the disposition of charges filed, used to prepare sentencing guidelines and sentence risk assessments.

“Minor.” Unless otherwise specified, a person who is under 18 years of age.

“OGS—offense gravity score.” An assignment in the sentencing guidelines reflecting the seriousness of the conviction offense. There are 30 general OGS categories, OGS 1 through OGS 30, and eight OGS categories limited to assignments for murder.

“OTN—offense tracking number.” A unique identifying number assigned to an entire set of related charges. An OTN is generally assigned by the court at the time of arraignment.

“Offense-specific sentence recommendation.” A recommendation for the disposition and duration of a sentence imposed for a conviction offense, intended to promote uniformity and proportionality in sentencing. A standard range recommendation represents the typical sentence for the typical circumstance; for sentences imposed in the mitigated or aggravated range, and for departures from the guidelines, courts are required to report reasons for the sentence.

“POG—prior offense group.” Classification of previous adjudication and conviction offenses based on seriousness used to determine the prior record score. There are four groups, POG1 through POG4, with POG1 being the least serious previous offenses and POG4 being the most serious previous offenses.

“PRS—prior record score.” A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person, based on certain previous juvenile adjudications and/or convictions. There are five PRS categories, PRS 0 through PRS 4.

“Prior adjudication.” A previous offense for which the commission of the offense and the adjudication of delinquency for the offense occurred prior to the commission of the current conviction offense.

“Prior conviction.” A previous offense for which the commission of the offense and the conviction for the offense occurred prior to the commission of the current conviction offense.

“RS—restorative sanctions.” Non-confinement and limited supervision sentencing alternatives and penalties, such as determination of guilt without further penalty, restitution, fines, community service and administrative probation.

“SID—state identification number.” A unique number associated with each person based on fingerprints.

“School zone.” Within 250 feet of the real property on which is located a public or private elementary or secondary school.

“Sentencing guidelines.” Sentencing guidelines include offense-specific sentence recommendations, which must be considered by the court, and judicial proceeding considerations, which may be considered by the court. Determination of conformity to

the sentencing guidelines, based on whether a sentence is imposed within one of the three ranges (i.e., standard, aggravated, mitigated), or is a departure from the guidelines (i.e., disposition and/or duration outside of the ranges or failing to follow procedures), only applies to the offense-specific recommendation.

“Sentencing guidelines application.” A JNET web-based application developed and operated by the Commission and required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.

“Sentencing levels.” Categories associated with recommended dispositions and durations, based on the combination of the offense gravity score and prior record score. There are eight sentencing levels (Level A—Level H).

“Serious bodily injury.” Bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Serious crimes.” Except for crimes of violence, an adjudication or conviction for any felony of the first degree or felony of the second degree, or an adjudication or conviction for a felony of the third degree or misdemeanor of the first degree as provided in the following: 18 Pa.C.S. Part II, Article B (relating to offenses involving danger to the person), 18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act), and 42 Pa.C.S. § 9799.14.

“Statutory limit.” The longest minimum term of confinement permitted by law, which is one-half the statutory maximum.

“Statutory maximum.” The maximum period of confinement or of probation authorized for the disposition of a person, as provided in 18 Pa.C.S. Chapter 11 (relating to authorized disposition of offenders).

§ 303a.2. Guideline sentencing standards.

(a) General provisions.

(1) The court shall consider the sentencing guidelines in determining the appropriate sentence for persons 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.

(2) 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, except as provided in 204 Pa. Code Chapters 307 and 307a (relating to resentencing guidelines for 7th edition sentencing guidelines; and resentencing guidelines for 8th edition sentencing guidelines); or revocation of parole, except as provided in Chapter 311 (relating to State parole recommitment ranges).

(3) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Editions or amendments to the sentencing guidelines

shall apply to all offenses committed on or after the effective date of the edition or amendment to the guidelines.

(i) The effective date of the initial sentencing guidelines and effective dates of editions and amendments to the sentencing guidelines are provided in [**Table A**] § **303a.8 (relating to effective dates of sentencing guidelines editions)**.

(ii) On October 7, 1987, the Pennsylvania Supreme Court invalidated the sentencing guidelines due to a procedural error that occurred in 1981, when the General Assembly rejected the initial sentencing guidelines adopted by the Commission. As a result, sentencing guidelines adopted prior to April 25, 1988, were declared by the Court to be of no force.

(iii) For offenses committed on multiple dates, the guidelines shall be applied based on the date of each offense and the effective date of the editions or amendments to the guidelines. If the specific dates of the offenses cannot be determined, the later date shall be used to determine the applicable edition or amendment of the sentencing guidelines.

(4) 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 the sentencing a statement of the reason or reasons for the sentence imposed. In every case in which a court of record imposes a sentence or resentence [**outside the guidelines**] **in the aggravated or mitigated range, or imposes a sentence that is a departure from the guidelines**, the court shall report the reason or reasons for the deviation from the **standard range of the guidelines** to the Commission.

(b) *Procedures at sentencing.*

(1) [**Determining**] **Determine** the guideline sentence recommendations **for each offense** in the judicial proceeding:

(i) Determine the offense gravity score for each conviction offense as described in § 303a.3 (**relating to offense gravity score**).

(ii) Determine the corresponding prior record score as described in § 303a.4 (**relating to prior record score**).

(iii) Determine the **offense-specific [guideline]** sentence recommendations [**for each conviction offense**] as described in § 303a.5 (**relating to offense-specific sentence recommendations**).

(2) [**Consideration of recommendations and imposition of sentence**] **Review the offense-specific sentence recommendations and the judicial proceeding considerations prior to the imposition of sentence:**

(i) [**Consider the standard range**] **Offense-specific sentence recommendations**, as provided in § [**303a.8**] **303a.5**, [**and any circumstances that warrant consideration of a sentence in the aggravated or mitigated ranges, or a departure above or below the guidelines**] **and aggravating and mitigating circumstances**, as provided in § 303a.6 (**relating to aggravated and mitigated circumstances**), **shall be considered by the court for every conviction offense.**

(ii) [**Consider the judicial proceeding recommendations**] **Judicial proceeding considerations**, as provided in § 303a.7 (**relating to judicial proceeding**

considerations), [**including**] **addressing** the imposition of concurrent or consecutive sentences and the authorization of any sentencing or correctional programs based on the aggregate sentence, **may be considered by the court when determining the sentence imposed during the judicial proceeding.**

(3) Report the sentence(s) and reasons as required [**to the Commission via SGS Web**] **using the Commission's sentencing guidelines application.**

(c) *Reporting information to the Commission.*

(1) As authorized by 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission) and as required by 42 Pa.C.S. § 9721(b) (relating to sentencing generally), [**the court**] **a court of record** shall submit required guidelines and sentencing information to the Commission for each conviction offense and for the judicial proceeding.

(2) The full submission of data to the Commission, and certification of compliance with guidelines and with the county's intermediate punishment plan for imposing restrictive conditions, is required by [**Act 2019-114**] **the act of December 18, 2019 (P.L. 771, No. 114)** and 42 Pa.C.S. § 2154.1(b) [**regarding**] (**relating to** adoption of guidelines for restrictive conditions).

(3) Unless otherwise provided by the Commission, the **Commission's JNET-based [SGS Web] sentencing guidelines application** shall be used at the court's direction to prepare the guideline sentence form for each conviction offense, and the sentence guideline form for any resentence for a revocation of probation, as provided in [**204 Pa. Code**] Chapters 307 and 307a.

(4) Following imposition of the sentence, a completed guideline sentence form, including the [**state identification number**] SID, the sentence imposed, reasons for deviation from the **standard range of the** sentencing guidelines, and all required guidelines and sentencing information for each conviction offense and for the judicial proceeding, shall be made a part of the record, and the information electronically submitted to the Commission using [**SGS Web**] **the Commission's sentencing guidelines application** no later than 30 days after the date of sentencing.

(5) Following revocation of probation and resentencing, a completed guideline sentence form, including the [**state identification number**] SID, the resentence imposed, reasons for deviation from the **standard range of the** resentencing guidelines, and all required guidelines and resentencing information, including information from the completed sentence guideline form associated with the initial order of probation, shall be made a part of the record, and the information electronically submitted to the Commission using [**SGS Web**] **the Commission's sentencing guidelines application** no later than 30 days after the date of resentencing.

§ 303a.3. Offense gravity score.

(a) *General provisions.*

(1) The [**offense gravity score ([OGS])**] measures the seriousness of the current conviction offense and is the primary determinant of the guideline sentence recommendation. An OGS is assigned to each conviction offense, based on the elements of the offense and the classification of the crime. There are 30 general OGS categories, with another [**six**] **eight** OGS categories [**for assignments limited to murder of the first or second degree**] **limited to assignments for murder.**

(2) *Subcategorized offenses.* Certain conviction offenses are subcategorized and may be assigned more than one OGS based on the presence of specific sentencing factors determined by the court at sentencing and/or mandatory minimum sentencing provisions. Subcategorized offenses are included in the offense listings in [**Tables B1—B3 and Tables D1-D2**] §§ **303a.9 and 303a.10 (relating to offense listing (OGS/POG assignments); and BUI/DUI offense listing (OGS/POG assignments))** and designated by an asterisk[[*]].

(3) Assignments for specific offense categories:

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

(A) [**Convictions**] **Except as provided for inchoates to murder, convictions** for attempt, solicitation or conspiracy to commit a Felony 1 offense receive an OGS of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

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

(C) 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 OGS of the offense attempted, solicited or which was the object of the conspiracy.

(ii) *Offenses with classifications associated with underlying offenses.*

(A) Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710 **(relating to ethnic intimidation)**), Terrorism (18 Pa.C.S. § 2717 **(relating to terrorism)**), Ecoterrorism (18 Pa.C.S. § 3311 **(relating to ecoterrorism)**), and other offenses for which the grade is classified one degree higher than the underlying offense are assigned an OGS two points higher than the OGS of the underlying offense but cannot exceed OGS 30.

(B) Convictions for Obstruction of Justice (18 Pa.C.S. § 3016 **(relating to obstruction of justice)**), Unlawful Contact with Minor (18 Pa.C.S. § 6318 **(relating to unlawful contact with minor)**), and other offenses for which the grade is classified the same as an associated or underlying offense are assigned the same OGS as the associated or underlying offense, unless otherwise provided.

(iii) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).*

(A) 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 with the highest OGS.

(B) *Exception for prescription pills.* For violations of [§ 780-113] **section 13(a)(12), (a)(14) and (a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act** involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher OGS assignment applies.

(C) *Subcategorization.* OGS assignments for violations of [§ 780-113] **section 13(a)(12), (a)(14) and (a)(30) of The Controlled Substance, Drug, Device and Cos-**

metic Act are subcategorized based on the type and quantity of the controlled substance, and the statutory maximum of the controlled substance, including the applicability of [§ 780-114 or § 780-115] **section 14 or section 15 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-114 or § 780-115).**

(4) *Omnibus offense gravity score.* The omnibus OGS, **as provided in § 303a.11 (relating to omnibus OGS tables)**, is assigned based on the grade of the conviction offense **and/or a mandatory minimum requirement**, and applies to any offense not listed in [**Tables B1—B3 or Tables D1-D2**] § **303a.9 or § 303a.10**, [, and as] **As** provided below, the **omnibus OGS** may apply to new or amended sections of statute enacted by the General Assembly.

(i) [**The omnibus OGS assignments are as follows:**

(A) **Felony 1 (statutory maximum greater than 20 years) OGS 22**

(B) **Felony 1 OGS 14**

(C) **Felony 2 OGS 11**

(D) **Felony 3 and unclassified felonies OGS 9**

(E) **Misdemeanor 1 OGS 7**

(F) **Misdemeanor 2 OGS 4**

(G) **Misdemeanor 3 and unclassified misdemeanors OGS 2**]

Three omnibus OGS tables are provided in § 303a.11:

(A) **303a.11(a) General omnibus OGS assignments.**

(B) **303a.11(b) BUI omnibus OGS assignments, relating to operating watercraft under the influence.**

(C) **303a.11(c) DUI omnibus OGS assignments, relating to driving under the influence.**

(ii) For an addition of a new subsection of statute:

(A) The lowest OGS assigned within the section based on the grade or statutory maximum of the offense shall apply to the new subsection.

(B) When the grade or statutory maximum of the new subsection is higher than the highest grade or statutory maximum in the section, the highest assigned OGS in the section shall apply to the new subsection, unless the omnibus OGS is higher.

(C) When the grade or statutory maximum of the new subsection is lower than the lowest grade or statutory maximum in the section, the lowest assigned OGS in the section shall apply to the new subsection, unless the omnibus OGS is lower.

(iii) For an amendment to an existing section of statute:

(A) When the definition of an offense listed in [**Tables B1—B3**] § **303a.9 or § 303a.10** is changed, the previously assigned OGS shall apply.

(B) When the grade, **mandatory minimum sentence requirement**, or statutory maximum of a subsection listed in [**Tables B1—B3**] § **303a.9 or § 303a.10** has increased, the omnibus OGS shall apply, unless the previously assigned OGS is higher.

(C) When the grade, **mandatory minimum sentence requirement**, or statutory maximum of a subsection listed in [**Tables B1—B3**] § **303a.9 or § 303a.10** has decreased, the omnibus OGS shall apply, unless the previously assigned OGS is lower.

(b) *Enhancements.*

(1) Enhancements, as provided in § 303a.12 (relating to OGS enhancements table), are increases to the initial OGS assignment that apply when a court determines one or more specified sentencing factors were present during the commission of the crime. The application of an enhancement is determined by the court at sentencing, based on a preponderance of the evidence. Sentence enhancements may be mandated by statute or established by the Commission.

(i) General enhancements, as provided in paragraph (5), apply to all offenses unless otherwise provided.

(ii) Offense-specific enhancements, as provided in paragraph (6) relating to Crimes Code enhancements and paragraph (7) relating to Vehicle Code enhancements, are limited to designated offenses.

(2) Enhancements are included in guideline sentence recommendations through two approaches:

(i) Subcategorization, in which one or more sentencing factors identified for enhancement are included in the OGS assignment in [Tables B1—B3] §§ 303a.9 and 303a.10; subcategorized offenses are designated with an asterisk [and/or].

(ii) Adjustment, in which the OGS assignment in [Tables B1—B3] §§ 303a.9 and 303a.10 is increased when it is determined that one or more sentencing factors identified for enhancement were present during the commission of the crime. Offenses subject to an enhancement through adjustment are designated E in the Enhancement column in §§ 303a.9 and 303a.10.

(3) An enhancement shall apply to each conviction offense for which the court determines the sentencing factor is present, unless the sentencing factor is an element of the crime or a sentencing factor considered in the OGS assignment, or the sentencing factor has been applied through another enhancement. The OGS may not exceed OGS 30 based on an enhancement adjustment. [An enhancement may apply generally to any offense or a category of offenses or may be limited to specified offenses.] Enhancement adjustments do not apply to offenses assigned to Level G or Level H, and the OGS may not exceed OGS 30 based on an enhancement adjustment.

(4) Omnibus enhancement. The omnibus enhancement shall apply to a new sentencing enhancement enacted by the General Assembly and not otherwise provided in this section or in § 303a.12. The OGS assignments, as provided in §§ 303a.9, 303a.10 and 303a.11, shall be increased by one point when it is determined by the court that one or more sentencing factors identified in the new sentencing enhancement was present during the commission of the crime.

[(4)] (5) *Descriptions of general enhancements.*

(i) Deadly weapon enhancement, as provided in 42 Pa.C.S. § 2154(b)(3) (relating to adoption of guidelines for sentencing).

(A) *Deadly weapon possessed.* When the court determines that the person possessed a deadly weapon during the commission of the current conviction offense, the court shall adjust the OGS as provided in [Table C] § 303a.12. The person has possessed a deadly weapon if

the deadly weapon was on the person's person or within the person's immediate physical control.

(B) *Deadly weapon used.* When the court determines that the person used a deadly weapon during the commission of the current conviction offense, the court shall adjust the OGS as provided in [Table C] § 303a.12. The person has used a deadly weapon if a deadly weapon was employed by the person in a way that threatened or injured another person.

(C) The deadly weapon enhancements shall not apply to the following offenses:

(I) 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(II) 18 Pa.C.S. § 908 (relating to prohibited offensive weapons).

(III) 18 Pa.C.S. § 912 (relating to possession of weapon on school property).

(IV) 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility).

(V) 18 Pa.C.S. § 2701(a)(2) (relating to simple assault [with deadly weapon]).

(VI) 18 Pa.C.S. § 2702(a)(4) (relating to aggravated assault [with deadly weapon]).

(VII) Any offense assigned to Level G or Level H in the sentencing guidelines.

(VIII) Any offense for which possession of a deadly weapon is an element of the statutory definition, including theft when property stolen is a firearm and any violation of the Pennsylvania Uniform Firearms Act of 1995.

(ii) [School/Youth] School zone drug enhancement, as provided in 42 Pa.C.S. § 2154(b)(3).

(A) [The school/youth drug enhancement applies when] When the court determines that the person [: distributed a controlled substance to a person or persons under 18 years of age and/or] manufactured, delivered, or possessed with intent to deliver a controlled substance within a school zone [. When the court determines one or both sentencing factors were present], the court shall adjust the OGS as provided in [Table C] § 303a.12.

(B) The enhancement only applies to violations of [35 P.S. § 780-113] section 13(a)(14) and (a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act.

(iii) Criminal gang enhancement, as required by 42 Pa.C.S. § 9720.4 (relating to sentencing for offenses committed in association with a criminal gang).

(A) When the court determines that the person committed murder in the third degree in association with a criminal gang, the court shall consider the enhanced sentence recommendations provided in § 303a.9. When the court determines that the person committed [a] any other crime of violence in association with a criminal gang, the court shall adjust the OGS as provided in [Table C] § 303a.12.

(B) When the court determines that the person committed a violation of [35 P.S. § 780-113] section 13(a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act in association with a criminal gang, the court shall adjust the OGS as provided in [Table C] § 303a.12.

(C) The criminal gang enhancement shall apply to each violation which meets the criteria [**above**] described in **subparagraph (A) or subparagraph (B)**.

(iv) Domestic violence enhancement, as required by 42 Pa.C.S. § 9720.8 (**relating to sentencing for offenses involving domestic violence in the presence of a minor**).

(A) **When the court determines that the person committed murder in the third degree against a family or household member as defined in 23 Pa.C.S. § 6102 (relating to definitions), the court shall consider the enhanced sentence recommendations provided in § 303a.9.** When the court determines that the person committed [**an**] **any other** offense under 18 Pa.C.S. Chapters 25, 27, 29, 30, 31 or 49, **or an attempt, solicitation, or conspiracy to commit any of these offenses**, against a family or household member as defined in 23 Pa.C.S. § 6102, the court shall adjust the OGS as provided in [**Table C**] § **303a.12**.

(B) When the court further determines that a person knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the person or the victim, the court shall consider ordering the person to pay the costs or fees associated with the assessment and treatment of the minor for exposure to domestic violence.

[**(5)**] **(6)** *Descriptions of crimes code enhancements.*

(i) Third degree murder of a victim younger than age 13 enhancement, as required by 42 Pa.C.S. § 9711.1 (**relating to sentencing for certain murders of infant persons**). When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) (**relating to murder**) was less than 13 years of age at the time of the offense, the court shall consider the enhanced sentence recommendations provided in [**Tables B1—B3**] § **303a.9**.

(ii) Causing or aiding suicide enhancement, as required by 18 Pa.C.S. § 2505(c) (**relating to causing or aiding suicide**). When the court determines the person who died by suicide or was aided or solicited to die by suicide was under 18 years of age and has an intellectual disability or autism spectrum disorder, the court shall consider the enhanced sentence recommendations provided in [**Tables B1—B3**] § **303a.9**.

(iii) Trafficking in individuals and involuntary servitude enhancement, as required by 18 Pa.C.S. § 3024 (**relating to sentencing**). When the court determines that the person violated 18 Pa.C.S. § 3011 (relating to trafficking in individuals) or § 3012 (relating to involuntary servitude) and any of the following factors were present, the court shall adjust the OGS as provided in [**Table C**] § **303a.12**:

(A) The person committed a violation involving sexual servitude; or

(B) The victim was a minor less than 18 years of age; or

(C) The victim was a minor less than 13 years of age; or

(D) In the course of committing a violation, the person also violated one or more of the following offenses:

(I) 18 Pa.C.S. § 2901 (relating to kidnapping); or

(II) 18 Pa.C.S. § 3121 (relating to rape); or

(III) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(iv) Sexual extortion, as required by 18 Pa.C.S. § 3133(e) (**relating to sexual extortion**).

(A) When the court determines that the person violated 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, the court shall consider the enhanced sentence recommendations provided in [**Tables B1—B3**] § **303a.9**.

(B) When the court determines that the person violated 18 Pa.C.S. § 3133 [(**relating to sexual extortion**)] and the complainant attempts suicide resulting in serious bodily injury or dies by suicide, within 90 days of the commission of the offense, as a proximate result of the trauma that the complainant experienced during or following the commission of the offense, the court shall adjust the OGS as provided in [**Table C**] § **303a.12**.

(v) Arson enhancement, as required by 42 Pa.C.S. § 9720.6 (**relating to sentencing for arson offenses**).

(A) When the court determines that one or more of the following factors relating to arson **or aggravated arson** as defined in 18 Pa.C.S. § 3301 (**relating to arson and related offenses**) are present, the court shall consider the enhanced sentence recommendations provided in [**Tables B1—B3**] § **303a.9**:

(I) Bodily injury results to a firefighter, police officer or person actively engaged in fighting the fire; or

(II) Serious bodily injury results to a civilian.

(B) When the court determines that one or more of the following factors relating to arson **or aggravated arson** as defined in 18 Pa.C.S. § 3301 are present, the court shall adjust the OGS as provided in [**Table C**] § **303a.12**:

(I) More than three persons were present inside the property at the time of the offense; or

(II) The fire caused more than \$1[**,000,000**] **million** 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).

(vi) Burglary enhancement, as required by 18 Pa.C.S. § 3502(d.1) (**relating to burglary**) and 42 Pa.C.S. § 9720.7 (**relating to sentencing for burglary**).

(A) When the court determines that the person violated 18 Pa.C.S. § 3502(a)(1)(i) [(**relating to burglary**)], regarding burglary of a structure adapted for overnight accommodations in which at the time of the offense any person is present and the person commits, attempts or threatens to commit a bodily injury therein, the court shall consider the enhanced sentence recommendations provided in [**Tables B1—B3**] § **303a.9**.

(B) When the court determines that the person violated 18 Pa.C.S. § 3502 [(**relating to burglary**)] and a domestic animal was harmed or killed in the course of the burglary, the court shall adjust the OGS as provided in [**Table C**] § **303a.12**.

(vii) **Criminal trespass enhancement, as required by 18 Pa.C.S. § 3503(c.2) (relating to criminal trespass) and 42 Pa.C.S. § 9720.7.**

(A) When the court determines that the person violated 18 Pa.C.S. § 3503 (relating to criminal trespass) and a domestic animal was harmed or killed in the course of the criminal trespass, the court shall adjust the OGS as provided in § 303a.12.

(viii) Robbery of motor vehicle enhancement, as required by 18 Pa.C.S. § 3702(b) **(relating to robbery of motor vehicle)**. When the court determines that the person violated 18 Pa.C.S. § 3702 **[(relating to robbery of motor vehicle)]**, the court shall consider the enhanced sentence recommendations provided in **[Tables B1—B3] § 303a.9**.

[(viii)] (ix) Person not to possess, use, manufacture, control, sell or transfer firearms enhancement, as required by 18 Pa.C.S. § 6105(a.1)(1.1)(ii) **(relating to person not to possess, use, manufacture, control, sell or transfer firearms)**. When the court determines that the person violated 18 Pa.C.S. § 6105(a)(1) **[(relating to person not to possess, use, manufacture, control, sell or transfer firearms)]**, regarding person not to possess a firearm; conviction for enumerated felony or drug felony, and was previously convicted or was in physical possession or control of a firearm, the court shall consider the enhanced sentence recommendations provided in **[Tables B1—B3] § 303a.9**.

[(ix)] (x) Sexual abuse of children enhancement, as required by 42 Pa.C.S. § 9720.5 **(relating to sentencing for offenses involving sexual abuse of children)**.

(A) When the court determines that the person violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that indecent contact with a child is depicted and the child depicted is under 10 years of age or prepubescent, the court shall consider the enhanced sentence recommendations provided in **[Tables B1—B3] § 303a.9**.

(B) When the court determines that the person violated 18 Pa.C.S. § 6312 **[(relating to sexual abuse of children)]** and that the person possessed more than 50 images, the court shall adjust the OGS as provided in **[Table C] § 303a.12**. 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.

(C) When the court determines that the person violated 18 Pa.C.S. § 6312 **[(relating to sexual abuse of children)]** and that the abuse depicted in the images possessed by the person are of a sexual or violent nature or character, the court shall adjust the OGS as provided in **[Table C] § 303a.12**. This enhancement shall apply to any image possessed by the person which portrays or contains any of the following:

(I) The bondage of a child; or

(II) A dangerous weapon as defined in 18 Pa.C.S. § 913 used in a sexual context; or

(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).

(D) When the court determines that the person violated 18 Pa.C.S. § 6312 and that the child is known to the person, the court shall adjust the OGS as provided in § 303a.12.

(E) Sexual abuse of children enhancement shall apply to each violation which meets the criteria above.

[(6)] (7) *Descriptions of vehicle code enhancements.*

(i) Homicide by vehicle enhancements, as provided in 42 Pa.C.S. § 2154(b)(3) and required by 75 Pa.C.S. § 3732 **(relating to homicide by vehicle)**. When the court determines that the person violated 75 Pa.C.S. § 3732 **[(relating to homicide by vehicle)]** and that one or more of the following sentencing factors are present, the court shall consider the enhanced sentence recommendations as provided in **[Tables B1—B3] § 303a.9**:

(A) *Category A*: violation of 75 Pa.C.S. § 3802 **[(relating to driving under the influence)]** or 75 Pa.C.S. § 3316 (relating to prohibiting text-based communications).

(B) *Category B*: violation of 75 Pa.C.S. § 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors), 75 Pa.C.S. § 3325 (relating to duty of driver on approach of emergency vehicle), or 75 Pa.C.S. § 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles).

(C) *Category C*: violation of 75 Pa.C.S. § 1501 (relating to drivers required to be licensed) or 75 Pa.C.S. § 1543 (relating to driving while operating privilege is suspended or revoked).

(ii) Aggravated assault by vehicle enhancements, as provided in 42 Pa.C.S. § 2154(b)(3) and required by 75 Pa.C.S. § 3732.1 **(relating to aggravated assault by vehicle)**. When the court determines that the person violated 75 Pa.C.S. § 3732.1 **[(relating to aggravated assault by vehicle)]** and that one or more of the following sentencing factors are present, the court shall consider the enhanced sentence recommendations as provided in **[Tables B1—B3] § 303a.9**:

(A) *Category A*: violation of 75 Pa.C.S. § 3802 **[(relating to driving under the influence)]** or 75 Pa.C.S. § 3316 **[(relating to prohibiting text-based communications)]**.

(B) *Category B*: violation of 75 Pa.C.S. § 3326 **[(relating to duty of driver in construction and maintenance areas or on highway safety corridors)]**, 75 Pa.C.S. § 3325 **[(relating to duty of driver on approach of emergency vehicle)]**, or 75 Pa.C.S. § 3327 **[(relating to duty of driver in emergency response areas and in relation to disabled vehicles)]**.

(C) *Category C*: violation of 75 Pa.C.S. § 1501 **[(relating to drivers required to be licensed)]** or 75 Pa.C.S. § 1543 **[(relating to driving while operating privilege is suspended or revoked)]**.

(iii) Accidents involving death enhancement, as provided in 75 Pa.C.S. § 3742(b)(3)(ii) **(relating to accidents involving death or personal injury)**. When the court determines that the person violated 75 Pa.C.S. § 3742 **[(relating to accidents involving death or**

personal injury)] and the victim dies, the court shall consider the enhanced sentence recommendations as provided in [**Tables B1—B3**] § **303a.9**.

(iv) Driving under the influence of alcohol or controlled substance enhancement, as required by 75 Pa.C.S. § [**3732**] **3804(c.3) (relating to penalties)**. When the court determines that the person violated 75 Pa.C.S. § 3802(a)(1) where the person refused testing of breath or chemical testing or 75 Pa.C.S. § 3802(c) or (d) and where the person has four or more prior offenses, the court shall consider the enhanced sentence recommendations as provided in [**Tables B1—B3**] § **303a.10**.

(c) *Mandatory sentencing provisions.*

(1) 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.

(2) For mandatory sentencing provisions provided for in [**Title**] 30[,] Pa.C.S. Chapter 55 (relating to operation of boats) and in [**Title**] 75[, **Section**] Pa.C.S. § 1543(b) [**(relating to driving while operating privilege is suspended or revoked)**], Chapter 37[-] **Subchapter B** (relating to serious traffic offenses), Chapter 37[-] **Subchapter C** (relating to accidents and accident reports), and Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs), the court shall consider the OGS assignments as provided in [**Tables D1-D2**] §§ **303a.9 and 303a.10. Offenses subject to mandatory penalties are designated M in the Mandatory/Enhancement column in § 303a.9; all offenses listed in § 303a.10 are subject to mandatory penalties.**

(3) Mandatory sentences for which restrictive DUI probation conditions (42 Pa.C.S. § 9763(c) **(relating to conditions of probation)**) are authorized.

(i) The court shall consider the **offense-specific** sentence recommendations for a person convicted under 75 Pa.C.S. § 1543(b) [**(relating to driving while operating privilege is suspended or revoked)**], former 75 Pa.C.S. § 3731 (relating 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 [**(relating to driving after imbibing alcohol or utilizing drugs)**].

(ii) The court may use restrictive DUI probation conditions or a combination of confinement and restrictive DUI probation conditions to satisfy the mandatory minimum requirement as provided by law.

§ 303a.4. Prior record score.

(a) *General provisions.*

(1) The [**prior record score ([PRS])**] is a measure of a person's criminal history, reflecting the number and seriousness of certain previous juvenile adjudications and adult convictions. The PRS addresses the greater culpability and risk to reoffend of repeat offenders. There are five PRS categories (PRS 0—PRS 4).

(2) The PRS is determined by identifying the most serious offense for which a person was adjudicated or

convicted prior to the commission of the current offense, and then considering the number of previous adjudications or convictions of equal seriousness.

(3) [**Prior offense groups ([POG])]s, as provided in § 303a.13(a) (relating to POG/PRS tables), distinguish the seriousness of previous adjudications and convictions [and are defined in paragraph (b)] as described below. [Certain previous adjudication and conviction offenses may be removed from consideration in the prior offense groups following prescribed periods of decay or gap, as described in paragraph (c).]**

(i) POG1 includes all misdemeanors, unless designated as serious crimes.

(ii) POG2 includes all felonies of the third degree and all unclassified felonies, unless designated as serious crimes.

(iii) POG3 includes all serious crimes, defined as:

(A) All felonies of the first and second degree, unless designated as crimes of violence.

(B) All felonies of the third degree and misdemeanors of the first degree if:

(I) 18 Pa.C.S. Article B Chapters 25—32.

(II) 18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act of 1995).

(III) 42 Pa.C.S. § 9799.14 (relating to sexual offenses)

(iv) POG4 includes all crimes of violence (42 Pa.C.S. § 9714(g)) (relating to sentences for second and subsequent offenses).

(4) Certain previous adjudication and conviction offenses may be removed from consideration in the prior offense groups following prescribed periods of decay or gap, as described in paragraph (c).

(b) *Procedure for identifying previous offenses.*

(1) Identify prior offenses for which the person was adjudicated delinquent or convicted prior to the date of the current offense. The prosecution has the burden of proof in determining previous adjudications and convictions based on a preponderance of the evidence.

(2) Juvenile adjudications—consider **only** the most serious offense for which the person was adjudicated delinquent from each **prior juvenile** disposition hearing that meets the following criteria:

[**(i) person 16 years of age or older at the time of the offense.**

(ii) There was an express finding by the juvenile court that the adjudication was for a felony or a misdemeanor of the first degree (exclude consideration of all lesser offenses).]

(i) the juvenile offense occurred on or after the person's 14th birthday but prior to the person's 16th birthday and there was an express finding by the juvenile court that the adjudication was for a POG4 offense; or

(ii) the juvenile offense occurred on or after the person's 16th birthday and there was an express finding by the juvenile court that the adjudication was for a POG2, POG3 or POG4 offense.

(3) Adult convictions (including juvenile transfers)—consider every offense for which the person was convicted. [**For former Pennsylvania offenses and out-of-state offenses:**

(i) Determine the current equivalent Pennsylvania offense.

(ii) Determine the current equivalent grade of this offense.]

(4) Excluded prior offenses.

(i) Exclude prior adjudications or convictions for offenses that contribute to an increase in the grade or maximum penalty of a subsequent adjudication or conviction.

(ii) Prior DUI convictions shall not be considered in determining the PRS for any DUI sentence recommendation.

[(ii)] (iii) Exclude lapsed previous adjudication and conviction offenses as set forth in paragraph [(d)] (c).

(5) Determine the seriousness of previous adjudications and convictions based on the [following groups:] prior offense groups (POG).

[(i) POG1 includes all misdemeanors, unless designated as serious crimes.

(ii) POG2 includes all felonies of the third degree and all unclassified felonies, unless designated as serious crimes.

(iii) POG3 includes all serious crimes, defined as:

(A) All felonies of the first and second degree, unless designated as crimes of violence.

(B) All felonies of the third degree and misdemeanors of the first degree if:

(I) 18 Pa.C.S. Article B (Chapters 25—32)

(II) 18 Pa.C.S. Chapter 61-A (Uniform Firearms Act)

(III) 42 Pa.C.S. § 9799.14 (sexual offenses)

(iv) POG4 includes all crimes of violence (42 Pa.C.S. § 9714(g)).]

(c) *Lapsing of previous offenses.*

(1) Exclude prior adjudications or convictions for offenses as set forth below. [**The burden of proof is on the person, based on a preponderance of the evidence.**]

(2) *Juvenile adjudications:*

(i) [**At 21 years of age (decay), remove prior adjudications for misdemeanor offenses (POG1), unless designated as a serious crime.**

(ii)] At 25 years of age [(decay)], remove prior adjudications (decay) for [**felony offenses (POG2), unless designated as a serious crime or crime of violence**] POG2 offenses.

[(iii)] (ii) Following completion of a 10-year crime-free period since the last adjudication or conviction (gap) [,]:

(A) remove prior adjudications for [**misdemeanor and felony offenses (POG3), unless designated a crime of violence**] POG3 offenses.

(B) remove prior adjudications for POG4 offenses by persons 14 years of age or older but less than 16 years of age at the time of the juvenile offense.

[(iv)] (iii) Following completion of a 15-year crime-free period since the last adjudication or conviction (gap), remove prior adjudications for [**offenses (POG4) designated crimes of violence**] POG4 offenses by persons 16 years of age or older at the time of the juvenile offense.

(3) *Adult convictions:*

(i) Following completion of [**15**] **10** years since the conviction date of the offense (decay), remove prior convictions for [**misdemeanor offenses (POG1), unless designated a serious crime**] POG1 offenses.

(ii) Following completion of a 15-year crime-free period since release from confinement (gap), remove prior convictions for [**misdemeanor or felony offenses (POG2, POG3), unless designated a crime of violence**] POG2 and POG3 offenses.

(iii) Following completion of a 25-year crime-free period since release from confinement (gap), remove prior convictions for [**offenses (POG4) designated crimes of violence**] POG4 offenses.

(d) *Procedure for determining the prior record score category.*

(1) Based on the offenses identified and excluding those removed through lapsing, select the prior offense group based on the most serious prior adjudication or conviction offense.

(2) [**Next, count**] Count the number of prior adjudication or conviction offenses contained in that prior offense group.

[(2)] (3) Determine the PRS category based on the [**prior offense group and**] number of previous adjudications and convictions in the prior offense group, as provided in [**Table E**] § **303a.13**:

(i) *PRS 4 [(REVOC)]*. The category includes offense-specific sentence recommendations that [**include**] contain the statutory limit at Level [**D**] **E** and higher, with the category defined by two or more previous crimes of violence.

(ii) *PRS 3*. The category includes offense-specific sentence recommendations of confinement that are generally no more than double the base recommendation, with the category defined by:

(A) One previous crime of violence; or

(B) Two or more previous serious crimes; or

(C) Three or more previous felonies (excluding crimes of violence and serious crimes).

(iii) *PRS 2*. The category is defined by:

(A) One previous serious offense; or

(B) No more than two previous felonies (excluding crimes of violence and serious crimes); or

(C) Three or more previous misdemeanors (excluding serious crimes).

(iv) *PRS 1*. The category is defined by:

(A) No more than two previous misdemeanors (excluding serious crimes).

(v) *PRS 0*. The category includes offense-specific sentence recommendations that serve as the base recommendations, with the category defined by:

(A) No previous adjudications or convictions; or
 (B) Previous adjudications or convictions that have lapsed.

(e) *Miscellaneous provisions.*

(1) *Adequacy of prior record score.* The court may consider at the time of sentencing prior adjudications or convictions not counted in the calculation of the PRS, including lapsed offenses, and other factors deemed appropriate by the court.

(2) When a previous adjudication or conviction offense was committed over a range of dates, the later date shall be used to determine if the prior offense meets the criteria in paragraph (b)(1) for determining the PRS.

(3) Unless otherwise provided, the classification of a previous adjudication or conviction for an inchoate offense or an offense with classification associated with an associated or underlying offense is used to determine the prior offense group.

(4) When a previous adjudication or conviction offense was misclassified, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(5) *Former Pennsylvania offenses.*

(i) For a previous adjudication or conviction offense under a former Pennsylvania law, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(ii) Incomplete information.

(A) When there is no current equivalent Pennsylvania offense, the classification of the previous adjudication or conviction offense is used to determine the prior offense group.

(B) When the previous adjudication or conviction offense was a felony, but the grade of the felony is unknown, it shall be treated as a felony of the third degree. When the previous adjudication or conviction offense was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as a misdemeanor of the third degree.

(C) When the classification of the previous adjudication or conviction offense cannot be determined, it shall be treated as a misdemeanor of the third degree.

(D) When the previous adjudication or conviction is for an offense which includes a summary classification, and the classification of the previous adjudication or conviction offense is unknown, it shall not be included in the PRS.

(6) *Out-of-State, Federal or foreign offenses.*

(i) For a previous adjudication or conviction for an out-of-State, Federal or foreign offense, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(ii) For a court-martial for a criminal offense under the Uniform Code of Military Justice, which is considered a Federal conviction, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(iii) Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be included in the PRS.

(iv) When there is no current equivalent Pennsylvania offense, the classification of the previous adjudication or

conviction offense, based on the maximum sentence [**permitted**] **authorized for the out-of-State, Federal or foreign offense**, is used to determine the prior offense group.

(7) *Excluded offenses, charges, and convictions.* The following types of offenses, charges, and convictions shall not be scored in the PRS:

(i) 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 **234 Pa. Code** Chapter 3 (relating to accelerated rehabilitative disposition), **section 17 of The Controlled Substance, Drug, Device and Cosmetic Act** (35 P.S. § 780-117) **regarding probation without verdict** or **section 18 of The Controlled Substance, Drug, Device and Cosmetic Act** (35 P.S. § 780-118) **regarding disposition in lieu of trial or criminal punishment.**

(ii) A charge which is nolle prosequi, dismissed, or on which a demurrer is sustained.

[(iii) **Any prior conviction which contributed to an increase in the grade of a subsequent conviction.**]

§ 303a.5. [**Guideline**] **Offense-specific** sentence recommendations.

(a) *General provisions.*

(1) In writing the sentencing guidelines, the Commission strives to provide a [**benchmark**] **framework** for the judges of Pennsylvania. The guidelines serve as a common starting point at sentencing, with a standard range of **offense-specific sentence** recommendations for the typical circumstances, based on the seriousness of the conviction offense and the consideration of relevant criminal history and criminal behavior of the person. As required by statute, aggravated and mitigated ranges are included to support the exercise of discretion when other circumstances are present[, and adjustments to the guidelines are incorporated to address factors that may increase or decrease risk to public safety].

(2) Through the establishment of sentencing levels, the sentencing guidelines are anchored to the purposes of sentencing and to the authorized dispositions provided in statute. Within these levels, [**a specific guideline**] **an offense-specific** sentence recommendation is provided for each conviction offense, based on the combination of OGS and PRS, intended to promote uniformity and proportionality. [**General guideline sentence recommendations are provided for the aggregation of multiple sentences imposed during judicial proceedings, intended to promote greater consistency in the use of concurrent or consecutive sentences, and to encourage the consideration of various sentencing and correctional programs.**] “The guidelines were designed to bring greater rationality and consistency to sentences and to eliminate unwarranted disparity in sentencing.” *Commonwealth v. Mouzon*, 812 A.2d 617 (Pa., 2002).

(3) While courts are required to consider the **offense-specific sentence** recommendations, Pennsylvania’s sentencing guidelines are advisory, and courts are required to individualize sentences. “Guidelines serve the laudatory role of aiding and enhancing the judicial exercise of judgement regarding case-specific sentencing. Guidelines may help frame the 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, rather than require a particular sentence.” *Commonwealth v. Walls* (926 A.2d 957) (Pa., 2007).

(b) *Purposes of sentencing.*

(1) As provided in the Model Penal Code: Sentencing (Model Penal Code § 1.02(2)), the general purposes in decisions affecting the sentencing of persons include:

(i) To render sentences in all cases within a range of severity proportionate to the gravity of offenses, the harm done to victims, and the blameworthiness of persons; and

(ii) When reasonably feasible, to achieve person rehabilitation, general deterrence, incapacitation of dangerous persons, restitution to crimes victims, preservation of families, and reintegration of persons into the law-abiding community, provided these goals are pursued within the boundaries of proportionality.

(2) The sentencing guidelines provide a system with a primary focus on retribution, but one which allows for the fulfillment of other utilitarian sentencing purposes, including person rehabilitation, general deterrence, incapacitation to protect the public, and victim restoration.

(3) While the 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:

(i) Mandatory minimum sentencing provisions, which when applicable supersede the [**sentencing guidelines**] **offense-specific sentence** recommendations.

(ii) Diagnostic evaluations of dependency on alcohol and other drugs and clinically prescribed treatment.

(iii) 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.

(c) *Sentencing levels and [**standard range**] **offense-specific sentence** recommendations.*

(1) Eight sentencing levels are associated with [**recommended**] **standard range recommendations** for dispositions and durations, to allow for more consistent consideration of the authorized sentencing alternatives, and to address mandates related to the adoption of guidelines for probation, the use of restrictive conditions, and fines and community service. This also allows for the consideration of the risk and needs of the person, and for the use of sentencing and correctional programs.

(i) The sentencing levels increase in severity from restorative sanctions (Level A) to total confinement in a State facility (Level D through Level H, depending on the duration of the recommendation).

(ii) Consistent with retribution as the primary purpose of the guidelines, the increases in the severity of the recommendations are proportionate with increases in the seriousness of the offenses and the extent of the criminal history. The sentencing levels provide a rational basis for the consideration of both retributive and utilitarian purposes of sentencing.

(2) *Standard range recommendations*

(i) Standard range recommendations, based on each combination of the OGS, assigned pursuant to § 303a.3 (**relating to offense gravity score**), and the PRS, determined pursuant to § 303a.4 (**relating to prior**

record score), are provided in the [**Sentencing Matrix**] **sentencing matrix**, located at [§ 303a.8] § 303a.14 (**relating to sentencing matrix**). The standard range serves as a common starting point for sentencing and includes **offense-specific** sentence recommendations that apply to typical circumstances.

(ii) The standard range include specific recommendations, consistent with the sentencing level, that address the disposition and duration of a sentence, as well as the intensity of community supervision and the consideration of sentencing programs and are intended to promote uniformity and proportionality of sentencing.

(iii) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. §§ 1103 **and 1104** (relating to sentence of imprisonment for felony[]) **and § 1104 (relating to)**; **and** sentence of imprisonment for misdemeanors), the guideline sentence recommendation is capped at the statutory limit. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum period allowed by law.

(iv) Treatment alternatives, including medically assisted treatment and behavioral therapies when clinically appropriate, may be considered to address substance use [**or**], behavioral health issues, **or developmental disorders or disability**. The specialized jurisdiction of problem-solving courts, as authorized by 42 Pa.C.S. § 916 (relating to problem-solving courts), provide an avenue for the use of court-supervised individualized treatment programs and services. Other treatment programs, such as those described in § 303a.1(c) (relating to preliminary provisions), may be considered:

(A) Probation with restrictive conditions, including the use of [**the use of**] clinically prescribed treatment, may be considered for eligible persons in lieu of recommendations for confinement in a county facility.

(B) Restrictive DUI probation conditions may be used to satisfy the mandatory minimum sentencing requirements for eligible persons.

(C) Persons committed to the Department may be recommended or made eligible by the court for certain correctional programs, including the State motivational boot camp program and the State drug treatment program.

(3) The sentencing levels and related standard range **offense-specific sentence** recommendations are described below:

(i) Level A, generally limited to restorative sanctions recommendations.

(A) The guidelines [**encourage**] **recommend** consideration of the use of restorative sanctions, including **restitution, fines, community service, [economic sanctions]** or other authorized sanctions not requiring probation or confinement **or limited to administrative probation**. The use of restorative sanctions at this level, with a focus on reparations and restorative justice, supports the utilitarian purpose of restoration.

(B) Restorative sanctions recommendations [**may be satisfied by the following**] **include non-confinement and limited supervision alternatives such as:**

(I) Guilt without further penalty when the court determines probation would be appropriate but unnecessary.

(II) A fine, within the limits provided by law, or any amount equal to double the pecuniary gain derived from the offense by the person, or the use of community service as a non-monetary alternative, as a restorative sanction may be ordered as a **[restorative sanction without probation or confinement] direct sentence or as a condition of administrative probation, subject to the defendant's ability to pay.** The fines/community service guidelines, included with each guideline sentence recommendation, provide a range of recommended community service hours; the comparable fine is determined by multiplying the number of hours recommended by the person's hourly wage, or by the current minimum wage.

(III) *Restitution as a mandatory requirement.* The court is required to order the person to compensate the victim for damage or injury sustained because of the offense. Restitution as a restorative sanction may be ordered **[without probation or confinement.] as a direct sentence, or upon consideration of the defendant's ability to pay, as a condition of administrative probation.**

(IV) **[Costs as a mandatory requirement. The court is required to order the person to pay costs. Costs as a restorative sanction may be ordered without probation or confinement.**

(V) **Probation] Administrative probation** in limited circumstances as necessary to fulfill court-ordered obligations for a period not to exceed six months.

(ii) Level B, limited to probation recommendations.

(A) The guidelines **[encourage] recommend** consideration of the use of probation to provide community supervision with the minimal control necessary to fulfill court-ordered obligations. The use of probation at this level, with consideration of restorative sanctions, supports the utilitarian purposes of rehabilitation and restoration.

(B) Probation recommendations include:

(I) The use of **general** probation, not to exceed two years and as provided, with general conditions; and the consideration of fines/community service or other restorative sanctions as general conditions of **general** probation.

(II) The use of probation, not to exceed two years and as designated, with restrictive conditions for a period less than three months and as designated (RC) for persons with greater criminal history, to increase the intensity of supervision and services; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(iii) Level C, limited to confinement in a county facility, while providing for the use of probation with restrictive conditions as an alternative when eligible and appropriate.

(A) The guidelines **[encourage the] recommend** consideration of confinement in a county facility, or an equivalent period of restrictive conditions of probation, with the court retaining jurisdiction of the case. The use of county confinement with the court authorized to consider county programs and county parole, or in the alternative, the court having the discretion to use probation with restrictive conditions to provide community supervision and/or treatment, supports multiple utilitarian purposes including deterrence, rehabilitation, and restoration.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a county facility, with a minimum term less than 12 months and as designated, and a maximum term of less than 24 months; with the court authorized to consider a county reentry program or partial release program as provided in § 303a.1(c), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates).

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(C) Probation with restrictive conditions recommendations include:

(I) Consideration of the eligibility requirements, as provided in § 303a.1(c), for the use of county intermediate punishment programs as restrictive conditions of probation.

(II) The use of probation, not to exceed two years and as designated, with restrictive conditions for a period less than 12 months and as designated (RC) for persons with greater criminal history, to increase the intensity of supervision and services; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended period of restrictive conditions.

(iv) Level D, while recommending confinement in a State facility, provides for confinement in a county facility when authorized by statute or the use of probation with restrictive conditions when eligible and appropriate.

(A) The guidelines **[encourage the] recommend** consideration of confinement in a State facility with consideration of certain correctional programs; or if authorized by statute, confinement in a county facility, with the court authorized to consider county programs and county parole; or the use of probation with restrictive conditions as an alternative to or in combination with confinement in a county facility to provide community supervision and/or treatment. The use of confinement, with consideration of sentencing and correctional programs, supports multiple utilitarian purposes including incapacitation, deterrence, rehabilitation, and restoration.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term of 12 months or more but less than 30 months and as provided in 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement), and a maximum term of less than 60 months; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) The use of confinement in a county facility, with a minimum term of 12 months or more but less than 30

months and as provided in 42 Pa.C.S. § 9762 [**(relating to sentencing proceeding; place of confinement)**], and a maximum term of less than 60 months; with the court authorized to consider a county reentry program or partial release program as provided in § 303a.1(c), and county parole pursuant to 42 Pa.C.S. § 9776 [**(relating to judicial power to release inmates)**].

(IV) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

[**(C) Probation with restrictive conditions recommendations include:**

(I) **Consideration of the eligibility requirements, as provided in § 303a.1(d), for the use of county intermediate punishment programs as restrictive conditions of probation.**

(II) **The use of probation, not to exceed two years, with restrictive conditions for a period of 12 months or less and as designated (RC); and the consideration of fines/community service or other restorative sanctions as general conditions of probation.**

(III) **Unless otherwise designated, the range of months in the standard range refers to the recommended period of restrictive conditions.]**

(v) Level E, limited to confinement in a State facility.

(A) The guidelines [**encourage the**] **recommend** consideration of confinement in a State facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level E are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term of 30 months or more recommended, including consideration of the statutory limit for [**repeat violent offenders (REVOC)**] **PRS 4**, with the maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 (relating to sentence of total confinement); with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [**(relating to specific powers of board involving offenders)**].

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(vi) Level F, limited to confinement in a State facility for offenses with a statutory maximum greater than 20 years.

(A) The guidelines [**encourage the**] **recommend** consideration of confinement in a State facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level F are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term of 90 months or more recommended, including consideration of the statutory limit for [**repeat violent offenders (REVOC)**] **PRS 4**, with a maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 [**(relating to sentence of total confinement)**]; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [**(relating to specific powers of board involving offenders)**].

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(vii) Level G, limited to confinement in a State facility for the offense of murder of the third degree, which has a statutory maximum of 40 years.

(A) The guidelines [**encourage the**] **recommend** consideration of confinement in a State facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level G are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term standard range recommendation of no less than 72 months and including the statutory limit of 240 months; with a maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 [**(relating to sentence of total confinement)**]; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [**(relating to specific powers of board involving offenders)**].

(III) Because of the wide range of circumstances contributing to convictions for murder of the third degree, the Commission has provided an extraordinarily wide standard range for consideration by the court, with a lower limit of 72 months and an upper limit of 240 months, which is the statutory limit. An enhancement, which increases the lower limit to 90 months, applies when the victim is less than 13 years of age. To refine future guidelines and promote greater proportionality and uniformity in sentencing, the Commission requires the court to report reasons for all sentences imposed for murder of the third degree.

(IV) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(viii) Level H, limited to confinement in a State facility for the offenses of murder of the first degree and murder of the second degree.

(A) Level H includes convictions for which the penalty is the same as the penalty for murder of the first degree or murder of the second degree, including but not limited to:

(I) 18 Pa.C.S. § 2507 (relating to criminal homicide of law enforcement officer).

(II) 18 Pa.C.S. § 2604 (relating to murder of unborn child).

(III) 18 Pa.C.S. § 2716 (relating to weapons of mass destruction).

(IV) 18 Pa.C.S. § 3301 (relating to arson and related offenses).

(B) The following three age categories apply:

(I) Persons 18 years of age or older at the time of the offense;

(II) Persons 15 years of age or older but less than 18 years of age at the time of the offense; and

(III) Persons 10 years of age or older but less than 15 years of age at the time of the offense.

(C) If person is under 18 years of age at the time of the offense and the conviction occurred after June 24, 2012, the court shall consider the recommendations provided in Level H. 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 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer)).

(D) The statute requires confinement in a State facility, and the mandatory minimum requirements provide the lower limit of the recommendations in Level H, with recommendations increasing based on criminal history. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level H are incapacitation and deterrence.

(E) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, for those under 18 years of age at the time of the offense, considers the mandatory minimum sentencing requirements and criminal history in determining the minimum sentence recommendation. The maximum sentence authorized by statute is life, including life without the possibility of parole (LWOP), but excluding the death penalty. When sentenced to a minimum term of less than LWOP, parole authority is under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [relating to specific powers of board involving offenders].

(III) The use of confinement in a State facility, for those 18 years or age or older at the time of the offense, penalties are limited to LWOP or death.

(F) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

§ 303a.6. Aggravated and mitigated circumstances.

(a) *Aggravated and mitigated ranges.* As required by 42 Pa.C.S. § 2154(b)(4) (relating to adoption of guidelines for sentencing), the sentencing guidelines provide aggravated

and mitigated ranges as variations from the standard range on account of aggravating and mitigating circumstances.

(b) *Conformity to the guidelines.* A sentence imposed in the standard range, aggravated range, or mitigated range is considered a sentence within the guidelines. A sentence imposed with a disposition or duration more severe than the aggravated range recommendation, less severe than the mitigated range recommendation, or without consideration of applicable guideline sentencing standards, is considered a departure from the guidelines.

[(b)] (c) *Aggravated ranges.* When the court determines that aggravating circumstances are present, the court may consider the aggravated range of the sentencing guidelines. The aggravated range is determined by adding the designated number of months listed on the [**Sentencing Matrix**] sentencing matrix (AGG/MIT column), located in § 303a.14 (relating to sentencing matrix), to the top of the standard range recommendation as follows:

(1) At Level A, the aggravated range is determined by adding three months of **general** probation to the top of the standard range recommendation. When the top of the standard range recommendation is RS, the aggravated range recommendation is [a] any period of **general** probation up to and including three months of **general** probation; when the top of the standard range recommendation is [6] six months of **general** probation, the aggravated range recommendation is any period of **general** probation greater than six months up to and including nine months of **general** probation.

(2) At Level B, the aggravated range is determined by adding six months of **general** probation to the standard range recommendation. When the standard range recommendation is 6 months of **general** probation, the aggravated range recommendation is a period of **general** probation greater than [six] 6 months up to and including [twelve] 12 months of **general** probation; when the standard range recommendation is 24 months of **general** probation, the aggravated range recommendation is any period of **general** probation greater than 24 months up to and including 30 months of **general** probation. The use of confinement [,] or [the use of] restrictive conditions, for a period longer than designated in the standard range recommendation, is a procedural departure from the guidelines.

(3) At Level C through Level H, the aggravated range recommendation is determined by adding the number of months of **confinement** designated below to the top of the standard range recommendations:

(i) Level C = 3 months.

(ii) Level D = [4] 6 months.

(iii) Level E = [6] 9 months.

(iv) Level F = 12 months.

(v) Level G = [12 months] no aggravated range (standard range includes the statutory limit).

(vi) Level H = 24 months.

(4) As an example, when the top of the standard range recommendation is a minimum term of confinement of four months (Level C), the aggravated range recommendation is a minimum term of confinement of greater than four months up to and including a minimum term of

confinement of seven months; when the top of the standard range recommendation is a minimum term of confinement of 60 months (Level E), the aggravated range recommendation is a minimum term of confinement of greater than 60 months up to and including a minimum term of confinement of [66] 69 months.

(5) When the guideline sentence recommendation is higher than the statutory limit, the statutory limit shall be the upper limit of the aggravated range.

[(c)] (d) *Mitigated ranges.* When the court determines that mitigating circumstances are present, the court may consider the mitigated range of the sentencing guidelines. The mitigated range is determined by subtracting the designated number of months listed on the [**Sentencing Matrix**] **sentencing matrix** (AGG/MIT column), **located in § 303a.14**, from the bottom of the standard range recommendation as follows:

(1) At Level A, [**the mitigated range is determined by subtracting three months of probation from the bottom of the standard range recommendation. There**] **there** is no mitigated range [**at Level A**], since the bottom of the standard range is restorative sanctions, which excludes **general** probation.

(2) At Level B, the mitigated range is determined by subtracting six months of **general** probation from the standard range recommendation. When the standard range recommendation is 6 months of **general** probation [**or less**], the mitigated range recommendation is RS [**(restorative sanctions)**] **or any period of general probation less than 6 months**; when the standard range recommendation is 24 months of **general** probation, the mitigated range recommendation is any period of **general** probation of 18 months or greater but less than 24 months of **general** probation. **When the standard range recommendation is a minimum of one month restrictive conditions (RC), [The recommended duration] the mitigated range recommendation of [restrictive conditions] RC is [reduced by one month] no RC to less than one month RC.**

(3) At Level C through Level H, the mitigated range recommendation is determined by subtracting the number of months **of confinement** designated below from the bottom of the standard range recommendations:

- (i) Level C = 3 months.
- (ii) Level D = [4] 6 months.
- (iii) Level E = [6] 9 months.
- (iv) Level F = 12 months.
- (v) Level G = 12 months.
- (vi) Level H = 24 months.

(4) As an example, when the bottom of the standard range recommendation is a minimum term of confinement of [**three**] 3 months or less (Level C), the mitigated range recommendation is RS [**(restorative sanctions)**]; when the bottom of the standard range recommendation is a minimum term of confinement of 60 months (Level E), the mitigated range recommendation is a minimum term of confinement of [54] 51 months or greater but less than 60 months.

(5) When the guideline sentence recommendation is lower than the sentence required by a mandatory sentencing statute, the mandatory minimum sentence shall be the lower limit of the mitigated range.

[(d)] (e) *Departures from the guidelines.* Any sentence imposed with a disposition or duration more severe than the aggravated range recommendation is considered a departure above the guidelines. Any sentence imposed with a disposition or duration less severe than the mitigated range recommendation is considered a departure below the guidelines. Any sentence imposed without consideration of applicable guideline [**requirements**] **sentencing standards**, such as completion of a diagnostic assessment for use of certain restrictive conditions of probation, is considered a procedural departure.

[(e)] (f) *Reasons for sentence.*

(1) When the court imposes a sentence for murder of the third degree, or imposes a sentence in the aggravated or mitigated range, or [**departs**] **imposes a sentence that is a departure** from the [**sentencing**] guidelines, [**it shall consider and**] **the court shall** state on the record **and report to the Commission** a reason or reasons for the sentence [**, including**]. **The court may consider**, but **is** not limited to the following:

(i) Nature and circumstances of the offense:

- (A) Neither caused nor threatened serious harm.
- (B) Conduct substantially influenced by another person.
- (C) Acted under strong provocation.
- (D) Substantial grounds to justify conduct.
- (E) Role in offense.
- (F) Purity of controlled substance.
- (G) Abuse of position of trust.
- (H) Vulnerability of victim.
- (I) Temporal pattern.
- (J) Offense pattern.

(K) Multiple offenses in a criminal incident.

(ii) History and character of the person:

- (A) No history of criminal conduct.
- (B) Substantial period of law-abiding behavior.
- (C) Circumstances unlikely to recur.
- (D) Likely to respond affirmatively to probation.
- (E) Imprisonment would entail excessive hardship.
- (F) Accepts responsibility.
- (G) Provides substantial assistance.
- (H) Compensated victim or community.
- (I) Character and attitude.

(J) Treatment for substance abuse, behavioral health issues, or developmental disorders or disability.

(2) Unless otherwise prohibited by statute, the consideration of validated assessments of risk, needs and responsibility, or clinical evaluations may be considered to guide decisions related to the intensity of intervention, use of restrictive conditions, and duration of community supervision.

(3) 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 PRS, in addition to other factors deemed appropriate by the court.

[(f)] (g) *Reporting of reasons.* When the court imposes a sentence for murder of the third degree, or

imposes an aggravated or mitigated sentence, or [**departs**] **imposes a sentence that is a departure** from the guidelines, the court shall include the reasons on the guideline sentence form, and electronically transmit the information to the Commission in the manner described § 303a.2 (**relating to guideline sentencing standards**).

§ 303a.7. Judicial proceeding [**recommendations**] **considerations**.

(a) *General [guideline sentence recommendations] provisions.* [**General guideline sentence recommendations**] **Judicial proceeding considerations** are provided to address the imposition of multiple sentences [**during a judicial proceeding to**], **encouraging practices that** promote greater consistency in the use of concurrent or consecutive sentences, and [**to encourage the**] **promote** consideration of various sentencing and correctional programs.

(b) *Concurrent and consecutive sentences.* As provided in 42 Pa.C.S. § 9721(a) (relating to sentencing generally), the court may impose one or more sentencing alternatives consecutively or concurrently. When a judicial proceeding includes sentences for multiple convictions, [**the guidelines encourage the consideration of imposing**] **the court is encouraged to consider the imposition of** concurrent sentences for lesser conviction offenses within the same criminal incident. Exceptions include:

(1) Sentences for crimes of violence, **and for convictions involving sexual assault, domestic violence, and vulnerable victims.**

(2) Consecutive sentences [**are**] **when** required by law, including but not limited to:

(i) 18 Pa.C.S. § 2703(b) (relating to assault by prisoner).

(ii) 42 Pa.C.S. § 9711.1(c) (relating to sentencing for certain murders of infant persons).

(iii) 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).

(iv) 61 Pa.C.S. § 6137.2 (relating to reentry supervision).

(v) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under [**the**] influence).

(vi) 75 Pa.C.S. § 3804(c.2) and (c.3) (relating to penalties [**for driving under the influence**]).

(3) Proceedings in which there are multiple crime victims, **or multiple criminal incidents.**

(4) **Circumstances for which a longer sentence is warranted to address treatment needs.**

(c) *Consecutive sentences of total confinement.* As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses), when the court determines that a sentence should be imposed consecutive to one being then imposed or one previously imposed, the court shall indicate the minimum sentence to be served for the total of all offenses; the minimum sentence shall not exceed one-half of the maximum sentence imposed. For purposes of the guidelines, the total confinement sentence imposed during the judicial proceeding shall be considered the aggregate confinement sentence.

(d) *Consideration of sentencing and correctional programs.* When the aggregate confinement sentence authorizes the use of a county facility, the [**guidelines encourage consideration of**] **court is encouraged to consider** a county reentry program or partial release program as provided in § 303a.1(c) (relating to preliminary provisions), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates). When the aggregate confinement sentence authorizes the use of a State facility, the guidelines encourage the court to determine the eligibility and appropriateness of the specified Department programs provided in § 303a.1(c); parole authority in such cases is under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(e) *Consecutive sentences of probation.* Unless otherwise provided, the [**guidelines recommend the duration of the aggregate term of probation imposed during a judicial proceeding not exceed five years**] **court is encouraged to limit the aggregate term of probation imposed during a judicial proceeding to no more than five years**; and that the duration of the restrictive conditions of probation, or a combination of confinement without parole, as provided in 42 Pa.C.S. §§ 9755(h) **and 9756(c.1)** (relating to sentence of partial confinement[] **and 9756(c.1) (relating to)**; **and** sentence of total confinement), and restrictive conditions of probation, not exceed the **aggregate** months of confinement recommended in the **sentencing** guidelines.

§ 303a.8. **Effective dates of sentencing guidelines editions.**

<i>Effective Date</i>	<i>Sentencing Guidelines Edition</i>
07-22-1982	First Edition
06-03-1983	—Amendment 1
01-02-1986	—Amendment 2
06-05-1986	Second Edition
04-25-1988	Third Edition
08-09-1991	—Revised
12-20-1991	—Revised, Amendment 1

<i>Effective Date</i>	<i>Sentencing Guidelines Edition</i>
08-12-1994	Fourth Edition
06-13-1997	Fifth Edition
06-03-2005	Sixth Edition
12-05-2008	—Revised
12-28-2012	Seventh Edition
09-27-2013	—Amendment 1
09-26-2014	—Amendment 2
09-25-2015	—Amendment 3
01-01-2018	—Amendment 4
06-01-2018	—Amendment 4, Supplement
01-01-2020	—Amendment 5
01-01-2021	—Amendment 6
01-01-2024	Eighth Edition

All editions of the sentencing guidelines are posted on the Commission's web site and **are** available upon request.

§ 303a.9. Offense listing (OGS/POG assignments).

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
PART I					
901	Criminal attempt (inchoate)	18 Pa.C.S. § 905	F-1 (-1)		
902	Criminal solicitation (inchoate)	18 Pa.C.S. § 905	F-1 (-1)		
903	Criminal conspiracy (inchoate)	18 Pa.C.S. § 905	F-1 (-1)		
908(a)	Prohibited offensive weapons	M-1	6	POG1	
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	12	POG3	
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	10	POG3	
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	6	POG1	
908.1(c)	Use/possess electric incapacitation device (prohibited possession)	M-1	7	POG1	
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	12	POG3	
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	13	POG3	
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	12	POG3	
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	13	POG3	
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	12	POG3	
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	13	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	12	POG3	
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	13	POG3	
911(b)(1)	Corrupt organizations	F-1	13	POG3	
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	13	POG3	
911(b)(3)	Corrupt organizations-employee participation	F-1	13	POG3	
911(b)(4)	Corrupt organizations-conspire	F-1	13	POG3	
PART II	ARTICLE A				
2103	Insults to national or Commonwealth flag	M-2	3	POG1	
PART II	ARTICLE B				
2502 Inchoate	—Attempt/solicitation/conspiracy to murder (SBI)	18 Pa.C.S. § 1102(c)	26	POG4	
2502 Inchoate	—Attempt/solicitation/conspiracy to murder (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2502(a)	Murder-1st degree	Murder of 1st Degree	H6	POG4	
2502(a)	Murder-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2502(a)	Murder-1st degree (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2502(b)	Murder-2nd degree	Murder of 2nd Degree	H5	POG4	
2502(b)	Murder-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2502(b)	Murder-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	
2502(c)	Murder-3rd degree	F-1	G1	POG4	
2502(c)*	Murder-3rd degree (victim <13 yrs.)	F-1	G2	POG4	
2502(c)*	Murder-3rd degree (committed in association with a criminal gang)	F-1	G2	POG4	
2502(c)*	Murder-3rd degree (involving domestic violence)	F-1	G2	POG4	
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	19	POG4	
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	19	POG4	
2503(b)	Voluntary manslaughter (believe justified)	F-1	19	POG4	
2504(a)	Involuntary manslaughter (victim <12 yrs.)	F-2	13	POG3	
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	12	POG3	
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	12	POG3	
2504(a)*	Involuntary manslaughter	M-1	10	POG3	
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	H6	POG4	
2505(a)	Suicide, causing (as homicide/murder 1) (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2505(a)	Suicide, causing (as homicide/murder 1) (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	H5	POG4	
2505(a)	Suicide, causing (as homicide/murder 2) (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2505(a)	Suicide, causing (as homicide/murder 2) (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	G1	POG4	
2505(a)*	Suicide, causing (as homicide/murder 3) (<18/disability/autism)	F-1	G2	POG4	
2505(a)	Suicide, causing (as homicide/vol. manslaughter)	F-1	19	POG4	
2505(a)*	Suicide, causing (as homicide/vol. manslaughter) (<18/disability/autism)	F-1	20	POG4	
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	11	POG3	
2505(a)*	Suicide, causing (as homicide/invol. manslaughter) (<18/disability/autism)	M-1	12	POG3	
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (victim <12 yrs.)	F-2	13	POG3	
2505(a)*	Suicide, causing (as homicide/invol. manslaughter) (victim <12 yrs.) (<18/disability/autism)	F-2	14	POG3	
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (w/ DUI or BUI conviction)	M-1	12	POG3	
2505(a)*	Suicide, causing (as homicide/invol. manslaughter) (w/ DUI or BUI conviction) (<18/disability/autism)	M-1	13	POG3	
2505(b)*	Suicide, aiding or soliciting (positive result) (<18/disability/autism)	F-2	12	POG3	
2505(b)	Suicide, aiding or soliciting (no result)	M-2	3	POG1	
2505(b)*	Suicide, aiding or soliciting (no result) (<18/disability/autism)	M-2	4	POG1	
2506(a)	Drug delivery resulting in death	F-1	22	POG4	
2507 Inchoate	—Attempt/solicitation/conspiracy to murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	26	POG4	
2507 Inchoate	—Attempt/solicitation/conspiracy to murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2507(a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	H6	POG4	
2507(a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2507(a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2507(b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	H5	POG4	
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2507(b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	
2507(c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	20	POG4	
2507(c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	20	POG4	
2507(c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	20	POG4	
2507(d)	Manslaughter of law enforcement officer (2nd degree)	F-2	14	POG4	
2604 Inchoate	—Attempt/solicitation/conspiracy to murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	26	POG4	
2604 Inchoate	—Attempt/solicitation/conspiracy to murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2604(a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	H6	POG4	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2604(a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2604(a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2604(b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	H5	POG4	
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	
2604(c)(1)	Murder of unborn child-3rd degree	F-1	G2	POG4	
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	19	POG3	
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	19	POG3	
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	19	POG3	
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	20	POG4	
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	18	POG4	
2701(a)(1)	Simple assault-attempt/cause BI	M-2	7	POG1	
2701(a)(1)*	Simple assault-cause BI (against child <12 by adult >=18)	M-1	9	POG3	
2701(a)(1)*	Simple assault-attempt BI (against child <12 by adult >=18)	M-1	8	POG3	
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	5	POG1	
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	7	POG1	
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18)	M-1	9	POG3	
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	5	POG1	
2701(a)(3)	Simple assault-cause fear of SBI	M-2	7	POG1	
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult >=18)	M-1	8	POG3	
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	5	POG1	
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	7	POG1	
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18)	M-1	8	POG3	
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	5	POG1	
2702(a)(1)*	Aggravated assault-cause SBI	F-1	18	POG4	
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	16	POG4	
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	19	POG4	
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	17	POG4	
2702(a)(3)*	Aggravated assault-cause BI to police/enumerated persons	F-2	12	POG3	
2702(a)(3)*	Aggravated assault-attempt BI to police/enumerated persons	F-2	10	POG3	
2702(a)(4)*	Aggravated assault-cause BI w/ deadly weapon	F-2	14	POG3	
2702(a)(4)*	Aggravated assault-attempt BI w/ deadly weapon	F-2	12	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2702(a)(5)*	Aggravated assault-cause BI to teacher, etc.	F-2	12	POG3	
2702(a)(5)*	Aggravated assault-attempt BI to teacher, etc.	F-2	10	POG3	
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	10	POG3	
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	10	POG3	
2702(a)(8)*	Aggravated assault-cause BI (against child <6 by person >=18)	F-2	13	POG3	
2702(a)(8)*	Aggravated assault-attempt BI (against child <6 by person >=18)	F-2	11	POG3	
2702(a)(9)*	Aggravated assault-cause SBI (against child <13 by person >=18)	F-1	20	POG3	
2702(a)(9)*	Aggravated assault-attempt SBI (against child <13 by person >=18)	F-1	18	POG3	
2702.1(a)(1)	Assault of law enforcement officer-discharge firearm (cause BI)	F-1	28	POG4	
2702.1(a)(1)	Assault of law enforcement officer-discharge firearm (attempt BI)	F-1	27	POG4	
2702.1(a)(2)	Assault of law enforcement officer-cause/attempt contact with blood, seminal fluid, saliva, urine or feces	F-3	10	POG3	
2703(a)(1)(ii)	Assault by prisoner-against employee deadly weapon/likely to cause BI	F-2	12	POG3	
2703(a)(3)	Assault by prisoner-against employee with deadly weapon/likely SBI	F-1	17	POG3	
2703.1	Aggravated harassment by prisoner	F-3	10	POG2	
2704	Assault by life prisoner	Murder of 2nd Degree	H5	POG4	
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	22	POG4	
2705	Recklessly endangering another person	M-2	7	POG1	
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	8	POG3	
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	8	POG3	
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	8	POG3	
2707(b)	Propulsion of missiles onto a roadway	M-2	5	POG1	
2707.1(a)	Discharge of firearm into an occupied structure	F-3	15	POG3	
2709(a)(1)	Harassment-subject other physical contact (prev. violation of order)	M-3	5	POG1	
2709(a)(2)	Harassment-follow in public place (prev. violation of order)	M-3	5	POG1	
2709(a)(3)	Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)	M-3	5	POG1	
2709(a)(4)	Harassment-lewd communication	M-3	5	POG1	
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	5	POG1	
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	5	POG1	
2709(a)(7)	Harassment-repeated communication: other	M-3	5	POG1	
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	10	POG3	
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	10	POG3	
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	10	POG3	
2710	Ethnic intimidation	18 Pa.C.S. § 2710(b)	(+2)		
2712(a)	Assault-sports official	M-1	8	POG3	
2713(a)(1)	Neglect of care-dependent person-no treatment (cause death)	F-1	18	POG3	
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	16	POG3	
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause death)	F-1	18	POG3	
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	16	POG3	
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct)	F-3	8	POG3	
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc.	M-2	5	POG1	
2713.1(a)(2)	Abuse of care-dependent person-offense under 18 § 2709.1 (relating to stalking)	F-3	8	POG3	
2713.1(a)(3)	Abuse of care-dependent person-intent to ridicule/demean	M-3	2	POG1	
2714	Unauthorized administration of intoxicant	F-3	12	POG3	
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	8	POG3	
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	10	POG3	
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	10	POG3	
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	10	POG3	
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	10	POG3	
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	18	POG3	
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	H5	POG4	
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	22	POG4	
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	22	POG4	
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	22	POG4	
2717	Terrorism	18 Pa.C.S. § 2717	(+2)	POG4	
2718(a)(1)	Strangulation-applying pressure to throat or neck	M-2	7	POG1	
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-2	13	POG4	
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-1	16	POG4	
2718(a)(2)	Strangulation-blocking nose and mouth	M-2	7	POG1	
2718(a)(2)	Strangulation-blocking nose and mouth	F-2	13	POG4	
2718(a)(2)	Strangulation-blocking nose and mouth	F-1	16	POG4	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2719(a)(1)	Endangerment of public safety official-reckless disregard	M-1	7	POG3	
2719(a)(1)	Endangerment of public safety official-reckless disregard (resulting in BI)	F-2	11	POG3	
2719(a)(2)	Endangerment of public safety official-intent to threaten, intimidate, or facilitate the commission of a crime	M-1	7	POG3	
2719(a)(2)	Endangerment of public safety official-intent to threaten, intimidate, or facilitate the commission of a crime (resulting in BI)	F-2	11	POG3	
2802(a)(1)	Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(2)	Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(3)	Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(4)	Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(5)	Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(6)	Hazing a minor or student-endure other activity (reasonable likelihood of BI)	M-3	5	POG1	
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (SBI)	F-3	10	POG3	
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (death)	F-3	11	POG3	
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI)	F-3	10	POG3	
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death)	F-3	11	POG3	
2901(a)(1)	Kidnapping-for ransom (victim \geq 18 yrs.)	F-1	15	POG4	
2901(a)(2)	Kidnapping-to facilitate a felony (victim \geq 18 yrs.)	F-1	15	POG4	
2901(a)(3)	Kidnapping-to inflict terror, BI (victim \geq 18 yrs.)	F-1	15	POG4	
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim \geq 18 yrs.)	F-1	15	POG4	
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs.)	F-1	16	POG4	
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs.)	F-1	17	POG4	
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs.)	F-1	16	POG4	
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs.)	F-1	17	POG4	
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs.)	F-1	17	POG4	
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs.)	F-1	17	POG4	
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs.)	F-1	16	POG4	
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs.)	F-1	17	POG4	
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs.)	F-2	12	POG3	
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs.)	F-2	12	POG3	
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs.)	F-2	12	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs.)	F-2	12	POG3	
2903(a)	False imprisonment (victim >=18 yrs.)	M-2	6	POG1	
2903(b)	False imprisonment (victim <18 yrs.)	F-2	12	POG3	
2903(c)	False imprisonment by parent (victim<18 yrs.)	F-2	10	POG3	
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	12	POG3	
2904(a)*	Interfere with custody of children (parent/guardian)	F-3	9	POG3	
2904(a)*	Interfere with custody of children	F-3	9	POG3	
2904(a)*	Interfere with custody of children-good cause/time <24 hrs. (parent/guardian)	M-2	7	POG1	
2904(a)*	Interfere with custody of children-good cause/time <24 hrs.	M-2	7	POG1	
2905(a)	Interfere with custody of committed person	M-2	6	POG1	
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	5	POG1	
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	5	POG1	
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	5	POG1	
2906(a)(4)	Criminal coercion-threaten official act	M-2	5	POG1	
2910(a)	Luring a child into motor vehicle/structure (child <13 yrs.)	F-2	13	POG3	
3011(a)(1)	Trafficking in individuals-recruits, entices, solicits, harbors, etc.	F-1	15	POG4	E
3011(a)(1)	Trafficking in individuals recruits, entices, solicits, harbors, etc. (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b))	F-1	27	POG4	E
3011(a)(2)	Trafficking in individuals-knowingly benefits financially	F-1	15	POG4	E
3011(a)(2)	Trafficking in individuals-knowingly benefits financially (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b))	F-1	27	POG4	E
3011(a)(3)	Trafficking in individuals-knows or recklessly disregards	F-2	13	POG4	E
3011(a)(4)	Trafficking in individuals-knowingly benefits financially	F-2	13	POG4	E
3012(b)(1)*	Involuntary servitude-cause serious harm	F-1	15	POG3	E
3012(b)(1)*	Involuntary servitude-threaten serious harm	F-1	13	POG3	E
3012(b)(2)*	Involuntary servitude-physically restrain another	F-1	15	POG3	E
3012(b)(2)*	Involuntary servitude-threaten to physically restrain another	F-1	13	POG3	E
3012(b)(3)*	Involuntary servitude-kidnap	F-1	18	POG3	E
3012(b)(3)*	Involuntary servitude-attempt to kidnap	F-1	16	POG3	E
3012(b)(4)*	Involuntary servitude-abuse legal process	F-1	15	POG3	E
3012(b)(4)*	Involuntary servitude-threaten to abuse legal process	F-1	13	POG3	E
3012(b)(5)	Involuntary servitude-taking/retaining personal property	F-1	15	POG3	E
3012(b)(6)	Involuntary servitude-unlawful conduct of documents	F-1	15	POG3	E
3012(b)(7)	Involuntary servitude-extortion	F-1	15	POG3	E
3012(b)(8)	Involuntary servitude-fraud	F-1	15	POG3	E
3012(b)(9)	Involuntary servitude-criminal coercion	F-1	15	POG3	E
3012(b)(10)	Involuntary servitude-duress through force	F-1	15	POG3	E
3012(b)(10)	Involuntary servitude-duress through threat of force	F-1	13	POG3	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3012(b)(11)	Involuntary servitude-debt coercion	F-1	15	POG3	E
3012(b)(12)	Involuntary servitude-facilitate/restrict access to controlled substance	F-1	15	POG3	E
3012(b)(13)	Involuntary servitude-cause believe harm/restraint to another	F-1	15	POG3	E
3013(a)(1)*	Patronizing victim of sexual servitude	F-1	15	POG3	
3013(a)(1)*	Patronizing victim of sexual servitude-minor victim	F-1	18	POG3	
3013(a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard (1st offense)	F-3	9	POG3	
3013(a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard; minor victim (1st offense)	F-3	10	POG3	
3013(a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard (2nd/subsq offense)	F-1	14	POG3	
3013(a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard: minor victim (2nd/subsq offense)	F-1	16	POG3	
3015(a)(1)	Nonpayment of wages (<\$2,000)	M-3	5	POG1	
3016	Obstruction of justice-interfere with enforcement of Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	See § 303.3 (a)(3)(ii)		
3121(a)(1)	Rape-forcible compulsion	F-1	21	POG4	
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	23	POG4	
3121(a)(2)	Rape-threat of forcible compulsion	F-1	20	POG4	
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	23	POG4	
3121(a)(3)	Rape-unconscious victim	F-1	21	POG4	
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	23	POG4	
3121(a)(4)	Rape-substantially impaired victim	F-1	21	POG4	
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	23	POG4	
3121(a)(5)	Rape-mentally disabled victim	F-1	21	POG4	
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	23	POG4	
3121(c)	Rape-child (victim <13 yrs.)	F-1	27	POG4	
3121(d)	Rape-child w/ SBI (victim <13 yrs.)	F-1	28	POG4	
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs. (person 8-<11 yrs. older)	F-2	12	POG3	
3123(a)(1)	IDSI-forcible compulsion	F-1	21	POG4	
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	20	POG4	
3123(a)(3)	IDSI-unconscious victim	F-1	21	POG4	
3123(a)(4)	IDSI-substantially impaired victim	F-1	21	POG4	
3123(a)(5)	IDSI-mentally disabled victim	F-1	21	POG4	
3123(a)(7)	IDSI-victim <16 yrs. (person ≥4 yrs. older)	F-1	21	POG4	
3123(b)	IDSI-child (victim <13 yrs.)	F-1	27	POG4	
3123(c)	IDSI-child w/ SBI (victim <13 yrs.)	F-1	28	POG4	
3124.1	Sexual assault	F-2	18	POG4	
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs.)	F-3	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	10	POG3	
3124.2(a.3)	Institutional sexual assault-by childcare volunteer/employee	F-3	10	POG3	
3124.2(a.4)(1)	Institutional sexual assault by peace officer	F-3	10	POG3	
3124.2(a.4)(2)	Institutional sexual assault by peace officer-child (victim <18)	F-3	10	POG3	
3124.2(a.6)(1)	Institutional sexual assault by caretakers	F-3	10	POG3	
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	15	POG4	
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs.)	F-1	21	POG4	
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	15	POG4	
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs.)	F-1	20	POG4	
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	17	POG4	
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs.)	F-1	21	POG4	
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	16	POG4	
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs.)	F-1	21	POG4	
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	17	POG4	
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs.)	F-1	21	POG4	
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	17	POG4	
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs.)	F-1	21	POG4	
3125(a)(7)	Aggravated indecent assault-victim <13 yrs.	F-2	17	POG4	
3125(a)(8)	Aggravated indecent assault-victim <16 yrs. (person ≥4 yrs. older)	F-2	17	POG4	
3126(a)(1)	Indecent assault-w/o consent	M-2	7	POG1	
3126(a)(2)	Indecent assault-forcible compulsion	M-1	8	POG3	
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	8	POG3	
3126(a)(4)	Indecent assault-unconscious victim	M-1	9	POG3	
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	9	POG3	
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	9	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs.	M-1	9	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs. (2nd/subsq)	F-3	12	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs./course of conduct	F-3	12	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs./touching victim's sexual parts w/ person's	F-3	11	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs./touching person's sexual parts w/ victim's	F-3	11	POG3	
3126(a)(8)	Indecent assault-victim <16 yrs. (person ≥4 yrs. older)	M-2	8	POG1	
3127(a)	Indecent exposure	M-2	7	POG1	
3127(a)	Indecent exposure-victim <16 yrs.	M-1	8	POG3	
3129	Sexual intercourse with animal	M-2	5	POG1	
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	8	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	8	POG3	
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	8	POG3	
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	8	POG3	
3131(a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs.)	M-2	5	POG1	
3132(a)(1)	Female mutilation	F-1	20	POG3	
3132(a)(2)	Female mutilation-is a parent of a minor and the parent knowingly consents or permits	F-1	18	POG3	
3132(a)(3)	Female mutilation-knowingly removes or permits the removal of a minor from this Commonwealth	F-1	18	POG3	
3133(a)(1)*	Sexual extortion-engage in sexual conduct	M-1	7	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: victim<18	F-3	10	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: intellectual disability	F-3	10	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: offender's position	F-3	10	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: course of conduct	F-3	9	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: 2nd/subsq	F-3	9	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.	M-1	7	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: victim<18	F-3	10	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: intellectual disability	F-3	10	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: offender's position	F-3	10	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: course of conduct	F-3	9	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: 2nd/subsq	F-3	9	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.	M-1	7	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: victim<18	F-3	10	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: intellectual disability	F-3	10	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: offender's position	F-3	10	POG3	E
3133(c)(1)*	Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: course of conduct	F-3	9	POG3	E
3133(c)(1)*	Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: 2nd/subsq	F-3	9	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure	M-1	7	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: victim<18	F-3	10	POG3	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: intellectual disability	F-3	10	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: offender's position	F-3	10	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: course of conduct	F-3	9	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: 2nd/subsq	F-3	9	POG3	E
PART II	ARTICLE C				
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	15	POG4	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	13	POG4	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause SBI to civilian)	F-1	19	POG4	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause BI to firefighter, etc.)	F-1	19	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	15	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	13	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause SBI to civilian)	F-1	19	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause BI to firefighter, etc.)	F-1	19	POG4	E
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	H6	POG4	E
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	H5	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to civilian	F-1	15	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-cause BI to civilian	F-1	19	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-attempt SBI to civilian	F-1	18	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-cause SBI to civilian	F-1	20	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to firefighter, etc.	F-1	18	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-cause BI to firefighter, etc.	F-1	20	POG4	E
3301(a.1)(1)(ii)	Aggravated arson-other felony arson (when person present inside property)	F-1	15	POG4	E
3301(a.1)(2)	Aggravated arson-fire/explosion causes death of any person	Murder of 2nd Degree	H5	POG4	E
3301(a.2)(1)	Arson of historic resource-w/ intent (fire/explosion)	F-2	10	POG3	
3301(a.2)(2)	Arson of historic resource-aids/pays (fire/explosion)	F-2	10	POG3	
3301(c)(1)	Arson endangering property-intent to destroy unoccupied [bldg.] building	F-2	9	POG3	
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	9	POG3	
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	9	POG3	
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied [bldg.] building	F-3	7	POG2	

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3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5,000)	F-3	7	POG2	
3301(f)	Arson-possess explosive material (intent to use)	F-3	7	POG2	
3302(a)	Catastrophe-causing (intentionally)	F-1	15	POG3	
3302(a)	Catastrophe-causing (recklessly)	F-2	9	POG3	
3302(b)	Catastrophe-risking	F-3	8	POG2	
3303(1)	Failure to prevent catastrophe-duty	M-2	7	POG1	
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	6	POG1	
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$5,000)	F-3	7	POG2	
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$1,000)	M-2	6	POG1	
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	7	POG2	
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	6	POG1	
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	7	POG2	
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	6	POG1	
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	7	POG2	
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	6	POG1	
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	7	POG2	
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	5	POG1	
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	7	POG2	
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	5	POG1	
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	7	POG1	
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	7	POG1	
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	7	POG1	
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	6	POG1	
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	6	POG1	
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	5	POG1	
3309(a)	Agricultural vandalism (>\$5,000)	F-3	7	POG2	
3309(a)	Agricultural vandalism (>\$500)	M-2	5	POG1	
3310(a)	Agricultural crop destruction	F-2	10	POG3	
3311	Ecoterrorism	18 Pa.C.S. § 3311	(+2)	POG4	
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	7	POG1	
3313(a)	Illegal dumping of methamphetamine waste	F-3	7	POG2	
3502(a)(1)(i)*	Burglary-home/person present and bodily injury crime as defined in 18 Pa.C.S. § 3502(e)	F-1	15	POG4	E
3502(a)(1)(ii)	Burglary-home/person present	F-1	13	POG4	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3502(a)(2)	Burglary-home/no person present	F-1	10	POG3	E
3502(a)(3)	Burglary-not a home/person present	F-1	9	POG3	E
3502(a)(4)	Burglary-not a home/no person present	F-2	8	POG3	E
3502(a)(4)	Burglary-not a home/no person present (commit theft of drugs)	F-1	10	POG3	E
3503(a)(1)(i)	Criminal trespass-buildings	F-3	7	POG2	E
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	8	POG3	E
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	5	POG1	E
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	5	POG1	E
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	5	POG1	E
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	5	POG1	E
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	7	POG1	E
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	2	POG1	E
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	7	POG1	E
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	7	POG1	E
3505(a)(3)	Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband	F-2	10	POG3	
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	20	POG4	
3701(a)(1)(i)	Robbery-inflicts SBI (drug-related)	F-1	22	POG4	
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	16	POG4	
3701(a)(1)(ii)	Robbery-threatens SBI (drug-related)	F-1	19	POG4	
3701(a)(1)(iii)	Robbery-commit/threaten any F-1 or F-2	F-1	13	POG4	
3701(a)(1)(iii)	Robbery-commit/threaten any F-1 or F-2 (drug-related)	F-1	16	POG4	
3701(a)(1)(iv)	Robbery-inflicts/threatens BI (drug-related)	F-1	12	POG3	
3701(a)(1)(v)	Robbery-takes property by force	F-3	8	POG2	
3701(a)(1)(v)	Robbery-takes property by force (drug-related)	F-1	9	POG3	
3702(a)*	Robbery of motor vehicle-with SBI	F-1	21	POG4	
3702(a)*	Robbery of motor vehicle-without SBI	F-1	14	POG4	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (anhydrous ammonia)	F-2	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (disaster)	F-2	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (firearm)	F-2	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (=>\$500,000)	F-1	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (\$100,000-<\$500,000)	F-2	10	POG3	
3921(a)*	Theft by unlaw <u>ful</u> taking-movable property (>\$25,000-<\$100,000)	F-3	9	POG2	
3921(a)*	Theft by unlaw <u>ful</u> taking-movable property (motorized vehicle)	F-3	9	POG2	
3921(a)*	Theft by unlaw <u>ful</u> taking-movable property (>\$2,000-\$25,000)	F-3	8	POG2	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (\$200-\$2,000/no threat)	M-1	6	POG1	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (\$50-<\$200/no threat)	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (anhydrous ammonia)	F-2	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (disaster)	F-2	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (firearm)	F-2	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (=>\$500,000)	F-1	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (\$100,000-<\$500,000)	F-2	10	POG3	
3921(b)*	Theft by unlaw <u>ful</u> taking-immovable property (>\$25,000-<\$100,000)	F-3	9	POG2	
3921(b)*	Theft by unlaw <u>ful</u> taking-immovable property (motorized vehicle)	F-3	9	POG2	
3921(b)*	Theft by unlaw <u>ful</u> taking-immovable property (>\$2,000-\$25,000)	F-3	8	POG2	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (\$200-\$2,000/no threat)	M-1	6	POG1	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (\$50-<\$200/no threat)	M-2	5	POG1	
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	12	POG3	
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	12	POG3	
3922(a)(1)	Theft by deception-false impression (=>\$500,000)	F-1	12	POG3	
3922(a)(1)	Theft by deception-false impression (\$100,000-<\$500,000)	F-2	10	POG3	
3922(a)(1)*	Theft by deception-false impression (>\$25,000-<\$100,000)	F-3	9	POG2	
3922(a)(1)*	Theft by deception-false impression (motorized vehicle)	F-3	9	POG2	
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000)	F-3	8	POG2	
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	6	POG1	
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	5	POG1	
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	12	POG3	
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	12	POG3	
3922(a)(2)	Theft by deception-conceal information (=>\$500,000)	F-1	12	POG3	
3922(a)(2)	Theft by deception-conceal information (\$100,000-<\$500,000)	F-2	10	POG3	
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-<\$100,000)	F-3	9	POG2	
3922(a)(2)*	Theft by deception-conceal information (motorized vehicle)	F-3	9	POG2	
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000)	F-3	8	POG2	
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	6	POG1	
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	5	POG1	
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	12	POG3	
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	12	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3922(a)(3)	Theft by deception-fail to correct (=>\$500,000)	F-1	12	POG3	
3922(a)(3)	Theft by deception-fail to correct (\$100,000-<\$500,000)	F-2	10	POG3	
3922(a)(3)*	Theft by deception-fail to correct (>\$25,000-<\$100,000)	F-3	9	POG2	
3922(a)(3)*	Theft by deception-fail to correct (motorized vehicle)	F-3	9	POG2	
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000)	F-3	8	POG2	
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	6	POG1	
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	5	POG1	
3922.1(a)	Financial exploitation of older adult/care dependent person (=>\$500,000)	F-1	12	POG3	
3922.1(a)	Financial exploitation of older adult/care dependent person (course of conduct)	F-1	12	POG3	
3922.1(a)	Financial exploitation of older adult/care dependent person (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	12	POG3	
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	12	POG3	
3923(a)(1)	Theft by extortion-commit crime (=>\$500,000)	F-1	12	POG3	
3923(a)(1)	Theft by extortion-commit crime (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(1)*	Theft by extortion-commit crime (motorized vehicle)	F-3	9	POG2	
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	12	POG3	
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	12	POG3	
3923(a)(2)	Theft by extortion-accuse of crime (=>\$500,000)	F-1	12	POG3	
3923(a)(2)	Theft by extortion-accuse of crime (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-<\$100,000 [/or motorized vehicle])	F-3	9	POG2	
3923(a)(2)*	<u>Theft by extortion-accuse of crime (motorized vehicle)</u>	F-3	9	POG2	
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	12	POG3	
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	12	POG3	
3923(a)(3)	Theft by extortion-expose secret (=>\$500,000)	F-1	12	POG3	
3923(a)(3)	Theft by extortion-expose secret (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(3)*	Theft by extortion-expose secret (motorized vehicle)	F-3	9	POG2	
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	6	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	12	POG3	
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	12	POG3	
3923(a)(4)	Theft by extortion-official action (=>\$500,000)	F-1	12	POG3	
3923(a)(4)	Theft by extortion-official action (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(4)*	Theft by extortion-official action (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(4)*	Theft by extortion-official action (motorized vehicle)	F-3	9	POG2	
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	12	POG3	
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	12	POG3	
3923(a)(5)	Theft by extortion-strike/boycott (=>\$500,000)	F-1	12	POG3	
3923(a)(5)	Theft by extortion-strike/boycott (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(5)*	Theft by extortion-strike/boycott (motorized vehicle)	F-3	9	POG2	
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000)	F-3	[7] 8	POG2	
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	12	POG3	
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	12	POG3	
3923(a)(6)	Theft by extortion-testimony (=>\$500,000)	F-1	12	POG3	
3923(a)(6)	Theft by extortion-testimony (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(6)*	Theft by extortion-testimony (motorized vehicle)	F-3	9	POG2	
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	12	POG3	
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	12	POG3	
3923(a)(7)	Theft by extortion-inflict harm (=>\$500,000)	F-1	12	POG3	
3923(a)(7)	Theft by extortion-inflict harm (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(7)*	Theft by extortion-inflict harm (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(7)*	Theft by extortion-inflict harm (motorized vehicle)	F-3	9	POG2	
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000)	F-3	[7] 8	POG2	
3923(a)(7)	Theft by extortion-inflict harm (\$200-<\$2000/no threat)	M-1	6	POG1	
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	5	POG1	
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	12	POG3	
3924	Theft of property-lost/mislaid (firearm)	F-2	12	POG3	
3924	Theft of property-lost/mislaid (=>\$500,000)	F-1	12	POG3	
3924	Theft of property-lost/mislaid (\$100,000-<\$500,000)	F-2	10	POG3	
3924*	Theft of property-lost/mislaid (>\$25,000-<\$100,000)	F-3	9	POG2	
3924*	Theft of property-lost/mislaid (motorized vehicle)	F-3	9	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000)	F-3	8	POG2	
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	6	POG1	
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	5	POG1	
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	12	POG3	
3925(a)	Theft by receiving stolen property (disaster)	F-2	12	POG3	
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	13	POG3	
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	12	POG3	
3925(a)	Theft by receiving stolen property (=>\$500,000)	F-1	12	POG3	
3925(a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	10	POG3	
3925(a)	Theft by receiving stolen property (receiver in business)	F-3	9	POG2	
[3925(a)*	Theft by receiving stolen property (>\$25,000-<\$100,000)	F-3	9	POG2]	
3925(a)*	Theft by receiving stolen property (motorized vehicle)	F-3	9	POG2	
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000)	F-3	8	POG2	
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	6	POG1	
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	5	POG1	
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	12	POG3	
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	12	POG3	
3926(a)(1)	Theft of services-obtain service (=>\$500,000)	F-1	12	POG3	
3926(a)(1)	Theft of services-obtain service (\$100,000-<\$500,000)	F-2	10	POG3	
3926(a)(1)*	Theft of services-obtain service (>\$25,000-<\$100,000)	F-3	9	POG2	
3926(a)(1)*	Theft of services-obtain service (motorized vehicle)	F-3	9	POG2	
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000)	F-3	8	POG2	
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	6	POG1	
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	5	POG1	
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	12	POG3	
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	12	POG3	
3926(a)(1.1)	Theft of services-obtain telecommunications (=>\$500,000)	F-1	12	POG3	
3926(a)(1.1)	Theft of services-obtain telecommunications (\$100,000-<\$500,000)	F-2	10	POG3	
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-<\$100,000)	F-3	9	POG2	
3926(a)(1.1)*	Theft of services-obtain telecommunications (motorized vehicle)	F-3	9	POG2	
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000)	F-3	8	POG2	
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	6	POG1	
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	5	POG1	
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	12	POG3	
3926(b)	Theft of services-divert service (firearm)	F-2	12	POG3	
3926(b)	Theft of services-divert service (=>\$500,000)	F-1	12	POG3	
3926(b)	Theft of services-divert service (\$100,000-<\$500,000)	F-2	10	POG3	
3926(b)*	Theft of services-divert service (>\$25,000-<\$100,000)	F-3	9	POG2	
3926(b)*	Theft of services-divert service (motorized vehicle)	F-3	9	POG2	
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000)	F-3	8	POG2	
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	6	POG1	
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	5	POG1	
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	12	POG3	
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	12	POG3	
3927(a)	Theft by failure-req. disposition funds (=>\$500,000)	F-1	12	POG3	
3927(a)	Theft by failure-req. disposition funds (\$100,000-<\$500,000)	F-2	10	POG3	
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-<\$100,000)	F-3	9	POG2	
3927(a)*	Theft by failure-req. disposition funds (motorized vehicle)	F-3	9	POG2	
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000)	F-3	8	POG2	
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	6	POG1	
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	5	POG1	
3928(a)	Unauthorized use of auto	M-2	5	POG1	
3928(a)	Unauthorized use of auto (disaster)	F-2	12	POG3	
3929(a)(1)	Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	5	POG1	
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	7	POG2	
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	12	POG3	
3929(a)(2)	Retail theft-alter price (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	5	POG1	
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	7	POG2	
3929(a)(2)	Retail theft-alter price (disaster)	F-2	12	POG3	
3929(a)(3)	Retail theft-transfer container (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	5	POG1	
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	7	POG2	
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	12	POG3	
3929(a)(4)	Retail theft-under-rings (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	5	POG1	
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	12	POG3	
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	5	POG1	
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	7	POG2	
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	12	POG3	
3929.1(a)	Library Theft (2nd off & <\$150)	M-2	5	POG1	
3929.1(a)	Library Theft (3rd/subsq off)	F-3	7	POG2	
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	10	POG3	
3930(a)(1)	Theft of trade secrets-by force	F-2	10	POG3	
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	10	POG3	
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	10	POG3	
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	7	POG2	
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	7	POG2	
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	8	POG2	
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	6	POG1	
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	5	POG1	
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	12	POG3	
3932(a)	Theft of leased property (firearm)	F-2	12	POG3	
3932(a)	Theft of leased property (=>\$500,000)	F-1	12	POG3	
3932(a)	Theft of leased property (\$100,000-<\$500,000)	F-2	10	POG3	
3932(a)*	Theft of leased property (>\$25,000-<\$100,000)	F-3	9	POG2	
3932(a)*	Theft of leased property (motorized vehicle)	F-3	9	POG2	
3932(a)*	Theft of leased property (>\$2,000-\$25,000)	F-3	8	POG2	
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	6	POG1	
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	5	POG1	
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	5	POG1	
3935.1(a)	Theft of secondary metal (\$50-<\$200)	M-2	5	POG1	
3935.1(a)	Theft of secondary metal (=>\$1,000)	F-3	7	POG2	
3935.1(a)	Theft of secondary metal (3rd/subsq offense)	F-3	7	POG2	
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	7	POG3	
4101(a)(1)	Forgery-altered writing (will/deed/other legal doc)	F-3	7	POG2	
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	7	POG3	
4101(a)(2)	Forgery-unauthorized writing (will/deed/other legal doc)	F-3	7	POG2	
4101(a)(3)	Forgery-utters forged writing (money/stocks/govt docs/etc.)	F-2	7	POG3	
4101(a)(3)	Forgery-utters forged writing (will/deed/other legal doc)	F-3	7	POG2	
4103	Fraudulent destruction of recordable instruments	F-3	7	POG2	
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	7	POG2	
4105(a)(1)	Bad checks-issues/passes check (\$500-<\$1,000)	M-2	5	POG1	
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	5	POG1	
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	5	POG1	
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	5	POG1	
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	7	POG2	
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	6	POG1	
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	7	POG2	
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	7	POG1	
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	7	POG2	
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	7	POG1	
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	7	POG2	
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	7	POG1	
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	7	POG2	
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	5	POG1	
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	7	POG2	
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	7	POG2	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	7	POG2	
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	7	POG2	
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	7	POG2	
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	7	POG2	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	7	POG2	
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	7	POG2	
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	7	POG2	
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	7	POG2	
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	7	POG2	
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	7	POG2	
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	7	POG2	
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	5	POG1	
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	5	POG1	
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	5	POG1	
4110	Defrauding secured creditors	M-2	5	POG1	
4111	Fraud in insolvency	M-2	5	POG1	
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	5	POG1	
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	5	POG1	
4112	Receiving deposits in failing financial institution	M-2	5	POG1	
4113(a)	Misapplication of entrusted property (>\$50)	M-2	5	POG1	
4114	Securing execution of documents by deception	M-2	5	POG1	
4115	Falsely impersonating persons privately employed	M-2	5	POG1	
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	7	POG2	
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	7	POG2	
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	7	POG2	
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	7	POG2	
4116(e)	Copying; recording devices-[mfr.] manufacturer name on packaging (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(e)	Copying; recording devices-[mfr.] manufacturer name on packaging (any other 2nd/subsq off)	F-3	7	POG2	
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	7	POG2	
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	7	POG2	
4117(a)(2)	Insurance fraud-false insurance claim	F-3	7	POG2	
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	7	POG2	
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	7	POG2	
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	7	POG2	
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	7	POG2	
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	7	POG2	
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	7	POG2	
4118	Washing vehicle titles	F-3	7	POG2	
4119(a)(1)	Trademark counterfeiting-[mfr.] manufacturer (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(1)	Trademark counterfeiting-[mfr.] manufacturer (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/[mfr.] manufacture of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4120(a)	Identity theft (>=\$2,000)	F-3	7	POG2	
4120(a)	Identity theft (furtherance of conspiracy)	F-3	7	POG2	
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs./care-dependent)	F-2	10	POG3	
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs./care-dependent)	F-3	7	POG2	
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs./care-dependent)	F-1	13	POG3	
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs./care-dependent)	F-2	10	POG3	
4120(a)	Identity theft (<\$2,000 and victim <18 yrs.)	F-3	7	POG2	
4120(a)	Identity theft (>=\$2,000 and victim <18 yrs.)	F-2	10	POG3	
4120(a)	Identity theft (3rd/subsq off and victim <18 yrs.)	F-1	13	POG3	
4120(a)	Identity theft (furtherance of conspiracy and victim <18 yrs.)	F-2	10	POG3	
4121(a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc.)	F-3	7	POG2	
4121(a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information)	F-3	7	POG2	
4121(a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device	F-3	7	POG2	
PART II	ARTICLE D				
4301(a)	Bigamy (by married person)	M-2	5	POG1	

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4301(b)	Bigamy (knowing other person committing bigamy)	M-2	5	POG1	
4302(a)	Incest (victim >18 yrs.)	F-2	13	POG4	
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	14	POG4	
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	14	POG4	
4303(a)	Concealing death of child	M-1	5	POG1	
4304(a)(1)	Endangering welfare of children-violate duty of care (child <6 yrs.)	F-3	10	POG2	
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	10	POG2	
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs.)	F-2	13	POG3	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI	F-3	10	POG2	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child < 6 yrs.)	F-2	13	POG3	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct)	F-2	13	POG3	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child < 6 yrs.)	F-1	13	POG3	
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (child <6 yrs.)	F-3	8	POG2	
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	8	POG2	
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs.)	F-2	13	POG3	
PART II	ARTICLE E				
4702(a)(1)	Threats-to influence decision as public servant	M-2	5	POG1	
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	5	POG1	
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	5	POG1	
4703	Retaliation for past official action	M-2	5	POG1	
4902(a)	Perjury	F-3	7	POG2	
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	5	POG1	
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	5	POG1	
4903(b)	False swearing-statement required to be sworn	M-3	5	POG1	
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	5	POG1	
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	5	POG1	
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	5	POG1	
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	5	POG1	
4905(a)	False alarms to agency of public safety	M-1	5	POG1	
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	7	POG2	
4906(a)	False reports-falsely incriminate another	M-2	5	POG1	
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	5	POG1	
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	5	POG1	
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	5	POG1	
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	5	POG1	
4906(b)(2)	False reports-fictitious report of information	M-3	5	POG1	
4906(b)(2)	False reports-fictitious report of information (report of theft/loss of firearm)	M-2	5	POG1	
4906(b)(2)	False reports-fictitious report of information (state of emergency)	M-2	5	POG1	
4906.1	False reports of child abuse	M-2	5	POG1	
4909	Witness or informant taking bribe	F-3	7	POG2	
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	5	POG1	
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	5	POG1	
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	5	POG1	
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	7	POG2	
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	5	POG1	
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	7	POG2	
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	5	POG1	
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	7	POG2	
4912	Impersonating a public servant	M-2	5	POG1	
4913(a)	Impersonating a notary public	M-2	5	POG1	
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	5	POG1	
4913(a)	Impersonating a doctor of medicine (provides medical advice or treatment)	M-1	5	POG1	
4914(a)	False identification to law enforcement authorities	M-3	5	POG1	
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	12	POG3	
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-15 yr. registration (2nd/subsq off)	F-2	13	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-lifetime registration (2nd/subsq off)	F-1	16	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	12	POG3	
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	15	POG3	
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	15	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	13	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-15 yr. registration (2nd/subsq off)	F-2	13	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	12	POG3	
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	15	POG3	
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	15	POG3	
4915.2(a)(1)	Fail to register with PSP: 10-year registration (2nd/subsq off)	F-2	12	POG3	
4915.2(a)(1)	Fail to register with PSP: lifetime registration	F-2	12	POG3	
4915.2(a)(1)	Fail to register with PSP: lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.2(a)(2)	Fail to verify address/be photographed: 10-year registration (2nd/subsq off)	F-2	13	POG3	
4915.2(a)(2)	Fail to verify address/be photographed: lifetime registration	F-2	12	POG3	
4915.2(a)(2)	Fail to verify address/be photographed: lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.2(a)(3)	Fail to provide accurate information: 10-year registration	F-2	12	POG3	
4915.2(a)(3)	Fail to provide accurate information: lifetime registration	F-1	15	POG3	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	13	POG3	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	10	POG2	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	7	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	13	POG3	
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	10	POG2	
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	7	POG1	
4952(a)(3)	Intimidation of witness/victim-withhold information, (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	13	POG3	
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	10	POG2	
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	7	POG1	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	13	POG3	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	10	POG2	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	7	POG1	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	13	POG3	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	10	POG2	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	7	POG1	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	13	POG3	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	10	POG2	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	7	POG1	
4953(a)	Retaliation against witness/victim-listed factor	F-3	12	POG2	
4953(a)	Retaliation against witness/victim-general	M-2	7	POG1	
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	13	POG3	
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	9	POG1	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc.	M-2	7	POG1	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)	F-2	10	POG3	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (benefit)	F-2	10	POG3	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp.)	F-2	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (other person)	F-2	10	POG3	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report	M-2	7	POG1	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information	M-2	7	POG1	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (benefit)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (other person)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (prior conv)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information	M-2	7	POG1	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (force, etc.)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (benefit)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (other person)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (prior conv)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process	M-2	7	POG1	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (force)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (benefit)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (other person)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (prior conv)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process	M-2	7	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (force)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (benefit)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (other person)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (prior conv)	F-2	10	POG3	
4958(b)	Retaliation child abuse cases	M-2	7	POG1	
4958(b)	Retaliation child abuse cases (force)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (benefit)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (furtherance consp.)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (other person)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (prior conv)	F-2	12	POG3	
4958(b.1)	Obstruction child abuse cases	M-2	7	POG1	
4958(b.1)	Obstruction child abuse case (force)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (benefit)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (furtherance consp.)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (other person)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (prior conv)	F-2	10	POG3	
5101	Obstructing admin. of law/other govt. function	M-2	5	POG1	
5102(a)	Obstructing/impeding justice by picketing	M-2	5	POG1	
5103	Unlawfully listening into deliberations of jury	M-3	5	POG1	
5103.1(a)	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area	M-2	5	POG1	
5103.1(a)	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2nd/subsq)	M-1	7	POG1	
5104	Resisting arrest, etc.	M-2	5	POG1	
5104.1(a)	Disarming law enforcement officer	F-3	7	POG2	
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	5	POG1	
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	5	POG1	
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	5	POG1	
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	5	POG1	
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	5	POG1	
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F-1/F-2)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5107(a)	Aiding consummation of crime	M-2	5	POG1	
5107(a)	Aiding consummation of crime (principal off is F-1/F-2)	F-3	7	POG2	
5108(a)	Compounding	M-2	5	POG1	
5110	Contempt of General Assembly	M-3	5	POG1	
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	12	POG3	
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	12	POG3	
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	12	POG3	
5112(a)	Obstructing emergency services	M-3	5	POG1	
5121(a)	Permitting/facilitating escape	M-2	6	POG1	
5121(a)	Escape	M-2	6	POG1	
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	8	POG2	
5121(a)*	Escape (all other specified escapes)	F-3	9	POG2	
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	8	POG2	
5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	9	POG2	
5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	12	POG1	
5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	8	POG1	
5123(a)	Contraband-provide controlled substance to inmate	F-2	10	POG3	
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	10	POG3	
5123(b)	Contraband-provide money to inmate	M-3	5	POG1	
5124(a)	Default in required appearance (felony)	F-3	7	POG2	
5124(a)	Default in required appearance (non-felony)	M-2	5	POG1	
5126(a)	Flight to avoid apprehension (felony)	F-3	7	POG2	
5126(a)	Flight to avoid apprehension (misd.)	M-2	5	POG1	
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs.)	M-2	5	POG1	
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs.)	F-3	8	POG2	
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs.)	F-3	8	POG2	
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs.)	F-2	10	POG3	
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	5	POG1	
5301(2)	Official oppression-denies another enjoyment of rights	M-2	5	POG1	
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	5	POG1	
5302(2)	Speculating/wagering on official action-speculates on information	M-2	5	POG1	
5302(3)	Speculating/wagering on official action-aids another	M-2	5	POG1	
PART II	ARTICLE F				
5501(1)	Riot-intent to commit felony/misd.	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5501(2)	Riot-intent to prevent/coerce official action	F-3	7	POG2	
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	7	POG2	
5502	Failure to disperse upon official order	M-2	5	POG1	
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	5	POG1	
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	5	POG1	
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	5	POG1	
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	5	POG1	
5506	Loitering and prowling at night time	M-3	5	POG1	
5507(a)	Obstructing highway, etc.-after warning	M-3	5	POG1	
5508	Disrupting meetings and processions	M-3	5	POG1	
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	5	POG1	
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	5	POG1	
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	5	POG1	
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	6	POG1	
5510	Abuse of corpse	M-2	7	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI)	M-2	6	POG1	
5534(a)(1)	Aggravated cruelty to animal-tortures animal	F-3	8	POG2	
5534(a)(2)*	Aggravated cruelty to animal-violates 5532 (cause SBI/death)	F-3	9	POG2	
5534(a)(2)*	Aggravated cruelty to animal-violates 5533 (cause SBI/death)	F-3	9	POG2	
5543(1)	Animal fighting (for amusement/gain)	F-3	8	POG2	
5543(2)	Animal fighting (receives compensation)	F-3	8	POG2	
5543(3)	Animal fighting (owns fighting animal)	F-3	8	POG2	
5543(4)	Animal fighting (encourage/aid/assist)	F-3	8	POG2	
5543(5)	Animal fighting (wagers on fight outcome)	F-3	8	POG2	
5543(6)	Animal fighting (pays admission)	F-3	8	POG2	
5543(7)	Animal fighting (permits use of animal for fight)	F-3	8	POG2	
5548(a)	Police animals-illegal to taunt	F-3	8	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5549(a)	Assault with biological agent on animal/fowl/honey bees	F-2	10	POG3	
5512(b)(1)	Lotteries-set up unlawful game	M-1	6	POG1	
5512(b)(2)	Lotteries-manuf[.] acture /etc. unlawful tickets	M-1	6	POG1	
5512(b)(3)	Lotteries-publish advertisement	M-1	6	POG1	
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	8	POG2	
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. [wh /] that deals w/ emergency	F-3	8	POG2	
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	8	POG2	
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	8	POG2	
5703	Interception of wire/oral communication	F-3	7	POG2	
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	7	POG2	
5703(2)	Interception of wire/oral communication-discloses contents	F-3	7	POG2	
5703(3)	Interception of wire/oral communication-use contents	F-3	7	POG2	
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	7	POG2	
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	7	POG2	
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	7	POG2	
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	7	POG2	
5719	Unlawful use of order concerning intercepted communications	M-2	5	POG1	
5741(a)(1)	Unlawf[.] ful access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	5	POG1	
5741(a)(2)	Unlawf[.] ful access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	5	POG1	
5902(a)(1)	Prostitution-business (3rd off)	M-2	6	POG1	
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	10	POG2	
5902(a)(2)	Prostitution (3rd off)	M-2	6	POG1	
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	10	POG2	
5902(b)(1)	Promoting prostitution-own house/business	F-3	8	POG2	
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	8	POG2	
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	8	POG2	
5902(b)(4)	Promoting prostitution-solicit patron	M-2	6	POG1	
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	8	POG2	
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	8	POG2	
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	6	POG1	
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	8	POG2	
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	8	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	8	POG2	
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	6	POG1	
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	8	POG2	
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	8	POG2	
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	6	POG1	
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	8	POG2	
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	8	POG2	
5902(b)(8)	Promoting prostitution-receive benefit	M-2	6	POG1	
5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	8	POG2	
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	8	POG2	
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs.)	F-3	13	POG3	
5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs.)	F-3	13	POG3	
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs.)	F-3	13	POG3	
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs.)	F-3	13	POG3	
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs.)	F-3	13	POG3	
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs.)	F-3	13	POG3	
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs.)	F-3	13	POG3	
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs.)	F-3	13	POG3	
5902(d)	Living off prostitutes	M-2	6	POG1	
5902(d)	Living off prostitutes (compel)	F-3	8	POG2	
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	8	POG2	
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	8	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5902(e)	Patronizing prostitutes (3rd off)	M-2	6	POG1	
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	10	POG2	
5903(a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	8	POG3	
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	8	POG3	
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	8	POG3	
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	8	POG3	
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(7)	Obscene materials-deliver to [correctnl] correctional facility (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(9)	Obscene materials-permit into [correctnl] correctional inst (2nd/subsq off or for resale)	F-3	8	POG2	
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	8	POG2	
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	10	POG3	
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	8	POG2	
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	10	POG3	
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	8	POG2	
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	10	POG3	
5904	Public exhibition of insane/deformed person	M-2	5	POG1	
PART II	ARTICLE G				
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1))	F-2	15	POG3	
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	18	POG3	
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	18	POG3	

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6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1))	F-2	14	POG3	
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	16	POG3	
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	16	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	5	POG1	
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	2	POG1	
6105(a)(1)	Firearms-persons not to possess: fail to relinquish w/PFA ((a.1)(2))	M-2	7	POG1	
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) ((a.1)(5))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (loaded/ammo available) ((c)(2))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (unloaded/no ammo available) ((c)(2))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))	M-2	9	POG1	
6105(a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	M-2	7	POG1	
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))	M-1	9	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))	M-1	7	POG3	
6105.2(a)(1)	Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons	M-2	7	POG1	
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	13	POG3	
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	10	POG3	
6106(a)(1)*	Firearms-carried w/o license: eligible and criminal act (loaded/ammo available)	F-3	13	POG3	
6106(a)(1)*	Firearms-carried w/o license: eligible and criminal act (unloaded/no ammo available)	F-3	10	POG3	
6106(a)(2)*	Firearms-carried w/o license: eligible and no other criminal act (loaded/ammo available)	M-1	7	POG3	
6106(a)(2)*	Firearms-carried w/o license: eligible and no other criminal act (unloaded/no ammo available)	M-1	7	POG3	
6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	7	POG3	
6108*	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	7	POG3	
6110.1(c)	Firearms-delivery to minor by adult	F-3	10	POG3	
6110.2(a)*	Firearms-possession w/ altered [mfr. num.] manufacturer number (loaded/ammo available)	F-2	15	POG3	
6110.2(a)*	Firearms-possession w/ altered [mfr. num.] manufacturer number (unloaded/no ammo available)	F-2	13	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	5	POG1	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	13	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	12	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of criminal history)	F-3	7	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	12	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful criminal history request)	F-3	7	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o criminal history check	M-2	5	POG1	
6111(a)(2)	Firearms-sale/transfer: deliver w/o criminal history check (2nd/subsq off)	F-2	13	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o criminal history check (false statements)	F-3	12	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o criminal history check (inappropriate use of criminal history)	F-3	7	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o criminal history check (sell to ineligible)	F-3	12	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o criminal history check (unlawful criminal history request)	F-3	7	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	13	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	12	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of criminal history)	F-3	7	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	12	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful criminal history request)	F-3	7	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	5	POG1	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	13	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	12	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of criminal history)	F-3	7	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	12	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful criminal history request)	F-3	7	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	5	POG1	
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	13	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	12	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of criminal history)	F-3	7	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	12	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful criminal history request)	F-3	7	POG3	
6111(g)(1)	Firearms-sale/transfer: knowing sale/violate § 6111	M-2	5	POG1	
6111(g)(1)	Firearms-sale/transfer: knowing sale/violate § 6111 (2nd/subsq off)	F-2	13	POG3	
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person	F-3	12	POG3	
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off)	F-2	13	POG3	
6111(g)(4)(i)	Firearms-sale/transfer: materially false oral statement	F-3	12	POG3	
6111(g)(4)(i)	Firearms-sale/transfer: materially false oral statement (2nd/subsq off)	F-2	13	POG3	
6111(g)(4)(ii)	Firearms-sale/transfer: materially false written statement	F-3	12	POG3	
6111(g)(4)(ii)	Firearms-sale/transfer: materially false written statement (2nd/subsq off)	F-2	13	POG3	
6111(g)(4)(iii)	Firearms-sale/transfer: willfully furnishes/exhibits false ID	F-3	12	POG3	
6111(g)(4)(iii)	Firearms-sale/transfer: willfully furnishes/exhibits false ID (2nd/subsq off)	F-2	13	POG3	
6117(a)	Firearms-alter [mfr.] manufacturer number/ID	F-2	10	POG3	
6121(a)	Firearms-certain bullets prohibited	F-3	7	POG3	
6161(a)	Carrying explosives on conveyances	M-2	7	POG1	
6162(a)	Shipping explosives	M-3	7	POG1	

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6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	10	POG3	
6310.2(a)	Manufacture/sale of false ID card	M-2	5	POG1	
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	5	POG1	
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	5	POG1	
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs.)	F-2	12	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (10-<13 yrs.)	F-2	13	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<10 yrs. or determination of prepubescence)	F-1	17	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs.)	F-1	15	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (10-<13 yrs.)	F-1	17	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<10 yrs. or determination of prepubescence)	F-1	18	POG3	E
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs.) (1st off)	F-3	9	POG3	E
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs.) (2nd/subsq off)	F-2	10	POG3	E
6312(c)*	Sexual abuse of children-dissemination (10-<13 yrs.) (1st off)	F-3	10	POG3	E
6312(c)*	Sexual abuse of children-dissemination (10-<13 yrs.) (2nd/subsq off)	F-2	12	POG3	E
6312(c)*	Sexual abuse of children-dissemination (<10 yrs. or determination of prepubescence) (1st off)	F-2	14	POG3	E
6312(c)*	Sexual abuse of children-dissemination (<10 yrs. or determination of prepubescence) (2nd/subsq off)	F-2	15	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs.) (1st offense)	F-2	13	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs.) (2nd/subsq offense)	F-2	14	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs. or determination of prepubescence) (1st offense)	F-2	14	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs. or determination of prepubescence) (2nd/subsq offense)	F-2	15	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<10 yrs. or determination of prepubescence) (1st offense)	F-2	15	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<10 yrs. or determination of prepubescence) (2nd/subsq offense)	F-2	16	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs.) (1st off)	F-3	9	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs.) (2nd/subsq off)	F-2	10	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (10-<13 yrs.) (1st off)	F-3	10	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (10-<13 yrs.) (2nd/subsq off)	F-2	12	POG3	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6312(d)*	Sexual abuse of children-possess child pornography (<10 yrs. or determination of prepubescence) (1st off)	F-2	14	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (<10 yrs. or determination of prepubescence) (2nd/subsq off)	F-2	15	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18 yrs.) (1st offense)	F-2	13	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18 yrs.) (2nd/subsq offense)	F-2	14	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs.) (1st offense)	F-2	14	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs.) (2nd/subsq offense)	F-2	15	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<10 yrs. or determination of prepubescence) (1st offense)	F-2	15	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<10 yrs. or determination of prepubescence) (2nd/subsq offense)	F-2	16	POG3	E
6318(a)(1)	Unlawful contact with minor-sexual offenses (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 10, whichever is greater	Same as underlying offense	
6318(a)(1)	Unlawful contact with minor-sexual offenses (underlying offense <F-3)	F-3	10	POG3	
6318(a)(2)	Unlawful contact with minor-open lewdness (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(2)	Unlawful contact with minor-open lewdness (underlying offense <F-3)	F-3	9	POG3	
6318(a)(3)	Unlawful contact with minor-prostitution (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(3)	Unlawful contact with minor-prostitution (underlying offense <F-3)	F-3	9	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6318(a)(4)	Unlawful contact with minor-sexual materials (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(4)	Unlawful contact with minor-sexual materials (underlying offense <F-3)	F-3	9	POG3	
6318(a)(5)	Unlawful contact with minor-sexual abuse (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(5)	Unlawful contact with minor-sexual abuse (underlying offense <F-3)	F-3	9	POG3	
6318(a)(6)	Unlawful contact with minor-sexual exploitation (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(6)	Unlawful contact with minor-sexual exploitation (underlying offense <F-3)	F-3	9	POG3	
6319(a)	Solicitation of minors to traffic drugs-general	F-2	13	POG3	
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	16	POG3	
6320	Sexual exploitation of children	F-2	13	POG3	
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs.)	M-3	5	POG1	
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	7	POG1	
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	7	POG1	
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	7	POG1	
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	5	POG1	
6504	Public nuisances	M-2	5	POG1	
7302(a)	Sale of solidified alcohol	M-2	5	POG1	
7307	Out-of-state convict made goods-sell/exchange	M-2	5	POG1	
7308(a)	Unlawful advertising of insurance business	M-2	5	POG1	
7313(a)	Buying/exchanging SNAP benefits (>=\$1,000)	F-3	7	POG2	
7314(a)	Fraudulent traffic in SNAP benefits (>=\$2,500)	F-2	10	POG3	
7314(a)	Fraudulent traffic in SNAP benefits (\$1,000-<\$2,500)	F-3	7	POG2	
7321(a)	Lie detector tests-require for employment	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
7323	Discrimination on account of U.S. Armed Forces uniform	M-2	5	POG1	
7507	Breach of privacy-use stress monitor w/o consent	M-2	5	POG1	
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	5	POG1	
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	7	POG1	
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	5	POG1	
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	7	POG1	
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	5	POG1	
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	7	POG1	
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	12	POG3	
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1,000 ft of school)	F-1	13	POG3	
7510(a)	Municipal housing code avoidance (4th off)	M-2	5	POG1	
7512(a)	Criminal use of communication facility	F-3	7	POG2	
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	10	POG2	
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	10	POG2	
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	10	POG2	
7612(a)	Disruption of computer service	F-3	10	POG2	
7613(a)	Computer theft	F-3	10	POG2	
7614(a)	Unlawful duplication (>\$2,500)	F-2	10	POG3	
7614(a)	Unlawful duplication (<=\$2,500)	F-3	10	POG2	
7615(a)(1)	Computer trespass-remove data/programs	F-3	10	POG2	
7615(a)(2)	Computer trespass-cause malfunction	F-3	10	POG2	
7615(a)(3)	Computer trespass-alter/erase data	F-3	10	POG2	
7615(a)(4)	Computer trespass-transfer funds	F-3	10	POG2	
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	10	POG2	
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	10	POG2	
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	10	POG2	
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	5	POG1	
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	8	POG2	
7661(a)(1)	Unlaw[.]ful transmis. email-forge/falsify (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(1)	Unlaw[.]ful transmis. email-forge/falsify (reckless damage; >=\$2,500)	M-1	8	POG1	
7661(a)(2)(i)	Unlaw[.]ful transmis. email-sell software to falsify (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(2)(i)	Unlaw[.]ful transmis. email-sell software to falsify (reckless damage; >=\$2,500)	M-1	8	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
7661(a)(2)(ii)	Unlaw[.]ful transmis. email-sell software w/ limited purpose (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(2)(ii)	Unlaw[.]ful transmis. email-sell software w/ limited purpose (reckless damage; >=\$2,500)	M-1	8	POG1	
7661(a)(2)(iii)	Unlaw[.]ful transmis. email-sell software known to falsify (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(2)(iii)	Unlaw[.]ful transmis. email-sell software known to falsify (reckless damage; >=\$2,500)	M-1	8	POG1	
7702(1)	Owning/operating/conducting a chop shop	F-2	10	POG3	
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	10	POG3	
7703	Altered or illegally obtained property-vehicle ID num	F-3	8	POG2	
7704	Altered or illegally obtained property-disposition	F-3	8	POG2	

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5502.1(a)	Homicide by watercraft while operating under influence	F-2	17	POG3	M
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	12	POG1	
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	10	POG1	
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	16	POG3	
5502.4(a)	Aggravated assault by watercraft (SBI)	F-3	11	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	7	POG1	
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	8	POG1	
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	7	POG1	
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	8	POG1	
(a)(3)	False/misleading advertisement (1st off)	M	7	POG1	
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	8	POG1	
(a)(4)	Removal/disposal-detained substance (1st off)	M	8	POG1	
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	8	POG1	
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	7	POG1	
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	8	POG1	
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	8	POG1	
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	8	POG1	
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	8	POG1	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	8	POG1	
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	8	POG1	
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	8	POG1	
(a)(9)	Selling trademark equipment to defraud (1st off)	M	8	POG1	
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	8	POG1	
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	7	POG1	
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	8	POG1	
(a)(11)	Illegal pharmacy operations (1st off)	M	8	POG1	
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	8	POG1	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1,000 pills)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1,000 pills)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1,000 lbs.)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5,000 plants)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1,000 lbs.)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5,000 plants)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	10	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	7	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	7	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	7	POG1	
(a)(13)	Dispense drugs to dependent person (1st off)	M	7	POG1	
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	8	POG1	
(a)(14)*	Delivery by practitioner-heroin (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-heroin (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (≥100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (50-<100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (10-<50 g)	F	18	POG2	
	Distribution to minors (35 P.S. § 780-114)		22	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (1-<10 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (<1 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1,000 pills)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1,000 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-cocaine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-cocaine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-PCP (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-PCP (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-MDMA (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-MDMA (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-marijuana (>1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (>5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (50-1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (51-5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	8	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
(a)(14)*	Delivery by practitioner-Sched I	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched II	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched III	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched IV	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched V	M	7	POG1	
	Distribution to minors (35 P.S. § 780-114)		8	POG1	
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	7	POG1	
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	8	POG1	
(a)(16)	Simple possession (1st off)	M	5	POG1	
(a)(16)	Simple possession (2nd/subsq off)	M	6	POG1	
(a)(16)	Simple possession-GHB (1st off)	F	8	POG2	
(a)(16)	Simple possession-GHB (2nd/sub off)	F	8	POG2	
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	7	POG1	
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	8	POG1	
(a)(18)	Illegal sale container (1st off)	M	7	POG1	
(a)(18)	Illegal sale container (2nd/subsq off)	M	8	POG1	
(a)(19)	Intentional unauthorized purchase (1st off)	M	7	POG1	
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	8	POG1	
(a)(20)	Divulging trade secret (1st off)	M	7	POG1	
(a)(20)	Divulging trade secret (2nd/subsq off)	M	8	POG1	
(a)(21)	Failure to keep records (1st off)	M	5	POG1	
(a)(21)	Failure to keep records (2nd/subsq off)	M	6	POG1	
(a)(22)	Refusal of inspection (1st off)	M	5	POG1	
(a)(22)	Refusal of inspection (2nd/subsq off)	M	6	POG1	
(a)(23)	Unauthorized removal of seals	M	8	POG1	
(a)(24)	Failure to obtain license (1st off)	M	5	POG1	
(a)(24)	Failure to obtain license (2nd/subsq off)	M	6	POG1	
(a)(25)	Manufacture by unauthorized party	M	8	POG1	
(a)(26)	Distribution by registrant of Schedule I or II	M	8	POG1	
(a)(27)	Use of fictitious registration number	M	8	POG1	
(a)(28)	Furnish false application material	M	8	POG1	
(a)(29)	Production of counterfeit trademarks equipment	M	8	POG1	
(a)(30)*	Possession with intent to deliver-heroin (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-heroin (100-1,000 g)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (>=100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		24	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (50-<100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		24	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (10-<50 g)	F	18	POG2	
	Distribution to minors (35 P.S. § 780-114)		22	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		22	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (1-<10 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (<1 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1,000 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1,000 pills)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-PCP (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-PCP (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (>1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (>5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (50-1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (51-5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		8	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		8	POG2	
(a)(30)*	Possession with intent to deliver-Sched I (>=100 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-Sched I (<100 g)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched II	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched III	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched IV	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched V	M	7	POG1	
	Distribution to minors (35 P.S. § 780-114)		8	POG1	
	Second or subsequent offense (35 P.S. § 780-115)		8	POG1	
(a)(31)(i)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	2	POG1	
(a)(31)(ii)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	2	POG1	
(a)(31)(iii)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	2	POG1	
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs. or more junior	M-2	7	POG1	
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	7	POG1	
(a)(34)	Place ad for sale of drug paraphernalia	M	2	POG1	
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	8	POG2	
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	8	POG2	
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	8	POG2	
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	8	POG2	
(a)(36)	Possession w/ intent to deliver-designer drugs	F	8	POG2	
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	7	POG1	
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	8	POG1	
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	13	POG3	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	10	POG2	
(a)(39)	Possess ephedrine, etc. w/ intent to manuf[.] acture methamphetamine (1st off)	M	5	POG1	
(a)(39)	Possess ephedrine, etc. w/ intent to manuf[.] acture methamphetamine (2nd/subsq off)	M	6	POG1	
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	5	POG1	
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	5	POG1	

<i>35 P.S. § 780-113.1</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	7	POG1	
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	7	POG1	
(a)(2)	Possess liquefied ammonia-intent to manuf[.] acture controlled substance	F	8	POG2	
(a)(3)	Possess red phosphorous-intent to manuf[.] acture controlled substance	F	8	POG2	
(a)(4)	Possess esters/salts/etc. w/ intent to manuf[.] acture controlled substance	F	8	POG2	

<i>35 P.S. § 780-113.4</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(1)	Operate meth lab-create chemical reaction	F-2	10	POG3	
(a)(3)	Operate meth lab-create chemical reaction (w/in 1,000 ft. of school)	F-1	12	POG3	
(b)(1)	Operate meth lab-stores/disposes substance used in manuf[.] acture	F-3	8	POG2	

<i>35 P.S. §§ 6018.101— 6018.1002</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Solid Waste Management Act				
	Knowingly transports, etc. hazardous waste without permit	F-1	13	POG3	
	Transports, etc. hazardous waste without permit	F-2	10	POG3	

<i>35 P.S. §§ 4001—4015</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Air Pollution Control Act				
	Knowingly releases hazardous air pollutant	F-1	13	POG3	
	Violation of Act, DER Order, etc.	M-2	5	POG1	

<i>42 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime murder 1/murder 2 /F-1)	F-1	18	POG3	
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	13	POG3	
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	10	POG2	
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime murder 1/murder 2 /F-1)	F-1	18	POG3	
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	13	POG3	
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	10	POG2	
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime murder 1/murder 2 /F-1)	F-1	18	POG3	
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	13	POG3	
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	10	POG2	
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime murder 1/murder 2 /F-1)	F-1	18	POG3	
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	13	POG3	
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	10	POG2	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
1543(b)(1)(iii)	Drive w/ suspended/revoked license as condition of ARD/conviction for DUI (3rd/subsq off)	M-3	9	POG1	M
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC $\geq 0.02\%$ /or under influence of controlled subst. (2nd off)	M-3	9	POG1	M
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC $\geq 0.02\%$ /or under influence of controlled subst. (3rd/subsq off)	M-1	13	POG1	M
3367	Racing on highways (2nd/subsq off)	M	2	POG1	
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and B) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B)	F-3 ¹	16	POG2	E
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and C) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) (Category A and Category C)	F-3 ¹	16	POG2	E
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C)	F-3 ¹	14	POG2	E

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3732(a)*	Homicide by vehicle-w/ one additional factor present during the criminal incident: A) DUI conviction, texting (75-3316) or B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) or C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B or Category C)	F-3 ¹	14	POG2	E
3732(a)*	Homicide by vehicle	F-3	12	POG2	
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and B) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B)	F-3 ²	15	POG2	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and C) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) (Category A and Category C)	F-3 ²	15	POG2	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C)	F-3 ²	13	POG2	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor present during the criminal incident: A) DUI conviction, texting (75-3316), required to be licensed (75-1501) or B) operating privilege suspended/revoked (75-1543) or C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B or Category C)	F-3 ²	13	POG2	E
3732.1(a)*	Aggravated assault by vehicle	F-3	11	POG2	
3735(a)(1)(i)	Homicide by vehicle while DUI	F-2	17	POG3	M
3735(a)(1)(ii)	Homicide by vehicle while DUI (prior DUI)	F-1	18	POG3	M
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	16	POG3	
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	17	POG3	
3742(a)*	Accident involving death/personal injury-failure to stop (death)	F-2	17	POG3	M/E
3742(a)*	Accident involving death/personal injury-failure to stop (SBI)	F-3	9	POG2	M
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (death)	F-3	11	POG2	
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	9	POG2	
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (death)	M-2	7	POG1	
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (SBI)	M-3	4	POG1	
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	2	POG1	
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025	M-3	9	POG1	M

75 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Mandatory/Enhancements
7122	Altered, forged, or counterfeit documents and plates	M-1	7	POG1	

* = subcategorized offenses by OGS assignment (§ 303a.3(a)(2), § 303a.3(b)(2), § 303a.12)

E = offenses subject to OGS adjustment (§ 303a.3(b)(2), § 303a.12)

¹ Pursuant to 75 Pa.C.S. § 3732(b), 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)

² Pursuant to 75 Pa.C.S. § 3732.1(b)(1), 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)

§ 303a.10. BUI/DUI offense listing (OGS/POG assignments).

	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Enhancements
30 Pa.C.S. §	<i>All offenses contained within this section (related to operating watercraft under influence of alcohol or controlled substance) are subject to a mandatory penalty under 30 Pa.C.S. § 5502(c.1) (relating to operating watercraft under influence of alcohol or controlled substance).</i>				
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off); 1st minor <18 passenger	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	4	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	7	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	8	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off); 1st minor <18 passenger	M-1	8	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off); 2nd minor <18 passenger	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	13	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	7	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	9	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	7	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	9	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	7	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	9	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	7	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	9	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	7	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	9	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off); 1st minor <18 passenger	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	7	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	9	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	7	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	9	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	7	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	8	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off); 1st minor <18 passenger	M-1	8	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
75 Pa.C.S. §	<i>All offenses contained within this section (related to driving under influence of alcohol or controlled substance) are subject to a mandatory penalty under 75 Pa.C.S. § 3804 (relating to penalties).</i>				
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	4	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off)	M-2	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 1st violation involving minor occupant	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 1st violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 2nd violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (4th/subsq off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (1st off)	F-3	7	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off)	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(a)(1)*	DUI-incapable of safe driving: refused testing (5th/subsq off)	F-2	15	POG3	
3802(a)(1)*	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off)	M	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 1st violation involving minor occupant	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	4	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off)	M-2	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 1st violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 2nd violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (4th/subsq off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	8	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	9	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	7	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	9	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off)	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (4th off)	F-2	14	POG3	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(c)	DUI-highest rate of alcohol: BAC \geq .16 (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(c)	DUI-highest rate of alcohol: BAC \geq .16 (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(c)	DUI-highest rate of alcohol: BAC \geq .16 (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(c)	DUI-highest rate of alcohol: BAC \geq .16 (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(c)*	DUI-highest rate of alcohol: BAC \geq .16 (5th/subsq off)	F-2	15	POG3	
3802(c)*	DUI-highest rate of alcohol: BAC \geq .16 (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	7	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	9	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off)	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off)	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(1)(i)*	DUI-controlled substances: Sched I (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(i)*	DUI-controlled substances: Sched I (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	7	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	9	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off); 1st violation involving minor occupant	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off)	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off)	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(1)(ii)*	DUI-controlled substances: Sched II/III (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(ii)*	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	7	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	9	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off)	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off)	F-2	14	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 1st violation involving minor occupant	F-2	14	POG3	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(1)(iii)*	DUI-controlled substances: metabolite of Sched I/II/III (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(iii)*	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	7	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	9	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off)	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off)	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(2)*	DUI-controlled substances & incapable of safe driving (5th/subsq off)	F-2	15	POG3	
3802(d)(2)*	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	7	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	9	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off)	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off)	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(3)*	DUI-controlled substances & alcohol & incapable of safe driving (5th/subsq off)	F-2	15	POG3	
3802(d)(3)*	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	7	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	9	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off)	F-3	13	POG2	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off)	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(4)*	DUI-controlled substances: solvent, etc. (5th/subsq off)	F-2	15	POG3	
3802(d)(4)*	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(e)	DUI-minor driver (1st off)	M	7	POG1	
3802(e)	DUI-minor driver (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(e)	DUI-minor driver (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(e)	DUI-minor driver (2nd off)	M	8	POG1	
3802(e)	DUI-minor driver (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(e)	DUI-minor driver (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(e)	DUI-minor driver (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(e)	DUI-minor driver (3rd off)	M-1	9	POG1	
3802(e)	DUI-minor driver (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(e)	DUI-minor driver (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(e)	DUI-minor driver (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(e)	DUI-minor driver (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(e)	DUI-minor driver (4th/subsq off)	F-3	13	POG2	
3802(e)	DUI-minor driver (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(e)	DUI-minor driver (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(e)	DUI-minor driver (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(e)	DUI-minor driver (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	7	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (1st off)	F-3	9	POG2	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	8	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	9	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	7	POG1	
3802(f)(1)(ii)	DUI-school vehicles (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	8	POG1	
3802(f)(1)(ii)	DUI-school vehicles (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(ii)	DUI-school vehicles (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	9	POG1	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	7	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	8	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	9	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	7	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	8	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off); 1st violation involving minor occupant	M-1	8	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	9	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off)	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	7	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	8	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	9	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 1st violation involving minor occupant	M-1	9	POG1	

	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Enhancements
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	

* = subcategorized offenses by OGS assignment (§ 303a.3(a)(2), § 303a.3(b)(2), § 303a.12)

E = offenses subject to OGS adjustment (§ 303a.3(b)(2), § 303a.12)

§ 303a.11. Omnibus OGS tables.

(a) General omnibus OGS assignments.

[OMNIBUS ASSIGNMENTS]

Omnibus Assignments	Statutory Class	Offense Gravity Score	Prior Offense Group
*See § 303a.3(a)(4) and § 303a.9	F-1 + (max >20 years)	22	POG3/POG4
	F-1	14	POG3
	F-2	11	POG3
	F-3	9	POG2
	Felony Not Classified	9	POG2
	M-1	7	POG1
	M-2	4	POG1
	M-3	2	POG1
	Misdemeanor Not Classified	2	POG1

(b) BUI omnibus OGS assignments, relating to operating watercraft under the influence.

Omnibus Assignments	30 Pa.C.S. § 5502 OGS Assignments (based on mandatory minimum sentence requirements)	§ 5502 OGS Override (when OGS of statutory class is higher)		
*See § 303a.3(a)(4) and § 303a.10	1 year and > *subsq off +1 (up to OGS 15)	13*		
	90 days to < 1 year	9	M-1	7
	30 days to < 90 days	8	M-2	4
	< 30 days	7	M	2
	6 months prob	4		

(c) *DUI omnibus OGS assignments, relating to driving under the influence.*

<i>Omnibus Assignments</i>	<i>75 Pa.C.S. § 3802 OGS Assignments (based on mandatory minimum sentence requirements)</i>		<i>§ 3802 OGS Override (when OGS of statutory class is higher)</i>	
*See § 303a.3(a)(4) and § 303a.10	1 year and > *subsq off +1 (up to OGS 15)	13*	F-2	11
	90 days to < 1 year	9	F-3	9
	30 days to < 90 days	8	M-1	7
	< 30 days	7	M-2	4
	6 months prob	4	M	2

§ 303a.12. OGS enhancements table.

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
<i>General enhancements (§ 303a.3(b)(5))</i>				
42-2154(b)(3)	Deadly weapon enhancement			§ 303a.3(b)(5)(i)
	Deadly weapon possessed		+2	
	Deadly weapon used		+3	
42-2154(b)(3)	School zone drug enhancement			§ 303a.3(b)(5)(ii)
	Distribution in a school zone		+1	
42-9720.4	Sentencing for offenses committed in association with a criminal gang.			§ 303a.3(b)(5)(iii)
	Murder-3rd degree	x		
	Crimes of violence (42-9714(g)) or a violation of section (a)(30) of the Drug Act (35-780-114) if knowingly committed at the direction of or for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.		+2	
42-9720.8	Sentencing for offenses involving domestic violence.			§ 303a.3(b)(5)(iv)
	Murder-3rd degree	x		
	Offense under Title 18, Chapters 25, 27, 29, 30, 31 or 49 against a family or household member (23-6102).		+2	
	Defendant knew crime was witnessed, either through sight or sound, by a minor who is also a family or household members of the defendant to victim.			Payment of costs or fees for assessment and treatment of the minor.
<i>Crimes code enhancements (§ 303a.3(b)(6))</i>				
18-2502(c)	Murder of the third degree			§ 303a.3(b)(6)(i)
	Victim <13 years of age	x		
18-2505	Causing or aiding suicide			§ 303a.3(b)(6)(ii)
	Victim <18/intellectual disability/autism	x		
18-3011	Trafficking in individuals			§ 303a.3(b)(6)(iii)
	<i>Unless otherwise included in OGS description:</i>			
	Sexual servitude		+2	
	Kidnapping, rape, or IDSI in course of offense (maximum = Life) (42-9720.2)		OGS 27	
	Age of victim-13 to less than 18 years of age		+2	
	Age of victim-less than 13 years of age		+4	

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
18-3012	Involuntary servitude			§ 303a.3(b)(6)(iii)
	<i>Unless otherwise included in OGS description:</i>			
	Sexual servitude		+2	
	Kidnapping, rape, or IDSI in course of offense (maximum = Life) (42-9720.2)		OGS 27	
	Age of victim-13 to less than 18 years of age		+2	
	Age of victim-less than 13 years of age		+4	
18-3133	Sexual extortion			§ 303a.3(b)(6)(iv)
	Victim < 18/intellectual disability/actor holds position of trust	x		
	<i>Unless otherwise included in OGS description:</i>			
	Victim attempts suicide resulting in SBI/death		+1	
18-3301(a)	Arson endangering persons (provided in 42-9720.6. Sentencing for arson offenses)			§ 303a.3(b)(6)(v)
	Cause SBI to civilian or cause BI to firefighter, etc.	x		
	<i>Unless otherwise included in OGS description:</i>			
	More than 3 people in building (F-1 offense)		+2	
	More than three people in building (< F-1 offense)		+3	
	Greater than \$1 million in damage (F-1 offense)		+2	
	Greater than \$1 million in damage (< F-1 offense)		+3	
	Incendiary device (F-1 offense)		+2	
	Incendiary device (< F-1 offense)		+3	
18-3301(a.1)	Aggravated arson (provided in 42-9720.6. Sentencing for arson offenses)			§ 303a.3(b)(6)(v)
	Cause SBI to civilian or cause BI to firefighter, etc.	x		
	<i>Unless otherwise included in OGS description:</i>			
	More than 3 people in building (F-1 offense)		+2	
	More than 3 people in building (< F-1 offense)		+3	
	Greater than \$1 million in damage (F-1 offense)		+2	
	Greater than \$1 million in damage (< F-1 offense)		+3	
	Incendiary device (F-1 offense)		+2	
	Incendiary device (< F-1 offense)		+3	
18-3502	Burglary (as provided in part in 42-9720.7)			§ 303a.3(b)(6)(vi)
	Occupied structure, person present, bodily injury crime	x		
	<i>Unless otherwise included in OGS description:</i>			
18-3502(d.1)	Domestic animal harmed or killed		+1	
18-3503	Criminal trespass			§ 303a.3(b)(6)(vii)
<i>Unless otherwise included in OGS description:</i>				

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
18-3503(c.2)	Domestic animal harmed or killed		+1	
18-3702	Robbery of motor vehicle			§ 303a.3(b)(6)(viii)
	Steals or takes motor vehicle in presence of person	x		
18-6105	Person not to possess firearms			§ 303a.3(b)(6)(ix)
	Previous conviction	x		
	Possession/control of firearm or within reach	x		
18-6312	Sexual abuse of children (as provided in 42-9720.5. Sentencing for offenses involving sexual abuse of children)			§ 303a.3(b)(6)(x)
	Age of victim or prepubescent	x		
	Indecent contact depicted	x		
	<i>Unless otherwise included in OGS description:</i>			
	Nature and character of abuse depicted		+1	
	Child known to defendant		+1	
	Number of images (video clip = 50 images):			
	More than 50 to 200 images		+1	
	More than 200 to 500 images		+2	
	More than 500 images		+3	
<i>Vehicle code enhancements (§ 303a.3(b)(7))</i>				
75-3732	Homicide by vehicle			§ 303a.3(b)(7)(i)
	<i>Category A:</i> DUI (75-3802); texting (75-3316)	x		
	<i>Category B:</i> active work zone (75-3326), emergency vehicle (75-3325), emergency response area (75-3327)	x		
	<i>Category C:</i> required to be licensed (75-1501); operating privilege suspended/revoked (75-1543)	x		
75-3732.1	Aggravated assault by vehicle			§ 303a.3(b)(7)(ii)
	<i>Category A:</i> DUI (75-3802); texting (75-3316)	x		
	<i>Category B:</i> active work zone (75-3326), emergency vehicle (75-3325), emergency response area (75-3327)	x		
	<i>Category C:</i> required to be licensed (75-1501); operating privilege suspended/revoked (75-1543)	x		
75-3742	Accidents involving death or personal injury			§ 303a.3(b)(7)(iii)
	Victim dies as a result of the violation	x		
75-3802	Driving under the influence of alcohol or controlled substance			§ 303a.3(b)(7)(iv)
	Four or more prior convictions under (a)(1), (c), or (d)	x		

§ 303a.13. POG/PRS tables.

(a) *Prior offense groups (POG).*

POG1 § 303a.4(a)(3)(i)	Least serious group; includes all misdemeanors, unless designated as serious crimes.
POG2 § 303a.4(a)(3)(ii)	Includes all F-3 and all unclassified felonies, unless designated as serious crimes.
POG3 § 303a.4(a)(3)(iii)	Includes all serious crimes, defined as: Except for crimes of violence, an adjudication or conviction for any F-1 or F-2, or an adjudication or conviction for a F-3 or M-1 as provided in the following: 18 Pa.C.S. Part II, Article B, 18 Pa.C.S. Chapter 61-A, and 42 Pa.C.S. § 9799.14.
POG4 § 303a.4(a)(3)(iv)	Most serious group; includes all crimes of violence (offenses listed under 42 Pa.C.S. § 9714(g))

(b) *Prior record score (PRS) categories.*

Prior Offense Group	Number of prior adjudications and convictions in group.	PRS Categories				
		PRS 0	PRS 1	PRS 2	PRS 3	PRS 4
	0	•				
POG1 (1-1-2)	1		•			
	2		•			
	3+			•		
POG2 (2-2-3)	1			•		
	2			•		
	3+				•	
POG3 (2-3-3)	1			•		
	2				•	
	3+					•
POG4 (3-4-4)	1				•	
	2					•
	3+					•

§ 303a.14. Sentencing matrix.

Sentencing Level Aggravated/Mitigated Ranges	Offense Gravity Score	Prior Record Score				
		0	1	2	3	4
H Murder 1, Murder 2 Agg/Mit: +/- 24	H6	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death
	H5	LWOP	LWOP	LWOP	LWOP	LWOP
	H4	420	420-480	480-540	540-600	660-SL
	H3	360	360-420	420-480	480-540	600-SL
	H2	300	300-360	360-420	420-480	540-SL
	H1	240	240-300	300-360	360-420	480-SL
G Murder 3 Mit: - 12	G2	90-240	114-240	138-240	162-240	186-240
	G1	72-240	84-240	96-240	108-240	120-240
F State Confinement/ Max: > 20 years Agg/Mit: +/- 12	30	162-186	186-210	210-234	234-258	258-SL
	29	138-162	162-186	186-210	210-234	234-SL
	28	114-138	138-162	162-186	186-210	210-SL
	27	90-114	114-138	138-162	162-186	186-SL
E State Confinement Agg/Mit: +/- 9	26	84-96	96-108	108-120	120-132	132-SL
	25	78-90	90-102	102-114	114-126	126-SL
	24	72-84	84-96	96-108	108-120	120-SL
	23	66-78	78-90	90-102	102-114	114-SL
	22	60-72	72-84	84-96	96-108	108-SL
	21	54-66	66-78	78-90	90-102	102-SL
	20	48-60	60-72	72-84	84-96	96-SL
	19	42-54	54-66	66-78	78-90	90-SL
	18	36-48	48-60	60-72	72-84	84-SL
	17	30-42	42-54	54-66	66-78	78-SL
D State/County Confinement Agg/Mit: +/- 6	16	24-<30	30-42	36-48	48-60	60-SL
	15	20-26	24-<30	30-42	36-48	48-SL
	14	16-22	20-26	24-<30	30-42	42-SL
	13	12-18	16-22	20-26	24-<30	30-SL
C County Confinement Agg/Mit: +/- 3	12	9 - <12 (RC)	12-18	16-22	20-26	24-<30
	11	7 - 10 (RC)	8 - 11 (RC)	12-18	16-22	20-26
	10	5 - 8 (RC)	6 - 9 (RC)	7 - 10 (RC)	12-18	16-22
	9	3 - 6 (RC)	4 - 7 (RC)	5 - 8 (RC)	6 - 9 (RC)	12-18
	8	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	4 - 7 (RC)	5 - 8 (RC)
B Probation Agg/Mit: +/- 6 P	7	24 P (175-200)	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	4 - 7 (RC)
	6	18 P (150-175)	24 P (175-200)	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)
	5	12 P (125-150)	18 P (150-175)	24 P / 1-3 RC (175-200)	1 - 4 (RC)	2 - 5 (RC)
	4	6 P (100-125)	12 P (125-150)	18 P / 1-2 RC (150-175)	24 P / 1-3 RC (175-200)	1 - 4 (RC)
A Restorative Sanctions Agg: + 3 P	3	RS (75-100)	RS - 6 P (100-125)	12 P / 1 RC (125-150)	18 P / 1-2 RC (150-175)	24 P / 1-3 RC (175-200)
	2	RS (50-75)	RS (75-100)	RS - 6 P (100-125)	12 P / 1 RC (125-150)	18 P / 1-2 RC (150-175)
	1	RS (25-50)	RS (50-75)	RS (75-100)	RS - 6 P (100-125)	12 P / 1 RC (125-150)

LWOP: Life Without the Possibility of Parole, P: Probation, RS: Restorative Sanctions, RC: Restrictive Conditions, SL: Statutory Limit

Omnibus Offense Gravity Score: M-3 (2), M-2 (4), M-1 (7), F-3 (9), F-2 (11), F-1 (14), F-1+ (22)

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Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING

PART VIII. CRIMINAL SENTENCING

[204 PA. CODE CHS. 307 AND 307a]

Adopted Resentencing Guidelines, Amendment 2; Adopted New Resentencing Guidelines for 8th Edition Sentencing Guidelines

On January 7, 2023, the Pennsylvania Commission on Sentencing (Commission) published at 53 Pa.B. 256 (January 7, 2023) proposed Resentencing Guidelines, Amendment 2, 204 Pa. Code §§ 307.1—307.4, for use with the 7th Edition Sentencing Guidelines; and proposed new Resentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4, for use with the 8th Edition Sentencing Guidelines; and requested public comment.

Six public hearings were held:

February 8, 2023 (Philadelphia)

February 17, 2023 (Easton)

February 22, 2023 (Pittsburgh)

February 27, 2023 (PA DOC via Zoom, limited to testimony from incarcerated individuals)

March 2, 2023 (Erie)

March 8, 2023 (Harrisburg and via Zoom)

On March 9, 2023, the Commission adopted Amendment 2 of the Resentencing Guidelines, relabeled the Resentencing Guidelines for the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 307.1—307.4; and adopted new Resentencing Guidelines for the 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4, which are hereby submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*. Resentencing Guidelines for the 7th Edition Sentencing Guidelines are reserved for reference in Chapter 307; Resentencing Guidelines for the 8th Edition Sentencing Guidelines are set forth in Chapter 307a.

The Resentencing Guidelines for the 7th Edition Sentencing Guidelines become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly; apply to all resentences following revocation of probation for sentences imposed under the 7th Edition Sentencing Guidelines; and are applicable to offenses committed on or after January 1, 2020, but prior to January 1, 2024. The Resentencing Guidelines for the 8th Edition Sentencing Guidelines become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly; apply to all resentences following revocation of probation for sentences imposed under the 8th Edition Sentencing Guidelines; and are applicable to offenses committed on or after January 1, 2024.

Resentencing Guidelines for the 7th Edition Sentencing Guidelines, as adopted by the Commission, are summarized as follows, and set forth in Annex A. Resentencing Guidelines for the 8th Edition Sentencing Guidelines, as adopted by the Commission, are summarized as follows, and set forth in Annex B.

JUDGE TAMARA R. BERNSTEIN,
Chair

Commentary on Annex A

On March 9, 2023, the Commission adopted Amendment 2 of the Resentencing Guidelines, relabeled the Resentencing Guidelines for the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 307.1—307.4. Resentencing Guidelines for the 7th Edition Sentencing Guidelines are reserved for reference in Chapter 307.

The adopted amendment to Chapter 307 limits the application of this Chapter to resentencing guidelines for probation sentences imposed under the 7th Edition Sentencing Guidelines and subsequently revoked.

Description of Amendments

Provided as follows is a description of each section of the adopted Resentencing Guidelines for the 7th Edition Sentencing Guidelines. The adopted amendment to Chapter 307 is set forth in Annex A.

§ 307.1. Preliminary provisions

Amendments to this section include editorial changes to several definitions, including inserting common abbreviations and amending the references to the 7th Edition Sentencing Guidelines.

§ 307.2. Resentencing guidelines standards

Amendments include an editorial change to the title of the section, amending the references to the 7th Edition Sentencing Guidelines, modifying the description of the effective dates of the amendments to the resentencing guidelines, and linking the resentencing guidelines to the corresponding amendment of the 7th Edition Sentencing Guidelines.

§ 307.3. Procedure for determining resentencing guidelines

Amendments include an editorial change to the title of the section.

§ 307.4. Resentencing guidelines recommendations

Amendments include an editorial change to the title of the section and amending the reference to the 7th Edition Sentencing Guidelines.

Effective Date

Resentencing Guidelines for the 7th Edition Sentencing Guidelines shall become effective January 1, 2024, and apply to all offenses committed on or after January 1, 2020, but prior to January 1, 2024, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b) (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

Resource Utilization

Prior to the adoption of amendments to the resentencing guidelines, the Commission is required to use a correctional population simulation model to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed amendments to the guidelines. 42 Pa.C.S. § 2153(a)(15) (relating to powers and duties of commission).

Amendment 2 of the Resentencing Guidelines, relabeled the Resentencing Guidelines for the 7th Edition Sentencing Guidelines, is a technical change to limit the application of the initial Resentencing Guidelines, effective January 1, 2020, to revocations of probation ordered under Amendment 5 of the 7th Edition Sentencing Guidelines; and to limit the application of Amendment 1 of the Resentencing Guidelines, effective January 1, 2021, to

revocations of probation ordered under Amendment 6 of the 7th Edition Sentencing Guidelines.

Amendment 2 of the Resentencing Guidelines addresses offenses committed prior to January 1, 2024, and make no amendments to the recommendations. Therefore, there is no change in the resources that would be required to carry out the adopted Resentencing Guidelines for the 7th Edition Sentencing Guidelines.

Commentary on Annex B

On March 9, 2023, the Commission adopted new Resentencing Guidelines for the 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4. Resentencing Guidelines for the 8th Edition Sentencing Guidelines are set forth in Chapter 307a.

The adopted addition of Chapter 307a limits the application of this new chapter to resentencing guidelines for probation sentences imposed under the 8th Edition Sentencing Guidelines and subsequently revoked.

Description of Amendments

Provided as follows is a description of each section of the adopted Resentencing Guidelines for the 8th Edition Sentencing Guidelines. The adopted new Chapter 307a is set forth in Annex B.

§ 307a.1. Preliminary provisions

This section includes authorization and definitions related to the application of resentencing guidelines for revocations of orders of probation imposed under the 8th Edition Sentencing Guidelines. Certain definitions provided in the proposed resentencing guidelines are amended and other definitions added to conform with definitions adopted in the 8th Edition Sentencing Guidelines.

§ 307a.2. Resentencing guidelines standards

This section includes standards for the application of resentencing guidelines for revocations of orders of probation imposed under the 8th Edition Sentencing Guidelines, as well as providing the effective dates of the resentencing guidelines. Reporting requirements provided in the proposed resentencing guidelines are amended to conform with the reporting requirements adopted in the 8th Edition Sentencing Guidelines.

§ 307a.3. Procedure for determining resentencing guidelines

This section includes the procedures for determining the sentence recommendation for technical violations and conviction violations for revocations of orders of probation imposed under the 8th Edition Sentencing Guidelines.

§ 307a.4. Resentencing guidelines recommendations

This section provides general recommendations for consideration at resentencing. Resentencing recommendations provided in the proposed resentencing guidelines are amended to conform with the sentencing recommendations adopted in the 8th Edition Sentencing Guidelines.

Effective Date

Resentencing Guidelines for the 8th Edition Sentencing Guidelines shall become effective January 1, 2024, and apply to all offenses committed on or after January 1, 2024, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

Resource Utilization

Prior to the adoption of amendments to the resentencing guidelines, the Commission is required to use a correctional population simulation model to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed amendments to the guidelines. 42 Pa.C.S. § 2153(a)(15).

The new Resentencing Guidelines for the 8th Edition Sentencing Guidelines follow a procedure similar to that employed in the Resentencing Guidelines for the 7th Edition Sentencing Guidelines: for a technical violation resulting in a revocation of probation, the resentencing guidelines are the same as initial sentencing guidelines, with consideration given to any service of the original sentence; for a conviction violation resulting in a revocation of probation, the resentencing guidelines reflect a one-step increase in the OGS of the initial sentencing guidelines. However, since the resource utilization of the underlying 8th Edition Sentencing Guidelines has been found to be less than that of the 7th Edition Sentencing Guidelines, the same would be expected of the new Resentencing Guidelines for the 8th Edition Sentencing Guidelines.

The new Resentencing Guidelines for the 8th Edition Sentencing Guidelines address offenses committed on or after January 1, 2024, with recommendations linked to the new 8th Edition Sentencing Guidelines. The resources required to carry out the 8th Edition Sentencing Guidelines are projected to include a 15.9% reduction in the use of State confinement; a 29.8% reduction in the use of county confinement; and a 21.8% reduction in the use of probation; offset by significant increases in the use of restorative sanctions. Therefore, the resources that would be required to carry out the adopted Resentencing Guidelines for the 8th Edition Sentencing Guidelines would follow this trend and be lower than those required by the Resentencing Guidelines for the 7th Edition Sentencing Guidelines.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 307. RESENTENCING GUIDELINES [, AMENDMENT 1] FOR 7TH EDITION SENTENCING GUIDELINES

§ 307.1. Preliminary provisions.

(a) Authorization.

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to adoption of guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing [**an offender**] **a person** following the revocation of probation.

(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, **the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:**

“Commission.” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment ranges following revocation to be considered by the Pennsylvania Parole Board.

“Conviction.” A finding of guilty or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony in a court, whether or not judgement of sentence has been imposed.

“Conviction violation.” Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony, whether or not judgement of sentence has been imposed.

“Court.” [A court of record] Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“Judicial proceeding.” A sentencing hearing in which all offenses for which the [offender] person is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

“[Offense] OGS—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] Chapter 303 (relating to sentencing guidelines, 7th edition).)

“[Offense] OTN—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.

“[Prior record score (PRS).” A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code § 303.3 and § 303.15).]

“PRS—prior record score.” A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person (see: 204 Pa. Code Chapter 303).

“Probation.” A sentencing alternative as provided in 42 Pa.C.S. § 9722 (relating to order of probation) and imposed pursuant to 42 Pa.C.S. § 9754 (relating to order of probation); conditions of probation, pursuant to 42 Pa.C.S. § 9763 (relating to conditions of probation), include conditions generally subsection (b), restrictive DUI probation conditions subsection (c), and restrictive conditions of probation subsection (d).

“Resentence.” A new sentence imposed following the revocation of probation. 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.

“Revocation.” The termination of an order of probation, 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 modification or revocation of order of probation; and court-imposed sanctions for violating probation).

“Risk assessment instrument.” An empirically based worksheet which uses factors that are relevant in predict-

ing recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

1st generation. “Professional judgment,” with assessments based on training and experience;

2nd generation. “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

3rd generation. “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

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] person’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] person.

“SID—State identification number [(SID)].” A unique number associated with each [offender] person based on fingerprints. The Commission requires the inclusion of the SID as part of the record in the completed Guideline Sentence Form ([§ 303.(f)] see: 204 Pa. Code Chapter 303).

“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.

“Technical violation.” Failure to comply with terms of an order of probation, other than by the commission of a new offense of which the person is convicted.

“Violation.” A finding by a court, following a hearing, that the [offender] convicted person failed to comply with terms and conditions of an order of probation.

“[Conviction violation.]” Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony in a court of record whether or not judgement of sentence has been imposed.

“Technical violation.” Failure to comply with the terms and conditions of an order of probation, other than by the commission of a new offense of which the offender person is convicted in a court of record.]

§ 307.2. Resentencing [Guidelines] guidelines standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation.

(b) The Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after the effective date of the amendment. [Amendment 1 is effective January 1, 2021.]

(1) The initial Resentencing Guidelines, effective January 1, 2020, apply to all offenses committed on or after January 1, 2020, but prior to January 1, 2021, for which the 7th Edition, Amendment 5 Sentencing Guidelines applied.

(2) Resentencing Guidelines, Amendment 1, effective January 1, 2021, apply to all offenses committed on or after January 1, 2021, but prior to January 1, 2024, for which the 7th Edition, Amendment 6 Sentencing Guidelines applied.

(3) Resentencing Guidelines for the 8th Edition Sentencing Guidelines, effective January 1, 2024, as provided in Chapter 307a (relating to resentencing guidelines for 8th Edition Sentencing Guidelines), apply to all offenses committed on or after January 1, 2024, for which the 8th Edition Sentencing Guidelines applied.

(c) Upon revocation of probation, 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 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 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)] **Chapter 303** (relating to [**resentencing**] **sentencing** guidelines, **7th edition**).

(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 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.

§ 307.3. Procedure for determining the [**guideline sentence**] **resentencing guidelines**.

(a) For a technical violation resulting in the revocation of an order of probation, the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines, **7th edition**), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation, the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303, 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 is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

§ 307.4. [**Guideline sentence**] **Resentencing guidelines** 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) Guidelines 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] **Chapter 303** (relating to [**resentencing**] **sentencing** guidelines, **7th edition**).

Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 307a. RESENTENCING GUIDELINES FOR 8TH EDITION SENTENCING GUIDELINES

Sec.	
307a.1.	Preliminary provisions.
307a.2.	Resentencing guidelines standards.
307a.3.	Procedure for determining the resentencing guidelines.
307a.4.	Resentencing guidelines recommendations.

§ 307a.1. Preliminary provisions.

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to adoption of guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing [**an offender**] **a convicted person** following the revocation of probation.

(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, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“*Commission.*” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment ranges following revocation to be considered by the Pennsylvania Parole Board.

“*Conviction.*” A finding of guilty or the entering of a plea of guilty or nolo contendere for a [**misdemeanor or in a court**] **felony or misdemeanor**, whether or not judgement of sentence has been imposed.

“*Conviction violation.*” **Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony, whether or not judgement of sentence has been imposed.**

“*Court.*” [**A court of record**] **Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any**

judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“*Judicial proceeding.*” A sentencing hearing in which all offenses for which [**the offender**] **a person** is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple **dockets and OTNs**.

“*OGS*—[**O**]**offense gravity score.**” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code Chapter 303a **(relating to sentencing guidelines, 8th edition)**).

“*OTN*—[**O**]**offense tracking number.**” A unique identifying number assigned to an entire set of **related charges [related to a conviction]**. An OTN is generally assigned by the court at the time of arraignment.

“*PRS*—[**P**]**prior record score.**” A category in the sentencing guidelines reflecting the seriousness of the criminal history of [**an offender**] **a person, based on certain previous juvenile adjudications and/or convictions.** (see: 204 Pa. Code Chapter 303a).

“*Probation.*” A sentencing alternative as provided in 42 Pa.C.S. § 9722 (relating to order of probation) and imposed pursuant to 42 Pa.C.S. § 9754 (relating to order of probation); conditions of probation, pursuant to 42 Pa.C.S. § 9763 (relating to conditions of probation), include conditions generally (b), restrictive DUI probation conditions (c), and restrictive conditions of probation (d).

“*Resentence.*” A new sentence imposed following the revocation of probation. 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.

“*Revocation.*” The termination of an order of probation, 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 modification or revocation of order of probation; and court-imposed sanctions for violating probation).

“*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:

1st generation. “Professional judgment,” with assessments based on training and experience;

2nd generation. “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

3rd generation. “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

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**] **person’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**] **person.**

“*SID*—[**S**]**state identification number.**” A unique number associated with each offender based on fingerprints.

The Commission requires the inclusion of the SID as part of the record in the completed Guideline Sentence Form (see: 204 Pa. Code Chapter 303a).

“*Sentencing Guidelines [Software Web] Application [(SGS Web)]*.” A JNET-based application **developed and operated by the Commission and [which includes the modules for Sentencing Guidelines and for Resentencing Guidelines] required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.** SGS Web [serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences] **is the sentencing guidelines application used to prepare guidelines and report sentences during the initial implementation of the 8th Edition Sentencing Guidelines.**

[“*Violation.*” A finding by a court, following a hearing, that the offender failed to comply with terms and conditions of an order of probation.

“*Conviction violation.*” Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.]

“*Technical violation.*” Failure to comply with the terms and conditions of an order of probation, other than by the commission of a new offense of which the [**offender**] **person** is convicted [**in a court of record**].

“*Violation.*” A finding by a court, following a hearing, that the convicted person failed to comply with terms and conditions of an order of probation.

§ 307a.2. Resentencing guidelines standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation.

(b) The Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after the effective date of the amendment.

(1) The initial Resentencing Guidelines, effective January 1, 2020, as provided in Chapter 307 **(relating to resentencing guidelines for 7th edition sentencing guidelines)**, apply to all offenses committed on or after January 1, 2020, but prior to January 1, 2021, for which the 7th Edition, Amendment 5 Sentencing Guidelines applied.

(2) Resentencing Guidelines, Amendment 1, effective January 1, 2021, as provided in Chapter 307, apply to all offenses committed on or after January 1, 2021, but prior to January 1, 2024, for which the 7th Edition, Amendment 6 Sentencing Guidelines applied.

(3) Resentencing Guidelines for the 8th Edition Sentencing Guidelines, effective January 1, 2024, apply to all offenses committed on or after January 1, 2024, for which the 8th Edition Sentencing Guidelines applied.

(c) Upon revocation of probation, 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 resentence 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 resentence imposed. In every case where a court of record imposes a resentence **[outside] in the aggravated or mitigated range, or imposes a sentence that is a departure from** the Resentencing Guidelines, **the court shall report** the reason or reasons for the deviation from the **standard range of the guidelines to the Commission in the manner described as follows [shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Commission in the manner described in 204 Pa. Code Chapter 303a (relating to sentencing guidelines)]**.

(e) Unless otherwise provided by the Commission, the JNET-based **[S]sentencing [G]guidelines [Software Web A]application [(SGS Web)]** shall be used at the court's direction to prepare the **sentencing guideline form for any resentence for a revocation of probation [report all revocations of probation 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) Following revocation of probation and resentencing, a completed guideline sentence form, including the state identification number (SID), the resentence imposed, reasons for deviation from the standard range of the resentencing guidelines, and all required guidelines and resentencing information, including information from the completed sentence guideline form associated with the initial order of probation, shall be made a part of the record, and the information electronically submitted to the Commission using the Commission's sentencing guidelines application no later than 30 days after the date of resentencing.

§ 307a.3. Procedure for determining the resentencing guidelines.

(a) For a technical violation resulting in the revocation of an order of probation, the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation, the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303a, with the OGS assignment increased by one point. The highest OGS assignment permitted is OGS 30. Consideration shall be given to any service of the original sentence.

(c) If the revocation of an order of probation is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

§ 307a.4. Resentencing guidelines 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 resentence.

(b) Guidelines resentencing recommendations relating to **[sentencing level] offense-specific recommendations, [sentencing programs,]** aggravated and mitigated circumstances, and **[economic sanctions] judicial proceeding recommendations** shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**).

[Pa.B. Doc. No. 23-1171. Filed for public inspection August 25, 2023, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [204 PA. CODE CH. 311]

Adopted State Parole Recommitment Ranges

On January 7, 2023, the Pennsylvania Commission on Sentencing (Commission) published in the *Pennsylvania Bulletin* (53 Pa.B. 260) proposed State Parole Recommitment Ranges, 204 Pa. Code §§ 311.1—311.6, and requested public comment. Six public hearings were held:

February 8, 2023 (Philadelphia)

February 17, 2023 (Easton)

February 22, 2023 (Pittsburgh)

February 27, 2023 (PA DOC via Zoom, limited to testimony from incarcerated individuals)

March 2, 2023 (Erie)

March 8, 2023 (Harrisburg and via Zoom)

The Commission is authorized by 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by board) to adopt recommitment ranges following revocation of parole to be considered by the Pennsylvania Parole Board when exercising its power to reparole, commit and recommit for parole violations. Recommitment ranges shall take into account the: 1) seriousness of the initial conviction offense, 2) the level of seriousness of the violation, and 3) rehabilitative needs of the defendant. The State Parole Recommitment Ranges are advisory and do not remove the discretionary authority of the Pennsylvania Parole Board.

On March 9, 2023, the Pennsylvania Commission on Sentencing adopted State Parole Recommitment Ranges, 204 Pa. Code §§ 311.1—311.6, which are hereby submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*.

State Parole Recommitment Ranges become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly and apply to all State parole violation hearings initiated on or after January 1, 2024.

State Parole Recommitment Ranges, as adopted by the Commission, are summarized as follows, and set forth in Annex A.

JUDGE TAMARA R. BERNSTEIN,
Chair

Commentary on Annex A

As provided in statute, 61 Pa.C.S. § 6102 (relating to operation of parole system generally), the parole system shall operate consistently with the following provisions:

(1) The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the public, the opportunity for the offender to become a useful member of society and the diversion of appropriate offenders from prison.

(2) In providing these benefits to the criminal justice system, the Board and any other paroling entity shall first and foremost seek to protect the safety of the public.

(3) In addition to this goal, the Board and any other paroling entity shall address input by crime victims, assist in the fair administration of justice by ensuring the custody, control and treatment of paroled persons shall consider any applicable guidelines established by the Commission and shall ensure that parole proceedings, release and recommitment are administered in an efficient and timely manner.

Regarding recommitment following violation of terms, 61 Pa.C.S. § 6137(h) (relating to parole power) authorizes:

(1) The Board may, during the period for which an inmate shall have been sentenced, recommit the inmate, if paroled, for violation of the terms and conditions of the person's parole and from time to time to reparole and recommit in the same manner and with the same procedure as in the case of an original parole or recommitment if, in the judgment of the Board:

(i) There is a reasonable probability that the inmate will be benefited by paroling the inmate again.

(ii) It does not appear that the interests of the Commonwealth will be injured by paroling the inmate again.

(2) In exercising these powers, the Board shall consider any applicable recommitment ranges established by the Commission under 42 Pa.C.S. § 2154.6.

(i) *Cases involving deviations from guidelines.* In each case in which the Board deviates from the recommitment ranges established under 42 Pa.C.S. § 2154.6, the Board shall provide a contemporaneous written statement of the reason for the deviation from the recommitment ranges to the Commission, as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission).

Section 2154.6 of 42 Pa.C.S. requires the Commission to adopt recommitment ranges for violations of parole that consider the following:

- (1) the seriousness of the initial conviction offense;
- (2) the level of seriousness of the violation; and
- (3) the rehabilitative needs of the defendant.

A recommitment range is a recommendation for a period of time for which a parole violator may be recommitment to serve an additional part of the term the parole violator would have been compelled to serve had the parole violator not been paroled. At the end of the recommitment period, the parole violator may be reviewed for parole or, without further review, shall be reparoled.

Section 6137 of 61 Pa.C.S. requires the Board to consider recommitment ranges established by the Commission, and to report to the Commission the recommit-

ment decision and provide a contemporaneous written statement of reasons for any deviation from the recommitment ranges. In addition to consideration of the guidelines, the Board may develop and use internal decisional instruments.

The recommitment ranges established by the Commission are advisory recommendations, which must be considered by the Board but for which the Board may exercise discretion in deviating from the recommendations. The recommitment ranges do not remove the discretionary authority of the Pennsylvania Parole Board, and do not prevent the Board from developing policies and procedures related to recommitment decisions.

The adopted recommitment ranges standardize current practices, improve the consistency and transparency of decisions, and enhance data collection and analysis. By linking the recommitment ranges to the parole guidelines and the 8th Edition Sentencing Guidelines, the Commission is promoting coordination of information and decision-making.

On July 11, 2020, the Commission published at 50 Pa.B. 3417 (July 11, 2020) initial proposed State Parole Reccommitment Ranges, 204 Pa. Code §§ 311.1—311.5, and held two public hearings. On September 10, 2020, the Commission tabled action on adoption of the recommitment ranges due to delays in adoption of the related parole guidelines. On March 10, 2022, the Commission voted to resume consideration of both the proposed parole guidelines and proposed recommitment ranges. The Commission approved without amendment the proposed State Parole Reccommitment Ranges, republished the same at 52 Pa.B. 2351 (April 23, 2022), and held two public hearings.

On June 2, 2022, the Commission voted to delay action on adoption, providing staff with an opportunity to address the following issues: consideration of the seriousness of the initial conviction offense, as required by statute; consideration of the rehabilitative needs of the defendant, as required by statute; concerns that recommendations for technical violators included a minimum period of time, and did not address disciplinary infractions or recommitments to non-correctional facilities; and concerns that recommendations for convicted violators were linked to the 7th Edition Sentencing Guidelines, which would be inconsistent with proposals the Commission was preparing for new sentencing guidelines. Staff reviewed proposals with the Parole Board and drafted revised recommitment ranges for consideration by the Commission, which included an additional section (§ 311.6 (relating to parole violator tables)) with new tables for clearer presentation of recommendations.

On December 8, 2022, the Commission approved for the purpose of receiving public comment revised proposed State Parole Reccommitment Ranges, which were published at 53 Pa.B. 260 (January 7, 2023), and six public hearings were held. The proposed recommitment ranges are intended to document existing practices and serve as interim recommitment ranges until validation of the Static Risk Offender Needs Guide—Revised (STRONG-R) risk assessment instrument by the Department of Corrections and the related reconstruction of the initial parole guidelines.

On March 9, 2023, the Commission adopted the State Parole Reccommitment Ranges, 204 Pa. Code §§ 311.1—311.6. State Parole Reccommitment Ranges become effective 90 days after publication unless rejected by concur-

rent resolution of the General Assembly and apply to all state parole violation hearings initiated on or after January 1, 2024.

Description of Amendments

Provided as follows is a description of each of the sections of the adopted State Parole Recommitment Ranges. The adopted State Parole Recommitment Ranges are set forth in Annex A.

§ 311.1. *Preliminary provisions*

This section addresses the statutory authorization to adopt recommitment ranges and includes a list of definitions of words and phrases used in the recommitment ranges. Certain definitions provided in the proposed recommitment ranges are amended or other definitions added to conform with definitions adopted in the State Parole Guidelines and the 8th Edition Sentencing Guidelines.

§ 311.2. *Parole violator recommitment range standards*

This section addresses the requirements related to the consideration of the recommitment ranges and the reporting of decisions to the Commission. Procedures for reporting recommitment information and decisions are the same as those developed for the reporting of parole information and decisions, utilizing an export of data from the Board to the Commission by means of JNET and the Commission’s sentencing guidelines application.

§ 311.3. *Procedure for determining parole violator recommitment range*

This section defines the two types of violators: technical parole violator and convicted parole violator; and describes the general procedures for determining the applicable range and consideration of aggravating or mitigating circumstances.

§ 311.4. *Technical parole violator recommitment ranges*

This section includes general provisions for consideration of ranges for technical parole violators, including the description of specified violation conditions for which individuals are recommitted to correctional facilities, and those otherwise recommitted to non-correctional facilities, including group facilities and parole violator centers; and the specific provisions for determining the recommitment ranges for technical parole violators. Amendments to the proposed recommitment ranges, for technical parole violators, consistent with § 311.6, include adjustments to recommendations for non-violent cases recommitted to correctional facilities and commitments to community facilities and parole violator centers. These amendments are in response to comments received during public hearings and the consideration of time served following revocation.

§ 311.5. *Convicted parole violator recommitment ranges*

This section includes general provisions for consideration of ranges for convicted parole violators, including the specific provisions related to the recommended ranges determined in part on the seriousness of the new conviction offense based on the corresponding level of the 8th Edition Sentencing Guidelines. Amendments to the proposed recommitment ranges are limited to updating the designation of certain offense gravity scores consistent with the 8th Edition Sentencing Guidelines.

§ 311.6. *Parole violator tables*

This section includes two tables that display recommitment ranges. Subsection (a) (relating to table 1—technical parole violator recommitment ranges) addresses technical

parole violator recommitment ranges; subsection (b) (relating to table 2—convicted parole violator recommitment ranges) addresses convicted parole violator recommitment ranges. Amendments to the proposed recommitment ranges, for technical parole violators, consistent with § 311.4 (relating to technical parole violator recommitment ranges), include adjustments to recommendations for non-violent cases recommitted to correctional facilities and commitments to community facilities and parole violator centers. These amendments are in response to comments received during public hearings and the consideration of time served following revocation.

Effective Date

State Parole Recommitment Ranges shall become effective January 1, 2024, and apply to all State parole violation hearings initiated on or after that date, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b) (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

Resource Utilization

Prior to the adoption of amendments to the recommitment ranges, the Commission is required to use a correctional population simulation model to determine the resources that are required under current recommitment ranges and the resources that would be required to carry out any proposed amendments to the recommitment ranges. 42 Pa.C.S. § 2153(a)(15).

Since the State Parole Recommitment Ranges adopted by the Commission are initial ranges, there are no current ranges to serve as a baseline and no basis for determining Board compliance with the State Parole Recommitment Ranges. However, in developing the ranges in conjunction with the Board, the Commission sought to incorporate existing regulations and statutes as well as practices of Board decision-makers. For revocations and commitments for technical violators, the adopted ranges reflect statutory requirements as provided in 61 Pa.C.S. § 6138 (relating to violation of terms of parole); and for revocations and commitments for convicted violators, the new ranges standardize recommendations and provide more targeted ranges than existing regulations, while providing coordination with the sentencing guidelines for new conviction offenses. Taken together, the addition of recommitment ranges may result in modest reductions in the use of resources but should substantially improve the transparency of decisions and the data collected and available for future analysis.

The new State Parole Recommitment Ranges generally reflect current recommitment practices. Therefore, no substantial change in resource utilization is anticipated.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 311. STATE PAROLE RECOMMITMENT RANGES

Sec.	
311.1.	Preliminary provisions.
311.2.	Parole violator recommitment range standards.
311.3.	Procedure for determining parole violator recommitment range.
311.4.	Technical parole violator recommitment ranges.
311.5.	Convicted parole violator recommitment ranges.
311.6.	Parole violator tables.

§ 311.1. Preliminary provisions.

(a) Authorization.

(1) As authorized by 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by board), the Commission shall adopt recommitment ranges that shall be considered by the Board when exercising its power to reparole, commit and recommit for violations of parole any person sentenced by a court in this Commonwealth to imprisonment in any correctional institution.

(i) The recommitment ranges shall take into account:

- (A) the seriousness of the initial conviction offense;
- (B) the level of seriousness of the violation; and
- (C) the rehabilitative needs of the defendant.

(ii) At the end of the recommitment period, the parole violator shall be reviewed for parole or, without further review, shall be repared.

(b) *Definitions.* For purposes of this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Aggregated sentence.” Two or more consecutive sentences that have been combined whereby the aggregate minimum term is the sum of the consecutive minimum terms and the maximum term is the sum of the consecutive maximum terms.

“At liberty on parole.” The period of conditional liberty and freedom from confinement on a particular sentence that a [**parolee**] **paroled person** enjoys during which time the [**parolee**] **person** is in compliance with the terms and conditions of parole.

“Automatic reparole.” An immediate release from a State correctional institution, contracted county jail, community corrections center, or community corrections facility based on the date stated on the Board action. Disciplinary infractions result in removal of automatic parole.

“Board.” Pennsylvania Parole Board [**(PB)**]. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole [**offenders**] **persons** sentenced to [**two years or more**] **confinement in a State facility**.

CCC—community corrections center. A residential facility operated and staffed by the Department of Corrections, Bureau of Community Corrections, to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

CCF—community corrections facility or community contracted facility. A residential facility contracted by the Department and operated by a private or public entity to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

CCJ—contracted county jail. Secure county facilities contracted by the Department for confinement of convicted persons.

“Commission.” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt guidelines for parole and recommitment ranges following revocation of parole to be considered by the Board.

“Concurrent sentence.” Sentences imposed to be served simultaneously or at the same time.

“Consecutive sentence.” Sentences imposed to be served one after another. [**State law requires that consecutive sentences be aggregated into one sentence structure with one minimum and one maximum sentence**] **As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f) (relating to sentencing proceeding; place of confinement), consecutive confinement sentences shall be aggregated into a single sentence with one minimum term and one maximum term.**

“Constructive parole.” A grant of parole when an inmate is released from one sentence but remains confined while serving another sentence, rather than being released from confinement.

“Convicted parole violator.” [**Parolee**] **A paroled person** under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the [**parolee**] **person** is convicted or found guilty by a judge or jury or to which the [**parolee**] **person** pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1) (relating to violation of terms of parole).

“Conviction.” A finding of guilt or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony offense [**in a court of record**], whether or not judgement of sentence has been imposed.

Conviction violation. Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Violations including both technical and conviction violation are considered conviction violations. Also see direct violation.

Correctional facilities. Secure facilities operated or contracted by the Department including SCI and CCJ.

Court.” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

Cox hearing. An evidentiary hearing to determine if a paroled person’s stay at a CCC/CCF is the equivalence of incarceration.

“Department.” Pennsylvania Department of Corrections. An executive branch agency responsible for operating the state prison system and providing parole supervision of reentrants. Facilities included in statute for recommitment are CCC, CCF, PVC, and SCI.

[**PVC—parole violator centers. Secure facilities operated or contracted by the Department to address violation behavior, which may be located at correctional facilities or group facilities. A CCC or CCF may be used for technical parole violators to provide immediate treatment and programming to address violation behavior using a Community**

Based Life Skills (CBLs) program. Participation is for a maximum period of six months with automatic reparole. An SCI or CCJ may be used for technical parole violators who are not eligible to be placed in a CCC or CCF to receive the treatment and programming otherwise provided in a CCC or CCF.

Correctional facilities. Secure facilities operated or contracted by the Department, including SCI and CCJ.

CCJ—contracted county jail. Secure county facilities contracted by the Department for confinement of offenders.

SCI—State correctional institution. Secure facilities maintained by the Department for confinement of offenders, classified into four security levels: minimum, medium, close, and maximum; and including special facilities for diagnostics and classification, substance abuse treatment, psychiatric care and treatment, capital case inmates, and a motivational boot camp.

Group facilities. Residential facilities operated or contracted by the Department, including CCC and CCF.

CCC—community corrections center. A residential facility operated and staffed by the Department of Corrections, Bureau of Community Corrections, to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

CCF—community corrections facility or community contracted facility. A residential facility contracted by the Department and operated by a private or public entity to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.]

“Detainer.” A written order of the Department to hold a person in custody in a correctional institution pending further legal action.

Detention hearing. A first-level, probable cause hearing to determine whether there is probable cause that a paroled person should be detained or returned pending disposition of a new criminal charge.

“Direct violation.” Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Also see conviction violation.

Group facilities. Residential facilities operated or contracted by the Department, including CCC and CCF.

“Hearing examiner.” An agent of the Board who is empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels, and conduct parole interviews on behalf of the Board.

“Hearing.” Includes Cox hearing, detention hearing, preliminary hearing, rescission hearing, revocation hearing and violation hearing.

[Cox hearing. An evidentiary hearing to determine if a parolee’s stay at a CCC/CCF is the equivalence of incarceration.

Detention hearing. A first-level, probable cause hearing to determine whether there is probable cause that a parolee should be detained or returned pending disposition of a new criminal charge.

Preliminary hearing. A first-level, probable cause hearing to determine whether there is probable cause to believe that a parolee has committed a violation of a condition of parole.

Rescission hearing. A hearing to decide whether there is good cause for rescinding parole.

Revocation hearing. A second-level, fact-finding hearing held by the Board to determine whether a parolee violated the terms and conditions of parole and, if so, should be recommitted as a convicted parole violator.

Violation hearing. A second-level, fact-finding hearing held by the Board to determine whether a parolee violated the terms and conditions of parole and, if so, should be recommitted as a technical violator.]

“Indirect violation.” A violation of parole by a breach of the terms and conditions of parole other than the commission of a new criminal offense of which the [**offender**] **paroled person** is found guilty or pleads guilty or nolo contendere. Also see technical violation.

“Judicial proceeding.” A sentencing hearing in which all offenses for which [**the offender**] a **person** is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple **dockets and OTNs**.

“NV—non-violent offender.” [**An offender**] **A paroled person** who is not currently nor was previously convicted of a violent offense, used to determine the parole guidelines and the seriousness of the initial conviction offense for a conviction violation. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

“OGS—offense gravity score.” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense, which is used to determine the sentencing level of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**).

“Order of service of sentence.” As provided in 61 Pa.C.S. § 6138(a)(5) and (5.1), if a new sentence of confinement is imposed on a convicted parole violator, the service of the balance of the original sentence shall precede the commencement of the service of the new sentence imposed, if the person was paroled from an SCI and is sentenced to an SCI or by a foreign jurisdiction, or the person was paroled from a county jail and is sentenced to the same county jail or by a foreign jurisdiction. Otherwise, the service of the new confinement sentence shall precede the service of the recommitment on the original sentence.

“Original sentence.” The sentence resulting from the original conviction. It is from this sentence the Board paroles the inmate and the [**parolee**] **paroled person** serves the remaining time on the street unless recommitted by the Board.

“Panel.” A two-member unit of the Board comprised of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

“Parole.” The conditional release from confinement of an inmate from a correctional facility, to serve the remainder of the unserved balance of the maximum term

in the community under supervision, as long as the [**parolee**] **paroled person** satisfactorily complies with all terms and conditions provided in the parole order. There is no right to parole in this Commonwealth.

“Parole decision.” A decision by the Board to grant parole or refuse to grant parole.

“Parole violation.” A finding following a hearing that the [**offender**] **paroled person** failed to comply with terms and conditions of parole.

Conviction violation. Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Violations including both technical and conviction violation are considered conviction violations. Also see direct violation.

Technical violation. Failure to comply with the terms and conditions of parole, other than by the commission of a new offense of which the offender is convicted. Also see technical parole violation. Also see indirect violation.]

“Parole violator.” [**An offender**] **A person** under parole supervision in the community who commits a technical violation or conviction violation. Also see convicted parole violator and technical parole violator.

PVC—parole violator centers. Secure facilities operated or contracted by the Department to address violation behavior, which may be located at correctional facilities or group facilities. A CCC or CCF may be used for technical parole violators to provide immediate treatment and programming to address violation behavior using a Community Based Life Skills program. Participation is for a maximum period of six months with automatic reparole. An SCI or CCJ may be used for technical parole violators who are not eligible to be placed in a CCC or CCF to receive the treatment and programming otherwise provided in a CCC or CCF.

Preliminary hearing. A first-level, probable cause hearing to determine whether there is probable cause to believe that a paroled person has committed a violation of a condition of parole.

“Recommitment range.” A recommended range of time for which a parole violator may be recommitted, to serve all or part of the unserved balance of the sentence for which the [**offender**] **person** was paroled, based on the seriousness of the initial conviction, the seriousness of the violation, and the rehabilitative needs of the [**offender**] **person**.

“Rescission.” The revocation of a grant of parole based upon an inmate’s conduct occurring prior to release on parole which conduct is unknown to the Board at the time parole was granted.

Rescission hearing. A hearing to decide whether there is good cause for rescinding parole.

“Revocation.” A decision to revoke parole and to recommit [**an offender**] **a paroled person** after a revocation or violation hearing.

Revocation hearing. A second-level, fact-finding hearing held by the Board to determine whether a

paroled person violated the terms and conditions of parole and, if so, should be recommitted as a convicted parole violator.

SCI—State correctional institution. Secure facilities maintained by the Department for confinement of convicted persons, classified into four security levels: minimum, medium, close, and maximum; and including special facilities for diagnostics and classification, substance abuse treatment, psychiatric care and treatment, capital case inmates, and a motivational boot camp.

*“[**SGS Web—s**] **Sentencing guidelines [software web] application.”** A JNET web-based application developed and operated by the Commission [which includes the modules for sentencing, resentencing, and parole guidelines] and required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission. [**SGS Web** is the sentencing guidelines application used to prepare guidelines and report sentences during the initial implementation of the 8th Edition Sentencing Guidelines serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences].*

“Sentencing level.” A category of offense gravity scores, [**determined by**] **provided in the 8th Edition [s] Sentencing [g] Guidelines**, which is used to determine the recommitment ranges of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines, 8th edition).

“Technical parole violator.” [**Parolee**] **A paroled person** under the jurisdiction of the Board who violates the terms and conditions of [**his**] parole, other than by the commission of a new crime of which the [**parolee**] **person** is convicted or found guilty by a judge or jury or to which the [**parolee**] **person** pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c).

Technical violation. Failure to comply with the terms and conditions of parole, other than by the commission of a new offense of which the paroled person is convicted. Also see technical parole violation. Also see indirect violation.

“Unexpired term.” The period of time the person has remaining on the unserved portion of the person’s original sentence.

“V—violent offender.” A designation used in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14 (relating to sentences for second and subsequent offenses; sexual offender treatment; and sexual offenses and tier system), or for an offense otherwise designated by the Board as a violent offense. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

Violation hearing. A second-level, fact-finding hearing held by the Board to determine whether a paroled person violated the terms and conditions of parole and, if so should be recommitted as a technical parole violator.

§ 311.2. Parole violator recommitment range standards.

(a) The Board shall consider recommitment ranges in determining the recommitment time recommended for technical and convicted parole violators.

(b) In every case in which the Board deviates from the recommitment ranges, the Board shall provide a contemporaneous written statement of the reasons for the deviation from the recommitment ranges to the Commission as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission).

(c) The recommitment ranges apply to revocations of parole when recommitment is ordered by the Board.

(d) The recommitment ranges shall apply to all State parole violation hearings initiated on or after January 1, 2024. Amendments to the recommitment ranges shall apply to all State parole violation hearings initiated on or after the effective date of the amendment to the recommitment ranges.

(e) Unless otherwise provided by the Commission, the [**SGS Web**] sentencing guidelines application shall be used by the Board to do the following:

(1) Provide required information on the violation used to determine the recommended recommitment range.

(2) Provide details on the recommitment order, including the type of facility (i.e., correctional facility, group facility and/or parole violator center) and the duration of the recommitment.

(3) Report the date of recommitment and date of eligibility for re-parole or automatic [**release**] reparole.

(4) Attach a copy of the completed State Parole Guidelines Form, as provided in § 309.5 (relating to State Parole Guidelines Form), used to report the grant of parole.

§ 311.3. Procedure for determining parole violator recommitment range.

(a) For each parole recommitment of [**an offender**] a paroled person under the jurisdiction of the Board, the procedure for determining the recommended recommitment range is as follows:

(1) Determine if the [**offender**] paroled person is a technical parole violator or a convicted parole violator:

(i) A technical parole violator is a [**parolee**] paroled person under the jurisdiction of the Board who violates the terms and conditions of parole, other than by the commission of a new crime of which the [**parolee**] person is convicted or found guilty by a judge or jury or to which the [**parolee**] person pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c) (relating to violation of terms of parole).

(ii) A convicted parole violator is a [**parolee**] paroled person under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the [**parolee**] person is convicted or found guilty by a judge or jury or to which the [**parolee**] person pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a).

(2) Consider the recommitment ranges as follows:

(i) For a technical parole violator, consider the recommendations provided in § 311.6(a) (relating to table 1—technical parole violator recommitment ranges) in Table 1, based on the following:

(A) Determine if the [**offender**] paroled person is a violent offender, as provided in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14 (relating to sentences for second and subsequent offenses; sexual offender treatment; and sexual offenses and tier system), or for an offense otherwise designated by the Board as a violent offense.

(B) Determine if the [**offender**] paroled person is being recommitted to a correctional facility, as provided in 61 Pa.C.S. § 6138(d), or to a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e), and the number of recommitments to a correctional facility.

(C) Determine if any disciplinary infractions provided in 61 Pa.C.S. § 6138(d)(5) or (e)(3) apply to the [**offender**] paroled person.

(D) Identify the recommended recommitment range.

(ii) For a convicted parole violator, consider the recommendations provided in § 311.6(b) (relating to table 2—convicted parole violator recommitment ranges) in Table 2, based on the following:

(A) Determine if the [**offender**] paroled person is a violent offender, as provided in the parole guidelines based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14, or for an offense otherwise designated by the Board as a violent offense.

(B) Determine the offense gravity score and the corresponding sentencing level of the most serious new conviction offense.

(C) Identify the recommended recommitment range.

(b) Consider any aggravating and mitigating circumstances, including progress on parole prior to revocation and the rehabilitative needs of the [**offender**] paroled person, when determining the duration of recommitment and prescribed treatment and programming.

(c) Determine the recommitment period, and report the decision, reasons for deviation, and other required information to the Commission, as provided in § 311.2 (relating to parole violator recommitment range standards).

§ 311.4. Technical parole violator recommitment ranges.

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a [**parolee**] paroled person violates a general or specific condition of parole and the Board orders recommitment as a technical parole violator after the necessary violation hearing(s).

(2) The Board shall determine if any of the following specified violation conditions, as provided in 61 Pa.C.S. § 6138(c)(1.3) (relating to violation of terms of parole), are present:

(i) Violation was sexual in nature.

(ii) Violation involved assaultive behavior or included a credible threat to cause bodily injury to another.

(iii) Violation involved possession or control of a weapon.

(iv) [**Parolee**] **The paroled person** absconded and cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(v) An identifiable threat exists to public safety and [**parolee**] **the paroled person** cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(vi) The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the [**parolee**] **paroled person** cannot be safely diverted.

(3) As provided in 61 Pa.C.S. § 6138(c)(1), unless the Board determines a specified violation condition is present, a technical parole violator shall be committed to a group facility or [**secured facility**] **parole violator center**, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(e), for a maximum period of six months, after which the [**offender**] **person** shall automatically be paroled without further action by the Board.

(iii) The maximum period of recommitment and automatic reparole shall not be applicable to [**an offender**] **a paroled person** if any of the following apply:

(A) Commits a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spends more than 61 days in segregated housing due to one or more disciplinary infractions.

(C) Refuses programming or a work assignment.

(D) Is not in compliance with all legal requirements applicable to the [**offender**] **paroled person**, including but not limited to, maintaining registration in any applicable sex offender registry.

(4) As provided in 61 Pa.C.S. § 6138(c)(1.3), when the Board determines that one or more specified violation conditions are present, a technical parole violator shall be committed to a correctional facility, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(d), for a maximum period as described below, after which the [**offender**] **person** shall automatically be paroled without further action by the Board:

(A) For the first recommitment, a technical parole violator shall serve not more than six months.

(B) For the second recommitment for the same sentence, a technical parole violator shall serve not more than nine months.

(C) For the third and subsequent recommitment for the same sentence, a technical parole violator shall serve not more than one year.

(iii) The maximum period of recommitment and automatic reparole shall not be applicable to [**an offender**] **a paroled person** if any of the following apply:

(A) Committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spent more than 90 days in segregated housing due to one or more disciplinary infractions.

(C) Refused programming or a work assignment.

(b) *Specific provisions.*

(1) Technical violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the State parole guidelines whether the [**offender**] **paroled person** is designated as a violent offender or non-violent offender.

(ii) The type of facility to which the [**offender**] **paroled person** is being recommitted. Type of facility includes a correctional facility, as provided in 61 Pa.C.S. § 6138(d), and a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e).

(iii) The number of recommitments for the same sentence. When recommitted to a correctional facility, the maximum period of a recommitment is determined by the number of recommitments, as provided in 61 Pa.C.S. § 6138(d)(3). For recommitment to a group facility or parole violator center, the maximum period is six months, notwithstanding the number of recommitments for the same sentence, as provided in 61 Pa.C.S. § 6138(e)(2).

(iv) Any disciplinary infractions committed by the [**offender**] **paroled person**. The time limits and automatic reparole provided in statute are not applicable in the case of [**an offender**] **a person** who commits certain disciplinary infractions, and separate recommitment recommendations are provided. The types of disciplinary infractions in a correctional facility are provided in 61 Pa.C.S. § 6138(d)(5); the types of disciplinary infractions in a group facility or parole violator center are provided in 61 Pa.C.S. § 6138(e)(3).

(v) The time required to receive treatment and programming to meet the rehabilitative needs of the [**offender**] **paroled person**. The corrective programming required to address the needs of the [**offender**] **paroled person** associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The technical parole violator recommitment ranges, as described below, are provided in § 311.6(a) (relating to table 1—technical parole violator recommitment ranges) in Table 1.

(i) When applied to [**offenders**] **persons** recommitted to group facilities **or parole violator centers**:

(A) The recommended recommitment range for a non-violent offender placed in a group facility or parole violator center, except for those with disciplinary infrac-

tions, is a [**maximum**] **range of time served to** six months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a group facility or parole violator center, except for those with disciplinary infractions, is a [**maximum**] **range of three months to [nine] six** months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for [**an offender**] **a person** placed in a group facility or parole violator center with disciplinary infractions is a maximum of 12 months. Reparole requires action by the Board.

(ii) When applied to [**offenders**] **persons** recommitment to correctional facilities:

(A) The recommended recommitment range for a non-violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a [**maximum**] **range of time served to** six months; for a second violation a [**maximum**] **range of time served to** nine months; and for a third or subsequent violation is a [**maximum**] **range of time served to** 12 months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a range of three to six months; for a second violation a range of six to nine months; and for a third or subsequent violation is a range of nine to 12 months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for [**an offender**] **a person** with disciplinary infractions placed in a correctional facility is a maximum of 12 months for a first violation; a maximum of 18 months for a second violation; and a maximum of 24 months for a third or subsequent violation. Reparole requires action by the Board.

(3) Determine the recommitment period and provide reasons if a deviation from the recommitment ranges.

§ 311.5. Convicted parole violator recommitment ranges.

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a [**parolee**] **paroled person** is convicted of a new offense committed while on parole and the Board orders recommitment as a convicted parole violator after the necessary violation hearing(s).

(2) As provided in 61 Pa.C.S. § 6138(a) (relating to violation of terms of parole), the Board may, at its discretion, revoke the parole of [**an offender**] **a paroled person** convicted of a crime committed while on parole, and including certain enumerated summary offenses.

(i) If the [**offender's**] **paroled person's** parole is revoked, the [**offender**] **person** shall be recommitment to a correctional facility to serve the remainder of the term which the [**offender**] **person** would have been compelled to serve had the parole not been granted, and the Board shall determine whether any credit shall be granted for time at liberty on parole.

(ii) The Board may, in its discretion, reparole a convicted parole violator whenever the best interests of the [**offender**] **person** justify or require the [**offender**] **person's** release on parole and it does not appear that the interests of the Commonwealth will be injured.

(iii) The period of time for which the [**offender**] **paroled person** is required to serve shall be computed by the Board.

(3) The Board shall consider the applicable recommitment ranges described in subsection (b).

(b) *Specific provisions.*

(1) Convicted violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the State parole guidelines whether the [**offender**] **person** is designated as a violent offender or non-violent offender.

(ii) The level of seriousness of the new conviction offense. The seriousness of the new conviction offense is determined by identifying the highest OGS assignment under the [**Pennsylvania**] **8th Edition** Sentencing Guidelines of all new conviction offenses, and then determining the corresponding sentencing level **for that offense**. For out-of-State convictions, the current equivalent [**Pennsylvania**] offense under the **8th Edition** Sentencing Guidelines applies. Summary offenses are assigned the lowest offense gravity score (OGS 1) and the corresponding sentencing level (Level A). Murder of the first degree and murder of the second degree are assigned the highest offense gravity scores [**Murder 1 A/B/C, Murder 2 A/B/C**] (**OGS H-1 through OGS H-6**) and the corresponding sentencing level (Level H).

(iii) The time required to receive treatment and programming to meet the rehabilitative needs of the [**offender**] **paroled person**. The corrective programming required to address the needs of the [**offender**] **paroled person** associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The convicted parole violator recommitment ranges, as described below, are provided in § 311.6(b) (relating to table 2—convicted parole violator recommitment ranges) in Table 2.

(i) The recommended recommitment range for a non-violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 18 to 30 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 24 to 36 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 48 months to

the unserved balance of the sentence from which the [**offender**] **person** was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1[-] **and** OGS G-2), a range of 48 months to the unserved balance of the sentence from which the [**offender**] **person** was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to the unserved balance of the sentence from which the [**offender**] **person** was paroled.

(ii) The recommended recommitment range for a violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 24 to 36 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 36 to 48 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 60 months to the unserved balance of the sentence from which the [**offender**] **person** was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1[-] **and** OGS G-2), a range of 60 months to the unserved balance of the sentence from which the [**offender**] **person** was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to

the unserved balance of the sentence from which the [**offender**] **person** was paroled.

(iii) When the Board determines that one or more aggravating circumstances are present, the Board may consider a recommitment period:

(A) For Level A (OGS 1—OGS 3), up to three months longer than the upper limit of the recommitment range.

(B) For Level B (OGS 4—OGS 7), up to six months longer than the upper limit of the recommitment range.

(C) For Level C (OGS 8—OGS 12), up to six months longer than the upper limit of the recommitment range.

(D) For Level D (OGS 13—OGS 16), up to 12 months longer than the upper limit of the recommitment range.

(E) For Level E (OGS 17—OGS 26), up to 12 months longer than the upper limit of the recommitment range.

(iv) When the Board determines that one or more mitigating circumstances are present, the Board may consider a recommitment period:

(A) For Level B (OGS 4—OGS 7), up to six months shorter than the lower limit of the recommitment range.

(B) For Level C (OGS 8—OGS 12), up to six months shorter than the lower limit of the recommitment range.

(C) For Level D (OGS 13—OGS 16), up to 12 months shorter than the lower limit of the recommitment range.

(D) For Level E (OGS 17—OGS 26), up to 12 months shorter than the lower limit of the recommitment range.

(E) For Level F (OGS 27—OGS 30), up to 24 months shorter than the lower limit of the recommitment range.

(F) For Level G (OGS G-1[-] **and** OGS G-2), up to 24 months shorter than the lower limit of the recommitment range.

(3) Determine the recommitment period and provide reasons if an aggravated or mitigated duration or deviation from the recommitment ranges.

§ 311.6. Parole violator tables.

(a) Table 1—Technical parole violator recommitment ranges.

<i>Correctional Facility Recommitments</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Disciplinary Infractions 61 Pa.C.S. § 6138(d)(5) 61 Pa.C.S. § 6138(e)(3)</i>
1st violation	TS—6 months [maximum]	3—6 months	12 months maximum
2nd violation	TS—9 months [maximum]	6—9 months	18 months maximum
3rd/subseq. violation	TS—12 months [maximum]	9—12 months	24 months maximum
<i>CCC/CCF/PVC Recommitments</i>	[3] TS—6 months [maximum]	3—6 months [maximum]	12 months maximum

TS = time served

(b) Table 2—Convicted parole violator recommitment ranges.

<i>Sentencing Level</i>	<i>New Conviction</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Agg/Mit</i>
A	OGS 1—OGS 3	1—6 months	1—6 months	+ 3
B	OGS 4—OGS 7	6—12 months	6—12 months	+/- 6
C	OGS 8—OGS 12	12—18 months	12—18 months	+/- 6
D	OGS 13—OGS 16	18—30 months	24—36 months	+/- 12
E	OGS 17—OGS 26	24—36 months	36—48 months	+/- 12
F	OGS 27—OGS 30	N/A	60—unserved balance	- 24
G	OGS G-1[-] and OGS G-2	N/A	60—unserved balance	- 24
H	OGS H-1—OGS H-6	N/A	Maximum/unserved balance	N/A

N/A = not applicable

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