

# PENNSYLVANIA BULLETIN

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for the Subject Index for  
January—March 2012

## Part I

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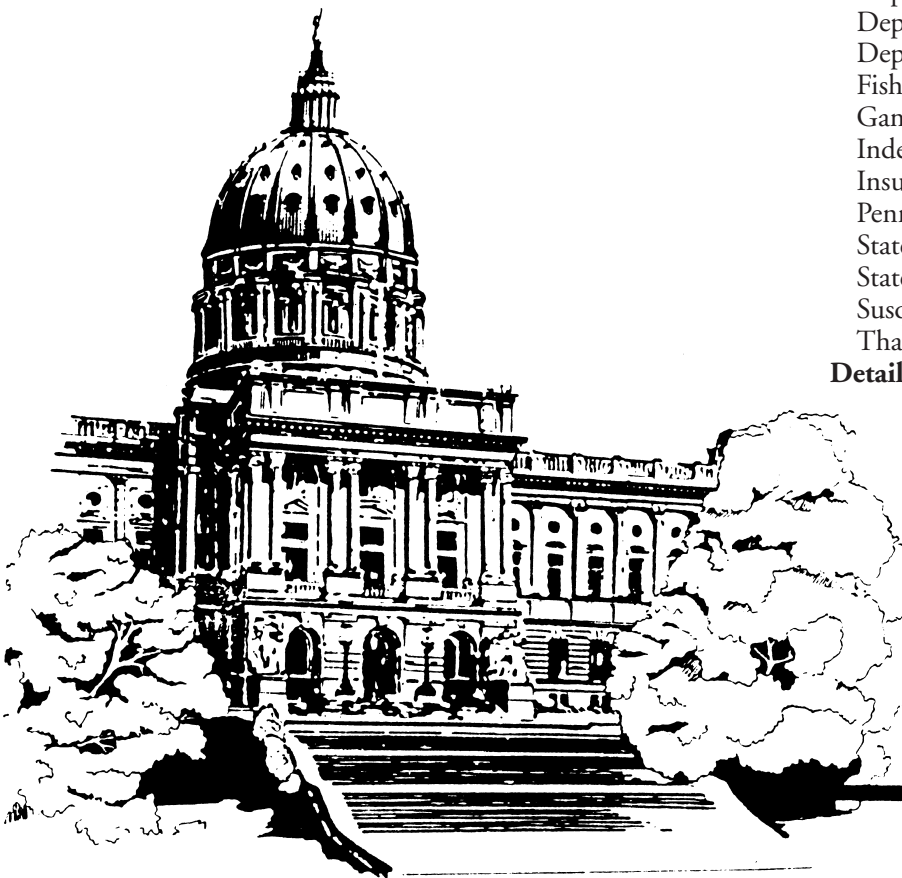
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 449, April 2012**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

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# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Proposed Revisions to Sentencing Guidelines

The Pennsylvania Commission on Sentencing is hereby submitting revised sentencing guidelines, 204 Pa. Code §§ 303.1—303.18, for public comment. These revisions are found in Annex A.

In accordance with 42 Pa.C.S.A. § 2155, the Commission shall publish in the *Pennsylvania Bulletin* all proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) Pennsylvania Board of Probation and Parole
- (vii) Pennsylvania Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will be holding the following public hearings to receive comments on the proposed revisions to the sentencing guidelines:

Reading	Berks County Courthouse 633 Court Street Reading, PA Thursday, May 17, 2012 at 1:30 p.m.
Carlisle	Penn State Dickinson School of Law 333 West South Street Carlisle, PA Monday, May 21, 2012 at 1:30 p.m.
State College	Penn State Dickinson School of Law Lewis Katz Building Park Avenue & Bigler Road University Park, PA Monday, May 21, 2012 at 1:30 p.m.
Philadelphia	Philadelphia Criminal Justice Center 1301 Filbert Street Philadelphia, PA Wednesday, May 23, 2012 at 1:30 p.m.
Pittsburgh	Allegheny County Courthouse 436 Grant Street Pittsburgh, PA Friday, June 1, 2012 at 1:30 p.m.

Persons wishing to testify are asked to bring 30 copies of the written comments to the public hearing. Arrangements to testify may be made by contacting the Commission (Cathy Dittman at 814.863.5729 or CWD2@PSU.EDU) in advance of the hearing. Written comments from persons not wishing to testify should be submitted no later than Friday, May 4, 2012 to: Mark H. Bergstrom, Executive Director, Pennsylvania Commission on Sentencing, P. O. Box 1200, State College, PA 16804-1200.

The Commission will evaluate the proposed revisions after consideration of the testimony and comments received. Any amendments adopted by the Commission will be submitted to the General Assembly for review via publication in the *Pennsylvania Bulletin*. Proposed amendments become effective 90 days after publication in the *Pennsylvania Bulletin* unless rejected by concurrent resolution of the General Assembly.

SENATOR MARY JO WHITE,  
*Chair*

#### Commentary on Annex A

##### *Reasons for Revisions to Sentencing Guidelines*

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

The Commission herein proposes revisions to the 6th Edition, Revised sentencing guidelines in the following areas: modification of Youth and School Enhancement; integration of Act 95 of 2010 and Walsh Act's (Act 111 of 2011) sex offense tiered structure and sexual violent predator status; assignment of new offense gravity scores to certain offenses or modified offenses; and correction of typographical errors and omissions in the 6th Edition, Revised sentencing guidelines.

##### *Revisions to 303.1—Sentencing guidelines standards*

The 6th Edition, Revised, Sentencing Guidelines were effective December 5, 2008. They are applicable to all offenses committed on or after that date.

##### *Revisions to 303.2—Procedure for determining the guideline sentence*

No changes.

##### *Revisions to 303.3—Offense gravity score—general*

Clarification on the assignment of an omnibus offense gravity score was added in 303.3(f).

##### *Revisions to 303.4—Prior record score—categories*

No changes.

##### *Revisions to 303.5—Prior record score—prior convictions*

No changes.

##### *Revisions to 303.6—Prior record score—prior juvenile adjudications*

No changes.

##### *Revisions to 303.7—Prior record score—guideline points scoring*

The following offenses were removed from 303.7(4), misdemeanor 1 offenses that involve danger to children, which are awarded one point for each prior conviction or adjudication: corruption of minors (of a sexual nature)



and unlawful contact or communication with a minor. These offenses are now felonies.

*Revisions to 303.8—Prior record score—miscellaneous*

No changes.

*Revisions to 303.9—Guideline sentence recommendation: general*

The Youth and School Enhancement is modified to correlate with established mandatory minimum sentences. It was subdivided into three parts: youth, school, and youth and school. An enhancement applies upon conviction. Six months are added to the lower limit and 12 months to the upper limit of the standard range for the youth enhancement. Twelve months are added to the lower limit and 24 months are added to the upper limit of the standard range for the school enhancement. Eighteen months are added to the lower limit and 36 months to the upper limit of the standard range for the youth and school enhancement. The court shall consider the applicable matrix in 303.17, related to youth, school, or youth and school.

*Revisions to 303.10—Guideline sentence recommendation: enhancements*

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

The Youth and School Enhancement was subdivided into three parts to reflect mandatory minimum sentences (see 303.9).

*Revisions to 303.11—Guideline sentence recommendation: sentencing levels*

As of November 24, 2011 changes in the place of confinement were effective in accordance with Act 81 of 2008. A sentence of confinement when the maximum sentence is 24 months or more is presumptively considered a state sentence and will be served in state prison. However, Level 4 of the Sentencing Guidelines may include sentences in which an offender will be housed in a county jail if the county jail is certified less than 110% of the rated capacity. Offenders sentenced to incarceration for the offense of driving under the influence and subject to the extended supervision of the court provision in Chapter 38 of the DUI Statute may serve their sentences in county jails.

*Revisions to 303.12—Guideline sentence recommendation: sentencing programs*

Edits are made to reflect updates in citations. Act 95 of 2010 replaced Title 42 with Title 61.

*Revisions to 303.13—Guideline sentence recommendation: aggravated and mitigated circumstances*

The lowest mitigated sentence recommendation is added for the Youth and School Enhancement: 6 months for the youth enhancement, 12 months for the school enhancement, and 18 months for the youth and school enhancement.

*Revisions to 303.14—Guideline sentence recommendations—economic sanctions*

No changes.

*Revisions to 303.15—Offense listing*

*Title 18*

*Inchoates:*

Inchoates are solicitation, conspiracy, or attempt of an offense and generally are assigned an offense gravity score one point lower than a completed offense. As noted

in the offense listing foot notes, inchoates apply to 4-point prior record scores. §§ 303.7(c) and 303.8(b) refer to inchoate offenses. Inchoate offenses are removed from the offense listing as they do not need to be explicitly listed. They remain in the SGS Web application and are automatically calculated. Deletions from listing under Title 18 include: 2503, 2506, 2507, 2605, 2702, 2901, 3121, 3123, 3125, 3301, 3502, 3701, 3702, and 4302.

*New offenses:*

- 2507(a) First degree murder of law enforcement officer (and inchoates);
- 2507(b) Second degree murder of law enforcement officer (and inchoates);
- 2507(c) First degree manslaughter of law enforcement officer;
- 2507(d) Second degree manslaughter of law enforcement officer;
- 2702.1 Assault of law enforcement officer;
- 3313(a) Illegal dumping of methamphetamine waste;
- 3053(b.3)(1)(i)(iii) Agricultural biosecurity area trespasser;
- 3701(a)(1)(vi) Robbery;
- 3925 Theft by receiving stolen property (firearm) and receiver is in the business of buying and selling stolen property;
- 3929.3 Organized retail theft;
- 4913(a) Impersonating a notary public or holder of professional occupational license;
- 5509(a.1) Desecration, theft or sale of venerated objects;
- 7508.2(b)(1)(2) Operation of methamphetamine laboratory.

*Amended / modified offense gravity score assignment:*

- 6110.2 Possession of firearm with altered manufacturer's number;
- 6301(a)(1)(iii) Corruption of minors through course of conduct (when of a sexual nature).

*Corrections (6th Edition, Revised errors/omission):*

- 4915(a)(1) Failure to register, sexual offender registration;
- 4915(a)(2) Failure to verify address or be photographed, sexual offender registration;
- 5903(a)(6) Obscene materials (victim 18 years of age or older);
- 6105(a.1)(1) Persons not to possess, use, manufacture, control, sell, or transfer firearms;
- 6105(a.1)(5) Person not to possess, use, manufacture, control, sell or transfer firearms;
- 6106(a)(2) Firearms not to be carried without a license/eligible.

*Modified definition:*

- 2701 Simple assault;

2910	Luring a child;	6301(a)(1)(i)	Corruption of minors;
3301(a)	Arson;	7507.1	Invasion of privacy.
3925	Theft by receiving stolen property and receiver is in the business of buying or selling stolen property;	<i>Modified offense gravity score, definition, and/or offense code based on Act 111 of 2011:</i>	
4906(a)(b)	False reports to law enforcement authorities;	2904	Interference with Custody of Children
5909(a)	Desecration, theft, or sale of venerated objects;	3122.1(a)(2)	Statutory Sexual Assault (victim <16 yrs/offender 8-<11 yrs older)
6105(a.1)(1)	Persons not to possess, use, manufacture, control, sell, or transfer firearms.	3124.2(a)	Institutional Sexual Assault (victim 18 yrs or older)
<i>Act 111 of 2011 (Walsh Act)</i>		3124.2(a.1)	Institutional Sexual Assault (victim <18 yrs)
Act 111 of 2011 (Walsh Act) assigns certain sexual offenses to one of three tiers. The Act created new offenses and subcategorized various existing offenses by age. The Commission took two actions to address the Walsh Act. First, any offense that falls under one of the three tiers identified in the Walsh Act is explicitly listed in the offense listing. Definition and offense codes are edited to reflect the Walsh Act. Second, the Commission created a floor for any Walsh Act offense. An offense included in a tier will be assigned a minimum of one point greater than the omnibus offense gravity score.		5902(b.1)	Promoting prostitution of minor (minor 16-<18 yrs);
<i>New offenses in Act 111 of 2011:</i>		5903(a)	Obscene materials (victim under 18 years of age);
3122.1(b)	Statutory sexual assault (victim <16 and offender 11 years or more older);	6312(b)(d)	Sexual abuse of Children;
3124.2(a.2)	Institutional sexual assault by school volunteer or employee;	7507.1	Invasion of privacy
3124.2(a.3)	Institutional sexual assault by child care volunteer or employee;	Further, the current registration-related offenses for 10-years and lifetime registration under Megan's Law will expire on December 19, 2012 in accordance with Act 111 of 2011. New offenses related to 15-year, 25-year, and lifetime registration will be effective December 20, 2012. It should be noted that if the effective date of the new sentencing guidelines is on or after December 20, 2012, the offenses of 18 § 4915(a)(1)(2)(3) may be removed from the offense list as they expire December 19, 2012. They are replaced by offenses in 18 § 4915.1(a)(1)(2)(3), (a.1)(1)(2), and (a.2)(1)(2) and are effective December 20, 2012.	
4915(a)(1)	Sexual offender registration, failure to register by transient or out of state offender (expires December 19, 2012);	<i>New offenses from Act 111 of 2011, effective December 20, 2012:</i>	
4915(a)(2)	Sexual offender registration, failure to verify address or be photographed, transient or out of state offender (expires December 19, 2012);	4915.1(a)(1)	Failure to register;
4915(a)(3)	Sexual offender registration, failure to provide accurate information, transient or out of state offender (expires December 19, 2012);	4915.1(a)(2)	Failure to verify address, be photographed;
4915(a.1)(1)(2)	Failure to comply with counseling.	4115.1(a)(3)	Failure to provide accurate information;
<i>Modified definition and/or offense code based on Act 111 of 2011 to allow for classification by tiers:</i>		4915.1(a.1)(1)	Failure to register, transient;
2901(a.1)	Kidnapping of a minor;	4915.1(a.1)(2)	Failure to verify address, be photographed, transient;
2902(b)	Unlawful restraint;	4115.1(a.1)(3)	Failure to provide accurate information, transient;
2903	False imprisonment;	4915.1(a.2)	Failure to comply with counseling.
3121	Rape;	<i>Title 30</i>	
3122.1(a)(1)	Statutory sexual assault;	<i>Modified statutory class:</i>	
3123	Involuntary deviate sexual intercourse;	5502.1	Homicide by watercraft while operating under the influence.
3125	Aggravated indecent assault;	<i>Title 35</i>	
3126(a)(7)	Indecent assault;	<i>New offenses:</i>	
4302	Incest;	780-113(a)(12)	Bath salts and synthetic marijuana;
5902(b.1)	Promoting prostitution of minor (minor <16 yrs);	780-113(a)(14)	Bath salts and synthetic marijuana;
		780-113(a)(30)	Bath salts and synthetic marijuana;
		780-113(a)(39)	Possession of ephedrine, pseudoephedrine, etc. with intent to manufacture methamphetamine;

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES

§ 303.1. Sentencing guidelines standards.

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

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

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

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

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

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

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

- 780-113(a)(40) Sale at retail of any product containing ephedrine;
  - 780-113.4(a)(1)(3) Operating a methamphetamine lab and illegal dumping of methamphetamine waste;
  - 780-113.4(b)(1) Stores or disposes of substance used in manufacture of methamphetamine;
- Amended/modified definition and OGS assignment:*
- 780-113(a)(12) Other narcotics of Schedule I and II, cocaine, PCP, methamphetamine.
  - 780-113(a)(14) Other narcotics of Schedule I and II, cocaine, PCP, methamphetamine.
  - 780-113(a)(30) Other narcotics of Schedule I and II, cocaine, PCP, methamphetamine.

Title 73

*New offenses:*

- 517.8 Home improvement fraud;
- 2330.3 Computer spyware prohibitions;
- 2330.4 Computer spyware.

Title 75

*New offenses:*

- 3732 Homicide by vehicle when there is also a conviction for DUI arising from same incident and violation of § 3325 or § 3327;
- 3732(1.1) Homicide by vehicle when there is not a conviction for DUI arising from the same incident and there is a violation of § 3325 or § 3327;
- 3732.1 Aggravated assault by vehicle.

*Amended/modified OGS assignment:*

- 3735.1 Aggravated assault by vehicle while DUI.

*Revisions to 303.16—Basic Sentencing Matrix*

The example offenses related to PWID cocaine amounts were modified under OGS 6 and OGS 7 to reflect the new thresholds for subcategorization. Examples were modified under OGS 5 and OGS 3.

The example offense related to indecent assault under OGS 4 was modified to reflect M2.

*Revisions to 303.17—DWE/Possessed Matrix*

No changes.

*Revisions to 303.18—DWE/Used Matrix*

No changes.

*Addition of 303.19—Youth and school enhancement matrices.*

The enhancement was separated into three matrices to reflect the mandatory minimum sentences provided in statute. The mandatory minimums have notice provisions. An enhancement for violation of the drug act pursuant to 303.10(b) always applies upon conviction. One matrix applies to youth, one matrix applies to the school, and the third matrix applies to both youth and school enhancements.

**§ 303.2. Procedure for determining the guideline sentence.**

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

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

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

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including Deadly Weapon Enhancement and Youth/School Enhancement (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

(b) *Judicial proceeding.* A judicial proceeding is a proceeding in which all offenses for which the offender has been convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple offenses and transactions.

**§ 303.3. Offense Gravity Score—general.**

(a) *An Offense Gravity Score is given for each offense.* The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain offenses are subcategorized and scored by the Commission according to the particular circumstances of the offense. The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk [\*].

(c) *Inchoate offenses.* Inchoate offenses are scored as follows:

(1) Convictions for attempt, solicitation, or conspiracy to commit a Felony 1 offense receive an Offense Gravity Score of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

(2) Convictions for attempt, solicitation, or conspiracy to commit any offense which is not a Felony 1 offense, receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(3) Convictions for attempt, solicitation, or conspiracy to commit any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101—§ 780-144) receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(4) *Exception for inchoate murder convictions.* Convictions for attempt, solicitation, or conspiracy to commit murder receive the Offense Gravity Score of 14 if there is serious bodily injury and 13 if there is no serious bodily injury.

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object of the offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score.

(e) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § § 780-101—780-144).* If any mixture or compound contains any detectable amount of a controlled substance, the entire amount of the mixture or compound shall be deemed to be composed of the controlled substance. If a mixture or compound contains a detectable amount of more than one controlled

substance, the mixture or compound shall be deemed to be composed entirely of the controlled substance which has the highest Offense Gravity Score.

(1) *Exception for prescription pills.* The exception to subsection (e) above is for violations of 35 P.S. § 780-113 (a)(12), (a)(14), and (a)(30) when narcotic prescription pills of Schedule II are involved. For such violations it is the number of pills rather than the amount of the controlled substance which is considered in determining the Offense Gravity Score. (See § 303.15.)

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

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

**§ 303.4. Prior Record Score—categories.**

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

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

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

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

**§ 303.5. Prior Record Score—prior convictions.**

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

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

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

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

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

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

**§ 303.6. Prior Record Score—prior juvenile adjudications.**

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

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

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

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

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

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

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

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

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

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

**§ 303.7. Prior Record Score—guideline points scoring.**

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

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

Murder, and attempt, solicitation or conspiracy to commit Murder

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

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

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

Ethnic Intimidation to any Felony 1 offense

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

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

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

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

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

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

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

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

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

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

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

Involuntary Manslaughter

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

Luring a Child into a Vehicle

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

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

**[ Corruption of Minors (of a sexual nature)**

**Unlawful contact or communication with minor ]**

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

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

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

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

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

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

**§ 303.8. Prior Record Score—miscellaneous.**

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

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

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

(d) *Former Pennsylvania offenses.*

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

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

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

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

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

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

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

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

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

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

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

**§ 303.9. Guideline sentence recommendation: general.**

(a) *Basic sentence recommendations.* Guideline sentence recommendations are based on the Offense Gravity Score and Prior Record Score. In most cases, the sentence recommendations are found in the Basic Sentencing Matrix (§ 303.16). The Basic Sentencing Matrix specifies a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(b) *Deadly Weapon Enhancement sentence recommendations.* If the court determines that an offender possessed a deadly weapon pursuant to § 303.10(a)(1), the court shall instead consider the DWE/Possessed Matrix (§ 303.17). If the court determines that an offender used a deadly weapon pursuant to § 303.10(a)(2), the court shall instead consider the DWE/Used Matrix (§ 303.18). Both enhanced matrices specify a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(c) *Youth/School Enhancement sentence recommendations.* If the court determines that an offender violated the drug act pursuant to § 303.10(b), **[ 12 months shall be added to the lower limit of the standard range of the applicable sentencing matrix and 36 months shall be added to the upper limit of the standard range of the applicable sentencing matrix ]** the court shall consider the applicable matrix in 303.17, related to youth, school, or youth and school. **When applying the youth enhancement, 6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the school enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When both the youth and school enhancement is applied, 18 months are added to the bottom of the standard range and 36 months are added to the upper limit of the standard range.** The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

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

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

(f) *Alphabetic sentence recommendations.* RS in the sentence recommendation, an abbreviation for Restorative

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

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

(h) *Mandatory sentences.* The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

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

#### § 303.10. Guideline sentence recommendations: enhancements.

##### (a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the defendant intended to use the weapon to threaten or injure another individual.

(2) When the court determines that the offender used a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Used Matrix (§ 303.18). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality capable of producing death or serious bodily injury.

(3) There shall be no Deadly Weapon Enhancement for the following offenses:

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

(iv) Possession of Firearm or Other Dangerous Weapon in Court Facility

(v) Simple Assault (18 Pa.C.S. § 2701(a)(2))

(vi) Aggravated Assault (18 Pa.C.S. § 2702(a)(4))

(vii) Theft when property stolen is a firearm (18 Pa.C.S. Chapter 39)

(viii) Violations of the Pennsylvania Uniform Firearms Act

(ix) Any other offense for which possession of a deadly weapon is an element of the statutory definition.

(4) The Deadly Weapon Enhancement shall apply to each conviction offense for which a deadly weapon is possessed or used.

##### (b) *Youth/School Enhancement.*

(1) When the court determines that the offender [ **either** ] distributed a controlled substance to a person or persons under the age of 18 [ **in violation of 35 P. S. § 780-114, or manufactured, delivered or possessed with intent to deliver a controlled substance within 1000 feet of the real property on which is located a public or private elementary or secondary school** ], the court shall consider the range of sentences described in § 303.9(c).

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

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

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

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

#### § 303.11. Guideline sentence recommendation: sentencing levels.

(a) *Purpose of sentence.* In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions pro-

portionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) Sentencing levels. The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

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

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

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

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

Partial confinement in a county facility

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

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

(3) *Level 3*—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or County Intermediate Punishment, but in all cases permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. Included in Level 3 are those offenses for which a mandatory minimum sentence of less than 12 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

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

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

Total confinement in a county facility under a [ state or ] county sentence [ (see 61 P. S. § 331.17) ] **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

Partial confinement in a county facility.

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

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility **if the county facility is certified less than 110% of the rated capacity provision.** The standard range is defined as having a lower limit of incarceration of greater than 12 months but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, **if the county facility is certified less than 110% of the rated capacity provision established in Act 81 of 2008,** and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

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

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

Total confinement in a county facility [ as a state offender. (see 61 P. S. § 331.17) ] **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

Partial confinement in a county facility **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

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

(5) *Level 5*—Level 5 provides sentence recommendations for the most violent offenders and those with major drug convictions, such that the conviction has an Offense Gravity Score of 9 or greater or the standard range requires state incarceration in a state facility. The standard range in such a case is defined as having a lower



limit of 12 months or greater. Included in Level 5 are those offenses for which a mandatory minimum sentence of 30 months or greater applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment commensurate with the seriousness of the criminal behavior and incapacitation to protect the public. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility.

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

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

Total confinement in a county facility [ **as a state offender. (see 61 P. S. § 331.17) ] if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

Partial confinement in a county facility **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

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

**§ 303.12. Guideline sentence recommendations: sentencing programs.**

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

(1) *Eligibility.*

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

37 Pa.Code § 451.1 et seq.

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

204 Pa.Code § 303.8 and § 303.9.

(ii) Sentence recommendations which include an option of County Intermediate Punishment for certain offenders are designated as shaded cells in the guideline matrices.

(2) The county intermediate punishment plan provides a mechanism to advise the court of the extent and availability of services and programs authorized in the county. This plan includes information on the appropriate classification and use of county programs based on program-specific requirements.

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

Equipped with Ignition Interlock; the Commission has classified these programs as Qualified Restrictive Intermediate Punishments.

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

(i) Restrictive Intermediate Punishments (RIP) either:

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

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

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

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

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

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

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

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

(i) Restorative sanction programs:

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

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

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

(6) *Qualified Restrictive Intermediate Punishments.* In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37

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

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

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

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

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

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

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

(1) *Eligibility*.

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

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

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

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

(1) *Eligibility*.

(i) The following statute governs operation of and eligibility for State Intermediate Punishment: [ **42 Pa.C.S. Chapter 99** ] **61 Pa.C.S. Chapter 41**.

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

(2) The court may, upon motion of the Commonwealth and agreement of the defendant, commit a defendant to the custody of the Department of Corrections for the purpose of evaluating whether the defendant would ben-

efit from a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**§ 303.14. Guideline sentence recommendations—economic sanctions.**

(a) *Fines.*

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

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

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

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

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

(a) *OGS 1*

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

- v. PRS 4 125 hours-150 hours
- vi. PRS 5 150 hours-175 hours
- (b) *OGS 2*

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

(c) *OGS 3*

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

(d) *OGS 4*

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

(e) *OGS 5*

- i. PRS 0 225 hours-250 hours

(b) *Costs and fees.*

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

- (i) 18 Pa.C.S. § 1109 (relating to costs of any reward)
- (ii) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)
- (iii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)
- (iv) 42 Pa.C.S. § 1725 (relating to fees and charges)
- (v) 42 Pa.C.S. § 1725.1 (relating to costs)
- (vi) 42 Pa.C.S. § 1725.2 (relating to costs of summary convictions)
- (vii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)
- (viii) 42 Pa.C.S. § 1726.1 (relating to forensic exam)
- (ix) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)
- (x) 42 Pa.C.S. § 9728(c) (relating to costs, etc.)

(c) *Restitution*

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

- (i) 18 Pa.C.S. § 1106 (relating to injuries to person or property)
- (ii) 18 Pa.C.S. § 1107 (relating to theft of timber)
- (iii) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)
- (iv) 42 Pa.C.S. § 9720.1 (relating to identity theft)
- (v) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)

(2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

## § 303.15. Offense Listing.

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
901	Criminal Attempt [ INCHOATE ]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal Solicitation [ INCHOATE ]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal Conspiracy [ INCHOATE ]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing Instruments of Crime (criminal instruments)	M1	3	m
907(b)	Possessing Instruments of Crime (weapon)	M1	4	1
907(c)	Possessing Instruments of Crime (unlawful body armor)	F3	5	1
908	Prohibited Offensive Weapons	M1	4	1
908.1(a)(1)	Use of electric or electronic incapacitation device (intent to commit felony)	F2	8	2
908.1(a)(1)	Use of electric or electronic incapacitation device (no intent to commit felony)	M1	5	1
908.1(a)(2)	Possess electric or electronic incapacitation device (intent to commit felony)	F2	7	2
908.1(a)(2)	Possess electric or electronic incapacitation device (no intent to commit felony)	M1	4	1
909	Manufacture, Distribution or Possession of Master Key for Motor Vehicles	M1	3	m
910(b)(1)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (first offense)	M1	4	m
910(b)(2)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (second offense or 10-50 devices)	F3	6	1
910(b)(3)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (third or subsequent offense or [ <b>more than</b> ] >50 devices)	F2	8	2
911	Corrupt Organizations	F1	8	3
912	Weapon on School Property	M1	4	1
913(a)(1)	Possession of Firearm or Other Dangerous Weapon in Court Facility	M3	1	m
913(a)(2)	Possession of Firearm or Other Dangerous Weapon in Court Facility (intend for crime)	M1	3	1
2102	Desecration of Flag	M3	1	m
2103	Insults to Flag	M2	2	m
2502(a)	Murder, First Degree	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2502(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(b)	Murder, Second Degree	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2502(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2502(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(c)	Murder, Third Degree	F1	14	4
2502(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2503	Manslaughter, Voluntary	F1	11	4
<b>[ 2503 INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Voluntary Manslaughter ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2504*	Manslaughter, Involuntary (when there is also a conviction for DUI or Operating a Watercraft Under the Influence arising from the same INCIDENT)	M1	8	1
2504*	Manslaughter, Involuntary (when there is not a conviction for DUI or Operating a Watercraft Under the Influence arising from the same INCIDENT)	M1	6	1
2504	Manslaughter, Involuntary (victim under 12 years)	F2	8	2
2505(b)	Suicide, Aids or Solicits	F2	6	2
2505(b)	Suicide, Aids or Solicits	M2	2	m
2506	Drug Delivery Resulting in Death	F1	13	4
<b>[ 2506 INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Drug Delivery Resulting in Death ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 12 ]</b>	<b>[ 4 ]</b>
2507(a)	<b>Murder, First Degree, law enforcement officer</b>	<b>Murder of the First Degree</b>	<b>18 Pa.C.S. § 1102(a)</b>	<b>4</b>
2507(a) INCHOATE	—Attempt/solicitation/conspiracy to First Degree Murder of law enforcement officer (SBI)	18 Pa.C.S. 1102(c)	14	4
2507(a) INCHOATE	—Attempt/solicitation/conspiracy to First Degree Murder of law enforcement officer (no SBI)	18 Pa.C.S. 1102(c)	13	4
2507(b)	<b>Murder, Second Degree, law enforcement officer</b>	<b>Murder of the Second Degree</b>	<b>18 Pa.C.S. § 1102(b)</b>	<b>4</b>
2507(b) INCHOATE	—Attempt/solicitation/conspiracy to Second Degree Murder of law enforcement officer (SBI)	18 Pa.C.S. 1102(c)	14	4
2507(b) INCHOATE	—Attempt/solicitation/conspiracy to Second Degree Murder of law enforcement officer (no SBI)	18 Pa.C.S. 1102(c)	13	4
2507(c)	<b>Manslaughter, First Degree, law enforcement officer</b>	<b>F1</b>	<b>14</b>	<b>4</b>
2507(d)	<b>Manslaughter, Second Degree, law enforcement officer</b>	<b>F2</b>	<b>9</b>	<b>2</b>
2604(a)	Murder, First Degree, unborn child	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2604(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(b)	Murder, Second Degree, Unborn Child	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2604(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(c)	Murder, Third Degree, Unborn Child	F1	14	4
2604(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2605	Manslaughter, Voluntary, of Unborn Child	F1	11	4
<b>[ 2605 INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Voluntary Manslaughter of Unborn Child ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2606*	Aggravated assault of Unborn Child (caused serious bodily injury)	F1	11	4
2606*	Aggravated Assault of Unborn Child (attempted to cause serious bodily injury)	F1	10	3
2701(a)(1)	Simple Assault: <b>attempt or cause BI</b>	M2	3	m
270[ (b)(1) ](a)(1)	Simple Assault: <b>attempt or cause BI</b> (mutual consent)	M3	1	m
2701[ (b)(2) ](a)(1)	Simple Assault: <b>attempt or cause BI</b> (against child by adult)	M1	4	1
<b>2701(a)(2)</b>	<b>Simple Assault: negligently cause BI with deadly weapon</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>2701(a)(2)</b>	<b>Simple Assault: negligently cause BI with deadly weapon (mutual consent)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>2701(a)(2)</b>	<b>Simple Assault: negligently cause BI with deadly weapon (against child by adult)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
<b>2701(a)(3)</b>	<b>Simple Assault: fear SBI</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>2701(a)(3)</b>	<b>Simple Assault: fear SBI (mutual consent)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>2701(a)(3)</b>	<b>Simple Assault: fear SBI (against child by adult)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
<b>2701(a)(4)</b>	<b>Simple Assault: hypodermic needle penetrates</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>2701(a)(4)</b>	<b>Simple Assault: hypodermic needle penetrates (mutual consent)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>2701(a)(4)</b>	<b>Simple Assault: hypodermic needle penetrates (against child by adult)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
2702(a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	11	4
<b>[ 2702(a)(1)* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Aggravated Assault(causes SBI) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2702(a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)	F1	10	3
2702(a)(2)*	Aggravated Assault (causes serious bodily injury police, etc.)	F1	11	4
<b>[ 2702(a)(2)* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI to police, etc.) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2702(a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	3
2702(a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2702(a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2	8	2
2702(a)(5)	Aggravated Assault (teaching staff, etc.)	F2	6	2
2702(a)(6)	Aggravated Assault (physical menace, fear of imminent SBI)	F2	6	2
2702(a)(7)	Aggravated Assault (tear or noxious gas)	F2	6	2
<b>2702.1</b>	<b>Assault of law enforcement officer (discharging firearm)</b>	<b>F1</b>	<b>13</b>	<b>4</b>
2703	Assault by Prisoner	F2	7	2
2703.1	Aggravated harassment by prisoner	F3	6	1
2704	Assault by life prisoner	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2704 INCHOATE	—Attempt/Solicitation/Conspiracy (SBI) to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	14	4
2704 INCHOATE	—Attempt/Solicitation/Conspiracy to Assault by Life Prisoner (no SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly Endangering Another Person	M2	3	m
2706	Terroristic Threats	M1	3	m
2706	Terroristic threats (diverted from activities)	F3	5	1
2707(a)	Propulsion of Missiles into an Occupied Vehicle	M1	3	m
2707(b)	Propulsion of Missiles onto a Roadway	M2	2	m
2707.1	Discharge of firearm into an occupied structure	F3	10	1
2708	Use of Tear Gas in Labor Dispute	M1	3	m
2709(a)	Harassment	M3	1	m
2709.1(c)(1)	Stalking (first offense)	M1	3	m
2709.1(c)(2)	Stalking (second/subsequent offense or prior crime of violence)	F3	6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712	Assault on Sports Official	M1	3	m
2713(a)(1)(2)	Neglect of Care-dependent Person (SBI)	F1	10	3
2713(a)(1)(2)	Neglect of Care-dependent Person (BI)	M1	4	m
2714	Unauthorized administration of intoxicant	F3	8	1
2715(b)(1)	Threat to use weapons of mass destruction (reports or threatens)	M1	3	m
2715(b)(2)	Threat to use weapons of mass destruction (diverted from activities)	F3	5	1
2715(b)(3)	Threat to use weapons of mass destruction (during state of emergency)	F2	7	2
2716(a)	Weapons of mass destruction (possession/first offense)	F2	7	2
2716(a)	Weapons of mass destruction (possession/subsequent offense)	F1	11	4
2716(b)(1)	Weapons of mass destruction (use/results in death)	Life	Life	4
2716(b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1	13	4
2716(b)(2)	Weapons of mass destruction (damage/disrupt water, food)	F1	13	4
2716(b)(3)	Weapons of mass destruction (evacuation)	F1	13	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2717(b)(1)	Terrorism (if the violent offense is an F2)	F1	one point higher than object offense	See § 303.7(a)
2717(b)(1)	Terrorism (if the violent offense is an F3 or ungraded felony)	F2	one point higher than object offense	See § 303.7(a)
2717(b)(1)	Terrorism (if the violent offense is an M1)	F3	one point higher than object offense	See § 303.7(a)
2717(b)(1)	Terrorism (if the violent offense is an M2 )	M1	one point higher than object offense	See § 303.7(a)
2717(b)(1)	Terrorism (if the violent offense is an M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
2717(b)(2)	Terrorism (if the violent offense is an F1)	F1	14	4
2901*	Kidnapping (victim 18 yrs. or older)	F1	10	4
[ 2901* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Kidnapping (victim 18 yrs. or older) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
[ 2901* ]	[ Kidnapping (victim under 18 years of age) ]	[ F1 ]	[ 10 ]	[ 4 ]
[ 2901* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Kidnapping (victim under 18 years of age) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
2901(a.1)(1)*	Kidnapping of a minor: ransom/reward/shield (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(1)*	Kidnapping of a minor: ransom/reward/shield (victim <14 yrs.)	F1	10	4
2901(a.1)(2)*	Kidnapping of a minor: facilitate commission of felony (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(2)*	Kidnapping of a minor: facilitate commission of felony (victim <14 yrs.)	F1	10	4
2901(a.1)(3)*	Kidnapping of a minor: inflict BI, terrorize (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(3)*	Kidnapping of a minor: inflict BI, terrorize (victim <14 yrs.)	F1	10	4
2901(a.1)(4)*	Kidnapping of a minor: interfere gov official/function (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(4)*	Kidnapping of a minor: interfere gov official/function (victim <14 yrs.)	F1	10	4
2902(b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1	3	m
2902(b)(1)	Unlawful restraint of minor: risk of SBI (victim <18 yrs.)	F2	8	2
2902(b)(2)	Unlawful restraint by parent (victim under 18 years of age)	F2	8	2
2902(b)(2)	Unlawful restraint of minor: invol. Servitude (victim <18 yrs.)	F2	8	2
2903[ (b)(1) ](a)	False imprisonment (victim 18 yrs. or older)	M2	2	m
2903(b)	False imprisonment of minor (victim <18 yrs.)	F2	[ 7 ] 8	2
2903[ (b)(2) ](c)	False imprisonment by parent (victim under 18 years of age)	F2	7	2
2904[ (c) ](a)	Interference with the Custody of Children	F3	[ 4 ] 6	1



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2904[ (c)(1) ](a)	Interference with the Custody of Children by <b>non-parent</b>	F2	[ 6 ] 8	2
2904[ (c)(2) ](a)	Interference with the Custody of Children, <b>good cause/partial custody</b>	M2	[ 2 ] 3	m
2905	Interference w/ Custody of Committed Persons	M2	4	m
2906	Criminal Coercion	M1	3	m
2906	Criminal Coercion	M2	2	m
2907	Disposition of Ransom	F3	5	1
2909	Concealment of Whereabouts of a Child	F3	4	1
2910(a)	Luring a Child into a Motor Vehicle <b>or structure</b>	M1	5	1
3002(a)	Trafficking of persons (knowingly traffics or attempts to traffic)	F2	9	2
3002(a)	Trafficking of persons (knowingly traffics or attempts to traffic/SBI)	F1	10	3
3002(a)	Trafficking of persons (knowingly traffics or attempts to traffic/victim under 18 years of age)	F1	10	3
3121(a)(1)	Rape <b>by forcible compulsion</b>	F1	12	4
[ 3121(a) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Rape ]	[ 18 Pa.C.S. § 905 ]	[ 11 ]	[ 3 ]
3121[ (b) ](a)(1)	Rape <b>by forcible compulsion</b> (uses substance to impair victim)	F1	13	4
3121(a)(2)	Rape <b>by threat of forcible compulsion</b>	F1	12	4
3121(a)(2)	Rape <b>by threat of forcible compulsion</b> (uses substance to impair victim)	F1	13	4
3121(a)(3)	Rape and victim unconscious/unaware	F1	12	4
3121(a)(3)	Rape and victim unconscious/unaware (uses substance to impair victim)	F1	13	4
3121(a)(4)	Rape and victim substantially impaired	F1	12	4
3121(a)(4)	Rape and victim substantially impaired (uses substance to impair victim)	F1	13	4
3121(a)(5)	Rape and victim has mental disability	F1	12	4
3121(a)(5)	Rape and victim has mental disability (uses substance to impair victim)	F1	13	4
[ 3121(b) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Rape ]	[ 18 Pa.C.S. § 905 ]	[ 12 ]	[ 3 ]
3121(c)	Rape (child < 13 yrs.)	F1	14	4
[ 3121(c) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Rape ]	[ 18 Pa.C.S. § 905 ]	[ 13 ]	[ 3 ]
3121(d)	Rape (child < 13 yrs., SBI)	F1	14	4
[ 3121(d) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Rape ]	[ 18 Pa.C.S. § 905 ]	[ 13 ]	[ 3 ]
3122.1(a)(1)	Statutory Sexual Assault (victim <16 yrs./offender 4—<8 yrs. older)	F2	7	2
3122.1(a)(2)	Statutory sexual assault (victim <16 yrs./offender 8—<11 yrs. older)	F2	[ 7 ] 8	2
3122.1(b)	Statutory sexual assault (victim <16 yrs./offender 11 yrs. or older)	F1	[ omnibus 8 ] 9	3
3123(a)(1)	Involuntary Deviate Sexual Intercourse by <b>forcible compulsion</b>	F1	12	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3123(a)(2)	<b>Involuntary deviate sexual intercourse by threat of forcible compulsion</b>	F1	12	4
3123(a)(3)	<b>Involuntary deviate sexual intercourse and victim unconscious/unaware</b>	F1	12	4
3123(a)(4)	<b>Involuntary deviate sexual intercourse and victim substantially impaired</b>	F1	12	4
3123(a)(5)	<b>Involuntary deviate sexual intercourse and victim has mental disability</b>	F1	12	4
3123(a)(7)	<b>Involuntary deviate sexual intercourse: victim &lt;16 yrs. and offender 4 yrs. or older and not married to each other</b>	F1	12	4
[ 3123(a) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse ]	[ 18 Pa.C.S. § 905 ]	[ 11 ]	[ 3 ]
3123(b)	Involuntary Deviate Sexual Intercourse <b>with a child</b> (child <13 yrs.)	F1	14	4
[ 3123(b) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse ]	[ 18 Pa.C.S. § 905 ]	[ 13 ]	[ 3 ]
3123(c)	Involuntary Deviate Sexual Intercourse <b>with a child</b> (child <13 yrs., SBI)	F1	14	4
[ 3123(c) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse ]	[ 18 Pa.C.S. § 905 ]	[ 13 ]	[ 3 ]
3124.1	Sexual Assault	F2	11	4
[ 3124.1 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Sexual Assault ]	[ 18 Pa.C.S. § 905 ]	[ 11 ]	[ 3 ]
3124.2(a)	Institutional sexual assault (victim 18 yrs. or older)	F3	[ 5 ] 6	1
3124.2(a.1)	<b>Institutional sexual assault of a minor (victim &lt;18 yrs.)</b>	F3	[ 5 ] 6	1
3124.2(a.2)	<b>Institutional sexual assault by school volunteer or employee</b>	F3	[ omnibus 5 ] 6	1
3124.2(a.3)	<b>Institutional sexual assault by child care volunteer or employee</b>	F3	[ omnibus 5 ] 6	1
3125(a)(1)	Aggravated Indecent Assault <b>without consent</b>	F2	10	4
3125[ (b) ](a)(1)	Aggravated Indecent Assault <b>of a child without consent</b> (child <13 yrs.)	F1	12	4
[ 3125(a) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault ]	[ 18 Pa.C.S. § 905 ]	[ 10 ]	[ 3 ]
3125(a)(2)	<b>Aggravated indecent assault by forcible compulsion</b>	F2	10	4
3125(a)(2)	<b>Aggravated indecent assault of a child by forcible compulsion (child &lt;13 yrs.)</b>	F1	12	4
3125(a)(3)	<b>Aggravated indecent assault by threat of forcible compulsion</b>	F2	10	4
3125(a)(3)	<b>Aggravated indecent assault of a child by threat of forcible compulsion (child &lt;13 yrs.)</b>	F1	12	4
3125(a)(4)	<b>Aggravated indecent assault and victim unconscious/unaware</b>	F2	10	4
3125(a)(4)	<b>Aggravated indecent assault of a child and victim unconscious/unaware (child &lt;13 yrs.)</b>	F1	12	4
3125(a)(5)	<b>Aggravated indecent assault and victim substantially impaired</b>	F2	10	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3125(a)(5)	<b>Aggravated indecent assault of a child and victim substantially impaired (child &lt;13 yrs.)</b>	<b>F1</b>	<b>12</b>	<b>4</b>
3125(a)(6)	<b>Aggravated indecent assault and victim has mental disability</b>	<b>F2</b>	<b>10</b>	<b>4</b>
3125(a)(6)	<b>Aggravated indecent assault of a child and victim has mental disability (child &lt;13 yrs.)</b>	<b>F1</b>	<b>12</b>	<b>4</b>
3125(a)(7)	<b>Aggravated indecent assault and victim &lt;13 yrs</b>	<b>F2</b>	<b>10</b>	<b>4</b>
3125(a)(8)	<b>Aggravated indecent assault and victim &lt;16 yrs. and offender 4 yrs. or more older and not married to each other</b>	<b>F2</b>	<b>10</b>	<b>4</b>
[ 3125(b) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault(child) ]	[ 18 Pa.C.S. § 905 ]	[ 11 ]	[ 3 ]
3126(a)(1)	Indecent Assault (without consent)	M2	4	m
3126(a)(2)	Indecent Assault (forcible compulsion)	M1	5	m
3126(a)(3)	Indecent Assault (threat of forcible compulsion)	M1	5	m
3126(a)(4)	Indecent Assault (complainant unconscious)	M1	5	m
3126(a)(5)	Indecent Assault (substantially impaired complainant)	M1	5	m
3126(a)(6)	Indecent Assault (complainant suffers mental disability)	M1	5	m
3126(a)(7)	Indecent Assault (complainant less than 13 years of age)	M1	5	1
3126(a)(7)	Indecent Assault (complainant less than 13 years of age; second/subsequent offense)	F3	6	1
3126(a)(7)	Indecent Assault (complainant less than 13 years of age; course of conduct)	F3	6	1
3126(a)(7)	Indecent Assault (complainant less than 13 years of age; touching of <b>complainant's</b> sexual/intimate parts with sexual/intimate parts <b>of the person</b> )	F3	6	1
<b>3126(a)(7)</b>	<b>Indecent Assault (complainant less than 13 years of age; touching the person's sexual/intimate parts with sexual/intimate parts of the complainant)</b>	<b>F3</b>	<b>6</b>	<b>1</b>
3126(a)(8)	Indecent Assault (complainant less than 16 years of age)	M2	4	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
3129	Sexual intercourse with animal	M2	2	m
3130(a)(1)	Conduct relating to sex offenders (withholds information)	F3	5	1
3130(a)(2)	Conduct relating to sex offenders (harbors or attempts to harbor)	F3	5	1
3130(a)(3)	Conduct relating to sex offenders (conceals or attempts to conceal)	F3	5	1
3130(a)(4)	Conduct relating to sex offenders (provides false information)	F3	5	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3301(a)*	Arson Endangering Persons (where a person <b>other than the actor</b> is inside the <b>building or occupied</b> structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	[ 9 ] 10	4
[ 3301(a)* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Arson Endangering Persons (where a person is inside the structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
3301(a)*	Arson Endangering Persons (where no person <b>other than the actor</b> is inside the <b>building or occupied</b> structure when the fire is started and no bodily injury results either directly or indirectly, at the scene of the fire)	F1	9	4
[ 3301(a)* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Arson Endangering Persons (where no person is inside the structure when the fire is started and no bodily injury results either directly or indirectly, at the scene of the fire) ]	[ 18 Pa.C.S. § 905 ]	[ 8 ]	[ 3 ]
3301(c)	Arson, Endangering Property	F2	6	2
3301(d)	Arson, Reckless Burning	F3	5	1
3301(e)	Arson, Failure to Report	M1	3	m
3301(f)	Arson, Possess Explosive Material	F3	5	1
3301(g)	Arson, Disclosure of True Owner	M3	1	m
3302(a)	Catastrophe, Causing	F1	10	3
3302(a)	Catastrophe, Recklessly Causing	F2	6	2
3302(b)	Catastrophe, Risking	F3	4	1
3303	Failure to Prevent Catastrophe	M2	2	m
3304	Criminal Mischief ([ over ] >\$5,000)	F3	5	1
3304	Criminal Mischief ([ over ] >\$1,000)	M2	2	m
3304	Criminal Mischief ([ over ] >\$500)	M3	1	m
3304	Criminal Mischief ([ over ] >\$150 under(a)(4))	M3	1	m
3305	Tampering w/Fire Hydrants	M3	1	m
3307	Institutional Vandalism ([ over ] >\$5,000)	F3	5	1
3307	Institutional Vandalism	M2	2	m
3309	Agricultural Vandalism ([ over ] >\$5,000)	F3	5	1
3309	Agricultural Vandalism ([ over ] >\$1,000)	M1	3	m
3309	Agricultural Vandalism ([ over ] >\$500)	M2	2	m
3309	Agricultural Vandalism (\$500 or less)	M3	1	m
3310	Agricultural crop destruction	F2	7	2
3311(b)(1)	Ecoterrorism (if the specified offense against property is a summary offense)	M3	one point higher than object offense	See § 303.7(a)
3311(b)(2)	Ecoterrorism (if the specified offense against property is an F1)	F1	14	4
3311(b)(2)	Ecoterrorism (if the specified offense against property is an F2)	F1	one point higher than object offense	See § 303.7(a)

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3311(b)(2)	Ecoterrorism (if the specified offense against property is an F3 or ungraded felony)	F2	one point higher than object offense	See § 303.7(a)
3311(b)(2)	Ecoterrorism (if the specified offense against property is an M1)	F3	one point higher than object offense	See § 303.7(a)
3311(b)(2)	Ecoterrorism (if the specified offense against property is an M2)	M1	one point higher than object offense	See § 303.7(a)
3311(b)(2)	Ecoterrorism (if the specified offense against property is an M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
3312(a)(2)	Destruction of survey monument (willfully or maliciously removes any survey monument or marker in order to call into question a boundary line)	M2	3	m
<b>3313(a)</b>	<b>Illegal dumping of methamphetamine waste</b>	<b>F3</b>	<b>5</b>	<b>1</b>
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense any person is present)	F1	9	4
<b>[ 3502* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Burglary(structure adapted for overnight accommodation, person present) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 8 ]</b>	<b>[ 3 ]</b>
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1	7	3
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1	6	3
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2	5	2
3503(a)(1)(i)	Trespass, Criminal	F3	3	1
3503(a)(1)(ii)	Trespass, Criminal	F2	4	2
3503(b)(1)(i)—(iv)	Trespass, Defiant (notice against trespass given)	M3	1	m
3503(b)(1)(v)	Trespass, Defiant (notice given by official or law enforcement)	M1	3	m
3503(b.2)(1)(i)	Trespass, Agricultural (posted)	M3	1	m
3503(b.2)(1)(ii)	Trespass, Agricultural (defies order)	M2	3	m
<b>3503(b.3)(1)(i)</b>	<b>Agricultural biosecurity area trespasser (enters biosecurity area, not licensed or privileged)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>3503(b.3)(1)(iii)</b>	<b>Agricultural biosecurity area trespasser (causes damage or death to animal or plant)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
3504(a)	Railroad protection, railroad vandalism, etc. (damage to railroad, etc.)	M3	1	m
3504(b)	Railroad protection, railroad vandalism, etc. (stowaways prohibited)	M3	1	m
3701(a)(1)(i)	Robbery (inflicts serious bodily injury)	F1	12	4
<b>[ 3701(a)(1)(i) INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Robbery (SBI) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 11 ]</b>	<b>[ 3 ]</b>
3701(a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3701(a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	9	4
3701(a)(1)(iv)	Robbery (threatens or inflicts bodily injury or intentionally puts him in fear of immediate bodily injury)	F2	7	2
3701(a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3	5	1
<b>3701(a)(1)(vi)</b>	<b>Robbery (takes from financial institution without permission)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
3702*	Robbery of Motor Vehicle (inflicts serious bodily injury)	F1	12	4
<b>[ 3702* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Robbery of a Motor Vehicle (SBI) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 11 ]</b>	<b>[ 3 ]</b>
3702*	Robbery of a Motor Vehicle (does not inflict serious bodily injury)	F1	9	4
3921	Theft by Unlawful Taking or Disposition (during disaster or firearm)	F2	8	2
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$100,000)	F3	8	1
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$50,000 to \$100,000)	F3	7	1
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3921	Theft by Unlawful Taking or Disposition (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$200 to \$2,000)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$50 to <b>[ less than ]</b> <\$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition ( <b>[ less than ]</b> <\$50)	M3	1	m
3922	Theft by Deception (firearm)	F2	8	2
3922*	Theft by Deception ( <b>[ over ]</b> >\$100,000)	F3	8	1
3922*	Theft by Deception ( <b>[ over ]</b> >\$50,000 to \$100,000)	F3	7	1
3922*	Theft by Deception ( <b>[ over ]</b> >\$25,000 to \$50,000)	F3	6	1
3922*	Theft by Deception ( <b>[ over ]</b> >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3922	Theft by Deception (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3922	Theft by Deception (\$200 to \$2,000)	M1	3	m
3922	Theft by Deception (\$50 to less than \$200)	M2	2	m
3922	Theft by Deception (less than \$50)	M3	1	m
3923	Theft by Extortion (firearm)	F2	8	2

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3923*	Theft by Extortion ( [ over ] >\$100,000)	F3	8	1
3923*	Theft by Extortion ( [ over ] >\$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion ( [ over ] >\$25,000 to \$50,000)	F3	6	1
3923*	Theft by Extortion ( [ over ] >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3923	Theft by Extortion (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	4	m
3923	Theft by Extortion (\$200 to \$2,000)	M1	4	m
3923	Theft by Extortion (\$50 to [ less than ] <\$200)	M2	2	m
3923	Theft by Extortion ( [ less than ] <\$50)	M3	1	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (firearm)	F2	8	2
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake ( [ over ] >\$100,000)	F3	8	1
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake ( [ over ] >\$50,000 to \$100,000)	F3	7	1
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake ( [ over ] >\$25,000 to \$50,000)	F3	6	1
3924*	Theft by Property Lost, Mislaid, or Delivered by Mistake ( [ over ] >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (\$200 to \$2,000)	M1	3	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (\$50 to [ less than ] <\$200)	M2	2	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake ( [ less than ] <\$50)	M3	1	m
<b>3925</b>	<b>Theft by receiving stolen property (firearm) and receiver is in the business of buying or selling stolen property</b>	<b>F1</b>	<b>8</b>	<b>3</b>
3925	Theft by Receiving Stolen Property (during disaster [ or firearm if receiver in business of buying/selling ])	F2	8	2
3925*	Theft by Receiving Stolen Property ( [ over ] >\$100,000)	F3	8	1
3925*	Theft by Receiving Stolen Property ( [ over ] >\$50,000 to \$100,000)	F3	7	1
3925*	Theft by Receiving Stolen Property ( [ over ] >\$25,000 to \$50,000)	F3	6	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3925*	Theft by Receiving Stolen Property ( [ <b>over</b> ] >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle, or if the receiver is in the business of buying or selling stolen property)	F3	5	1
3925	Theft by Receiving Stolen Property (\$2,000 or less, from person or by threat or in breach of fiduciary obligation; firearm if receiver not in business of buying/selling)	M1	3	m
3925	Theft by Receiving Stolen Property (\$200 to \$2,000)	M1	3	m
3925	Theft by Receiving Stolen Property (\$50 to [ <b>less than</b> ] <\$200)	M2	2	m
3925	Theft by Receiving Stolen Property ( [ <b>less than</b> ] <\$50)	M3	1	m
3926	Theft of Services (firearm)	F2	8	2
3926*	Theft of Services ( [ <b>over</b> ] >\$100,000)	F3	8	1
3926*	Theft of Services ( [ <b>over</b> ] >\$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services ( [ <b>over</b> ] >\$25,000 to \$50,000)	F3	6	1
3926*	Theft of Services ( [ <b>over</b> ] >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motor-boat, or other motor-propelled vehicle)	F3	5	1
3926	Theft of Services (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3926	Theft of Services (\$200 to \$2,000)	M1	3	m
3926	Theft of Services (\$50 to less than \$200)	M2	2	m
3926	Theft of Services ( [ <b>less than</b> ] <\$50)	M3	1	m
3926(e)	Theft of Services (sale ransfer of device for diversion of services)	M3	1	m
3927	Theft by Failure to Make Required Disposition of Funds Received (firearm)	F2	8	2
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$100,000)	F3	8	1
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$50,000 to \$100,000)	F3	7	1
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$25,000 to \$50,000)	F3	6	1
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3927	Theft by Failure to Make Required Disposition of Funds Received (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$200 to \$2,000)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$50 to [ <b>less than</b> ] <\$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>less than</b> ] <\$50)	M3	1	m



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3928	Unauthorized Use of Auto (during disaster)	F2	8	2
3928	Unauthorized Use of Auto	M2	2	m
3929	Theft, Retail (during disaster)	F2	8	2
3929	Theft, Retail (>\$2,000, firearm, motor vehicle)	F3	5	1
3929	Theft, Retail (first or second offense, \$150 or more)	M1	2	m
3929	Theft, Retail (second offense, less than \$150)	M2	2	m
3929	Theft, Retail (third or subsequent conviction)	F3	3	1
3929.1	Library Theft (1st; 2nd over \$150)	M1	3	m
3929.1	Library Theft (2nd; less than \$150)	M2	2	m
3929.1	Library Theft (3rd; subsequent offense)	F3	5	1
3929.2	Unlawful possession of retail or library theft instruments	M1	3	m
<b>3929.3</b>	<b>Organized retail theft (merchandise value \$20,000 or more)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
<b>3929.3</b>	<b>Organized retail theft (merchandise value \$5,000—\$19,999)</b>	<b>F3</b>	<b>6</b>	<b>1</b>
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions ([ <b>over</b> ] >\$2,000)	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$200 to \$2,000)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$50 to [ <b>less than</b> ] <\$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions ([ <b>less than</b> ] <\$50)	M3	1	m
3932	Theft by Leased Property (firearm)	F2	8	2
3932*	Theft of Leased Property ([ <b>over</b> ] >\$100,000)	F3	8	1
3932*	Theft of Leased Property ([ <b>over</b> ] >\$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property ([ <b>over</b> ] >\$25,000 to \$50,000)	F3	6	1
3932*	Theft of Leased Property ([ <b>over</b> ] >\$2,000 to \$25,000, or if property is an automobile, airplane, motor-cycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3932	Theft of Leased Property (\$2,000 to less from person or by threat or in breach of fiduciary obligation)	M1	3	m
3932	Theft of Leased Property (\$200 to \$2,000)	M1	3	m
3932	Theft of Leased Property (\$50 to [ <b>less than</b> ] <\$200)	M2	2	m
3932	Theft of Leased Property ([ <b>less than</b> ] <\$50)	M3	1	m
3934(b)(1)(i)	Theft from a motor vehicle ([ <b>less than</b> ] <\$50)	M3	1	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3934(b)(1)(ii)	Theft from a motor vehicle (\$50 or more but less than \$200)	M2	2	m
3934(b)(1)(iii)	Theft from a motor vehicle ( [ <b>greater than</b> ] >\$200)	M1	3	m
3934(b)(2)	Theft from a motor vehicle (third/subseq. in 5 yrs.)	F3	6	1
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m
4102	Simulating Antiques	M1	3	m
4103	Fraudulent Destruction of Recordable Instruments	F3	5	1
4104(a)	Tampering with Records or Identification	M1	3	m
4105(c)(1)(ii)	Bad Checks (\$200—<\$500)	M3	1	m
4105(c)(1)(iii)	Bad Checks (\$500—<\$1,000)	M2	2	m
4105(c)(1)(iv)	Bad Checks (\$1,000—<\$75,000)	M1	3	m
4105(c)(1)(v)	Bad Checks (\$75,000 or more)	F3	5	1
4105(c)(2)	Bad Checks (3rd or subseq./ \$75,000 or more)	F3	5	1
4105(c)(2)	Bad Checks (3rd or subseq./<\$75,000)	M1	3	m
4106(c)(1)(i)	Access device fraud (\$500 or more)	F3	5	1
4106(c)(1)(ii)	Access device fraud (\$50 or more but less than \$500)	M1	4	m
4106(c)(1)(iii)	Access device fraud ( [ <b>less than</b> ] <\$50)	M2	3	m
4106(c)(3)	Access device fraud (provide counterfeit device)	F3	5	1
4106(c)(4)	Access device fraud (possess counterfeit device)	M3	2	m
4106.1(a)(1)	Unlawful device-making equipment (produce/traffic equipment)	F3	6	1
4106.1(a)(2)	Unlawful device-making equipment (possess equipment)	M1	4	m
4107(a.1)(1)(i)	Deceptive or Fraudulent Business Practices (>\$2,000)	F3	5	1
4107(a.1)(1)(ii)	Deceptive or Fraudulent Business Practices (\$200—\$2,000)	M1	3	m
4107(a.1)(1)(iii)	Deceptive or Fraudulent Business Practices (<\$200)	M2	2	m
4107(a.1)(1)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained)	M2	2	m
4107(a.1)(3)(i)	Deceptive or Fraudulent Business Practices (>\$2,000; victim 60 yrs.+)	F2	7	2
4107(a.1)(3)(ii)	Deceptive or Fraudulent Business Practices (\$200—\$2,000; victim 60 yrs.+)	F3	5	1
4107(a.1)(3)(iii)	Deceptive or Fraudulent Business Practices (<\$200; victim 60 yrs.+)	M1	3	m
4107(a.1)(3)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained; 60 yrs.+)	M1	3	m
4107.1	Deception Relating to Kosher Foods	M3	1	m
4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	F3	4	1
4108	Commercial Bribery and Breach of Duty	M2	2	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4109	Rigging Public Contest	M1	3	m
4110	Defrauding Secured Creditors	M2	2	m
4111	Fraud in Insolvency	M2	2	m
4112	Receiving Deposits; Failed Institution	M2	2	m
4113	Misapplication of Entrusted Property (over \$50)	M2	2	m
4113	Misapplication of Entrusted Property (\$50 or less)	M3	1	m
4114	Securing Execution of Documents by Deception	M2	2	m
4115	Falsely Impersonating Persons Privately Employed	M2	2	m
4116(g)(1)	Copying; Recording Devices (100 or more motion picture devices or 1,000 or more sound recording devices)	F3	5	1
4116(g)(1)	Copying; Recording Devices (second or subsequent conviction at time of sentencing)	F2	7	2
4116(g)(2)	Copying; Recording Devices (any other violation)	M1	3	m
4116(g)(2)	Copying; Recording Devices (any other violation; second or subsequent conviction at time of sentencing)	F3	5	1
4116.1	Unlawful Operation of Recording Devices in Motion Picture Theater (first violation)	M1	3	m
4116.1	Unlawful Operation of Recording Devices in Motion Picture Theater (second or subsequent conviction at time of sentencing)	F3	4	1
4117(a)	Insurance Fraud	F3	4	1
4117(b)	Insurance Fraud	M1	3	m
4118	Washing titles (vehicles)	F3	4	1
4119(c)(1)	Trademark Counterfeiting	M1	3	m
4119(c)(2)	Trademark Counterfeiting	F3	5	1
4119(c)(3)	Trademark Counterfeiting	F2	7	2
4120(c)(1)(i)	Identity theft (total value <\$2000)	M1	3	m
4120(c)(1)(ii)	Identity theft (total value \$2000 or more)	F3	5	1
4120(c)(1)(iii)	Identity theft (criminal conspiracy, any amount)	F3	5	1
4120(c)(1)(iv)	Identity theft (third/subsequent offense)	F2	7	2
4120(c)(2)(i)	Identity theft (victim 60 yrs. or older, total value <\$2000)	F3	5	1
4120(c)(2)(ii)	Identity theft (victim 60 yrs. or older, total value \$2000 or more)	F2	7	2
4120(c)(2)(iii)	Identity theft (victim 60 yrs. or older, criminal conspiracy, any amount)	F2	7	2
4120(c)(2)(iv)	Identity theft (victim 60 yrs. or older, third/subsequent offense)	F1	8	3
4301	Bigamy	M2	3	m
4302(a)	Incest [ (victim 18 yrs. or older) ]	F2	9	4
[ 4302 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Incest (victim 18 yrs. or older) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
4302(b)(1)	Incest [ (victim 12 years of age or older but under 18 years of age) ] of a minor (victim <13 yrs.)	F2	9	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[ 4302 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Incest (victim 12 years of age or older but under 18 years of age) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
4302(b)(2)	Incest [ (victim under 12 years of age) ] of a minor (victim 13 yrs.—18 yrs. and offender 4 yrs. or more older)	F2	9	4
[ 4302 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Incest (victim under 12 years of age) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
4303	Concealing Death of Child	M1	3	m
4304	Endangering Welfare of Children	M1	5	1
4304	Endangering Welfare of Children (course of conduct)	F3	6	1
4305	Dealing in Infant Children	M1	4	1
4701	Bribery, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	M2	2	m
4703	Retaliation for Past Official Action	M2	2	m
4902	Perjury	F3	5	1
4903(a)	False Swearing	M2	2	m
4903(b)	False Swearing	M3	1	m
4904(a)	Unsworn Falsification to Authorities	M2	2	m
4904(b)	Unsworn Falsification to Authorities	M3	1	m
4905(b)	False Alarms to agencies of public safety (causes a false alarm)	M1	3	m
4905(b)	False Alarms to agencies of public safety (during a state of emergency)	F3	5	1
4906(a)	False Reports to Law Enforcement Authorities (falsely incriminating another)	M2	2	m
<b>4906(a)</b>	<b>False Reports to Law Enforcement Authorities of theft or loss of firearm (falsely incriminating another)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
4906(a)	False Reports to Law Enforcement Authorities (during a state of emergency)	M1	3	m
4906(b)	False Reports to Law Enforcement Authorities (fictitious reports)	M3	1	m
<b>4906(b)</b>	<b>False Reports to Law Enforcement Authorities of theft or loss of firearm (fictitious reports)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
4906(b)	False Reports to Law Enforcement Authorities (fictitious reports during a state of emergency)	M2	2	m
4909	Witness Taking Bribe	F3	5	1
4910	Tampering with Physical Evidence	M2	2	m
4911	Tampering w/ Public Records or Information	F3	4	1
4911	Tampering w/ Public Records or Information	M2	2	m
4912	Impersonating a Public Servant	M2	2	m
4913	Impersonating Notary Public	M1	3	m
<b>4913(a)</b>	<b>Impersonating a notary public or holder of professional occupational license</b>	<b>M2</b>	<b>2</b>	<b>m</b>
<b>4913(a)</b>	<b>Impersonating a notary public or holder of professional occupational license (harm, defraud, injury)</b>	<b>M1</b>	<b>3</b>	<b>m</b>

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4914	False identification to law enforcement authorities	M3	1	m
[ 4915(a)(1) ]	[ <b>Failure to Register, Sexual Offender Registration (Lifetime, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 11 ]	[ 4 ]
[ 4915(a)(1) ]	[ <b>Failure to Register, Sexual Offender Registration (10-year, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 10 ]	[ 3 ]
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (Lifetime, 2nd/ <b>subsequent</b> offense)	F1	10	3
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (10-year, 2nd/ <b>subsequent</b> offense)	F2	8	2
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (Lifetime)	F2	8	2
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (10-year)	F3	6	1
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (Lifetime)</b>	F2	[ 7 omnibus ] 8	2
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (Lifetime, 2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (10-year)</b>	F3	[ 5 omnibus ] 6	1
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (10-year, 2nd subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
[ 4915(a)(2) ]	[ <b>Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 11 ]	[ 4 ]
[ 4915(a)(2) ]	[ <b>Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 10 ]	[ 3 ]
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd/ <b>subsequent</b> offenses)	F1	10	3
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd/ <b>subsequent</b> offenses)	F2	8	2
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)	F2	8	2
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)	F3	6	1
4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (Lifetime)</b>	F2	[ 7 omnibus ] 8	2
4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (Lifetime, 2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3

<sup>1</sup>Offenses will expire December 19, 2012. They will be replaced by 18 § 4915.1, included in this offense listing.

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4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (10-Year)</b>	F3	[ 5 omnibus ] 6	1
4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (10-Year, 2nd /subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
4915(a)(3) <sup>1</sup>	Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)	F1	10	3
4915(a)(3) <sup>1</sup>	Failure to Provide Accurate Information, Sexual Offender Registration (10-year)	F2	8	2
4915(a)(3) <sup>1</sup>	<b>Failure to provide accurate information, Sexual Offender Registration, transient or out of state (Lifetime)</b>	F1	[ 8 omnibus ] 10	3
4915(a)(3) <sup>1</sup>	<b>Failure to provide accurate information, Sexual Offender Registration, transient or out of state (10-year)</b>	F2	[ 7 omnibus ] 8	2
4915(a.1)(1) <sup>1</sup>	<b>Failure to comply with counseling (SVP)</b>	M1	[ 3 omnibus ] 5	m
4915(a.1)(2) <sup>1</sup>	<b>Failure to comply with counseling (other jurisdiction requires)</b>	M1	[ 3 omnibus ] 5	m
4915.1(a)(1) <sup>1</sup>	<b>Failure to register/15 yr. registration (1st offense)</b>	F3	[ 5 omnibus ] 6	1
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/15 yr. registration (2nd/subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/25 yr. registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/25 yr. registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/ lifetime registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/ lifetime registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/15 yr. registration (1st offense)</b>	F3	[ 5 omnibus ] 6	1
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed /15 yr. registration (2nd/subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ 25 yr. registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ 25 yr. registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ lifetime registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ lifetime registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(3) <sup>2</sup>	<b>Failure to provide accurate information/ 15 yr. registration</b>	F2	[ 7 omnibus ] 8	2

<sup>2</sup>18 § 4915.1 is effective December 20, 2012. These offenses replace offenses under 18 § 4915 which expire December 19, 2012.

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4915.1(a)(3) <sup>2</sup>	Failure to provide accurate information/ 25 yr. registration	F1	[ 8 omnibus ] 10	3
4915.1(a)(3) <sup>2</sup>	Failure to provide accurate information/ lifetime registration	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(1) <sup>2</sup>	Failure to register/15 yr. registration, transient (1st offense)	F3	[ 5 omnibus ] 6	1
4915.1(a.1)(1) <sup>2</sup>	Failure to register/15 yr. registration, transient (2nd/subsequent offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(1) <sup>2</sup>	Failure to register/25 yr. registration, transient (1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(1) <sup>2</sup>	Failure to register/25 yr. registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(1) <sup>2</sup>	Failure to register/lifetime registration, transient (1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(1) <sup>2</sup>	Failure to register/lifetime registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/15 yr. registration, transient (1st offense)	F3	[ 5 omnibus ] 6	1
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ 15 yr. registration, transient (2nd/subsequent offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ 25 yr. registration, transient (1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ 25 yr. registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ lifetime registration, transient(1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ lifetime registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(3) <sup>2</sup>	Failure to provide accurate information/ 15 yr. registration, transient	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(3) <sup>2</sup>	Failure to provide accurate information/ 25 yr. registration, transient	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(3) <sup>2</sup>	Failure to provide accurate information/ lifetime registration, transient	F1	[ 8 omnibus ] 10	3
4915.1(a.2)(1) <sup>2</sup>	Failure to comply with counseling (SVP)	M1	[ 3 omnibus ] 5	m
4915.1(a.2)(2) <sup>2</sup>	Failure to comply with counseling (other jurisdiction requires)	M1	[ 3 omnibus ] 5	m
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1	11	4
4952	Intimidation of Witnesses or Victims (listed factor(s) and most serious charged offense is F2)	F2	9	2
4952	Intimidation of Witnesses or Victims (any other case in which actor sought to influence or intimidate)	F3	7	1
4952	Intimidation of Witnesses or Victims (any other obstruction or interference)	M2	5	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4953	Retaliation Against Witness or Victim	F3	8	1
4953	Retaliation Against Witness or Victim	M2	5	m
4953.1(b)(1)—(5)	Retaliation against prosecutor or judicial officer (listed circumstances)	F2	9	2
4953.1(b)	Retaliation against prosecutor or judicial officer (all other circumstances)	M1	6	m
5101	Obstructing Justice	M2	3	m
5102	Obstruction of Justice by Picketing	M2	2	m
5103	Unlawfully Listening to Jury Deliberations	M3	1	m
5104	Resisting Arrest	M2	2	m
5104.1	Disarming Law Enforcement Officer	F3	5	1
5105	Apprehension, Hindering (if conduct liable to be charged is F1 or F2)	F3	4	1
5105	Apprehension, Hindering	M2	2	m
5107	Aiding Consummation of Crime (of F1/F2)	F3	5	1
5107	Aiding Consummation of Crime	M2	2	m
5108	Compounding	M2	2	m
5109	Barratry	M3	1	m
5110	Contempt of General Assembly	M3	1	m
5111	Dealing in Proceeds of Unlawful Activities	F1	8	3
5112	Obstructing emergency services	M3	1	m
5121(d)(1)(i)(ii)(iii)*	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3	5	1
5121(d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3	6	1
5121(d)(2)	Escape	M2	3	m
5122(a)(1)	Weapons or implements for escape (providing to inmate)	M1	8	m
5122(a)(2)	Weapons or implements for escape (possessed by inmate)	M1	4	m
5123(a)	Contraband (provide controlled substance to confined person)	F2	7	2
5123(a.2)	Contraband (possession of controlled substance by confined person)	F2	7	2
5123(b)	Contraband (money)	M3	1	m
5123(c)	Contraband (other)	M1	3	m
5123(c.1)	Contraband (telecommunication devices to inmates)	M1	5	m
5123(c.2)	Contraband (possession of telecommunication devices by inmates)	M1	3	m
5124	Default in Required Appearance	F3	4	1
5124	Default in Required Appearance	M2	2	m
5125	Absconding Witness	M3	1	m
5126	Avoiding Apprehension	F3	5	1
5126	Avoiding Apprehension	M2	2	m
5301	Official Oppression	M2	2	m
5302	Speculating on Official Action	M2	2	m
5501	Riot	F3	4	1



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502	Failure to Disperse	M2	2	m
5503	Disorderly Conduct	M3	1	m
5506	Loitering and Prowling	M3	1	m
5507	Obstructing Highways	M3	1	m
5508	Disrupting Meetings	M3	1	m
5509(a)	Desecration, <b>theft</b> , or sale of Venerated Objects	<b>M2</b>	2	m
<b>5509(a.1)</b>	<b>Desecration, theft, or sale of venerated objects (historical burial lots and burial places)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
5510	Abuse of Corpse	M2	3	m
5511(a)(1)	Cruelty to Animals	M2	3	m
5511(a)(2)	Cruelty to Animals	F3	5	1
5511(a)(2.1)(i)	Cruelty to Animals (killing, maiming, poisoning)	M1	3	m
5511(a)(2.1)(ii)	Cruelty to Animals	F3	5	1
5511(e.1)	Cruelty to Animals (transporting equine animals in cruel manner (2nd/subseq.))	M3	1	m
5511(h.1)	Cruelty to Animals (animal fighting)	F3	5	1
5511.2(a)	Police animals (illegal to taunt)	F3	5	1
5511.2(b)	Police animals (illegal to torture)	F3	7	1
5511.3	Assault with biological agents on animals, fowl or honey bees	F2	7	2
5512	Lotteries	M1	3	m
5513	Gambling Devices	M1	3	m
5514	Pool Selling and Bookmaking	M1	3	m
5515	Prohibiting Paramilitary Training	M1	3	m
5516(b)	Facsimile weapons of mass destruction (manufacture, sells, etc.)	F3	5	1
5517	Unauthorized school bus entry	M3	1	m
5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications	F3	5	1
5705	Possession, Sale, Distribution, Manufacture or Advertisement of Interception Devices	F3	5	1
5719	Unlawful Use of Intercepted Communications	M2	2	m
5771	Pen Register and Trap and Trace Devices (general prohibition on use of certain devices and exception)	M3	1	m
5901	Open Lewdness	M3	1	m
5902(a.1)(1)	Prostitution (first/second offense)	M3	1	m
5902(a.1)(2)	Prostitution (third offense)	M2	3	m
5902(a.1)(3)	Prostitution (fourth/subsequent offense)	M1	4	m
5902(a.1)(4)	Prostitution (HIV or AIDS related)	F3	7	1
<b>5902(b.1)(1)*</b>	<b>Promoting Prostitution of minor: business (minor &lt;16 yrs.)</b>	<b>F3</b>	<b>8</b>	<b>1</b>
<b>5902(b.1)(1)*</b>	<b>Promoting Prostitution of minor: business (minor 16—&lt;18 yrs.)</b>	<b>F3</b>	<b>[ 5 ] 6</b>	<b>1</b>
<b>5902(b.1)(2)*</b>	<b>Promoting Prostitution of minor: procure for business (minor &lt;16 yrs.)</b>	<b>F3</b>	<b>8</b>	<b>1</b>
<b>5902(b.1)(2)*</b>	<b>Promoting Prostitution of minor: procure for business (minor 16—&lt;18 yrs.)</b>	<b>F3</b>	<b>[ 5 ] 6</b>	<b>1</b>

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5902(b.1)(3)*	Promoting Prostitution of minor: encourage or cause (minor <16 yrs.)	F3	8	1
5902(b.1)(3)*	Promoting Prostitution of minor: encourage or cause (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(4)*	Promoting Prostitution of minor: solicit prostitute who is minor (minor <16 yrs.)	F3	8	1
5902(b.1)(4)*	Promoting Prostitution of minor: solicit prostitute who is minor (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(5)*	Promoting Prostitution of minor: procure prostitute who is minor for patron (minor <16 yrs.)	F3	8	1
5902(b.1)(5)*	Promoting Prostitution of minor: procure prostitute who is minor for patron (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(6)*	Promoting Prostitution of minor: transport prostitute who is minor (minor <16 yrs.)	F3	8	1
5902(b.1)(6)*	Promoting Prostitution of minor: transport prostitute who is minor (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(7)*	Promoting Prostitution of minor: provide place for prostitution (minor <16 yrs.)	F3	8	1
5902(b.1)(7)*	Promoting Prostitution of minor: provide place for prostitution (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(8)*	Promoting Prostitution of minor: receive benefit (minor <16 yrs.)	F3	8	1
5902(b.1)(8)*	Promoting Prostitution of minor: receive benefit (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
[ 5902(c)(1)(i),(ii),(iv),(v)* ]	[ Promoting Prostitution (person 18 years of age or older) ]	[ F3 ]	[ 5 ]	[ 1 ]
[ 5902(c)(1)(i),(ii),(iv),(v)* ]	[ Promoting Prostitution (child 16 years of age or older but under 18 years of age) ]	[ F3 ]	[ 5 ]	[ 1 ]
[ 5902(c)(1)(iii) ]	[ Prostitution Involving Minors Promoting Prostitution (child under 16 years of age) ]	[ F3 ]	[ 8 ]	[ 1 ]
5902(c)(2)	Promoting Prostitution	M2	3	m
5902(e.1)(1)	Patronizing Prostitutes (first/second offense)	M3	1	m
5902(e.1)(2)	Patronizing Prostitutes (third offense)	M2	3	m
5902(e.1)(3)	Patronizing Prostitutes (fourth/subsequent offense)	M1	4	m
5902(e.1)(4)	Patronizing Prostitutes (HIV/AIDS)	F3	7	1
5903(a)(1)	Obscene Materials	F3	5	1
5903(a)(1)	Obscene Materials	M1	3	m
5903(a)(2)	Obscene Materials	F3	5	1
5903(a)(2)	Obscene Materials	M1	3	m
5903(a)(3)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(3)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(3)(ii)*	Obscene Materials <b>minor depicted</b> (victim under 18 years of age) (1st offense)	M1	[ 3 ] 4	m
5903(a)(3)(ii)*	Obscene Materials <b>minor depicted</b> (victim under 18 years of age) (2nd offense)	F3	[ 5 ] 6	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5903(a)(4)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(4)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(4)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(1st offense)</b>	M1	[ 3 ] 4	m
5903(a)(4)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(2nd offense)</b>	F3	[ 5 ] 6	1
5903(a)(5)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(5)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(5)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(1st offense)</b>	M1	[ 3 ] 4	m
5903(a)(5)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(2nd offense)</b>	F3	[ 5 ] 6	1
[ 5903(a)(6)* ]	[ Obscene Materials (victim 18 years of age or older) ]	[ M1 ]	[ 3 ]	[ m ]
[ 5903(a)(6)* ]	[ Obscene Materials (victim 18 years of age or older) ]	[ F3 ]	[ 5 ]	[ 1 ]
5903(a)(6)*	Obscene Materials <b>hire/use minor</b> (victim under 18 years of age) <b>(1st offense)</b>	M1	[ 3 ] 4	m
5903(a)(6)*	Obscene Materials <b>hire/use minor</b> (victim under 18 years of age) <b>(2nd offense)</b>	F3	[ 5 ] 6	1
5903(a)(7)	Obscene Materials	F3	5	1
5903(a)(7)	Obscene Materials	M1	3	m
5903(a)(8)	Obscene Materials	F3	5	1
5903(a)(8)	Obscene Materials	M1	3	m
5903(a)(9)	Obscene Materials	F3	5	1
5903(a)(9)	Obscene Materials	M1	3	m
5903(a.1)	Obscene Materials	M1	3	m
5903(c)	Obscene Materials	F2	7	2
5903(c)	Obscene Materials	F3	5	1
5903(d)	Obscene Materials	F2	7	2
5903(d)	Obscene Materials	F3	5	1
5903(f)	Obscene Materials	M1	3	m
5904	Public Exhibition of Insane or Deformed Person	M2	2	m
6105(a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of <b>enumerated</b> felony, loaded or ammunition in possession or control of defendant). See § 303.3(b)	F2	10	2
6105(a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of <b>enumerated</b> felony, unloaded and ammunition not in possession or control of defendant). See § 303.3(b)	F2	9	2
<b>6105(a.1)(1)*</b>	<b>Persons not to possess, use, manufacture, control, sell or transfer firearms (convicted of enumerated misdemeanor, loaded or ammunition in possession or control of defendant)</b>	<b>M1</b>	<b>3</b>	<b>1</b>

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6105(a.1)(1)*	<b>Persons not to possess, use, manufacture, control, sell or transfer firearms (convicted of enumerated misdemeanor, unloaded and ammunition not in possession or control of defendant)</b>	M1	3	1
6105(a.1)(2)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (failure to relinquish firearm, person subject to active PFA, loaded or ammunition in possession or control of defendant)	M1	5	1
6105(a.1)(2)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (failure to relinquish firearm, person subject to active PFA, unloaded and ammunition not in possession or control of defendant)	M1	4	1
6105(a.1)(3)*	Persons not to possess, use, manufacture, control, sell or transfer firearms (accept firearm from person subject to active PFA, loaded or ammunition in possession or control of defendant)	M3	2	m
6105(a.1)(3)*	Persons not to possess, use, manufacture, control, sell or transfer firearms (accept firearm from person subject to active PFA, unloaded and ammunition not in possession or control of defendant)	M3	1	m
6105(a.1)(5)*	Persons not to possess, use, manufacture, control, sell or transfer firearms (return firearm to person with active PFA, loaded or ammunition in possession or control of defendant)	M1	6	1
6105(a.1)(5)*	Person not to possess, use, manufacture, control, sell or transfer firearms (return firearm to person with active PFA, [ loaded ] unloaded and ammunition not in possession or control of defendant)	M1	5	1
6106(a)(1)*	Firearms, Not to be Carried Without a License (ineligible; loaded or ammunition in possession or control of defendant)	F3	9	1
6106(a)(1)*	Firearms, Not to be Carried Without a License (ineligible; unloaded and ammunition not in possession or control of defendant)	F3	7	1
6106(a)(2)*	<b>Firearms, Not to be Carried Without a License (eligible; loaded and ammunition in possession or control of defendant; with other criminal activity)</b>	<b>F3</b>	<b>9</b>	<b>1</b>
6106(a)(2)*	<b>Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant; with other criminal activity)</b>	<b>F3</b>	<b>7</b>	<b>1</b>
6106(a)(2)*	Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant; <b>no other criminal activity</b> )	M1	4	1
6106(a)(2)*	Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant; <b>no other criminal activity</b> )	M1	3	1
6107	Prohibited Conduct during Emergency	M1	3	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (loaded or ammunition in possession or control of defendant)	M1	5	1
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6108.5	Penalties for release of information (list of any firearm or other weapon or ammunition ordered to be relinquished)	M3	1	m
6110.1(a)	Possession of Firearm by Minor	M1	3	1
6110.1(c)	Possession of Firearms by Minor (responsibility of adult)	F3	7	1
6110.2*	Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)	[ M1 ] F2	[ 5 ] 10	[ 1 ] 2
6110.2*	Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)	[ M1 ] F2	[ 4 ] 9	[ 1 ] 2
6111(g)(1)	Sale or Transfer of Firearms	M2	2	m
6111(g)(2)	Sale or Transfer of Firearms	F3	8	1
6111(g)(3)(3.1)	Sale or Transfer of Firearms	F3	5	1
6111(g)(4)	Sale or Transfer of Firearms	F3	8	1
6111(h)	Sale or Transfer of Firearms (subsequent)	F2	9	2
6112	Retail Dealer Required to be Licensed	M1	3	1
6113	Licensing of Dealers	M1	3	1
6115	Loans, Lending, Giving Firearms Prohibited	M1	3	1
6116	False Evidence of Identity	M1	3	1
6117	Altering Marks of Identification	F2	7	2
6121	Certain Bullets Prohibited	F3	5	1
6122	Proof of License	M1	3	1
6161	Carrying Explosives	M2	3	m
6162	Shipping Explosives	M3	3	m
6301(a)(1)(i)[ * ]	Corruption of Minors	M1	4	m
6301(a)(1)(ii)[ * ]	Corruption of Minors <b>through course of conduct</b> (when of a sexual nature)	[ M1 ] F3	[ 5 ] 6	1
6301(a)(2)	Corruption of Minors (second violation of truancy in year)	M3	1	m
6302	Sale or Lease of Weapons	M1	4	m
6303	Sale of Starter Pistols	M1	4	m
6304	Sale of Air Rifles	M3	1	m
6306	Furnish Cigarettes to Minors (3rd and subsequent offenses)	M3	1	m
6307	Misrepresentation of Age to Secure Alcohol (subsequent offense)	M3	1	m
6309	Representing that Minor is of Age	M3	1	m
6310	Inducement of Minors to Buy Liquor	M3	1	m
6310.1	Selling Liquor to Minors	M3	1	m
6310.2	Manufacture or Sale of False ID	M2	2	m
6310.3	Carrying False ID (subsequent offense)	M3	1	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6311	Tattooing and body piercing (first offense)	M3	1	m
6311	Tattooing and body piercing (second/subsequent offense within one year)	M2	2	m
6312(b)	Sexual Abuse of Children (photographing, etc.)	F2	[ 7 ] 8	2
6312(c)	Sexual Abuse of Children (dissemination, etc.; first offense)	F3	6	1
6312(c)	Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)	F2	8	2
6312(d)	Possession of Child Pornography (first offense)	F3	[ 5 ] 6	1
6312(d)	Possession of Child Pornography (second/subsequent offense)	F2	8	2
6318	Unlawful contact or communication with minor (if underlying offense is less than F3)	F3	6	1
6318	Unlawful contact or communication with minor (if underlying offense is F3 or greater)	same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6319(a)	Solicitation of minors to traffic drugs (general provision)	F2	9	2
6319(b)	Solicitation of minors to traffic drugs (drug-free school zone)	F1	10	3
6320	Sexual exploitation of children	F2	9	2
6501(a)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6501(a)(3)	Scattering Rubbish (1st offense)	M2	2	m
6501(a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	m
6504	Public Nuisances	M2	2	m
6703	Military Decorations	M3	1	m
6707	False Registration of Domestic Animals	M3	1	m
6709	Use of Union Labels	M3	1	m
6901	Extension of Water Line	M3	1	m
6910	Unauthorized Sale of Tickets	M3	1	m
7102	Drugs to Race Horses	M1	3	m
7103	Horse Racing	M3	1	m
7104	Fortune Telling	M3	1	m
7107	Unlawful Actions by Athlete Agents	M1	3	m
7302(a)	Sale of Solidified Alcohol	M2	2	m
7302(b)	Labeling of Solidified Alcohol	M1	3	m
7303	Sale or Illegal Use of Solvents	M3	1	m
7306	Incendiary Devices	M1	3	m
7307	Out of State Convict Made Goods	M2	2	m
7308	Unlawful Advertising of Insurance Business	M2	2	m
7309	Unlawful Coercion in Contracting Insurance	M1	3	m
7310	Furnishing Free Insurance	M3	1	m
7311	Unlawful Collection Agency Practices	M3	1	m
7312	Debt Pooling	M3	1	m
7313	Buying Food Stamps (>\$1,000)	F3	5	1
7313	Buying Food Stamps (<\$1,000)	M1	3	m
7314	Fraudulent Traffic in Food Orders (>\$1,000)	F3	5	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7314	Fraudulent Traffic in Food Orders (<\$1,000)	M1	3	m
7316	Keeping Bucket-Shop	M3	1	m
7317	Accessories, Bucket-Shop	M3	1	m
7318	Maintaining Bucket-Shop Premises	M3	1	m
7319	Bucket-Shop Contracts	M3	1	m
7321	Lie Detector Tests	M2	2	m
7322	Demanding Property to Secure Employment	M3	1	m
7323	Discrimination on Account of Uniform	M2	2	m
7324	Unlawful Sale of Dissertations, Theses, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m
7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
7507.1(a)(1)	Invasion of privacy, <b>view photograph, etc., person without consent</b> (single violation)	M3	[ 1 ] 2	m
7507.1(a)(1)	Invasion of privacy, <b>view photograph, etc., person without consent</b> (more than one violation)	M2	3	m
7507.1(a)(2)	<b>Invasion of privacy, photograph, view, intimate parts of a person (single violation)</b>	M3	[ 1 ] 2	m
7507.1(a)(2)	<b>Invasion of privacy, photograph, view, intimate parts of a person (more than one violation)</b>	M2	3	m
7507.1(a)(3)	<b>Invasion of privacy, transfer image by telephone, email, internet, etc. (single violation)</b>	M3	[ 1 ] 2	m
7507.1(a)(3)	<b>Invasion of privacy photograph, transfer image by telephone, email, internet, etc. (more than one violation)</b>	M2	3	m
7508.2(b)(1)	<b>Operation of methamphetamine laboratory (knowingly causes a chemical reaction)</b>	F2	8	2
7508.2(b)(2)	<b>Operation of methamphetamine laboratory (knowingly causes a chemical reaction within 1,000 feet of a school)</b>	F1	9	3
7509(a)	Furnishing drug-free urine (unlawful sale or attempt)	M3	1	m
7509(b)	Furnishing drug-free urine (use or attempt)	M3	1	m
7510(b)(1)	Municipal housing code avoidance (4th conviction)	M2	2	m
7510(b)(2)	Municipal housing code avoidance (5th or subsequent conviction)	M1	3	m
7512	Criminal use of communication facility	F3	5	1
7515	Contingent compensation	M3	1	m
7516	Greyhound racing	M1	3	m
7517	Commemorative service demonstration activities	M3	1	m
7611	Unlawful use of a computer	F3	7	1
7612	Disruption of computer service	F3	7	1
7613	Computer theft	F3	7	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7614(b)(1)	Unlawful duplication (value of \$2,500 or less)	F3	5	1
7614(b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7624(1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624(2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624(3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1
7661(b)(1)	Unlawful transmission of electronic mail (value of less than \$2,500)	M3	1	m
7661(b)(2)	Unlawful transmission of electronic mail (damage/reckless disregard, value of \$2,500 or greater)	M1	5	m
7661(b)(3)	Unlawful transmission of electronic mail (damage/malicious act, value of \$2,500 or greater)	F3	7	1

\* = Subcategorized Offenses. See 303.3(b).

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

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

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

18 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
1.1—1.8	MOTOR VEHICLE CHOP SHOP AND ILLEGALLY OBTAINED AND ALTERED PROPERTY ACT			
1.3	Owning, operating or conducting a chop shop	F2	7	2
1.4(a)	Altered or illegally obtained property (alteration or destruction of vehicle identification number)	F3	5	1
1.4(b)	Altered or illegally obtained property (disposition of vehicle)	F3	5	1
11.101—11.5102	CRIME VICTIMS ACT			
11.1303	False claim for victim compensation	M3	2	m
23 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4354(d)(2)	<b>Willful failure to pay child support (special circumstances)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
6319	Penalties for failure to report or to refer (suspected child abuse)—first violation	M3	2	m
6319	Penalties for failure to report or to refer (suspected child abuse)—second or subsequent violation	M2	3	m
[6018.101—6018.1002	SOLID WASTE MANAGEMENT ACT			
	<b>Knowingly Transports, etc. Hazardous Waste Without Permit</b>	<b>F1</b>	<b>9</b>	<b>1</b>



23 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Transports, etc. Hazardous Waste Without Permit</b>	<b>F2</b>	<b>7</b>	<b>2 ]</b>

\* = Subcategorized Offenses. See 303.3(b).  
M = Other Misdemeanor Offenses. See 303.7(a)(5).  
INCHOATE = Inchoates to 4 points PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

[ 35 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>691.1—691.1001</b>	<b>CLEAN STREAMS LAW</b>			
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>4001—4015</b>	<b>AIR POLLUTION CONTROL ACT</b>			
	<b>Knowingly Releases Hazardous Air Pollutant</b>	<b>F1</b>	<b>9</b>	<b>1</b>
	<b>Violation of Act ; DER Order</b>	<b>M2</b>	<b>2</b>	<b>m</b>
	<b>Negligently Releases Hazardous Air Pollution</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>721.1—721.17</b>	<b>SAFE DRINKING WATER ACT</b>			
	<b>Knowingly Introduces Contaminant Into Public Water</b>	<b>M1</b>	<b>3</b>	<b>m ]</b>

**BOATS AND BOATING**

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502	Operating watercraft under influence of alcohol or controlled substance (See mandatory provision § 303.9(i))			See § 303.7(a)
5502(a)(1)	Incapable of safe operation; first offense	M	1	m
5502(a)(1)	Incapable of safe operation; second offense	M	1	1
5502(a)(1)	Incapable of safe operation; third/subsequent offense	M2	3	1
5502(a)(1)	Refuse testing; first offense	M	1	m
5502(a)(1)	Refuse testing; second offense	M1	5	1
5502(a)(1)	Refuse testing; third/subsequent offense	M1	5	1
5502(a)(1)	Accident; first offense	M	1	m
5502(a)(1)	Accident; second offense	M	1	1
5502(a)(1)	Accident; third offense	M1	5	1
5502(a)(1)	Accident; fourth/subsequent offense	M1	5	1
5502(a)(2)	BAC .08—<.10; first offense	M	1	m
5502(a)(2)	BAC .08—<.10; second offense	M	1	1
5502(a)(2)	BAC .08—<.10; third/subsequent offense	M2	3	1
5502(a.1)	BAC .10—<.16; first offense	M	1	m
5502(a.1)	BAC .10—<.16; second offense	M	1	1
5502(a.1)	BAC .10—<.16; third offense	M1	5	1
5502(a.1)	BAC .10—<.16; fourth/subsequent offense	M1	5	1
5502(a.2)	BAC .16+; first offense	M	1	m

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502(a.2)	BAC .16+; second offense	M1	5	1
5502(a.2)	BAC .16+; third/subsequent offense	M1	5	1
5502(a.3)	Controlled substance; first offense	M	1	m
5502(a.3)	Controlled substance; second offense	M1	5	1
5502(a.3)	Controlled substance; third/subsequent offense	M1	5	1
5502(a.4)	Under 21 years of age; first offense	M	1	m
5502(a.4)	Under 21 years of age; second offense	M	1	1
5502(a.4)	Under 21 years of age; third offense	M1	5	1
5502(a.4)	Under 21 years of age; fourth/subsequent offense	M1	5	1
5502.1	Homicide by watercraft while operating under influence (See mandatory provision § 303.9(i))	[ F3 ] F2	10	[ 1 ] 2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M1	8	1
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M1	6	1
5502.3	Aggravated assault by watercraft while operating under influence	F2	7	2

\* = Subcategorized Offenses. See 303.3(b).

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

[ INCHOATE = Inchoates to 4 points PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates. ]

#### DRUG ACT OFFENSES

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

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10 g to <50 g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ 2.5 ] 5 g to <10 g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ <2.5 ] 2 g to <5 g)	F	6	2
	<b>Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (&lt;2 g)</b>	<b>F</b>	<b>5</b>	<b>2</b>
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1,000 pills or greater)	F	10	3
	MDMA (Ecstasy) (Schedule I, non-narcotic) (100—<1,000 pills)	F	7	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (50—<100 pills)	F	5	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1—<50 pills)	F	3	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (>100 pills)	F	10	3
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (51-100 pills)	F	9	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (21-50 pills)	F	8	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, Oxycontin, Percocet) (1-20 pills)	F	6	2
	Marijuana (>1,000 lbs. or >5,000 live plants)	F	10	3
	Marijuana (50 lbs. [ to ]—1,000 lbs. or 51 [ to ]—5,000 live plants)	F	8	2
	Marijuana (10 lbs. [ to ]—<50 lbs. or 21 [ to ]—<51 live plants)	F	7	2
	Marijuana (1 lb. [ to ]—<10 lbs. or 10 [ to ]—<21 live plants)	F	5	2
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	<b>Synthetic Marijuana (500 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 11</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (250—&lt;500 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (100—&lt;250 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (50—&lt;100 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (25—&lt;50 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 4</b>	<b>[ 1 ] 2</b>
	<b>Synthetic Marijuana (&lt;25 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 3</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (10 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 10</b>	<b>[ 1 ] 3</b>
	<b>Bath Salts (5 g &lt; 10 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 9</b>	<b>[ 1 ] 2</b>

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Bath Salts (2 g—&lt; 5 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (1—&lt;2 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (&lt;1 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 2</b>
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(13)	Dispense of Drugs to Drug Dependent Person	M	4	m
(14)*	Delivery by Practitioner:			
	Heroin (>1,000 g)	F	13	3
	Heroin (100 g [ to ]—1,000 g)	F	11	3
	Heroin (50 g [ to ]—<100 g)	F	10	3
	Heroin (10 g [ to ]—<50 g)	F	8	2
	Heroin (1 g [ to ]—<10 g)	F	7	2
	Heroin (<1 g)	F	6	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (>1,000 g)	F	13	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100 g [ to ]—1,000 g)	F	11	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50 g [ to ]—<100 g)	F	10	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10 g [ to ]—<50 g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ 2.5 g to ] 5 g—<10 g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ <2.5 ] 2 g—<5 g)	F	6	2
	<b>Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (&lt;2 g)</b>	<b>F</b>	<b>5</b>	<b>2</b>
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1,000 pills or greater)	F	10	3
	MDMA (Ecstasy) (Schedule I, non-narcotic) (100—<1,000 pills)	F	7	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (50—<100 pills)	F	5	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1—<50 pills)	F	3	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (>100 pills)	F	10	3
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (51-100 pills)	F	9	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (21-50 pills)	F	8	2

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (1-20 pills)	F	6	2
	Marijuana (>1,000 lbs. or >5,000 live plants)	F	10	3
	Marijuana (50 lbs. [ to ]—1,000 lbs. or 51 [ to ]—5,000 live plants)	F	8	2
	Marijuana (10 lbs. [ to ]—<50 lbs. or 21 [ to ]—<51 live plants)	F	7	2
	Marijuana (1 lb. [ to ]—<10 lbs. or 10 [ to ]—<21 live plants)	F	5	2
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	<b>Synthetic Marijuana (500 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 11</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (250—&lt;500 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (100—&lt;250 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (50—&lt;100 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (25—&lt;50 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 4</b>	<b>[ 1 ] 2</b>
	<b>Synthetic Marijuana (&lt;25 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 3</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (10 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 10</b>	<b>[ 1 ] 3</b>
	<b>Bath Salts (5 g &lt; 10 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 9</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (2 g—&lt; 5 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (1—&lt;2 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (&lt;1 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 2</b>
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(15)	Illegal Retail Sale	M	4	m
(16)	Simple Possession	M	3	m
(17)	Dispensing of Drugs Without Label	M	4	m
(18)	Illegal Sale Container	M	4	m
(19)	Intentional Unauthorized Purchase	M	5	m
(20)	Divulging Trade Secret	M	4	m
(21)	Failure to Keep Records	M	2	m
(22)	Refusal of Inspection	M	2	m
(23)	Unauthorized Removal of Seals	M	5	m
(24)	Failure to Obtain License	M	2	m
(25)	Manufacture by Unauthorized Party	M	5	m

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(26)	Distribution by Registrant of Controlled Substance	M	5	m
(27)	Use of Fictitious Registration Number	M	5	m
(28)	False Application Material	M	5	m
(29)	Production of Counterfeit Trademarks	M	5	m
(30)*	Possession With Intent to Deliver (PWID):			
	Heroin (>1,000 g)	F	13	3
	Heroin (100 g—1,000 g)	F	11	3
	Heroin (50 g—<100 g)	F	10	3
	Heroin (10 g—<50 g)	F	8	2
	Heroin (1 g—<10 g)	F	7	2
	Heroin (<1 g)	F	6	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (>1,000 g)	F	13	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100 g [ to ]—1,000 g)	F	11	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50 g [ to ]—<100 g)	F	10	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10 g [ to ]—<50 g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ 2.5 g to ] 5 g—<10 g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine [ (<2.5 g) ] (2 g—< 5 g)	F	6	2
	<b>Other Narcotics of Schedule I and II, Cocaine, PCP, methamphetamine (&lt;2 g)</b>	<b>F</b>	<b>5</b>	<b>2</b>
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1,000 pills or greater)	F	10	3
	MDMA (Ecstasy) (Schedule I, non-narcotic) (100—<1,000 pills)	F	7	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (50—<100 pills)	F	5	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1—<50 pills)	F	3	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (>100 pills)	F	10	3
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) ( 51-100 pills)	F	9	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (21-50 pills)	F	8	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (1-20 pills)	F	6	2
	Marijuana (>1,000 lbs. or >5,000 live plants)	F	10	3
	Marijuana (50 lbs. [ to ]—1,000 lbs. or 51 [ to ]—5,000 live plants)	F	8	2

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Marijuana (10 lbs. [ to ]—<50 lbs. or 21 [ to ]—<51 live plants)	F	7	2
	Marijuana (1 lb. [ to ]—<10 lbs. or 10 [ to ]—<21 live plants)	F	5	2
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	<b>Synthetic Marijuana (500 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 11</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (250—&lt;500 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (100—&lt;250 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (50—&lt;100 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (25—&lt;50 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 4</b>	<b>[ 1 ] 2</b>
	<b>Synthetic Marijuana (&lt;25 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 3</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (10 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 10</b>	<b>[ 1 ] 3</b>
	<b>Bath Salts (5 g &lt; 10 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 9</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (2 g—&lt; 5 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (1—&lt;2 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (&lt;1 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 2</b>
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(31)	Small Amount of Marijuana	M	1	m
(32)	Possession of Paraphernalia	M	1	m
(33)	PWID Paraphernalia (no minor)	M	3	m
(33)	PWID Paraphernalia (minor w/ Conditions)	M2	4	m
(34)	Ad for Drug Paraphernalia	M	1	m
(35)	Illegal Sale of Non controlled Substance	F	5	2
(36)	Designer Drugs	F	5	2
(37)	Possession of Steroids	M	4	m
(38)(i)	Unlawful manufacture of methamphetamine (child under 18 years of age present)	F3	7	1
(38)(ii)	Unlawful manufacture of methamphetamine (child under 18 years of age suffers serious bodily injury)	F2	9	2
(39)	<b>Possession of ephedrine, pseudoephedrine, etc. with intent to manufacture methamphetamine</b>	<b>M</b>	<b>2</b>	<b>m</b>
(40)	<b>Sale at retail of any product containing ephedrine (1st offense)</b>	<b>M</b>	<b>2</b>	<b>m</b>

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(40)	<b>Sale at retail of any product containing ephedrine (2nd/subsequent offense)</b>	<b>M</b>	<b>2</b>	<b>m</b>
35 P.S. § 780-113.1(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas)	M	3	m
(2)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas with intent to manufacture controlled substance)	F	5	2
(3)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing red phosphorous, etc.)	F	5	2
35 P.S. § 780-113.4	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(a)(1)	<b>Operating a methamphetamine lab and illegal dumping of methamphetamine waste</b>	<b>F2</b>	<b>7</b>	<b>2</b>
(a)(3)	<b>Operating a methamphetamine lab and illegal dumping of methamphetamine waste within 1,000 feet of a school</b>	<b>F1</b>	<b>8</b>	<b>3</b>
(b)(1)	<b>Stores or disposes of substance used in manufacture of methamphetamine</b>	<b>F3</b>	<b>5</b>	<b>1</b>
35 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
<b>6018.101— 6018.1002</b>	<b>SOLID WASTE MANAGEMENT ACT</b>			
	<b>Knowingly Transports, etc. Hazardous Waste Without Permit</b>	<b>F1</b>	<b>9</b>	<b>1</b>
	<b>Transports, etc. Hazardous Waste Without Permit</b>	<b>F2</b>	<b>7</b>	<b>2</b>
	<b>Violation of Act; DER Order, etc.</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>691.1—691.1001</b>	<b>CLEAN STREAMS LAW</b>			
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>4001—4015</b>	<b>AIR POLLUTION CONTROL ACT</b>			
	<b>Knowingly Releases Hazardous Air Pollutant</b>	<b>F1</b>	<b>9</b>	<b>1</b>
	<b>Violation of Act; DER Order</b>	<b>M2</b>	<b>2</b>	<b>m</b>
	<b>Negligently Releases Hazardous Air Pollution</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>721.1—721.17</b>	<b>SAFE DRINKING WATER ACT</b>			
	<b>Knowingly Introduces Contaminant Into Public Water</b>	<b>M1</b>	<b>3</b>	<b>m</b>
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>

\* = Subcategorized Offenses. See 303.3(b).

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



## JUDICIAL CODE

42 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4583.1(b)(1)	Aggravated jury tampering (most serious offense submitted for deliberation is F1 or Murder 1 or Murder 2)	F1	11	4
4583.1(b)(2)	Aggravated jury tampering (most serious offense submitted to jury is F2)	F2	9	2
4583.1(b)(3)	Aggravated jury tampering (any other violation)	F3	7	1
4732(a)	DNA database, disclosure prohibition (disclose to unauthorized person)	M1	3	m
4732(b)	DNA database, disclosure prohibition (obtain without authorization)	M1	3	m

\* = Subcategorized Offenses. See 303.3(b).

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

## TRADE AND COMMERCE

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

73 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (2nd or subsequent offense)	F2	7	2
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (\$2,000 or less)	M1	3	m
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (>\$2,000)	F3	5	1
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (2nd or subsequent offense)	F2	7	2
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (\$2,000 or less)	M1	3	m
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (>\$2,000)	F3	5	1
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government and older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government and older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (2nd or subsequent offense)	F2	7	2
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (\$2,000 or less)	M1	3	m
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (>\$2,000)	F3	5	1
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (2nd or subsequent offense)	F2	7	2
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (\$2,000 or less)	M1	3	m
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (>\$2,000)	F3	5	1
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner and victim older than 60 yrs. (\$2,000 or less)	F3	5	1

73 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (2nd or subsequent offense)	F2	7	2
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (\$2,000 or less)	M1	3	m
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (>\$2,000)	F3	5	1
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (2nd or subsequent offense)	F2	7	2
2330.3(2)	Computer spyware prohibitions—collect through deceptive means	F2	7	2
2330.4(1)(i)(ii)(iii)	Computer spyware—control or modification (take control of computer)	F2	7	2
2330.4(2)	Computer spyware—control or modification (modify settings related to computer access)	F2	7	2

\* = Subcategorized Offenses. See 303.3(b).

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

#### VEHICLE LAW OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
1543(1.1)(ii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence; 2nd offense) (See mandatory provision § 303.9(i))	M3	1	m
1543(1.1)(iii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence, 3rd/subseq. offense) (See mandatory provision § 303.9(i))	M1	3	m
1571(a)(5)	Violations concerning licenses (exhibit or cause altered driver's license)	M1	3	m
1571(a.1)	Violations concerning licenses (employees and agents issuing altered driver's license)	F3	5	1
3712	Abandonment/Stripping of Vehicles	M3	1	m
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident; occurs in active work zone)	F3 <sup>3</sup>	10	1
3732*	<b>Homicide by vehicle (when there is also a conviction for DUI arising from the same incident and in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area)</b>	<b>F3<sup>3</sup></b>	<b>10</b>	<b>1</b>

<sup>3</sup> statutory maximum increased by 5 years if offense occurred in active work zone (maximum=12 years)  
statutory maximum increased by 5 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=12 years)

75 Pa.C.S.§	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident)	F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident; occurs in active work zone)	F3 <sup>3</sup>	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	F3	6	1
<b>3732(1.1)</b>	<b>Homicide by vehicle (when there is not a conviction for DUI arising from the same incident and in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area)</b>	<b>F3<sup>3</sup></b>	<b>8</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is a conviction for DUI arising from the same incident and when occurs in active work zone)</b>	<b>F3<sup>4</sup></b>	<b>9</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is a conviction for DUI arising from the same incident and when in violation of § 3325 or § 3327-duty of driver on approach of emergency vehicle or in emergency response area- SBI)</b>	<b>F3<sup>4</sup></b>	<b>9</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is a conviction for DUI arising from the same)</b>	<b>F3</b>	<b>7</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same incident and when occurs in active work zone) (See mandatory provision § 303.9(i))</b>	<b>F3<sup>4</sup></b>	<b>7</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same incident and when in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area) (SBI)</b>	<b>F3<sup>4</sup></b>	<b>7</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
3733(a.2)(1)	Fleeing or Eluding Police (willfully fails or refuses to bring vehicle to a stop)	M2	2	m
3733(a.2)(2)	Fleeing or Eluding Police (also commits violation of Section 3802, crosses State line, or endangers by engaging in high-speed chase)	F3	5	1
3735	Homicide by Vehicle while DUI (See mandatory provision § 303.9(i))	F2	10	2
3735.1	Aggravated Assault by Vehicle while DUI	F2	<b>[ 7 ] 9</b>	2
3742(b)(1)	Accident Involving Death or Personal Injury (failure to stop) (injury)	M1	3	m
3742(b)(2)	Accident Involving Death or Personal Injury (failure to stop) (accident resulting in SBI) (See mandatory provision § 303.9(i))	F3	5	1

<sup>4</sup> statutory maximum increased by 2 years if offense occurred in active work zone (maximum=9 years)  
statutory maximum increased by 2 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=9 years).

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3742(b)(3)	Accident Involving Death or Personal Injury (failure to stop) (accident resulting in death) (See mandatory provision § 303.9(i))	F3	6	1
3742.1(b)(1)	Accident involving death or personal injury while not properly licensed	M2	2	m
3742.1(b)(2) *	Accident involving death or personal injury while not properly licensed (death)	F3	<b>[ 6 ] 5</b>	1
3742.1(b)(2) *	Accident involving death or personal injury while not properly licensed (SBI)	F3	5	1
3743	Accident Involving Damage to Attended Vehicle	M3	1	m
3802	Driving under influence of alcohol or controlled substance (DUI) (See mandatory provision § 303.9(i))			See § 303.7(a)
3802(a)(1)	DUI (incapable of safe driving; first offense)	M	1	m
3802(a)(1)	DUI (incapable of safe driving; second offense)	M	1	1
3802(a)(1)	DUI (incapable of safe driving; third/subsequent offense)	M2	3	1
3802(a)(1)	DUI (refuse testing; first offense)	M	1	m
3802(a)(1)	DUI (refuse testing; second offense)	M1	5	1
3802(a)(1)	DUI (refuse testing; third/subsequent offense)	M1	5	1
3802(a)(1)	DUI (accident; first offense)	M	1	m
3802(a)(1)	DUI (accident; second offense)	M	1	1
3802(a)(1)	DUI (accident; third offense)	M1	5	1
3802(a)(1)	DUI (accident; fourth/subsequent offense)	M1	5	1
3802(a)(2)	DUI (BAC .08—<.10; first offense)	M	1	m
3802(a)(2)	DUI (BAC .08—<.10; second offense)	M	1	1
3802(a)(2)	DUI (BAC .08—<.10; third/subsequent offense)	M2	3	1
3802(b)	DUI (BAC .10—<.16; first offense)	M	1	m
3802(b)	DUI (BAC .10—<.16; second offense)	M	1	1
3802(b)	DUI (BAC .10—<.16; third offense)	M1	5	1
3802(b)	DUI (BAC .10—<.16; fourth/subsequent offense)	M1	5	1
3802(c)	DUI (BAC .16+; first offense)	M	1	m
3802(c)	DUI (BAC .16+; second offense)	M1	5	1
3802(c)	DUI (BAC .16+; third/subsequent offense)	M1	5	1
3802(d)	DUI (controlled substance; first offense)	M	1	m
3802(d)	DUI (controlled substance; second offense)	M1	5	1
3802(d)	DUI (controlled substance; third/subsequent offense)	M1	5	1
3802(e)	DUI (under 21 years of age; first offense)	M	1	m
3802(e)	DUI (under 21 years of age; second offense)	M	1	1
3802(e)	DUI (under 21 years of age; third offense)	M1	5	1
3802(e)	DUI (under 21 years of age; fourth/subsequent offense)	M1	5	1
3802(f)	DUI (commercial/school vehicle; first offense)	M	1	m
3802(f)	DUI (commercial/school vehicle; second offense)	M	1	1
3802(f)	DUI (commercial/school vehicle; third offense)	M1	6	1
3802(f)	DUI (commercial/school vehicle; fourth/subsequent offense)	M1	7	1
<b>[ 3808 ]</b>	<b>[ Ignition interlock ]</b>			

75 Pa.C.S.§	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3808(a)(1)	Ignition interlock (illegally operate vehicle not equipped)	M	1	m
3808(a)(2)	Ignition interlock (illegally operate vehicle not equipped; BAC .025 or greater) (See mandatory provision § 303.9(i))	M3	1	m
3808(b)	Ignition interlock (tampering with ignition interlock system)	M	1	m
7102	Falsify Vehicle Identification	M1	3	m
7102	Falsify Vehicle Identification	M3	1	m
7103	Deal in Vehicles with Removed Identification	F3	5	1
7103	Deal in Vehicles with Removed Identification	M3	1	m
7111	Deal in Stolen Plates	M1	3	m
7112	False Report of Theft or Vehicle Conversion	M3	1	m
7121	False Application for Title/Registration	M1	3	m
7122	Altered or Forged Title or Plates	M1	3	m
7132	Prohibited Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7133	Permissible Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7134	Odometer Disclosure Requirement (1st or subsequent offense, subchapter D)	F3	4	1
7135	Odometer Mileage Statement (1st or subsequent offense, subchapter D)	F3	4	1
7136	Conspiracy to Violate (1st or subsequent offense, subchapter D)	F3	4	1
7137	Violation of Unfair Trade Practices (1st or subsequent offense, subchapter D)	F3	4	1
7752(b)	Unauthorized Disposition of Forms	M3	1	m
8306(b)	Willful Violations	M3	1	m
8306(c)	Subsequent Willful Violations	M2	2	m

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

[ INCHOATE = Inchoates to 4 points PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates. ]

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

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

[ INCHOATE = Inchoates to 4 points PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates. ]

§ 303.16. Basic Sentencing Matrix.

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

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary (not home/no person) Theft (>\$2000-\$25,000) [ DUI(M1) ] Bribery PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent assault M2 Forgery (money, stocks) Weapon on school property Crim Trespass (breaks in)	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault Theft (\$200-\$2000) [ DUI (M2) ] Carrying explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st ,2nd ) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1 (M3)	Most Misd. 3's; Theft (<\$50) DUI(M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

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

Key:

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

§ 303.17. DWE/Possessed Matrix.

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



Level	OGS	Deadly Weapon	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	16-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

§ 303.18. DWE/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	~/ - 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
Level 3	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

§ 303.19. Youth and School Enhancements Matrices.

Basic Sentencing Matrix with Youth/School Enhancement: Youth.

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

Basic Sentencing Matrix with Youth/School Enhancement: School.

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

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

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

[Pa.B. Doc. No. 12-604. Filed for public inspection April 6, 2012, 9:00 a.m.]

# THE COURTS

## Title 225—RULES OF EVIDENCE

[ 225 PA. CODE ART. VI ]

**Amendment of Rule 604 of the Rules of Evidence;  
No. 566 Supreme Court Rules Doc.**

### Order

*Per Curiam*

*And Now*, this 21st day of March, 2012, upon the recommendation of the Committee on Rules of Evidence; the proposal having been published for public comment at 39 Pa.B. 5722 (October 3, 2009) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 978 No. 2):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 604 of the Pennsylvania Rules of Evidence is amended in the following form.

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

### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE VI. WITNESSES

Rule 604. [ Interpreters ] Interpreter.

[ An interpreter is subject to the provisions of Rule 702 (relating to qualification as an expert) and Rule 603 (relating to the administration of an oath or affirmation). ]

An interpreter must be qualified and must give an oath or affirmation to make a true translation.

### Comment

[ This rule adopts the substance of F.R.E. 604; the only change is the explicit reference to Pa.Rs.E. 702 and 603, rather than the general reference to “the provisions of these rules” in F.R.E. 604.

The need for an interpreter whenever a witness’ natural mode of expression or the language of a document is not intelligible to the trier of fact is well settled. 3 Wigmore, *Evidence* § 911 (Chadbourn rev. 1970). Under Pa.R.E. 604, an interpreter is treated as an expert witness who must have the necessary skill to translate correctly and who must promise to do so by oath or affirmation.

Pa.R.E. 604 is consistent with those Pennsylvania statutes providing for the appointment of interpreters for the deaf. See 42 Pa.C.S.A. § 7103 (deaf party in a civil case); 2 Pa.C.S.A. 505.1 (deaf party in hearing before Commonwealth agency); 42 Pa.C.S.A. § 8701 (deaf defendant in criminal case); see also *Commonwealth v. Wallace*, 433 Pa. Super. 518, 641 A.2d 321 (1994) (applying § 8701). Under each of these statutes, an interpreter must be “qualified and trained to translate for or communicate with deaf persons” and must “swear or affirm that he will make a true interpretation to the deaf person and that he will repeat the statements of the deaf person to the best of his ability.”

There is little statutory authority for the appointment of interpreters, but the practice is well established. See Pa.R.Crim.P. 231(B) (authorizing presence of interpreter while investigating grand jury is in session if supervising judge determines necessary for presentation of evidence); 51 Pa.C.S.A. § 5507 (under regulations prescribed by governor, convening authority of military court may appoint interpreters). The decision whether to appoint an interpreter is within the discretion of the trial court. See *Commonwealth v. Pana*, 469 Pa. 43, 364 A.2d 895 (1976) (holding that it was an abuse of discretion to fail to appoint an interpreter for a criminal defendant who had difficulty in understanding and expressing himself in English). ]

In 2006, legislation was enacted pertaining to the certification, appointment, and use of interpreters in judicial and administrative proceedings for persons having limited proficiency with the English language and persons who are deaf. See 42 Pa.C.S. §§ 4401—4438; 2 Pa.C.S. §§ 561—588. Pursuant to this legislation, the Administrative Office of the Pennsylvania Courts (“AOPC”) has implemented an interpreter program for judicial proceedings. See 204 Pa. Code §§ 221.101—407. Information on the court interpreter program and a roster of court interpreters may be obtained from the AOPC web site at [www.pacourts.us/t/aopc/courtinterpreterprog](http://www.pacourts.us/t/aopc/courtinterpreterprog).

**Official Note:** Adopted May 8, 1998, effective October 1, 1998; Comment revised March 29, 2001, effective April 1, 2001; amended March 21, 2012, effective April 20, 2012.

\* \* \* \* \*

[Pa.B. Doc. No. 12-605. Filed for public inspection April 6, 2012, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

[ 22 PA. CODE CH. 4 ]

#### Corrective Amendment to 22 Pa. Code § 4.3

The State Board of Education has discovered a discrepancy between the agency text of 22 Pa. Code § 4.3 (relating to definitions) as deposited with the Legislative Reference Bureau, published at 40 Pa.B. 5903 (October 16, 2010) and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 434, January 2011). The words “stakeholders. The standards define the knowledge” were inadvertently omitted from the definition of “Common Core State Standards.”

Therefore, under 45 Pa.C.S. § 901: The State Board of Education has deposited with the Legislative Reference Bureau a corrective amendment to 22 Pa. Code § 4.3. The corrective amendment to 22 Pa. Code § 4.3 is effective as of January 1, 2011, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 22 Pa. Code § 4.3 appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex

### TITLE 22. EDUCATION

#### PART I. STATE BOARD OF EDUCATION

#### Subpart A. MISCELLANEOUS PROVISIONS

#### CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

#### GENERAL PROVISIONS

#### § 4.3. Definitions.

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

\* \* \* \* \*

*Common Core State Standards*—Academic standards for English language arts and mathematics developed through a Nationwide, state-led process coordinated by the National Governors Association and the Council of Chief State School Officers and in collaboration with teachers, content experts and other education stakeholders. The standards define the knowledge and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in workforce training programs.

\* \* \* \* \*

[Pa.B. Doc. No. 12-606. Filed for public inspection April 6, 2012, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 71 ]

#### Fishing; Propagation and Introduction of Fish into Commonwealth Waters

The Fish and Boat Commission (Commission) amends Chapter 71 (relating to propagation and introduction of

fish into Commonwealth waters). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission’s fishing regulations.

#### A. Effective Date

The final-form rulemaking will go into effect on July 1, 2012.

#### B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The amendments to § 71.7 (relating to triploid grass carp) are published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish).

#### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission’s fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. Summary of Changes

Under section 2904 of the code, the Executive Director, with the Commission’s approval, may require permits for the taking, catching, killing, possession, introduction, removal, importing, transporting, exporting or disturbing of fish when it is determined that the permits may be needed to insure proper protection and management of any species of fish. This section also authorizes the Commission to establish fees and to promulgate regulations. Under the section, the Commission may not establish a fee in excess of \$5 per permit for trout/salmon permits. There is no other restriction on fees. This section further provides that the Commission may not issue permits under the authority of the section for game fish other than trout or salmon.

The Commission adopted regulations at § 71.7 pertaining to the possession and introduction of triploid grass carp (white amur). This section provides that permits shall be required for possessing triploid grass carp, introducing them into Commonwealth waters and importing or transporting them into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pond owner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit. A person who wishes to import triploid grass carp into this Commonwealth shall obtain from the Commission a triploid grass carp importation/transportation permit.

This program was initiated by the Commission in January 1994. Two types of permits with associated fees were established and those fees are the same today. A triploid grass carp possession/introduction permit is \$20. A triploid grass carp importation/transportation permit is \$50.

For bodies of water that are more than 5 acres in surface area or are considered to be of special concern, an applicant is required to submit an environmental inspection report prepared by a biologist or fisheries or environmental scientist acceptable to the Commission. This is a detailed report that requires personal inspection of the body of water. Section 71.7 stated that the applicant may request the Commission to conduct the inspection and prepare the report upon payment of a fee of \$200. Today, this fee would not begin to cover costs that would be incurred by staff to perform an environmental inspection of a large body of water or a water of special concern.

The Aquatic Resource Section within the Commission's Bureau of Fisheries, Division of Environmental Services administers the triploid grass carp program. Administering the program requires staff to review permit applications, maintain a database, process and approve the permits. Reviewing the applications requires a technical review, some field views and clerical support.

In 2011, the Commission issued 289 triploid grass carp permits. In the past 5 years, approximately 1,500 triploid grass carp permits have been issued by the Commission. Staff time spent reviewing and processing triploid grass carp permits costs approximately \$75 per permit. The Commission therefore has increased the fees in § 71.7 to \$75 to help offset inflation and increasing program costs and to remove the option for applicants to request the Commission to perform the environmental inspection for a \$200 fee. The Commission has amended § 71.7 to read as set forth in the notice of proposed rulemaking published at 41 Pa.B. 5560 (October 15, 2011).

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking, however, will impose new costs on the private sector and the general public. The current fees for a triploid grass carp possession/introduction permit and an importation/transportation permit are \$20 and \$50, respectively. The Commission has increased the fee for both permit types to \$75. These

fee increases will affect the applicants for the approximately 300 to 400 permits that the Commission issues per year.

#### H. Public Comments

Notice of proposed rulemaking was published at 41 Pa.B. 5560. The Commission did not receive public comments concerning the proposed amendments.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 71, are amended by amending § 71.7 to read as set forth at 41 Pa.B. 5560.

(b) The Executive Director will submit this order and 41 Pa.B. 5560 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 41 Pa.B. 5560 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on July 1, 2012.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-231 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-607. Filed for public inspection April 6, 2012, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## DEPARTMENT OF LABOR AND INDUSTRY

[ 34 PA. CODE CHS. 401 AND 403 ]

### Uniform Construction Code

In accordance with section 304 of the Pennsylvania Construction Code Act (act) (35 P.S. § 7210.304), the Department of Labor and Industry (Department) is submitting a proposed rulemaking for the regulation of construction. The Department proposes to amend §§ 401.1 and 403.21 (relating to definitions; and Uniform Construction Code) under the act to read as set forth in Annex A.

#### *Statutory Authority*

This proposed rulemaking is issued under the authority in section 304(a)(3) of the act, which provides that the Department shall promulgate regulations updating accessibility standards by adopting Chapter 11 and Appendix E of the International Building Code of 2012, or its successor, by December 31 of the year of issuance of the new code.

#### *Background*

The act mandates a process for the adoption of updated building codes issued by the International Code Council. Although most building code provisions are reviewed by the Uniform Construction Code Review and Advisory Council, under section 107 of the act (35 P.S. § 7210.107), the General Assembly excluded accessibility provisions of the International Building Code from review. In 2011, the act was amended to require that the Department regularly adopt updated accessibility standards for the construction, repair or alteration of buildings in this Commonwealth by December 31 of the year of issuance, beginning with Chapter 11 and Appendix E of the International Building Code of 2012. Therefore, the Department is required to adopt these provisions by December 31, 2012. Adoption of the current accessibility standards will ensure that commercial buildings meet current standards for accessible and usable facilities.

The Department has sought input from the Accessibility Advisory Board (Board), created under section 106 of the act (35 P.S. § 7210.106). The Board consists of members appointed by the Secretary, including members with physical disabilities, an architect, a member of the business community, a representative of the multifamily housing industry and a municipal official. Under section 106(b) of the act, the Board has reviewed the proposed rulemaking and given its advice to the Secretary.

#### *Purpose*

The purpose of this proposed rulemaking is to adopt recognized international standards for accessible and usable buildings and structures, as directed by the act of April 25, 2011 (P.L. 1, No. 1). The proposed rulemaking brings the Commonwealth's standards for accessible and usable buildings to the current state of the art and conforms to standards issued by the United States Department of Justice under the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213). Adopting Chapter 11 and Appendix E of the 2012 International Building Code will allow the Department to comply with the act.

#### *Summary of Proposed Rulemaking*

##### *§ 401.1. Definitions*

This section amends the definition of "International Building Code" to provide that the term includes Chapter 11 and Appendix E of the 2012 edition of the International Building Code. It clarifies that the remaining adopted provisions of the International Building Code are the 2009 edition.

##### *§ 401.21. Uniform Construction Code*

This section excludes Chapter 11 and Appendix E of the 2009 International Building Code from the codes adopted as the Uniform Construction Code. It adopts Chapter 11 and Appendix E of the 2012 International Building Code.

#### *Affected Persons*

This proposed rulemaking will affect owners of new commercial buildings or commercial buildings undergoing addition, renovation or repair. It also ensures that persons with physical disabilities will be able to access and use commercial buildings in this Commonwealth.

#### *Fiscal Impact*

The Commonwealth will incur minimal additional costs under this proposed rulemaking. The costs are related to the purchase of updated code books for Commonwealth personnel. The cost to enforce the proposed rulemaking will be the same as the current regulations. This proposed rulemaking will not increase administrative, enforcement or legal activity.

#### *Reporting, Recordkeeping and Paperwork Requirements*

This proposed rulemaking will not require the creation of new forms or reporting requirements. Current forms may be updated.

#### *Sunset Date*

A sunset date is not appropriate for this proposed rulemaking. The act directs the Department to update the regulations with each new International Code Council, or successor code, edition.

#### *Effective Date*

This proposed rulemaking will take effect upon final-form publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Edward Leister, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 16th Floor, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17120, [eleister@pa.gov](mailto:eleister@pa.gov) within 30 days of publication in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 23, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the

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

JULIA K. HEARTHWAY,  
Secretary

**Fiscal Note:** 12-94. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**

**PART XIV. UNIFORM CONSTRUCTION CODE**

**CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS**

**§ 401.1. Definitions.**

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

\* \* \* \* \*

*International Building Code*—Chapters [ 2—29 ] 2—10, 12—29 and 31—35 of the “International Building Code 2009” (first printing) issued by the ICC. **Chapter 11 and Appendix E of the “International Building Code 2012” issued by the ICC.** The term includes all errata issued by the ICC.

\* \* \* \* \*

**CHAPTER 403. ADMINISTRATION**

**STANDARDS**

**§ 403.21. Uniform Construction Code.**

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

(1) The provisions of Chapters [ 2—29 ] 2—10, 12—29 and 31—35 of the “International Building Code,” except that in occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2 the maximum riser height shall be 8 1/4 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A 1-inch (25 mm) nosing shall be provided on stairways with solid risers.

(2) **Chapter 11 of the International Building Code of 2012.**

(3) The “International Mechanical Code.”

[ (3) ] (4) “The International Fuel Gas Code.”

[ (4) ] (5) “The International Performance Code.”

[ (5) ] (6) “The International Plumbing Code.”

\* \* \* \* \*

[ (6) ] (7) The “International Residential Code,” except that:

\* \* \* \* \*

[ (7) ] (8) The “International Fire Code.” Section 806.1.1 of the International Fire Code (relating to natural cut trees) is not adopted under this chapter. A municipality that elects to adopt an ordinance for the administration and enforcement of the Uniform Construction Code

may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement of natural cut trees is not subject to section 503(b)—(k) of the act (35 P. S. § 7210.503(b)—(k)) and § 403.102(i)—(k) (relating to municipalities electing to enforce the Uniform Construction Code).

[ (8) ] (9) The “International Energy Conservation Code.”

[ (9) ] (10) The “International Existing Building Code.”

[ (10) ] (11) The “International Wildland-Urban Interface Code.”

[ (11) ] (12) Appendix E of the “International Building Code of 2012.”

[ (12) ] (13) Appendix H of the “International Building Code.”

[ (13) ] (14) Appendix G of the “International Residential Code.”

\* \* \* \* \*

[Pa.B. Doc. No. 12-608. Filed for public inspection April 6, 2012, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 61 ]**

**Fishing; Seasons, Sizes and Creel Limits**

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

**A. Effective Date**

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2013.

**B. Contact Person**

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

**C. Statutory Authority**

The proposed amendment to § 61.8 (relating to Lehigh River, Schuylkill River and tributaries) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

**D. Purpose and Background**

The proposed rulemaking is designed to improve, enhance and update the Commission’s fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

**E. Summary of Proposal**

The Lehigh and Schuylkill Rivers represent the two largest tributaries to the Delaware River, draining 3,529.7 km<sup>2</sup> and 4,951.2 km<sup>2</sup>, respectively. The annual numbers of American shad that migrate to both rivers is dependent upon successful passage at multiple fishways. The first of these fishways on the Lehigh River is



situated near the confluence with the Delaware River at the Easton Dam (RM 0.0). On the Schuylkill River, the first impediment to shad passage is the Fairmount Dam (RM 8.5). Multiple factors contribute to the successful passage of shad, such as adequate fishway attraction flows, river flow, river water temperature and abundance of the returning population. Shad passage varies annually as monitored at both fishways by surveillance cameras and passage efficiency is poor. For example, passage of shad monitored through the Chain Dam (RM 3.0) on the Lehigh River is typically less than 20% of Easton passage. Only 5.0% of the American shad that passed the Easton Dam passed the Chain Dam in 2011. Shad passage is not monitored on any upstream fishway on the Schuylkill River, with the exception of some monitoring in 2010 and 2011 by Normandeau Associates for Exelon Energy at the Black Rock Dam.

Both rivers have been the subject of long-term restoration efforts by the Commission. American shad fry resulting from fish culture at the Commission's Van Dyke Hatchery have been stocked in both the Lehigh and Schuylkill Rivers for many years. The long-term contribution of hatchery-stocked fish to the annual runs of American shad is 74% and 96% for the Lehigh River and Schuylkill River, respectively.

Since 1995 on the Lehigh River and 2005 on the Schuylkill River, the American shad season has been open year-round with a daily creel limit of one shad, with no minimum size on both rivers; however, the fishery is focused on the Delaware River mainstem. An estimate of angler use and harvest is not available for either the Lehigh or Schuylkill River. A few anglers have been noted to fish the tidal reach of the Schuylkill River.

Management of marine and diadromous fisheries in state waters on the Atlantic Coast is coordinated through the Atlantic States Marine Fisheries Commission (ASMFC). The adoption of Amendment 3 to the ASMFC Interstate Fishery Management Plan for Shad and River Herring in 2010 calls for a moratorium on commercial fisheries and a catch and release regulation for recre-

ational American shad fisheries that cannot be demonstrated to be sustainable by January 1, 2013. Given that both the Lehigh and Schuylkill Rivers remain under restoration, that there is currently inefficient fishway passage and that data that can demonstrate sustainability is currently inadequate, the Commission cannot determine that the fisheries are sustainable on either river. Therefore, the Commission proposes that § 61.8 be amended to read as set forth in Annex A to impose catch and release only regulations for American shad in both rivers.

*F. Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-234. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

**§ 61.8. Lehigh River, Schuylkill River and tributaries.**

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Lehigh River upstream of the first dam in Easton, Pennsylvania and its tributaries and the Schuylkill River upstream of the I-95 Bridge and its tributaries:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
AMERICAN SHAD	Open year-round	No Minimum	[ 1 ] <b>Catch and Release Only</b>

\* \* \* \* \*

[Pa.B. Doc. No. 12-609. Filed for public inspection April 6, 2012, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 139 ]

**Seasons and Bag Limits; Correction**

An error occurred in the proposed rulemaking published at 42 Pa.B. 1238, 1240 (March 10, 2012). In the listing for “Ring-necked Pheasant—Male only in WMUs 2C, 4C, 4E, 5A and 5B” in § 139.4 (relating to seasons and bag limits for the license year), WMU 2A was inadvertently omitted. The correct version of this entry is as follows, with ellipses referring to the remaining text of the proposed rulemaking.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)**

**2012-2013 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
	*	*	*	*	*	
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6		Oct. 13		2	4
	*	*	*	*	*	

[Pa.B. Doc. No. 12-401. Filed for public inspection March 9, 2012, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 20, 2012.

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

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-16-2012	ESSA Bancorp, Inc. Stroudsburg Monroe County	Filed
	Application for approval to acquire 100% of First Star Bancorp, Inc., Bethlehem, and thereby indirectly acquire 100% of First Star Bank, Bethlehem.	

##### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-16-2012	ESSA Bank and Trust Stroudsburg Monroe County	Filed
	Application for approval to merge First Star Bank, Bethlehem, with and into ESSA Bank and Trust, Stroudsburg.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-19-2012	F&M Trust Co. of Chambersburg Chambersburg Franklin County	6375 Carlisle Pike Mechanicsburg Cumberland County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-12-2011	Graystone Tower Bank Lancaster Lancaster County	Westgate Plaza 309 Lancaster Avenue Frazer Chester County	Closed
4-12-2011	Graystone Tower Bank Lancaster Lancaster County	849 West Baltimore Pike West Grove Chester County	Closed

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-610. Filed for public inspection April 6, 2012, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### 21st Century Community Learning Center 2012-13; Request for Proposals; Opening of the Online Application for Cohort 6A

The Department of Education (Department) announces the availability of the 21st Century Community Learning Center (21st CCLC) 2012-15 Request for Proposal (RFP) and the opening of the 2012-13 21st CCLC eGrants online application for Cohort 6A.

The 21st CCLC program is authorized under Title IV, Part B of the Elementary and Secondary Education Act (act) (Pub. L. No. 107-110), as amended by the No Child Left Behind Act of 2001. The 21st CCLC program provides Federal funding for the establishment of community learning centers that provide academic, artistic and cultural enrichment opportunities for children during non-school hours and may take place before school and after school, weekends, holidays and/or summer. The 21st CCLC program targets students who attend high-poverty and low-performing schools to provide them with aid in meeting State and local academic standards. Programs also offer literacy and other educational services to the families of participating children.

Grantees and all sites must provide academic enrichment activities to students attending high-poverty schools to help them meet State and local standards in core content areas, such as reading, math and science.

#### *Pennsylvania's Funding Priorities*

Five additional review points will be given to applications that:

- Include programs that target and give priority to middle schools students (6th grade through 8th grade) and who also:

- Have previous experience and success in providing services to middle school students.

- Propose offering services exclusively to students from eligible middle schools. Programs requesting priority to serve middle school may not serve elementary school students.

- Preference for funding will be given to qualified applicants offer credit recovery to high school students. A grantee may use 21st CCLC program funds for a before- or after-school program or activity for which participants may receive credit toward high school graduation requirements if: (1) a program or activity is an expansion of the options for receiving high school credit in a particular area that would not have been provided without the 21st CCLC program; and (2) the program or activity does not replace or reduce the courses and programs normally provided by a local school district or private school (that is, there is no reduction in the course offerings or costs in that particular academic area). <http://tinyurl.com/21CCreditRecovery>

*Note:* It is important to note that it is the responsibility of the local educational agency (LEA) to award the credit. There must be a letter of agreement between the LEA and the grantee clarifying the responsibility of recording the credits.

- Align the proposed afterschool programming with existing research-based programs that demonstrate effective utilization of Science, Technology, Engineering and

Mathematics (STEM). Raise the awareness and understanding of students about STEM activities by infusing STEM into expanded learning opportunities, after school and summer programming. Applicants proposing STEM services under Cohort 6A will be eligible for an increased annual technology cap based on the following sliding scale: 15% year 1; 10% year 2; and 5% year 3. <http://tinyurl.com/21cclcSTEM>

The Department requires program funds for Cohort 6A to be used to:

- Provide extended learning opportunities.
- Attend one National, one State grantee meeting and one regional training per year.
- Complete an external local level evaluation contracted through a third-party evaluator.

Use of 21st CCLC funds for a full time program coordinator is an allowable expense, but is not mandated.

#### *Eligible Applicants and Funding Priorities*

Federal law mandates, per section 4203(a)(3) of the act, "that any public or private organization may apply for 21st CCLC funding if it proposes to serve:

1. Students who primarily attend:
  - a. schools eligible for schoolwide programs under (Title I) Section 1114, or
  - b. schools that serve a high percentage of students (at least 40 percent) from low-income families; and
2. The families of those students described above."

The Department will give competitive priority to applications that both propose to serve students who attend schools identified for improvement (under section 1116 of Title I) and that are submitted jointly between at least one LEA receiving funds under Title I, Part A and at least one public or private community organization.

In determining whether an application has been "submitted jointly," the Department should look for:

- Evidence of collaboration in the planning and design of the program.
- Substantial roles in the delivery of services.
- Share grant resources to carry out those roles.
- Significant ongoing involvement in the management and oversight of the program.
- Grant writer and the fiscal agent.
- Evidence in the application of integration with the regular school day program.

Only one contract will be issued for each application selected for funding, even for joint proposals. Consequently, every joint application must identify only one organization to be designated as the grantee. That entity will have fiscal and contractual responsibility for carrying out the proposed program.

#### *Eligible Participants*

Eligible participants are public, private and nonpublic school students, both boys and girls, prekindergarten through 12th grade. Programs should target the ages and grades deemed to be at greatest risk and those students who are academically below proficiency. It is mandated that eligible entities collaborate with LEAs when applying for funds.

*Application Requirements*

The electronic application for new grants will be available at <http://egrants.ed.state.pa.us/> and will be due no later than noon on May 4, 2012.

*Pre-Proposal Conferences*

To assist eligible entities in completing the RFPs, the Department will be hosting a series of 21st CCLC pre-grant workshops (both online and onsite) on the following dates. Pre-grant workshops were held at the

<i>Date/Time</i>	<i>Location</i>	<i>Address</i>	<i>Region</i>
April 9, 2012	BLAST Intermediate Unit No. 17 (Tioga Room)	2400 Reach Road Williamsport, PA	North Central
April 10, 2012	Northeast Educational Intermediate Unit No. 19	1200 Line Street Archbald, PA	North East
April 11, 2012 10 a.m.—1 p.m.	Delaware County IU No. 25 (Room 25)	400 Yale Avenue Morton, PA	South East

*Funding*

In keeping with the 21st CCLC Non-Regulatory Guidance, that larger grants often precipitate more effective programs, applicants may request funds ranging from a minimum of \$50,000 to a maximum of \$500,000, but cannot exceed \$500,000. No funds will be available for summer only applicants in this grant round.

Amount of Funding Available: Approximately \$18,000,000

Grant Awards: Minimum \$50,000;  
Maximum \$500,000  
(per year for 3 years)

Period of Availability for Year 1: June 1, 2012—September 30, 2013

*Due Date*

The online eGrants application will be deactivated at 12:01 p.m. on May 4, 2012. No extensions will be granted. All paper applications must be received at the Department by 4 p.m. on May 11, 2012.

*Submission Process**Procedures*

All applications for 21st CCLC program funding must be submitted electronically by means of the Department's eGrants system. Applications will not be accepted by mail, e-mail, facsimile or any method other than the approved eGrants submission. Print a paper copy of the completed application for the own records. Following submission through the eGrants system applicants can print guidelines and Frequently Asked Questions, as well as the proposal narratives, assurances and budget summaries in the eGrants system.

Eligible entities may apply for funding on behalf of one or more public schools within the applicant's district through a single eGrant application process.

1. Notify the Department by means of e-mail or fax of the applicant's intent to submit an application. Submit Letter of Intent to Apply by means of e-mail to [ksykes@pa.gov](mailto:ksykes@pa.gov). Include the legal name of entity, and either the AUN (school districts/charter schools/IUs) or EIN# (all other organizations) for the lead organization. Due Date: April 20, 2012.

2. Complete and submit the online application prior to 12 p.m. on May 4, 2012.

following locations: Hershey Lodge and Convention Center (archived on Eduplanet web site); Appalachia Intermediate Unit No. 8; Allegheny Intermediate Unit No. 3; and Midwestern Intermediate Unit No. 4. Participation in a pregrant workshop is strongly encouraged for any eligible community based organization, school district or charter school planning to submit an RFP for the 21st CCLC competitive funds.

*On-Site Pre-Grant Workshops:* 9:30 a.m. to 12 p.m. unless specified otherwise.

3. If the agency is not a school district, charter school or intermediate unit (IU), applicants will need to register for access to the eGrant Application (<http://egrants.ed.state.pa.us>). Click on "21st Century CCLC" at the top left and then select the "Sign up your Agency" link and complete the entire online form. If applicants fail to provide complete responses in all boxes, the application will be disqualified.

4. If the agency is a school district, charter school or IU, ensure that all fiscal and program reports for other grants have been submitted in a timely manner.

5. Consult with eligible nonpublic entities located within the attendance area of LEA regarding participation in the proposed 21st Century CLC program.

6. Complete and submit the online eGrants application prior to 12 p.m. on May 4, 2012.

7. Print and mail five copies of the submitted application to Department of Education, Division of Federal Programs, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333 (Attn: 21st Century CCLC Grant Program). Printed applications must be received no later than 4 p.m. on May 11, 2012, to proceed to the peer review. Applicants who fail to meet this deadline will be disqualified.

*Submission of Copies for Peer Review*

After submitting the online grant, the applicant must print the grant application and make five copies. An envelope containing five copies of the applicant's 21st Century Community Learning Centers Application must physically arrive at the Department's Division of Federal Programs by 4 p.m. on May 11, 2012, according to the following options:

Print and mail five copies of the submitted application to:

U.S. Postal Service Delivery,

(Return-receipt-requested)

Postmarked: No later than April 27, 2012

To: Department of Education

Division of Federal Programs

Attn: Cindy Rhoads, Federal Programs Regional

Coordinator

333 Market Street, 7th Floor

Harrisburg, PA 17126-0333

U.S. Postal Service Priority/Overnight Delivery, FedEx, UPS, and the like

Mail Receipt Date: 4 p.m. May 11, 2011  
 To: Department of Education  
 Division of Federal Programs  
 Attn: Cindy Rhoads, Federal Programs Regional Coordinator  
 333 Market Street, 7th floor  
 Harrisburg, PA 17126-0333

Hand Delivered with Receipt Issued

Hand to: Erin Oberdorf, Administrative Technician or Daniella Care, Administrative Technician  
 Department of Education  
 Division of Federal Programs  
 333 Market Street, 7th Floor  
 Harrisburg, PA 17126-0333  
 Deadline: 4 p.m. on May 11, 2012

Printed applications must be received no later than May 11, 2012, to proceed to the peer review. Applicants who fail to meet this deadline will be disqualified.

*Note:* Failure to receive the paper copies of the submitted application by the deadline will result in the disquali-

fication of the grant and failure to proceed to the peer review.

*Application Information*

Detailed information outlining grant terms and conditions, pertinent regulations and the application process is contained in the 2012-13, 21st CCLC RPF, which can be accessed by:

- Visiting the Department’s web site at [http://www.portal.state.pa.us/portal/server.pt/community/21st\\_century\\_community\\_learning\\_centers/7414](http://www.portal.state.pa.us/portal/server.pt/community/21st_century_community_learning_centers/7414).
- The eGrants system at <http://egrants.ed.state.pa.us>.
- E-mail request to [RA-21stCCLC@pa.gov](mailto:RA-21stCCLC@pa.gov).

For additional program information contact the Department of Education, Susan D’Annunzio, 21st CCLC Program Supervisor, Division of Student Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333, (717) 346-3186, fax (717) 783-4392, [sdannunzio@pa.gov](mailto:sdannunzio@pa.gov).

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 12-611. Filed for public inspection April 6, 2012, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions, and Special Notices

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### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit

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

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

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

## I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0020745 (Sewage)	Nescopeck WWTP 45 Mifflin Road Nescopeck, PA 18635-1101	Luzerne County Nescopeck Borough	Brodhead Creek and Nescopeck Creek (1-E and 5-D)	Y
PA0061336 (Industrial Waste)	PA American Water Nesbitt Water Treatment Plant 83 Aston Mountain Road Pittston, PA 18640	Luzerne County Pittston Township	Trout Creek (5-A)	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0064157 (Sewage)	New Ringgold Borough WWTP 112 S. Railroad Street New Ringgold, PA 17960	Schuylkill County New Ringgold Borough	Little Schuylkill River (03A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0037397 (Sewage)	Waterford Borough Sewage Treatment Plant 30 South Park Row Waterford, PA 16441	Erie County Waterford Township	Unnamed Tributary to LeBoeuf Creek (16-A)	Y
PA0103594 (Sewage)	Windsor MHP 2871 US Route 6N East Edinboro, PA 16412-9801	Erie County Washington Township	Unnamed Tributary to Little Conneauttee Creek (16-A)	Y

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

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

**PA0023256**, Sewage, SIC Code 4952, **Upper Gwynedd Township**, PO Box 1, West Point, PA 19486. Facility Name: Upper Gwynedd Township WWTP. This existing facility is located in Upper Gwynedd Township, **Montgomery 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), Wissahickon Creek, is located in State Water Plan watershed 3F-Lower Schuylkill and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for City of Philadelphia-Queen Lane Intake is located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 5.7 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine	XXX	XXX	XXX	0.016	XXX	0.052
CBOD <sub>5</sub>						
May 1 - Oct 31	238	357	XXX	5.0	7.5	10
Nov 1 - Apr 30	475	713	XXX	10	15	20
Total Suspended Solids	1,426	2,139	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	35	XXX	XXX	0.74	XXX	1.48
Nov 1 - Apr 30	106	XXX	XXX	2.22	XXX	4.44
Orthophosphate						
May 1 - Oct 31	48	XXX	XXX	1.00	XXX	2.00
Nov 1 - Apr 30	174	XXX	XXX	3.64	XXX	7.28
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Chronic toxicity (Ceriodaphnia) (TUc)	XXX	XXX	XXX	XXX	1.05 Max	XXX

The proposed effluent limits for Outfall 002, 003, and 004 are based on stormwater discharges.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Average Weekly</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX

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

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Acquire Necessary Property Rights
5. Small Stream Discharge
6. Approved Test Methods
7. Change of Ownership
8. TRC Minimization
9. UV Disinfection
10. Proper Sludge Disposal
11. TMDL/WLA Analysis
12. Operator Certification Requirements
13. I-Max Definition
14. WET Tests Required for Renewal
15. WET Testing Requirements
16. Pretreatment Program
17. Requirements Applicable to Stormwater Outfalls
18. Operations and Maintenance Plan
19. Laboratory Certification
20. Fecal Coliform Reporting
21. Copper/Water Effects Ratio



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 not in effect.

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

**PA0247731 A-1**, SIC Code 2086, **DS Waters Of America Inc.**, 1761 Newport Road, Ephrata, PA 17522-8761. Facility Name: DS Waters Bottled Water Ephrata. This existing facility is located in West Earl Township, **Lancaster County**.

Description of Existing Activity: The application is for amendment of an existing NPDES permit, to increase the permitted flow from 0.06 MGD to 0.09 MGD.

The receiving stream(s), Cocalico Creek, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	45	60
Total Phosphorus (Interim)	Report	Report	XXX	1.0	2.0	2.5
Total Phosphorus (Final)	0.5	1.0	XXX	0.7	1.4	1.8

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	Report			
Net Total Phosphorus	15.5	182.5			

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

The EPA Waiver is in effect.

**PA0081353**, Sewage, SIC Code 4225, **Crowe Transportation**, 2388 N Market Street, Elizabethtown, PA 17022-1141. Facility Name: Southern States Elizabethtown Petro Products. This existing facility is located in West Donegal Township, **Lancaster 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), Conewago Creek and Unnamed Tributary to Conewago Creek, is located in State Water Plan watershed 7-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.007 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Total Annual	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.3	XXX	1.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	7.0	XXX	14
Nov 1 - Apr 30	XXX	XXX	XXX	21	XXX	42
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Total Mo	43	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 002, 003 and 004 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Annual Average</i>		
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special 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 717-705-4732.

The EPA Waiver is not in effect.

**PA0261823**, SIC Code 6514, **David L & Meagen L Jones**, 322 Sleepy Hollow Road, Shermans Dale, PA 17032. Facility Name: Jones SFTF. This proposed facility is located in Carroll Township, **Perry County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated wastewater.

The receiving stream(s), Unnamed Tributary of Sherman Creek, is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes, 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 0.0004 MGD.

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

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

The EPA Waiver is in effect.

**PA0080284**, Sewage, SIC Code 6515, **New Oxford MHC LLC**, 510 Dauberton Drive, New Oxford, PA 17350-9073. Facility Name: New Oxford MHC, LLC. This existing facility is located in Mount Pleasant Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to South Branch Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01885 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</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	XXX	XXX	XXX	0.027	XXX	0.089
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)	
	Average Monthly	Daily Maximum		Average Monthly	Instant. Maximum
CBOD <sub>5</sub>					
May 1 - Oct 31	XXX	XXX	XXX	10	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	40
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	XXX	1.5	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	9.0
Fecal Coliform (CFU/100 ml)					
May 1 - Sep 30	XXX	XXX	XXX	200	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	10000
				Geo Mean	

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

The EPA Waiver is in effect.

**PA0087564**, Sewage, SIC Code 6514, **Donald & Linda Yingling**, 3574 Taneytown Road, Gettysburg, PA 17325-8635. Facility Name: Yingling Development STP. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Plum Run, is located in State Water Plan watershed 13-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 0.0019 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)	
	Average Monthly	Daily Maximum		Average Monthly	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX
Total Residual Chlorine	XXX	XXX	0.3	XXX	0.5
CBOD <sub>5</sub>	XXX	XXX	XXX	10	20
Total Suspended Solids	XXX	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)					
May 1 - Sep 30	XXX	XXX	XXX	200	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	10000
				Geo Mean	
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	XXX	3	6
Nov 1 - Apr 30	XXX	XXX	XXX	9	18

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

The EPA Waiver is in effect.

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*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0028266 A-1**, Sewage, SIC Code 4952, **Borough of Troy**, 110 Elmira Street, Troy, PA 16947-1230. Facility Name: Troy Borough Wastewater Treatment Plant. This existing facility is located in Troy Borough, **Bradford County**.

Description of Activity: The application is to amend the NPDES permit for an existing discharge of treated sewage. The amendment modifies the Chesapeake Bay compliance schedule to require compliance with total nitrogen and total phosphorus cap loads by September 30, 2012. Additionally, new permit boiler plate, updated Chesapeake Bay nutrient requirement conditions and fecal coliform IMAX limitations in accordance with 92a.47(a)(4) and (5) have been established.

The receiving stream(s), Sugar Creek, is located in State Water Plan watershed 4-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (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	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.4	XXX	1.3
CBOD <sub>5</sub>						
May 1 - Oct 31	50	83	XXX	15	25	30
Nov 1 - Apr 30	83	133	XXX	25	40	50
Total Suspended Solids	100	150	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	5.0	6.5	XXX	1.5	2.0	3.0
Nov 1 - Apr 30	15	21	XXX	4.5	6.5	9.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	7306			
Net Total Phosphorus	Report	974			

\* 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 Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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

**PA0027430**, Sewage, SIC Code 4952, **City of Jeannette Municipal Authority**, PO Box 294, Penn, PA 15675-0294. Facility Name: Jeannette Wastewater Treatment Plant. This existing facility is located in Penn Borough, **Westmoreland County**.

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

The receiving stream(s), Brush Creek is located in State Water Plan watershed 19-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (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	6.0	XXX	XXX	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
CBOD <sub>5</sub>						
May 1 - Oct 31	413.0	633.0	XXX	15	23.0	30
Nov 1 - Apr 30	688.0	1,046.0	XXX	25	38	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	826.0	1,238.0	XXX	30	45	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	55.1	82.6	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	110.1	165.1	XXX	4.0	6.0	8.0
Total Copper (Interim)	Report	XXX	XXX	Report	Report Daily Max	Report
Total Copper (Final)	0.467	XXX	XXX	0.017	0.027 Daily Max	0.042
Free Available Cyanide (Interim)	Report	XXX	XXX	Report	Report Daily Max	Report
Free Available Cyanide (Final)	0.138	XXX	XXX	0.005	0.008 Daily Max	0.012

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

**PA0253472**, Sewage, **Hanover Township Sewer Authority Washington County**, 1107 Suite B, Burgettstown, PA 15021. Facility Name: Bavington STP. This existing facility is located in Hanover Township, **Washington County**.

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

The receiving stream, Raccoon Creek, is located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.18 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	0.180	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	37.6	57.1	XXX	25	38	50
BOD <sub>5</sub>						
(Raw Sewage Influent)	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
(Raw Sewage Influent)	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	45.1	67.6	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	27.0	40.6	XXX	18	27	36

The EPA Waiver is in effect.

**PA0253812**, Sewage, SIC Code 9999, **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640. Facility Name: Glendale Valley Municipal Authority STP. This existing facility is located in White Township, **Cambria County**.

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

The receiving stream(s), Clearfield Creek, is located in State Water Plan watershed 8-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	93.9	140.8	XXX	25	37.5	50
Total Suspended Solids	112.7	Wkly Avg 169.0	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen	Report Total Mo	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report Total Mo	Report	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	7808			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1041			

\* 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 Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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.

**PA0253367**, Sewage, **Christian Youth Crusade**, 293 Rich Road, Somerset, PA 15501. Facility Name: Teen Quest Ranch STP. This existing facility is located in Milford and Somerset Townships, **Somerset County**.

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

The receiving stream(s), Unnamed Tributary to Middle Creek, is located in State Water Plan watershed 19-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Municipal Waterworks. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Average Monthly		
Flow (MGD)	0.01	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	6	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	50
Total Suspended Solids	XXX	XXX	XXX	30	60
Fecal Coliform (CFU/100 ml)					
May 1 - Oct 31	XXX	XXX	XXX	200 geometric mean	1000
Nov 1 - Apr 30	XXX	XXX	XXX	2000 geometric mean	10000
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	XXX	2.0	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.5	7.0

EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 3212201**, Industrial Waste, **EME Homer City Generation, L.P.**, 1750 Power Plant Road, Homer City, PA 15748-8009

This proposed facility is located in Center and Blacklick Townships, **Indiana County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a treatment facility.

**WQM Permit No. 3281205-A9**, Industrial Waste, **EME Homer City Generation, L.P.**, 1750 Power Plant Road, Homer City, PA 15748-8009

This existing facility is located in Center and Blacklick Townships, **Indiana County**

Description of Proposed Action/Activity: Permit amendment application.

**WQM Permit No. 0311402-A1**, Sewerage, **Mahoning Township**, 987 State Route 1025, New Bethlehem, PA 16242

This existing facility is located in Mahoning Township, **Armstrong County**

Description of Proposed Action/Activity: Permit amendment application.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6510402-A1**, Sewerage, **Mon Valley Sewage Authority**, PO Box 792, Donora, PA 15033

This existing facility is located in Carroll Township, **Washington County**

Description of Proposed Action/Activity: Permit amendment application.

**WQM Permit No. 1112403**, Sewerage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901

This proposed facility is located in the City of Johnstown, **Cambria County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 1171401-A4**, Sewerage, **Nanty Glo Sanitary Sewer Authority**, 879 Wood Street, Nanty Glo, PA 15943

This existing facility is located in Nanty Glo Borough, **Cambria County**

Description of Proposed Action/Activity: Permit amendment application.

### IV. NPDES Applications for Stormwater Discharges from MS4

### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906032R	Andrew Hines Lutron Electronics Co., Inc. 7200 Suter Rd. Coopersburg, PA 18036	Lehigh	Upper Saucon Twp.	TumbleBrook, CWF, MF
PAI023911015	Mark Leuthe Robyn Realty Co. 3906 Mountain View Dr. Danielsville, PA 18038	Lehigh	Lowhill Twp.	UNT to Jordan Creek, HQ-CWF, MF
PAI023911018	Richard Young The City of Allentown Department of Public Works—Engineering 641 S. 10th St., 3rd Floor Allentown, PA 18103 and Tom Kinsman J.D. Eckman, Inc. 4781 Lower Valley Rd. Atglen, PA 19310	Lehigh	City of Allentown	Little Lehigh Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812001	Moravian Academy 7 East Market St. Bethlehem, PA 18018  Real Goods Solar 833 West South Boulder Rd. Louisville, CO 80027-2452	Northampton	Bethlehem Twp.	Monocacy Creek, HQ-CWF,MF and Bushkill Creek, HQ-CWF, MF

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111002	United States Army Carlisle Barracks Thomas J. Kelly Directorate of Public Works 330 Engineer Avenue Carlisle, PA 17013	Cumberland	North Middleton Township	Letort Spring Run/ HQ-CWF, MF

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

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044112002	Sam Marranea Shumbat Development Co 41 S Main St Pittston PA 18640	Lycoming	Old Lycoming Township	Lycoming Creek EV

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046012002	Floyd Martin 1265 Cold Run Rd Millmont PA 17845	Union	Lewis Township	Trib to Buffalo Creek HQ-CWF



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

Washington County Conservation District, 2800 North Main St, Suite 105, Washington PA, 15301 (724) 705-7098

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI056312002	Metz Development Jim Helbling 524 Waterdam Road McMurray, PA 15317	Washington	North Strabane Township	Little Chartiers Creek (HQ-WWF)

Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724) 837- 5271

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI056506004R	James Rumbaugh Bulltown Associates, LP	Westmoreland	Murrysville Municipality	UNT to Haymaker Run (HQ-CWF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**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 (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<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>
Country View Family Farms, LLC MACH Farm 651 Pine Rd Palmyra, PA 17078	Lebanon	0	718.34	Swine	NA	Renewal
Country View Family Farms, LLC Swatara Swine Farm 1921 Blacks Bridge Rd Annville, PA 17003	Lebanon	0	805.15	Swine	NA	Renewal
Hummel Family Farms, LLC Jonathan and Pauline Hummel 3493 Middle Road Middleburg, PA 17842	Snyder	88.4	682.85	Swine	N/A	Application
Dennis Zimmerman 55 Zimmerman Lane Beaver Springs, PA 17812	Snyder	25.8	15.55	Ducks	N/A	Application
		But 0 for manure Application				

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 2611503 (republish) Public Water Supply.**

Applicant **North Fayette County Municipal Authority**  
PO Box 368  
Dunbar, PA 15431

[Township or Borough] Dunbar, North Union and South Union Townships; Perryopolis Borough

Responsible Official Robert Softcheck, Manager  
North Fayette County Municipal Authority  
PO Box 368  
Dunbar, PA 15431

Type of Facility Water system

Consulting Engineer Widmer Engineering, Inc.  
225 West Crawford Avenue  
Connellsville, PA 15425

Application Received Date June 8, 2011

Description of Action Installation of mixers at the Walnut Hill and Works Hill Road water storage tanks, improvements to the Industrial Park booster station and installation of approximately 41,000 feet of waterlines.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Application No. 3512501MA, Minor Amendment.**

Applicant **Aqua Pennsylvania, Inc**  
Stanton-Chinchilla System

[Township or Borough] South Abington Township  
**Lackawanna County**

Responsible Official Mr. Patrick R. Burke  
Regional Manager  
1 Aqua Way  
White Haven, PA. 18661

Type of Facility Public Water System

Consulting Engineer CET Engineering Services  
Mr. Steven Roselle, PE  
321 Washington Street  
Huntingdon, PA. 16652

Application Received Date January 27, 2012

Description of Action This project provides for the construction of 1,700 lineal feet of 12 inch ductile iron water main to connect the Chinchilla and Stanton Water Systems.

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

**Application No. 3212502GWR, Minor Amendment.**

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Plumville Borough

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date January 4, 2012

Description of Action Demonstration of 4-log treatment for groundwater sources

<b>Application No. 3012501MA, Minor Amendment.</b>	
Applicant	<b>Southwestern Pennsylvania Water Authority</b> PO Box 187 1442 Jefferson Road Jefferson, PA 15344
[Township or Borough]	Franklin and Center Townships
Responsible Official	Joseph H. Simatic, Manager Southwestern Pennsylvania Water Authority PO Box 187 1442 Jefferson Road Jefferson, PA 15344
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road PO Box 200 Indianola, PA 15051
Application Received Date	March 27, 2012
Description of Action	Installation of approximately 12,950 LF of 12-inch diameter waterline and 2,400 LF of 6-inch diameter waterline.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a

summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Bosch Rexroth Corp.**, 2315 City Line Road, Bethlehem City, **Lehigh County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Notice of Intent to Remediation on behalf of his client, Bosch Rexroth Corporation, 2315 City Line Road, Bethlehem, PA 18017-2131, concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release which occurred when a saddle tank from a tractor-trailer unit struck a curb due to inclement weather conditions. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil. The current and anticipated future use of the subject property and surrounding properties is for industrial purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Reimel Property**, 145 Lincoln Street, Montrose Borough, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 has submitted a Notice of Intent to Remediate on behalf of her client, Alan Reimel, 65 Crusier Street, Montrose, PA 18801, concerning the remediation of soil and groundwater found to have been impacted by heating oil and/or leaded gasoline as a result of releases from underground storage tanks. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. The property will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Reading LLC / former O. Ames Facility**, 1122-1142 Butler Street, Reading, PA 19601, City of Reading, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of David Leland, 905 Shore Drive, Vero Beach, FL 32963, submitted a Notice of

Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons, SVOCs and heavy metals. The site will be remediated to a combination of Site-Specific and Background Standards.

**Helene Master Property**, 75 Bernville Road, Robeson, PA 19551, Heidelberg Township and Borough of Robeson, **Berks County**. Liberty Environmental, Inc., 50 North Street, 5th Floor, Reading, PA 19601, on behalf of Helene Master Estate, David Rick, Trustee, 2650 Westview Drive, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline from unregulated underground storage tanks. The site will be remediated to a combination of Site-Specific and Residential Statewide Health standards. Future use of the site will remain residential and agricultural.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. PAD002387926. Merck Sharp & Dohme Corp.**, 770 Sumneytown Pike, West Point PA 19486-8000. This application is for the 10-year renewal of the captive hazardous waste RCRA Part B permit for Merck Sharp & Dohme Corp.'s (Merck's) West Point Facility, located at 770 Sumneytown Pike, West Point, PA 19486, in Upper Gwynedd Township, **Montgomery County**. The current RCRA Part B permit expires on September 19, 2012. Application was received by the Southeast Regional Office on March 16, 2012.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first.

Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

#### **PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**24-161C: Greentree Landfill Gas Co., LLC** (7913 Westpark Drive, Suite 101, McLean, VA 22102) for modification of conditions with regards to the two compressor engines in Horton Township, **Elk County**. This is a State Only facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

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

**46-0158D: Colorcon, Inc.—West Point** (415 Moyer Boulevard, West Point, PA 19486) for the following existing and proposed changes at its (non-Title V) facility, which is in Upper Gwynedd Township, **Montgomery County**, and currently permitted under State Only Operating Permit ("SOOP") No. 46-00158:

- Particulate matter ("PM") emissions from the existing lake plant grinders, blenders, and packaging operations were re-routed from a(n existing) wet scrubber, which exhausts into the outdoor atmosphere, to an existing (unpermitted) dust collector, which exhausts into the indoor atmosphere. (The PM emissions from the existing lake plant tanks are still routed to the wet scrubber.)

- PM emissions from the existing dry dispersion area grinders and blenders and existing wet dispersion area mills and blenders are routed to two associated (existing)

dust collectors. Colorcon, Inc., has proposed that the language in the permit be changed to allow the dry and wet dispersion area sources to be operated when either one or both of the dust collectors is operated, instead of only when both dust collectors are operated.

- A new central vacuum system and associated dust collector were installed.

The lake plant tanks and associated wet scrubber, as well as the wet and dry dispersion area sources and associated dust collectors, will remain subject to all unaffected conditions in the current SOOP. The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**07-03060A: Baker Hughes Oilfield Operations, Inc.** (17021 Aldine Westfield, Houston, PA 77073) for construction of a batch sand plant in Hollidaysburg Borough, **Blair County**.

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

Plan Approval 07-03060A authorizes the construction of a batch sand plant to support the company's oil and gas field operations in the region. The plant's potential emissions of particulate matter (PM) are estimated at 0.5 tons per year. The Plan Approval will contain emission limits, along with monitoring, recordkeeping and reporting requirements to ensure the plant complies with the applicable air quality requirements.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-05157A: Ivy Creek Custom Cabinetry, Inc.** (99 Elmwood Avenue, Landisville, PA 17538) for manufacturing wood cabinets at their Ivy Creek Custom Cabinetry, Inc. facility in East Hempfield Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval #36-05157A authorizes the construction of two (2) spray booths and one (1) drying room. The particulate emissions from the spray booths will be controlled by dry panel filters. The coating spray guns are either air-assisted airless or high volume-low pressure (HVLP). The facility fabricates, assembles and finishes custom wood cabinets. The company shall be subject to and comply with 25 Pa. Code § 129.52 Surface Coating Processes. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 5.1 tpy of VOC and 0.2 tpy of HAPs.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

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

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

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

**08-00010E: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) for the proposed construction and operation of process equipment and associated control devices to reclaim the rare earth components of spent phosphor layer material from end-of-use lamps at the North Towanda Township, **Bradford County** facility. This is a state only facility. The facility has taken a synthetic minor restriction to limit the carbon monoxide, nitrogen oxides, and volatile organic compounds emissions below the major thresholds.

The Department's review of the information contained in the application submitted by GTP indicates that the hydrochloric acid emissions from the tanks controlled by

the proposed Bionomics scrubber and the particulate matter emissions controlled by the proposed Fuller fabric collector will comply with applicable air quality 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 new sources will not exceed 2.16 tons of hydrochloric acid per year and 0.12 tons of particulate matter per year. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Work practice requirements to install and operate the sources and control device in accordance with manufacturer's recommendations and good air pollution control practices.

Monitoring and Recordkeeping conditions to verify compliance with the applicable requirements and good air pollution control practices.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-3270-3648.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: B. Hatch, Environmental Engineer Manager—Telephone: 412-442-4163/5226*

**03-00245B: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) to allow the increase of throughput at the TJS #6 Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-03-00245B to allow the increase of throughput at the TJS #6 Coal Preparation Plant in Plumcreek Township, Armstrong County.

Potential emissions from the facility are estimated to be 24.72 tons of particulate matter (PM) per year and 7.10 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>) per year. Plan Approval has been conditioned to ensure compliance with all applicable regulatory requirements. Applicable federal requirements at the facility include New Source Performance Standards; Subpart Y. Applicable state requirements include 25 Pa. Code Chapter 123 requirements for fugitive emissions & malodors, as well as Chapter 127 Best Available Technology requirements which include water sprays, monitoring, proper operation, and maintenance. Once the compliance with Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Jesse Parihar, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-03-00245B) and a concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Jesse Parihar at 412-442-4030.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 11421 Ashland Chemical Co., Inc.**, (2801 South Columbus Blvd, Philadelphia, PA 19148) for installation of two blending tanks. There will be a potential emission increase of less than 1.0 tons for Volatile Organic Compounds (VOCs) and Hazardous Air Pollutant (HAPs) for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00105: Buckeye Pipe Line Transportation LLC—Malvern Station** (8 South Malin Road, Malvern, PA 19355) for renewal of Title V Operating Permit ("TVOP") No. 15-00105 in East Whiteland Township, **Chester County**, The facility's air emissions sources consist of eight internal floating roof, gasoline storage tanks (seven of which may also store petroleum distillates); three fixed roof, petroleum distillate storage tanks; and a sump tank. Storage tanks #1—#4 are subject to a combined volatile organic compound ("VOC") emission restriction of 5.9 tons/yr. The permittee has elected to restrict hazardous air pollutants ("HAPs") emissions from the facility to less than 10 tons/yr for any individual HAP, and less than 25 tons/yr for total HAPs, to avoid being subject to the requirements of 40 C.F.R. Part 63, Subpart R. The facility, as well as several of its storage tanks, are also subject to gasoline and/or petroleum distillate throughput restrictions (in any consecutive twelve (12)-month period), as follows:

- Facility: 1,000,000,000 gallons of gasoline
- Storage tank #1: 13,666,200 gallons of gasoline and 40,950,000 gallons of petroleum distillates (including ethanol)
- Storage tank #2: 13,666,200 gallons of gasoline and 40,950,000 gallons of petroleum distillates
- Storage tank #3: 12,180,000 gallons of gasoline and petroleum distillates (combined)

- Storage tank #4: 12,270,000 gallons of petroleum distillates

- Storage tank #106: 328,860,000 gallons of gasoline

Since the TVOP was last renewed in 2005, no physical changes have occurred at the facility (though storage tank #5 has been inactive for approximately 20 years and will not be listed as a source in the renewed TVOP). However, since this time, all of the gasoline storage tanks at the facility have become subject to the requirements of 40 C.F.R. Part 63, Subpart BBBBBB. All applicable requirements of this regulation will be included in the renewed TVOP.

The facility is not subject to the Compliance Assurance Monitoring ("CAM") requirements of 40 CFR Part 64.

The TVOP will continue to include all other monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**49-00002: Conagra Grocery Products Co.** (30 Marr Street, Milton, PA 17847) for renewal of the Title V operating permit for their food manufacturing facility in Milton Borough, **Northumberland County**. The facility is currently operating under Title V operating permit 49-00002. The facility's main sources are four (4) natural gas/No. 2 fuel oil fired boilers, three (3) product storage silos, and a wastewater treatment plant which have the potential to emit major quantities of sulfur oxides (SO<sub>x</sub>) and nitrogen oxides (NO<sub>x</sub>). The facility has the potential to emit, 10 micron or less particulate matter (PM<sub>10</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The facility is subject to all applicable regulatory requirements of Reasonably Available Control Technology (RACT) for NO<sub>x</sub> emissions. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**11-00258: Texas Eastern Transmission, L.P.** (PO Box 1642, Houston, TX 77251) for natural gas transmission at the Lilly Compressor Station in Cresson Township, **Cambria County**. This is a Title V Operating Permit Renewal application submittal.

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### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00220: Micro-Coax, Inc.** (206 Jones Boulevard, Pottstown, PA 19464) for operation of coaxial cable and electrometallurgical equipment at their manufacturing facility in Limerick Township, **Montgomery County**. The renewal permit is for a non-Title V (State Only) facility. The facility's potential to emit criteria pollutants

is less than major thresholds; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00083: Filmtech Corp.** (2121 31st Street, Allentown, PA 18103) for renewal of a Facility State-only Natural Minor Operating Permit for the operation of Polyethylene Extrusion Lines in the City of Allentown, **Lehigh County**. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

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

**07-03009: Tyrone Wastewater Treatment Plant** (1100 Logan Avenue, Tyrone PA 16686-1624) for two (2) diesel fired emergency generators at their facility in Snyder Township, **Blair County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 0.14 ton per year of nitrogen oxides, 0.02 ton per year of carbon monoxide, and 0.003 ton per year of volatile organic compounds. 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.

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

A person may oppose the proposed operating permit renewal, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00731: U.S. Electrofused Minerals, Inc.** (600 Steel Street, Aliquippa, PA, 15001) for miscellaneous nondurable goods merchant wholesalers at the Beaver Co. Ind. Park in Aliquippa City, **Beaver County**. This is an initial State Only Operating Permit application submittal.

**04-00480: Heritage Valley Health System** (1000 Dutch Ridge Road, Beaver, PA 15009-0700) for operation of boilers and generators at Beaver County Medical Center in Beaver Borough, **Beaver County**. This is a State Only Operating Permit renewal submittal.

**04-00507: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Twin Rocks Mine Coal Preparation Plant, located in Blacklick Township, **Cambria County**.

The facility contains air contamination sources consisting of screens, conveyers, storage piles, and one 755-bhp emergency diesel generator engine. Processed coal throughput of the facility is limited to 1,000,000 tons per year. Facility emissions are 26.9 tons per year of PM<sub>10</sub>, 3.86 tons per year of NO<sub>x</sub>, 0.78 ton per year of CO. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation, Processing Plants. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit OP-04-00507) and a concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**37-00274: Kasgro Rail Corporation** (121 Rundle Road, New Castle, PA 16102), for a renewal operating permit located in Taylor Township, **Lawrence County**. The facility manufactures and surface coats rail cars. The significant sources at the facility are the M/U air furnace, a paint booth, a blast booth, welding / fabricating operations. The VOC emissions from the facility are less than 10 TPY. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-399-076: UGI Energy Services, Inc.** (1 Meridian Blvd., Wyomissing, PA 19610) for their facility to be in West Wyoming Borough, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to UGI Energy Services Inc. (1 Meridian Blvd., Wyomissing, PA 19610) for their facility to be located in West Wyoming Borough, Luzerne County. This Plan Approval No. 40-399-076 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-399-076 is for the construction of a natural gas compressor station at the West Wyoming Compressor Station. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.



Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-399-076 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the

issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

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

**56100701 and NPDES No. PA0235989, Wilson Creek Energy, LLC**, (140 West Union Street, Suite 102, Somerset, PA 15501), to revise the permit for the Milford #3 Coal Refuse Disposal Area in Milford Township, **Somerset County** and related NPDES permit to change the water handling and add three NPDES outfalls. Receiving streams: South Glade Creek and Unnamed Tributaries to South Glade Creek, all classified for the following use: WWF. The application was considered administratively complete on March 19, 2012. Application received: November 22, 2011.

**32961302 and NPDES No. PA 0214949, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on March 21, 2012. Application received: December 16, 2011.

**32850701 and NPDES No. PA0213683, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES permit to relocate existing discharge points 009, 010, and 012. Receiving streams: Dixon Run and Unnamed Tributary to Dixon Run, both classified for the following use: CWF. The application was considered administratively complete on March 22, 2012. Application received: November 9, 2011.

**30080703 and NPDES No. PA0235831, River Processing Corporation**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to operate the Freeport Coal Refuse Disposal Area No. 1 in Jefferson Township, **Greene County** a new coal refuse disposal area and related NPDES permit. This notice, which was originally published August 1, 2009, has been updated to include a request for a Section 401 Water Quality Certification. Coal Refuse Disposal Support Acres Proposed 58.8. Coal Refuse Disposal Acres Proposed 87.8. The application was considered administratively complete on July 8, 2009. Application received: November 26, 2008.

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

**33120101 and NPDES Permit No. PA0259250. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous surface mine in Young Township, **Jefferson County** affecting 88.3 acres. Receiving streams: Unnamed tributaries to Sawmill Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 16, 2012.

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

**60840401 and 60000301 and NPDES No. PA0614181. Eastern Industries, Inc.** (4401 Camp

Meeting Road, Suite 200, Center Valley, PA 18034). Renewal of the NPDES permit for noncoal surface mines located in Buffalo Township, **Union County** affecting 218.7 acres. Receiving stream: Buffalo Creek classified for trout stocked fishery and migratory fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2012.

*Noncoal Applications Received*

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

**52970301C4 and NPDES Permit No. PA0223751. G.F. Edwards, Inc.**, (204 State Route 435, Elmhurst, PA 18444), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Greene Township, **Pike County**, receiving stream: Wallenpaupack Creek, classified for the following use: HQ-cold water fishes. Application received: March 13, 2012.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated

with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) iden-

tified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality stan-

dards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as

provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0259250 (Permit No. 33120101). P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) New NPDES permit for a bituminous surface mine in Young Township, **Jefferson County**, affecting 88.3 acres. Receiving streams: Unnamed tributaries to Sawmill Run, classified for the following uses: CWF. TMDL: None. Application received: March 16, 2012.

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

The outfall(s) listed below discharge to unnamed tributaries to Sawmill Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
ST-1	Y
ST-2	Y
ST-3	Y
ST-4	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA-0257583 (Mining permit no. 17110102)**, Swisher Contracting, Inc. PO Box 1223, Clearfield, PA 16830, new NPDES permit for coal surface mine in Goshen Township, **Clearfield County**, affecting 113.2 acres. Receiving stream(s): Little Trout Run and Surveyor Run, classified for the following use(s): HQ-CWF and CWF. [West Branch Susquehanna River TMDL and Surveyor Run TMDL] Application received: March 22, 2011.

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

The outfall(s) listed below discharge to: Surveyor Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	Yes
SPB	Yes
SPC	Yes
SPD	Yes

The outfall(s) listed below require a non-discharge alternative and discharge to: Surveyor Run and Little Trout Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPE	Yes
TB1	Yes
TB2	Yes
TB3	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0241881 (Permit No. 37010301). Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 197.0 acres. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: February 14, 2012.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	N
TE	N
TE-1	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
D	N
E	N
F	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E23-494. Eastern University**, 1300 Eagle Road, St. David's, PA 19087-3696, Radnor Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities in and along an unnamed tributary to Gulph Creek (WWF, MF):

1. To install and maintain a chain-link fence above the 100-year floodplain.
2. To remove the existing foot bridge.
3. To stabilize and maintain approximately 130 linear feet of eroded stream bank.

The site is located at Eastern University, West Campus, just southeast of the intersection of Eagle and Radnor Roads, in Radnor (Valley Forge, PA USGS Quadrangle N: 5.6 inches; W: 3.9 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E40-727. John Gregg**, 578 Jackson Road, Dallas, PA 18612, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 460 square foot pile supported dock in Harvey's Lake. The project is located along SR 415 (Lakeside Drive) at Pole #156 (Harveys Lake, PA Quadrangle Latitude: 41° 22' 22.25"; Longitude: -76° 2' 50.27") in Harveys Lake Borough, **Luzerne County**.

**E39-516. Lehigh County**, 17 South Seventh Street, Allentown, PA 18101, in Lowhill Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 8-foot wide single span pedestrian suspension bridge across Jordan Creek, having an 80-foot span and a 12-foot minimum underclearance. The project is located in the Trexler Nature Preserve on the west side of SR 4007 (Game Preserve Road) approximately 2.0 miles southwest of its intersection with SR 309 (Slatedale, PA Quadrangle, Latitude: 40°39'16"; Longitude: -75°38'00").

**E35-440. PV Realty, Inc.**, 3 Bucknell Drive, Clarks Green, PA 18411, in Blakely Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill 0.36 acre of wetlands within the Lackawanna River Watershed for the purpose of constructing a residential development known as Hilltop Acres. The project is located on the south side of Business Route 6 (Scranton-Carbondale Highway) approximately 0.5 mile northeast of its intersection with SR 0347 (Olyphant, PA Quadrangle, Latitude: 41°29'09"; Longitude: -75°36'07").

*Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1664. The Cobblestone Manor Associates L.P.**, 772 Pine Valley Drive, Pittsburgh, PA 15239, in Ohio Township, **Allegheny County**; ACOE Pittsburgh District

The applicant proposes to remove the existing 48-inch diameter culvert approximately 181.0 feet in length, to construct and maintain an 84.0 inch diameter stream enclosure approximately 290.0 feet in length in an unnamed tributary to Bear Run (TSF), to construct and maintain a 15-inch diameter outfall structure on the left bank of said stream and to place and maintain fill in approximately 0.069 acre of wetlands adjacent to said stream for the purpose of constructing the Cobblestone Manor Phase 5 Residential Development. The project is located on the west side of Sobon Lane, approximately 4,000.0 feet south from the intersection of Sobon Lane and Mt. Nebo Road (Emsworth, PA Quadrangle N: 7.5"; W: 12.4"; Latitude: 40°- 32'-29"; Longitude: 80°-5'-23") in Ohio Township, Allegheny County and will impact approximately 490.0 linear feet of stream channel and 0.069 acre of wetlands.

**E26-363. PennDOT District 12-0**, PO Box 495, 825 North Gallatin Avenue, Uniontown, PA 15401, in Bullskin Township, **Fayette County**; ACOE Pittsburgh District.

Applicant is proposing to remove the existing SR 982 bridge having a span of 19 feet, a length of 36.3 feet, and an under clearance of 8.6 feet; and to construct and maintain a replacement 41 foot long box culvert with a span of 20 feet and an under clearance of 8.5 feet and depressed 1 foot, crossing Latta Run (CWF). The project is located approximately 7.5 miles northeast of Connellsville (Connellsville, PA Quadrangle N: 21.3 inches; W: 1.2 inches; Latitude: 40° 7' 5.2"; Longitude: -79° 30' 29.1") in Bullskin Township, Fayette County.

**E65-948. PennDOT Engineering District 12-0**, PO Box 495, 825 North Gallatin Avenue, Uniontown, PA 15401, in Hempfield Township, **Westmoreland County**; ACOE Pittsburgh District.

Applicant is proposing to do the following:

1. Replace an existing plastic pipe enclosure of 18 inch diameter and 549 feet in length by constructing and maintaining a 48 inch diameter concrete pipe enclosure 491 feet in length crossing SR 3077 on an unnamed tributary to Brush Creek (TSF) with a drainage area of approximately 50 acres.

2. Construct and maintain approximately 58 feet of stream restoration in an unnamed tributary to Brush Creek (TSF).

3. In addition construct and maintain associated storm water inlets to the enclosure from SR 3077.

These encroachments are located approximately 0.5 miles southwest of Jeannette intersecting SR 3077 in Hempfield Township, Westmoreland County (beginning Irwin PA Quadrangle, North 12.5 inches and West 2.6 inches; Latitude 40° 19' 7.53" and Longitude -79° 38' 36.44" and extending North 12.55 inches and West 2.4 inches; Latitude 40° 19' 7.73" and Longitude -79° 38' 33.42").

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E10-476, PA DOT, District 10-0**, 2550 Oakland Ave., PO Box 429, Indiana, PA 15701. S.R. 0068 Section 254 Muntz Run Bridge across Muntz Run, in Borough of Zelienople, **Butler County**, ACOE Pittsburgh District (Zelienople, PA Quadrangle N: 40°, 46', 56.3"; W: -80°, 09', 12.1").

To remove the existing 14 foot single span reinforced concrete slab bridge and to construct and maintain a 15.0 foot x 5.0 foot precast reinforced concrete box culvert with and out to out width of 45.8 feet across Muntz Run (WWF) within its floodplain located at S.R. 0068, Segment 0010, Offset 0668 approximately 1.1 miles Southwest of its intersection with SR 0019 in the Borough of Zelenople. Proposed structure and roadway will be realigned approximately 75.0 feet downstream from existing structure to improve safety and update to current design requirements.

**E25-746, Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. Walnut Creek Stabilization/Rehabilitation, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 4', 22"; W: -80°, 6', 5").

To conduct stabilization and restoration activities on a 1,175 linear foot reach of Walnut Creek (CWF, MF) directly north of the Millcreek Mall complex. The applicant proposes to realign approximately 1000 feet of stream channel, reconstruct stream banks, plant riparian buffer vegetation, install and maintain log vanes, rock cross-vanes, modified mud sills, boulder and riprap placement, and to construct and maintain parking facilities, picnic areas, hiking trails, and a fishing pier within the flood plain of Walnut Creek.

**E25-747, National Fuel Gas Corporation**, 1100 State Street, Erie PA 16512. NFG Line L Replacement, in City of Corry, Erie County and Columbus Township, **Warren County**, ACOE Pittsburgh District (Corry, Columbus, PA Quadrangle N: 41°, 46', 12.05"; W: 79°, 37', 27.08").

Applicant proposes to replace approximately 6,200-feet of 12-inch steel natural gas pipeline along line L with new 12-inch steel pipeline. The project is mainly confined to the existing, maintained ROW and includes pipeline crossings and temporary equipment crossings of 5 wetland areas and 6 streams resulting in a total temporary impact of 0.65-acre (772-LF) of wetland and 260-LF (0.04-acre) of stream channel. Site will be restored to original contours and stabilized when work is completed.

**E33-245, United Electric Coop**, 29 United Drive, DuBois PA 15801. Warsaw 12F Utility Line Access Road, in Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Carman, PA Quadrangle N: 41°, 16', 14"; W: 78°, 51', 10").

Applicant proposes to construct a 9,243-ft long by 10-ft wide access road and relocate several utility poles within the ROW for power line 12F. Total earth disturbance for the project is approximately 2.5 acres. Total impacts to aquatic resources for the project are 0.018-acre of permanent impact to EV wetland, 19-LF permanent impact to EV stream, and 0.04-acre of temporary impact to EV wetland. Wetland mitigation is not proposed because the permanent impacts are de minimus.

*District Oil and Gas Operations: Eastern Oil and Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-040: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line impacting 21 linear feet of an unnamed tributary to Panther Lick Creek (CWF, MF) and adjacent Palustrine Emergent Wetland (EV) impacting 37 square feet (Colley, PA Quadrangle, Latitude: 41°36'20", Longitude: -76°16'19"),

The project will result in 21 linear feet or 11 square feet of temporary stream impacts, 37 square feet (0.00 acre) of PEM temporary wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

**E0829-041: Talisman Energy USA, Inc.**, 50 Penn-wood Place, Warrendale, PA 15086, Wells Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 121 linear feet of an unnamed tributary to Parks Creek (CWF) and an adjacent Palustrine Emergent Wetland impacting 7,777 square feet (Windham, PA Quadrangle, Latitude: 41°56'38", Longitude: -76°20'35");

2. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 21,209 square feet of a Palustrine Emergent Wetland (Windham, PA Quadrangle, Latitude: 41°56'41", Longitude: -76°20'27");

3. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 1,308 square feet of a Palustrine Emergent Wetland (Windham, PA Quadrangle, Latitude: 41°56'45", Longitude: -76°20'12");

4. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 91 linear feet of an unnamed tributary to Wysox Creek (CWF) (Windham, PA, Latitude: 41°56'34", Longitude: -76°19'51");

5. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 146 linear feet of an unnamed tributary to Wysox Creek (CWF) and an adjacent Palustrine Emergent Wetland impacting 852 square feet (Windham, PA Quadrangle, Latitude: 41°56'34", Longitude: -76°19'43");

6. One 12 inch diameter natural gas line, a 6 inch diameter water line and a temporary road crossing using two 20 foot long 36 inch diameter corrugated metal pipes impacting 129 linear feet of an unnamed tributary to Wysox Creek (CWF) and an adjacent Palustrine Emergent Wetland impacting 2,498 square feet (Windham, PA Quadrangle, Latitude: 41°56'33", Longitude: -76°19'35");

7. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 284 square feet of a Palustrine Emergent Wetland (Windham, PA Quadrangle, Latitude: 41°56'33", Longitude: -76°19'22");

8. One 12 inch diameter natural gas line, a 6 inch diameter water line and a temporary road crossing using two 20 foot long 36 inch diameter corrugated metal pipes impacting 61 linear feet of an unnamed tributary to Wysox Creek (CWF) and an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland impacting 9,601 square feet (Windham, PA Quadrangle, Latitude: 41°56'34", Longitude: -76°19'20");

9. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 602 square feet of a Palustrine Emergent Wetland (Windham, PA Quadrangle, Latitude: 41°56'33", Longitude: -76°19'16");

10. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 1,697 square feet of a Palustrine Emergent Wetland (Windham, PA Quadrangle, Latitude: 41°56'32", Longitude: -76°19'06");

11. One 12 inch diameter natural gas line, a 6 inch diameter water line and a timber mat bridge impacting 1,178 square feet of a Palustrine Emergent Wetland

(Windham, PA Quadrangle, Latitude: 41°56'32", Longitude: -76°19'00");

The project will result in 548 linear feet or 2,348 square feet of temporary stream impacts and 46,007 square feet (1.08 acres) of PEM/PFO wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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#### I. NPDES Renewal Permit Actions

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*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032107 (Sewage)	Beltzville State Park 2950 Pohopoco Drive Lehighton, PA 18235	Carbon County Franklin Township	Pohopoco Creek (2-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228524 (Sewage)	Duncan Township WWTP 22 Antrim Main Street Wellsboro, PA 16901	Tioga County Duncan Township	Unnamed Tributary of Wilson Creek (9-A)	Y
PA0114324 (Sewage)	DeMorgan Acres MHP 290 De Morgan Acres Lane Canton, PA 17724-9166	Bradford County Canton Township	Unnamed Tributary to Alba Creek (4-C)	Y
PA0228524 (Sewage)	Duncan Township WWTP 22 Antrim Main Street Wellsboro, PA 16901	Tioga County Duncan Township	Unnamed Tributary of Wilson Creek (9-A)	Y
PA0035815 (Sewage)	Bellefonte KOA Campground 2481 Jacksonville Road Bellefonte, PA 16823	Centre County Marion Township	Unnamed Tributary of Nittany Creek (9-C)	Y
PA0228371 (Industrial Stormwater)	Crafc, Inc. Asphalt Emulsion Plant 336 Railroad Street Northumberland, PA 17857	Northumberland County Northumberland Borough	Unnamed Tributary to West Branch Susquehanna River (10-D)	Y
PA0046159 (Sewage)	Houtzdale Municipal Sewer Authority Sewer System STP 116 Sterling Avenue Houtzdale, PA 16651-0277	Clearfield County Houtzdale Borough	Beaver Run—CWF (8-D)	N

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0110663 Sewage	Cresson Borough 631 Second Street Cresson, PA 16630	Cambria County Cresson Borough	Little Conemaugh River	N
PA0218391 Sewage	Georges Creek Municipal Authority PO Box 338 Smithfield, PA 15478	Fayette County	Georges Township Georges Creek	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0088609**, Sewage, **Broad Top Township**, 187 Municipal Road, Defiance, PA 16633-0057.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Raystown Branch Juniata River in Watershed 11-D.

**NPDES Permit No. PA0020591**, Sewage, **Mount Gretna Borough Authority**, 101 Chautauqua Drive, PO Box 322, Mount Gretna, PA 17064.

This proposed facility is located in Mount Gretna Borough, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7-G.

**NPDES Permit No. PA0083747**, Industrial Waste, **Weaber, Inc.**, 1231 Mount Wilson Road, Lebanon, PA 17042-4785.

This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Gingrich Run in Watershed 7-D.

**NPDES Permit No. PA0261785**, Hydrostatic Test Discharge, **Texas Eastern Transmission LP**, 890 Winter Street, Suite 300, Waltham, MA 02451.

This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed Tributary of Shobers Run and Evitts Creek in Watersheds 11-C and 13-A.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**NPDES Permit No. PA0254231**, Industrial Waste, **Ingram Barge Company**, 100 Atlantic Avenue, Elizabeth, PA 15037

This proposed facility is located in Elizabeth Borough, **Allegheny County**



Description of Proposed Action/Activity: Permit issuance for new discharge of treated industrial waste.

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

**PA0263931**, Sewage, SIC Code 8800, **Thomas S. Wheeler**, 11247 East Law Road, North East, PA 16428. Facility Name: Thomas S. Wheeler SRSTP.

This proposed facility is located at 2101 North Brickyard Road in North East Township, **Erie County**.

Description of Proposed Activity: A new NPDES permit for the discharge of treated wastewater from a single residence sewage treatment plant (SRSTP) that replaces an existing malfunctioning on-lot sewage disposal system.

The receiving stream, an unnamed tributary to Twelvemile Creek, is located in State Water Plan watershed 15 and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ultraviolet Light Disinfection	XXX	XXX	XXX	Geo Mean report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**

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

**WQM Permit No. 4012401**, Sewerage, **Nuangola Borough Sewer Authority**, 85 Nuangola Avenue, Mountain Top, PA 18707.

This proposed facility is located in Nuangola Borough, **Luzerne County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for a low pressure sanitary sewage collection system to serve the Borough of Nuangola and the Rice Elementary School. The system will connect to the Mountaintop Area Joint Sewer Authority's sewer system near the intersection of Blytheburn and Prospect roads.

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

**WQM Permit No. 6788449, Amendment 12-1**, Sewerage, **Fairview Township** (North STP) York County, 500 Lewisberry Road, New Cumberland, PA 17070.

This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the installation/operation of a new screen and UV system for disinfection. The new screen will be installed in a new building. Also, a new blower will be located in a separate room in the same building.

**WQM Permit No. 3811405**, Sewerage, **PA Department of Military & Veterans Affairs**, Building #0-11, Fort Indiantown Gap, Annville, PA 17003.

This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of a pumping station and force main to serve the athletic facility (BLDG 04-117) at the Fort Indiantown Gap installation.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-3664.*

**WQM Permit No. 4911402**, Sewage, SIC Code 4952, **Lewis Township**, 1428 Rovendale Drive, Watsontown, PA 17777.

This proposed facility will be located in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued approving the design of a small flow treatment facility to serve 8 residences in Lewis Township.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 0210202**, Industrial Waste, **Ingram Barge Company**, 100 Atlantic Avenue, Elizabeth, PA 15037

This proposed facility is located in Elizabeth Borough, **Allegheny County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of an industrial wastewater treatment system.

**WQM Permit No. 3280408-A2**, Sewerage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701

This existing facility is located in East Wheatfield Township, **Indiana County**

Description of Proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 5611403**, Sewerage, **Meyersdale Municipal Authority**, 215 Main Street, Room 2B, PO Box 37, Meyersdale, PA 15552

This proposed facility is located in Meyersdale Borough, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewer line replacement.

**WQM Permit No. WQG016190**, Sewerage, **Jason Simoni**, 1264 Gringo Clinton Road, Aliquippa, PA 15001

This proposed facility is located in Hopewell Township, **Beaver County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a small flow sewage treatment facility.

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

**WQM Permit No. WQG018826**, Sewage, **Thomas S. Wheeler**, 11247 East Law Road, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Replacement of a malfunctioning onlot sewage disposal system.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024811009	Lafayette College 9 North Campus Lane Easton, PA 18042	Northampton	City of Easton	Bushkill Creek, HQ-CWF, MF
PAI021311006	Miller Brothers Development P. O. Box 472 Schuylkill Haven, PA 17972	Carbon	Penn Forest Twp.	Mud Run, HQ-CWF, MF
PAI023910013	The Residuary Trust of Andrew Yastishok 6500 Chapmans Road Allentown, PA 18106	Lehigh	Lower Macungie Twp.	Cedar Creek, HQ-CWF, MF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F089R	Daniel Hawbaker Gray's Woods Partnership 1952 Waddle Rd State College PA 16803	Centre	Harris & Patton Townships	Buffalo Run & Spruce Creek HQ-CWFs

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056311006	Golden Triangle Construction Co, Inc. 8555 Steubenville Pike Imperial, PA 15126	Washington	South Strabane Township	Little Chartiers Creek (HQ-WWF)

#### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warminster Township Bucks County	PAG0200 0911052	Township of Warminster 401 Gibson Avenue Warminster, PA 18974	Unnamed Tributary Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG0200 0910035-1	Newtown Racquetball Associates 209 Penns Trail Newtown, PA 18940	Core Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4610023-R	Neil Sukonik 1250 Germantown Pike, Suite 100 Plymouth Meeting, PA 19462	Hartenstine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAG0200 4609088-R	Steve Leonard 3325 Bartram Road Willow Grove, PA 19090	Perkiomen Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511139	Bottom Dollar Food Northeast, LLC 2110 Executive Drive Salisbury, NC 28145-1330	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Dickson City Borough, Lackawanna County	PAG02003511022	Jeffrey S. Moore Keystone Property Associates, LLC 609 Foothill Dr. West Chester, PA 19382	Storr's Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
		Mark Kosik Scranton Craftsmen Excavating Inc. 930 Dunmore St. Throop, PA 18512		

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Forest City Borough, Susquehanna County	PAG02005812001	Forest City Borough P. O. Box 63 Forest City, PA 18421	UNT to Lackawanna River, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
Susquehanna Twp. Dauphin County	PAG02002206006(1)R	Robert Mumma Dauphin Development Co. 840 Market Street Lemoyne, PA 17043	Paxton Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Swatara Township Dauphin County	PAG02002207024R	Triple Crown Corp. 5351 Jaycee Avenue Harrisburg, PA 17112	Beaver Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Letterkenny Twp. Franklin County	PAG02002810006R	Randy Quinn One Overcash Avenue, Bldg. 14 Chambersburg, PA 17202	Muddy Run/ CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Washington Twp. Franklin County	PAG02002805026R	Ronald Martin 1625 East Main Street Waynesboro, PA 17268	East Branch of Antietam Creek/CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Waynesboro Boro. Franklin County	PAG02002806066R	Rick Duesler 801 Park Street Waynesboro, PA 17268	East Branch of Antietam Creek/CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
East Hanover Twp. Lebanon County	PAG0200380911(4)	Col. Samuel E. Hayes Fort Indiantown Gap (Area 14 USPFO Complex) Training Site Hdqrs. (FTIG-GC), Building T-0-1 Annville, PA 17003	Indiantown Run/CWF, TSF and Vesle Run/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Lebanon Twp. Lebanon County	PAG02003804034R	Scott Burkholder Narrows Glen, Inc. 1737 West Main Street Ephrata, PA 17522	Tulpehocken Creek/CWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
South Annville Twp. Lebanon County	PAG02003809005R	Dennis Hess 575 Trail Road Hummelstown, PA 17036	Quittapahilla Creek/TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Union Township Lebanon County	PAG02003812001	Marlin Sensenig 114 Huckleberry Road Jonestown, PA 17038	Swatara Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

*Facility Location:  
Municipality &  
County*Bethel, Swatara, &  
Union Townships  
Lebanon County &  
Pine Grove Twp.  
Schuylkill County*Permit No.*

PAG02003806036R

*Applicant Name &  
Address*John W. Norbeck  
PA DCNR  
RCSOBm 8th Floor  
PO Box 8551  
Harrisburg, PA 17120*Receiving  
Water/Use*

Swatara Creek/ WWF

*Contact Office &  
Phone No.*Lebanon Co  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
717.272.3908, Ext. 4*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701**Facility Location:  
Municipality &  
County*Benner Township  
Centre County*Permit No.*

PAG0201405013(1)R

*Applicant Name &  
Address*Robert Poole  
Fishermans  
Paradise LLC  
2121 Old Gatesburg Rd  
Ste 200  
State College PA 16801*Receiving  
Water/Use*UNT to Spring Creek  
CWF*Contact Office &  
Phone No.*Centre County  
Conservation District  
414 Holmes Ave  
Suite 4  
Bellefonte PA 16823  
Phone: (814) 355-6817Jeff Long  
Jeff Long Construction  
1916 Hileman Rd  
Tyrone PA 16686Town of Bloomsburg  
Columbia County

PAG02001907001R

Carol Mas  
Town of Bloomsburg  
301 E Second St  
Bloomsburg PA 17815Susquehanna River  
WWFColumbia County  
Conservation District  
702 Sawmill Rd  
Ste 204  
Bloomsburg PA 17815  
(570) 784-1310 X 102Mayberry Township  
Montour County

PAG02004712001

Dean Woodruff  
296 Sharp Ridge Rd  
Danville PA 17821Little Roaring Creek  
CWFMontour County  
Conservation District  
112 Woodbine Ln  
Ste 2  
Danville PA 17821  
Phone: (570) 271-1140*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.**Facility Location:  
Municipality &  
County*Pleasant Hills  
Borough  
Allegheny County*Permit No.*

PAG02000206076R

*Applicant Name &  
Address*Robinson Land Co., Inc.  
1831 Painter's Run Rd  
Pittsburgh, PA 15241*Receiving  
Water/Use*

Lewis Run (TSF)

*Contact Office &  
Phone No.*Allegheny County CD  
Lexington Technology  
Park  
Building 1 Suite 102  
400 North Lexington  
Avenue  
Pittsburgh, PA 15208  
(412) 241-7645City of Pittsburgh  
Allegheny County

PAG02000211048

Garfield Glen  
Housing, LP  
2121 Old Gatesburg  
State College, PA 16803

Allegheny River (WWF)

Allegheny County CD  
Lexington Technology  
Park  
Building 1 Suite 102  
400 North Lexington  
Avenue  
Pittsburgh, PA 15208  
(412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plum Borough Allegheny County	PAG02000211059	Plum Borough School District 900 Elicker Road Pittsburgh, PA 15239	Little Plum Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Marshall Township Allegheny County	PAG02000211047	Innovation Bridge Development Corporation 425 Sixth Avenue Pittsburgh, PA 15219	Brush Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
West Mifflin Township Allegheny County	PAG2000211070	The Baker Group 305 Camp Hollow Road West Mifflin, PA 15122	Monongahela River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
City of Duquesne Allegheny County	PAG2000210009R	Redevelopment Authority of Allegheny County 425 Sixth Avenue Pittsburgh, PA 15219	Monongahela River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Hampton Township Allegheny County	PAG02000206008-1R	Wickline Development, LLC 1272 Mars-Evans City Rd Evans City, PA 16033	Crouse Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Pine Township Allegheny County	PAG02000205132R	H2O Auto Wash, LLC 500 American Way Wexford, PA 15090	Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Plum Borough Allegheny County	PAG02000205130R	Plum Properties 375 Golfside Drive Wexford, PA 15090	Plum Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wilkins Township Allegheny County	PAG02000211062	Wilkins Township 110 Peffer Road Turtle Creek, PA 15145	Saw Mill Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Scott Township Municipality of Mt. Lebanon Allegheny County	PAG02000211064	Walgreen Company 106 Wilmont Rd. MS #1630 Deerfield, IL 60015	Scrubgrass Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Moon Township Allegheny County	PAG02000211085	Pittsburgh International Airport Reserve Station 911 Airlift Wing 2475 Defense Ave. Coraopolis, PA 15108	McClarens Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Indiana Township Allegheny County	PAG02000211072	Deer Creek Drainage Basin Authority PO Box 148 945 Little Deer Creek Rd Russellton, PA 15076	UNT to Little Pine Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Franklin Park Borough Allegheny County	PAG02000211067	Ridge Forest Developers, LP 3468 Broadhead Road Monaca, PA 15061	Big Sewickley Creek (TSF) Pine Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Upper St. Clair Township Allegheny County	PAG02000211068	Rolling Lambert, LLC 101 Commerce Drive Lawrence, PA 15055	McLaughlin Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Robinson Township Allegheny County	PAG02000212001	Bayer Business and Technology Services, LLC 100 Bayer Road Pittsburgh, PA 15205-9741	Pinkerton Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Fayette Township Allegheny County	PAG02000211083	Aloe Brothers, LLC & Deblasion Development, Inc. 5540 Dunmoyle Avenue Pittsburgh, PA 15217 & 104 Joyce Road McMurray, PA 15317	Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Municipality of Penn Hills Allegheny County	PAG02000210053	Penn Hills School District 309 Collins Drive Pittsburgh, PA 15235	UNT to Thompson Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Collier Township Allegheny County	PAG2000211079	Collier Township 2418 Hilltop Rd Suite 100 Presto, PA 15142	Thoms Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
North Fayette Township Allegheny County	PAG02000211045	Robert T. Grimm North Fayette Township 400 N. Branch Road Oakdale, PA 15071	Robinson Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000208045-2	Housing Authority of the City of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Allegheny River (WWF-N)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Ohio Township Allegheny County	PAG02000211073	Frank Zottola Allison Park Contractors 3401 Felicity Ave Allison Park, PA 15101	Thoms Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000211060	The Buncher Co. 1300 Penn Avenue Pittsburgh, PA 15222	Allegheny River (WWF-N)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Fayette Township Allegheny County	PAG02000211057	Deerfield Ridge PO Box 15558 Pittsburgh, PA 15244	Dolphin Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Harrison Township Allegheny County	PAG02000211078	Kureha Advanced Materials Highland Industrial Park 10 Acee Drive Natrona Heights, PA 15065	Little Bull Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Fawn Township Allegheny County	PAG0200021063	David Grasinger 1731 Grove Chest Drive Pittsburgh, PA 15239	Bull Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Municipality of Monroeville Allegheny County	PAG2000206017R	Widewaters Monroeville Company, LLC PO Box 3 5786 Widewaters Parkway Dewitt, NY 13214-0003	Turtle Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000211066	Todd Waldo Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Pine Township Allegheny County	PAG02000211069	Manor Development Group II 11279 Perry Highway Wexford, PA 15090	North Fork Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Plum Borough Allegheny County	PAG02000211076	Richard Perallo YMCA of Greater Pittsburgh 420 Ft. Duquesne Blvd Suite 625 Pittsburgh, PA 15222	Monongahela River (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Moon Township Allegheny County	PAG02000211082	PA Air National Guard Base 300 Tanker Road Coraopolis, PA 15108-4217	McLarens Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Collier Township Allegheny County	PAG02000211074	Collier Township 2418 Hilltop Road Presto, PA 15142	UNT to Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Jefferson Hills Borough Allegheny County	PAG02000206057R	John Columbus Columbus Family Partners, LLP 3525 Lebanon Church Road West Mifflin, PA 15122	Tributary to Lewis Run/Peters Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Town of McCandless Allegheny County	PAG02000212002	Team Rahal of Pittsburgh 10701 Perry Highway Wexford, PA 15090	Wexford Run (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Marshall Township Allegheny County	PAG02000212010	Chapel Estates, L.P. 6021 Wallace Rd. Ext. Wexford, PA 15090	UNT to Brush Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Collier Township Allegheny County	PAG02000211080	Joe Curtin PO Box 44015 Crafton, PA 15205	Robinson Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Richland Township Allegheny County	PAG2000209063-1	Dean Bastianini Richland Township 4019 Dickey Road Gibsonia, PA 15044	UNT to Deer Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Crescent Township Allegheny County	PAG02000211075	Phillips Station Riverfront South, LLC 200 McGovern Blvd. Crescent, PA 15046	Ohio River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Jefferson Hills Borough Allegheny County	PAG02000211017	South Hills Deck Hockey, LLC 661 Clearview Drive Bethel Park, PA 15102	Peters Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Reserve Township Allegheny County	PAG02000211044	Donald Brenckle 300 Shannon Road Renfrew, PA 16503	UNT to Allegheny River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Richland Township Allegheny County	PAG02000211055	Steven Schlotterbeck 709 Bristlecone Dr. Gibsonia, PA 15044	Willow Run (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
South Fayette Township Allegheny County	PAG02000206068R	Benjamin Marcus Homes, LLC PO Box 1287 McMurray, PA 15317	UNT to Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Municipality of Penn Hills Allegheny County	PAG02000211054	Anthony Pampena 6012 Herberton Rd. Verona, PA 15147	UNT to Little Plum Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
North Fayette Township Allegheny County	PAG02000206037R	George J. Wagner Daniel Hall PO Box 419 Sturgeon, PA 15082	Robinson Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin Park Borough Allegheny County	PAG2000206081	Gary Herbert JGD Partnership PO Box 297 Wexford, PA 15090	Fish Run/Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Municipality of Penn Hills Allegheny County	PAG2000209071-1	Penn Hills School District 309 Collins Ave Pittsburgh, PA 15235	UNT to Thompson Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Oakmont Borough Allegheny County	PAG02000211053	Bruce Jamison Oakmont Borough 767 Fifth Street Oakmont, PA 15139	Allegheny River (WWF-N)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Town of McCandless Allegheny County	PAG02000210023-1	Adventure Phase IV, LP 102 Anderson St. Selma, NC 27676	UNT Pine Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
Richland Township Allegheny County	PAG02000212006	Tom Henry Chevrolet 5886 WM. Flynn Highway Bakerstown, PA 15007	UNT to Deer Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000212008	SS Gaming, LLC 50 Public Square Suite 1000B Cleveland, OH 44113	Monongahela River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 (412) 241-7645
German Township Fayette County	PAG02002611014	Albert Gallatin Area School District Carl Bezjak 2625 Morgantown Rd Uniontown, PA 15401	UNT to N. Branch of Brown's Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
North Union Township Fayette County	PAG02002612003	Ray Carolla Percy Road Housing 145 Windwoods Dr. Hopwood, PA 15445	UNT to Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Georges Township Fayette County	PAG02002612002	Southwest Pennsylvania Railroad Russell Peterson 519 Cedar Way Building 1, Suite 1000 Oakmont, PA 15139	Georges Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
German Township Fayette County	PAG02002611015	Dean Mori Veolia ES Chestnut Valley Landfill, Inc. 1184 McClellandtown Rd McClellandtown, PA 15458	UNT to N. Branch of Brown's Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Somerset Township Somerset County	PAG02005611004	Somerset County Airport 159 Airport Lane Friedens, PA 15541	UNT to Wells Creek (CWF)	Somerset County CD 6024 Glades Pike, Suite 103 Somerset, PA 15501 (814) 445-4352
Chartiers Township Washington County	PAG02006307014R	Pennsylvania Trolley Museum 1 Museum Road Washington, PA 15301	Chartiers Creek (WWF)	Washington County CD 2800 North Main St Suite 105 Washington, PA 15301 (724) 705-7098
Derry Township Westmoreland County	PAG02006510002R	Derry Township Municipal Authority PO Box 250 New Derry, PA 15671	Loyalhanna Creek (WWF)	Westmoreland County CD 218 Donhoe Road Greensburg, PA 15601
Penn Township Westmoreland County	PAG02006511029	Galway Bay Corporation Gregory R. Maynard 3931 School Road South Jeannette, PA 15644	Brush Creek (TSF)	Westmoreland County CD 218 Donhoe Road Greensburg, PA 15601
Allegheny Township Westmoreland County	PAG02006511030	Edwin Zerbini, Brayman Construction Corp. & Jeff Zell Wailing Holdings 1000 John Roebling Way Jeannette, PA 15644 & PO Box 130 Freeport, PA 16229	Tributary to Allegheny River (WWF)	Westmoreland County CD 218 Donhoe Road Greensburg, PA 15601
East Huntingdon Township Westmoreland County	PAG02006511031	Crivelli-Masewicz Partnership Randolph Masewicz 600 North Church Street Mount Pleasant, PA 15666	UNT to Sherrick Run (WWF)	Westmoreland County CD 218 Donhoe Road Greensburg, PA 15601
Unity Township Westmoreland County	PAG02006511034	Dennis Giannilli 4816 Route 30 Greensburg, PA 15601	State Creek (WWF)	Westmoreland County CD 218 Donhoe Road Greensburg, PA 15601
Penn Township Westmoreland County	PAG02006511036	Mike Phillips Cavcon Construction, Inc. 211 Huff Avenue, Suite B Greensburg, PA 15601	Brush Creek (TSF)	Westmoreland County CD 218 Donhoe Road Greensburg, PA 15601
Adams Township Butler County	PAG02001001152R	Ridge Development LP 3468 Brodhead Road Monaca PA 15061	UNT Kaufman Run WWF	Butler Conservation District 724-284-5270

*Facility Location:  
Municipality &  
County*Cranberry  
Township  
Butler County

Permit No.

PAG02001012019

*Applicant Name &  
Address*North Boundary  
Partners LP  
Attn: Mr. Dominic  
Gigliotti  
11279 Perry Highway  
Wexford PA 15090*Receiving  
Water/Use*

Brush Creek WWF

*Contact Office &  
Phone No.*Butler Conservation  
District 724-284-5270*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*Hughesville  
Borough,  
Lycoming County

Permit No.

PAR314815

*Applicant Name &  
Address*Baker Hughes Oilfield  
Operations, Inc.  
Hughesville District  
5368 Route 220  
Hughesville, PA 17737*Receiving Water*Unnamed Tributary to  
Muncy Creek—10-D*Contact Office &  
Phone No.*DEP Northwest  
Regional Office  
Clean Water Program  
208 West Third Street,  
Suite 101  
Williamsport, PA 17701  
570-327-3664City of Duquesne  
Allegheny County

Permit No.

PAR206167

*Applicant Name &  
Address*Dura-Bond Coating, Inc.  
2658 Puckety Drive  
Export, PA 15632*Receiving Water*

Monongahela River

*Contact Office &  
Phone No.*Southwest  
Regional Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412-442-4000East Taylor  
Township  
Cambria County

Permit No.

PAR606176

*Applicant Name &  
Address*William Penn Auto, Inc.  
837 William Penn  
Avenue  
Johnstown, PA 15906*Receiving Water/Use*

UNT to Blacklick Creek

*Contact Office &  
Phone No.*Southwest  
Regional Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412-442-4000*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:  
Municipality &  
County*Hempfield  
Township  
Mercer County

Permit No.

PAR208317

*Applicant Name &  
Address*Hodge Foundry, Inc.  
PO Box 550  
42 Leech Road  
Greenville, PA 16125*Receiving  
Water/Use*

20-A

*Contact Office &  
Phone No.*DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*Hopewell Township  
Beaver County

Permit No.

PAG046431

*Applicant Name &  
Address*Jason Simoni  
1264 Gringo Clinton  
Road  
Aliquippa, PA 15001*Receiving  
Water/Use*

UNT of Raredon Run

*Contact Office &  
Phone No.*Southwest  
Regional Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
City of Allentown, Lehigh County	PAG08-2203	City of Allentown 112 Union St. Allentown, PA 18102	Allentown Wastewater Treatment Plant, Allentown, PA	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Great Bend Twp. and Oakland Twp., Susquehanna County	PAG08-2204	Tri-Boro Municipal Authority 301 Exchange St. Susquehanna, PA 18847	Bel-Parks Farm 29800 State Route 171 Susquehanna, PA 18847	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Lower Mount Bethel Township, Northampton County	PAG08-2203 PAG07-0003 PAG08-0008 PAG08-3501 PAG08-0002 PAG08-3535 PAG08-3551 PAG08-3517 PAG08-9903 PAG08-3596 PAG08-3510 PAG08-2211 PAG08-3506 PAG08-3522 PAG08-3515 PAG08-3502 PAG08-9904 PAG08-3547 PAG08-0006 PAG08-3540 PABIG-9903 PAG08-3600 PAG08-3565 PAG07-3508 PAG07-0005 PAG08-0003 PAG08-3825 PAG08-3542 PAG08-0004 PAG08-3518 PAG08-9905 PAG08-3556 PAG08-0018 PAG08-3573 PAG08-3597 WMGR-099 PAG08-0011 PAG08-3567 PAG08-2219 PAG08-0021	Synagro 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	George Ott Farm 3974 Mt. Pleasant Rd. Lower Mt. Bethel Township	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

*General Permit Type—PAG-9**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Contact Office &amp; Phone No.</i>
Bullskin Township Fayette County	PAG096107	Zelmore Top Septic Service 123 Zelmore Road Mount Pleasant, PA 15666	Zelmore Farm	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Nicholson & Springhill Townships Fayette County	PAG106142	Laurel Mountain Midstream Operating, LLC 1605 Coraopolis Heights Road Moon Township, PA 15108	UNT of the Cheat & Monongahela Rivers	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-15*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG153501	Lake Meade Homeowners Association 4 Forrest Drive East Berlin, PA 17316	Adams	Reading and Latimore Townships	Mud Run / WWF	Y
PAG153502	Lake Heritage Property Owners Association 1000 Heritage Drive Gettysburg, PA 17325	Adams	Mount Joy and Straban Townships	Plum Run / WWF	Y

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.



NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hamilton Farms LLC 10049 Ferguson Valley Road Lewistown, PA 17044	Snyder	0 acres for manure application	734.14	Swine	HQ	Action

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Permit No. 3511502**, Public Water Supply.

Applicant	<b>Nature’s Way Purewater Systems, Inc.</b>
[Borough or Township]	Covington Twp
County	<b>Lackawanna</b>
Type of Facility	Bottled Water System (Covington Springs Source)
Consulting Engineer	Earth Res Group PO Box 468 Pipersville, Pa
Permit to Construct Issued	March 16, 2012

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

**Permit No. 5011509 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Pfautz Rentals, LP (Phautz Apartments)</b>
Municipality	Penn Township
County	<b>Perry</b>
Responsible Official	Suzanne H Hammaker, Partner 10 Dicken Drive Marysville, PA 17053
Type of Facility	4-log Dmeonstration.
Consulting Engineer	1 - Not Available
Permit to Construct Issued:	3/23/2012

**Permit No. 5011510 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Pfauts Rentals, LP (Pfautz Heights)</b>
Municipality	Penn Township
County	<b>Perry</b>
Responsible Official	Suzanne H Hammaker, Partner 10 Dicken Drive Marysville, PA 17053
Type of Facility	Chlorine contact pipe installation.
Consulting Engineer	1 - Not Available
Permit to Construct Issued:	3/23/2012

**Permit No. 6712501 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	Shrewsbury Township
County	<b>York</b>
Responsible Official	Mark S Snyder, Engineering Manager 130 East Market Street PO Box 15089 York, PA 17405-7089
Type of Facility	Shrewsbury standpipe repainting.
Consulting Engineer	Mark S Snyder, P.E. The York Water Company 130 East Market Street PO Box 15089 York, PA 17405-7089
Permit to Construct Issued:	3/20/2012

**Permit No. 3612502 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Columbia Water Company</b>
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Municipality Columbia Borough  
 County **Lancaster**  
 Responsible Official David T Lewis, General Manager  
 220 Locust Street  
 Columbia, PA 17512

Type of Facility Conversion of the Prospect Road  
 Tank Chlorine Booster Station to  
 sodium hypochlorite

Consulting Engineer David T Lewis, P.E.  
 Columbia Water Company  
 220 Locust Street  
 Columbia, PA 17512

Permit to Construct 3/14/2012  
 Issued:

**Permit No. 6711521 MA, Minor Amendment**, Public  
 Water Supply.

Applicant **Llewellyn's MHP**  
 Municipality Dover Township  
 County **York**  
 Responsible Official Sue Gochenour, Owner  
 4550 Bull Road  
 Dover, PA 17315

Type of Facility Chlorine contact pipe  
 installation.

Consulting Engineer 1 - Not Available  
 Permit to Construct 3/23/2012  
 Issued:

**Permit No. 2112503 MA, Minor Amendment**, Public  
 Water Supply.

Applicant **Mountain View Terrace  
 Mobile Home Park**  
 Municipality Upper Frankford Township  
 County **Cumberland**  
 Responsible Official Thomas S. Rodas, Owner  
 1190 Wyndsong Dr.  
 York, PA 17403

Type of Facility Installation of 400 feet of 6-inch  
 chlorine contact piping and  
 demonstration of 4-log treatment  
 of viruses

Consulting Engineer 1 - Not Available  
 Permit to Construct 3/14/2012  
 Issued:

**Operations Permit** issued to: **Leola Sewer Author-  
 ity**, 7360140, Upper Leacock Township, **Lancaster  
 County** on 3/14/2012 for the operation of facilities ap-  
 proved under Construction Permit No. 3610545.

**Operations Permit** issued to: **Margaretta MHP**,  
 7670105, Lower Windsor Township, **York County** on  
 3/20/2012 for the operation of facilities submitted under  
 Application No. 6711517 MA.

**Operations Permit** issued to: **Whispering Pines  
 MHP**, 7670110, Chanceford Township, **York County** on  
 3/14/2012 for the operation of facilities submitted under  
 Application No. 6711518 MA.

**Operations Permit** issued to: **Blue Knob Water Co.**,  
 4050001, Pavia Township, **Bedford County** on 3/14/2012  
 for the operation of facilities submitted under Application  
 No. 0511505 MA.

**Operations Permit** issued to: **Llewellyn's MHP**,  
 7670006, Dover Township, **York County** on 3/23/2012 for  
 the operation of facilities submitted under Application No.  
 6711520 MA.

**Operations Permit** issued to: **Penn Township Mu-  
 nicipal Authority**, 7500015, Penn Township, **Perry  
 County** on 3/13/2012 for the operation of facilities ap-  
 proved under Construction Permit No. 5011507 MA.

**Operations Permit** issued to: **J & A MHP**, 7670003,  
 Newberry Township, **York County** on 3/23/2012 for the  
 operation of facilities approved under Construction Per-  
 mit No. 6711510 MA.

**Operations Permit** issued to: **Big Spring Terrace  
 Mobile Home Park**, 7210039, West Pennsboro Town-  
 ship, **Cumberland County** on 3/14/2012 for the opera-  
 tion of facilities submitted under Application No. 2112504  
 MA.

**Operations Permit** issued to: **Rainsburg Borough**,  
 4050032, Colerain Township, **Bedford County** on 3/14/  
 2012 for the operation of facilities submitted under  
 Application No. 0512503 MA.

**Operations Permit** issued to: **Keystone Park Prop-  
 erties**, 7670034, Lower Windsor Township, **York County**  
 on 3/14/2012 for the operation of facilities submitted  
 under Application No. 6712503 MA.

**Operations Permit** issued to: **Audubon Park Inc.**,  
 7670121, Monaghan Township, **York County** on 3/14/  
 2012 for the operation of facilities submitted under  
 Application No. 6712504 MA.

**Operations Permit** issued to: **MISA Corporation**,  
 7360050, Sadsbury Township, **Lancaster County** on  
 3/22/2012 for the operation of facilities submitted under  
 Application No. 3612505 MA.

*Northcentral Region: Safe Drinking Water Program  
 Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. Minor Amendment**—Operation Public  
 Water Supply.

Applicant **Carpenters Park, Inc.**  
 [Township or Borough] Woodward Township  
 County **Lycoming**  
 Responsible Official Mr. James Carpenter  
 Carpenters Park, Inc.  
 569 Youngs Road  
 Linden, PA 17744

Type of Facility Public Water Supply  
 Consulting Engineer Stephen Gilbert HDC, Inc.  
 279 Deer Lane  
 Trout Run, PA 17771

Permit Issued March 21, 2012  
 Description of Action 4-log inactivation of viruses at  
 Entry Point 101 (Well Nos. 2  
 and 3).

**Permit No. Minor Amendment**—Operation Public  
 Water Supply.

Applicant **Meadow Brook MHP**  
 [Township or Borough] Muncy Creek Township  
 County **Lycoming**

Responsible Official Mr. Joe Liverslidge  
Meadow Brook MHP  
P. O. Box 41  
Temple, PA 19560

Type of Facility Public Water Supply

Consulting Engineer Stephen Gilbert HDC, Inc.  
279 Deer Lane  
Trout Run, PA 17771

Permit Issued March 21, 2012

Description of Action 4-log inactivation of viruses at  
Entry Point 100 (Well No. 3).

**Permit No. Minor Amendment**—Operation Public  
Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
[Township or Borough] Mt. Carmel Borough and Mt.  
Carmel Township

County **Northumberland**

Responsible Official Mr. Patrick R. Burke  
Aqua Pennsylvania, Inc.  
1 Aqua Way  
White Haven, PA 18661

Type of Facility Public Water Supply

Consulting Engineer Steven C. Roselle, P.E.  
321 Washington Street  
Huntingdon, PA 16652

Permit Issued March 27, 2012

Description of Action Operation of approximately  
3,600 linear feet of new water  
transmission main which was  
installed in the Whitemans  
Phase III water main  
replacement project.

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

**Permit No. 0411505**, Public Water Supply.

Applicant **Borough of Monaca**  
928 Pennsylvania Avenue  
Monaca, PA 15061

[Borough or Township] Monaca Borough

County **Beaver**

Type of Facility Blaine water storage tank

Consulting Engineer Widmer Engineering, Inc.  
806 Lincoln Place  
Beaver Falls, PA 15010

Permit to Construct Issued March 21, 2012

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania  
Sewage Facilities Act (35 P. S. § 750.5)**

*Northwest Region: Water Management Program Man-  
ager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	3608 West 26th Street, Erie, PA 16506	Erie

*Plan Description:* The approved plan documented the condition of existing on-lot disposal systems within the planning areas and evaluated alternatives for extending public sewers into those planning areas. The plan provides for replacement and upgrade of existing sewerage facilities as necessary and extension of public sewers into identified problem areas over a 5 to 10 year time frame. Specific areas identified in the plan include: Woodshire Area, Norcross Area (East and West), Garries Road Area, Grubb Road Area, Wattsburg Road Area, Glenwood Interceptor Upsizing, and Pump Station upgrades for Glenwood, Love Road and Wolf Road. Average and peak flow rates tributary to Millcreek’s sewer system from tributary municipalities, as well as average and peak flow rates at the main connection points into the City of Erie, and the hydraulic capacities of the major sewer conveyance system were also evaluated. Project detail will be submitted for each project when proposed. Projects will proceed when economically feasible and/or developer driven.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	PO Box 124, Fryburg, PA 16326	Clarion

*Plan Description:* The approved plan provides for the construction of a new 85,000 GPD extended aeration package plant to replace the existing 40,000 GPD sequencing batch reactor. The existing influent and effluent meters will be salvaged from the existing facilities. The project has been submitted as required under the December 31, 2008 Consent Decree, and projects complete construction of facilities and elimination of overflows by December 31, 2013. The Department’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEAN-UP  
UNDER THE ACT OF  
OCTOBER 18, 1988**

**Public Notice of Proposed Consent Order and  
Agreement Department of Environmental  
Protection Yuhus Dump Site  
Pocono Township, Monroe County**

Under section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) is proposing entering into a settlement in the form of a Consent Order and Agreement (CO&A) with Fromkin Brothers, Inc. (Fromkin). The CO&A addresses the investigation and removal of what the Department has determined to be hazardous substances and contaminants in the form of paint waste that was abandoned and disposed of at the Yuhus Dump Site (Site). Fromkin will reimburse the Department for costs incurred to perform the site investigation/response activities at the Site.

The Site is a residential parcel, approximately 5.06 acres in size, located at RR 1, Box 119, Sullivan Trail Road, Scotrun, PA. Dry Sawmill Run, a high quality cold-water stream, runs through the Site and is abutted on one side by a large construction and demolition (C&D)

waste pile that spans the width of the Site. On the other side of the stream, to the west of Dry Sawmill Run, numerous containers of paint waste of various sizes, including 1 gallon, 5 gallon and 55 gallon containers, were abandoned and disposed of at the Site. Additional paint waste was found in a garage in the abandoned residence at the Site.

The Department determined that paint waste disposed of and abandoned at the Site originated from Fromkin. The Department further determined, based on the observations of its personnel, that the abandonment and disposal of the waste caused a release and further threat of release of hazardous substances and/or contaminants at the Site and that a Prompt Interim Response was needed. The Department initiated a prompt interim response action under the HSCA on October 13, 2008. The objective of this prompt interim response action was to eliminate a threat to human health, safety and the environment posed by hazardous substances and/or contaminants that were present at the Site.

As part of a Phase I Prompt Interim Response, the Department conducted a removal action involving sampling and characterization of abandoned paint waste and soil; collection and containment of paint and containers; and proper transportation and disposal of paint waste, containers and soil. The response was completed on November 24, 2008.

In this proposed CO&A, Fromkin is agreeing to reimburse the Department \$53,567.00 for response costs the Department has incurred arising out of the investigation and removal of the paint waste disposed of at the Site that the Department determined originated from Fromkin. The CO&A resolves Fromkin's liability for waste located at the Site attributed to Fromkin, and any impacts from such waste to soil, groundwater and other media. The Department has determined that the proposed settlement is fair, reasonable and in the public interest.

The specific terms of the settlement are set forth in the proposed CO&A between the Department and Fromkin, which is available for public review and comment. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with Fromkin shall be effective upon the date that the Department notifies the Fromkin, in writing, that the CO&A is final and effective in its present form, and that the Department has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the following locations:

Pocono Township Municipal Building  
112 Municipal Way  
Route 611  
Tannersville, PA 18372

PADEP Bethlehem District Office  
4530 Bath Pike  
Bethlehem, PA 18017

PADEP Northeast Regional Office  
2 Public Square  
Wilkes-Barre, PA 18711

Comments may be submitted from April 7, 2012 until June 6, 2012, in writing, to Meg Boyer, Department of Environmental Protection, Hazardous Sites Cleanup Section, 4530 Bath Pike, Bethlehem, PA 18017. Further information may be obtained by contacting Meg Boyer, at 610-861-2070. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Hallstead Foundry Property**, Main Street (PA Route 11), Hallstead Borough and Great Bend Township, **Susquehanna County**. Martin P. Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a combined Remedial Investigation Report/Cleanup Plan (on behalf of their client, Booth & Sons Scrapyard, Inc., 125 Railroad Street, Moosic, PA 18507),

concerning the remediation of soil and groundwater found to have been impacted by inorganics and volatile organic compounds (including benzene, 1,2,4-TMB and 1,3,5-TMB) as a result of historic operations at the site. The combined report was submitted in partial fulfillment of the Site-Specific Standard for soil and groundwater. A public notice regarding the submission of the combined Remedial Investigation Report/Cleanup Plan was published in *The Scranton Times* on March 9, 2012.

**Compression Polymers**, Greenwood Avenue & Warner Street, Scranton City, **Lackawanna County**. James P. Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report on behalf of his client, CPG International, Inc., 801 Corey Street, Scranton, PA 18505, concerning the remediation of groundwater found to have been impacted by hydraulic fluid as a result of a release from a press which is located inside the manufacturing building. The report was submitted to document attainment of the Residential Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on February 21, 2012.

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

**Helene and Lee Fulmer Property**, 4 Paradise Lane, Paradise, PA 17562, Paradise Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Helene and Lee Fulmer, 4 Paradise Lane, Paradise, PA 17562, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel oil and transmission fluid. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**State Game Lands 219**, Reagan Hill Road Release, Warren Township, **Bradford County**. Golder Associates, Inc., 200 North Main Street, Horseheads, NY 14845 on behalf of Talisman Energy USA, Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845 has submitted a Final Report concerning remediation of site soil contaminated with Naphthalene, Trimethylbenzene, 1,2,4, Trimethylbenzene 1,3,5, Aluminum, Barium and compounds, Chromium, Copper, Iron, Lead, Manganese/zinc. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**102 Hotel Heights**, Lawrence Township, **Clearfield County**. Bigler Boyz Environmental, 116 Grahamton Road, Woodland, Pa 16881 on behalf of Martin Belella, 102 Hotel Heights, Clearfield, Pa 16830 has submitted a Final Report concerning remediation of site soil contaminated with virgin oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Pennsylvania Tectonics, Inc.**, Point Township, **Northumberland County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 on behalf of Derr, Pursel, Luschas & Norton, LLC, 120 West Main Street, Bloomsburg, PA 17815 has submitted a Final Report concerning remediation of site soil contaminated with MTBE, Benzene, Ethylbenzene, Cumene, Toluene, Naphthalene, 1,3,5-TMD, 1,2,4-TMB, Xylenes (total), EDC. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Halliburton Energy Services, Inc.** Clinton Township, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Halliburton Energy Services, Inc., 4 Girton Drive, Muncy, PA 17756 has submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene & Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Shakespeare and Sons, Inc.**, City of Dubois, **Clearfield County**. Skelly & Loy, Inc., 449 Eisenhower Blvd., Suite 300, Harrisburg, PA 17111 on behalf of Dubois Ventures, Inc., 486 Bush Court, Dubois, Pa 15801 has submitted a Final Report concerning remediation of soil contaminated with Lead, Arsenic, and the groundwater was contaminated with Lead, Dissolved, 1,1-Dichloroethane, 1,2,4-Trimethyl Benzene, 1,3,5-Trimethyl Benzene, BIS (2-Ethylhexyl) Phthalate. The report is intended to document remediation of the site to meet both the Statewide Health Standard and the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The

Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Pike County Public Library**, 115 East Harford Street, Milford Borough, **Pike County**. Martin P. Gilgalon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 submitted a Final Report on behalf of his client, Pike County Public Library, 201 Broad Street, Milford, PA 18337, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 2,000-gallon underground storage tank, which was discovered when constructing building footers/foundations for the new library. The report documented attainment of the Residential and Non-Residential Statewide Health Standard for soil and was approved on March 16, 2012.

**Hayes 1- 2H, 4H, 6H, 8H, & 10H Well Site**, Dark Hollow Road (North of Fisk Mill Road), Bridgewater and Silver Lake Townships, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 submitted a Final Report on behalf of her client, WPX Energy Appalachia, LLC, 1645 State Route 11, Nicholson, PA 18446, concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release to a well pad during fuel delivery to an air compressor. The report documented attainment of the Statewide Health Standard for soil and was approved on March 16, 2012.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**H P Knauf #6 Gas Well**, North Mahoning Township, **Indiana County**. Hull and Associates Inc., 300 Business Center Drive, Pittsburgh PA 15205 on behalf of XTO Energy—Appalachia Division, 395 Airport Road, Indiana PA 15701 submitted a Notice of Intent to Remediate and Final Report. On November 25 2011 a release of 336 gallons of production water was released to surface soils at the site. The site is being remediated to a statewide health standard for soils and groundwater. The Final Report was approved by the Department on March 20 2012. The Final Report demonstrated attainment of the statewide health standard(s) for soil and groundwater.

**Chelsea Building Products**, Borough of Oakmont, **Allegheny County**. KU Resources, Inc., 22 South Linden Ave., Duquesne, PA 15110 on behalf of Tessengerlo USA, Inc. 2255 N. 44th Street, Suite 300 Phoenix, AZ 85008-3279 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with volatile organic compounds to a site specific standard. The Remedial Investigation Report was approved by the Department on March 23 2012.

**Donora Ind Park, Parcels 11-B, 11-C, 11-D, and 3-A**, Donora Borough, **Washington County**. Civil and Environmental Consultants, Inc., 4000 Triangle Lane, Suite 200, Export PA 15632 on behalf of the Redevelopment Authority of the County of Washington, 1100 West Beau Street, Suite 603, Washington, PA 15301 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with heavy metals from historic uses and gasoline constituents from an upgradient source. The Baseline Environmental Report was approved by the Department on March 20 2012. In order to obtain cleanup liability protection, the Redevelopment Authority of the County of Washington shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

**Mays Phillips Lane Site**, Robinson Township, **Allegheny County**. ARCADIS U.S., Inc., One Adams Place, 310 Seven Fields Blvd, Suite 210, Seven Fields, PA 16046 on behalf of Braskem America, Inc., Ashland, Inc., and Beazer East, Inc. has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with organic compounds at the Mays Phillips Lane Site in Robinson Township, Allegheny County. The Cleanup Plan was approved by the Department on March 21, 2012.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Northeast Region: William Tomayko, Regional Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**PAD 981038227. World Resources Company, Inc.**, 170 Walnut Lane, Pottsville, PA 17901. A Permit Renewal, authorizing the continued production of non-ferrous and precious metal concentrate products from the recycling of residual and hazardous electroplating wastewater treatment sludges F006 and F019 residuals and solutions, D002, D004-D010, F007-F009 at this hazardous waste treatment and storage facility located in Norwegian Township, **Schuylkill County**. Concentrates are sold internationally to the smelting and refining industry as direct substitute for conventional metal ore concentrates. The permit was issued in the Regional Office on March 21, 2012.

#### REGISTRATION FOR GENERAL PERMIT-RESIDUAL WASTE

**Registration Issued Under the Solid Waste Management Act; the Residual 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.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Registration Number WMGR123D001. Terraqua Resource Management, LLC, 1000 Com-**

merce Park Dr, Williamsport PA 17701-5475. General Permit Number WMGR123D001 authorizes the processing and beneficial use of processed liquid wastes generated on oil and gas well sites and associated infrastructure. This registration replaces Terraqua Resource Management's registration under General Permit Number WMGR121. The registration was issued by Central Office on March 14, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; 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.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR081D026. Zero Export Recycler's, LLC.,** 590 Baltimore Pike, Mt. Holy Springs, PA 17065.

The general permit WMGR081D026 is for the processing (i.e., sizing, shaping, separating, and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the Zero Export Recycler's, LLC. facility, located in the Borough of Mt. Holy Springs, **Cumberland County**. Central Office approved the determination of applicability on March 27, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP3-46-0101: Terra Technical Services, LLC.** (1101 East Hector Street, Conshohocken, PA 19428) on March 21, 2012, to operate a portable nonmetallic mineral processing plant in Conshohocken Borough, **Montgomery County**.

**GP9-46-0056: Terra Technical Services, LLC.** (1101 East Hector Street, Conshohocken, PA 19428) on March 21, 2012, to operate a diesel/#2 fuel-fired internal combustion engines in Conshohocken Borough, **Montgomery County**.

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

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

**GP3-08-363: Meshoppen Stone, Inc.** (PO Box 127, Meshoppen, PA 18630) on March 14, 2012, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/OR General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Kathryn Well Site in Wilmont Township, **Bradford County**.

**GP9-08-363: Meshoppen Stone, Inc.** (PO Box 127, Meshoppen, PA 18630) on March 14, 2012, to construct and operate one 425 brake horsepower, CAT C-9 diesel-fired engine pursuant to the General Plan Approval And/OR General Operating Permit (BAQ-GPA/GP-9): Diesel or #2 Fuel-fired Internal Combustion Engines at their Kathryn Well Site in Wilmont Township, **Bradford County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-63-00968: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on March 20, 2012, to construct and operate of sources and controls associated with a natural gas production facility at their Smith Compressor Station in Smith Township, **Washington County**.

**GP9-63-00968: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on March 20, 2012, to construct and operate two (2) diesel-fired engines for power generation at their Smith Compressor Station in Smith Township, **Washington County**.

**GP5-04-00732A: Utica Gas Services, LLC** (6100 N. Western Avenue, Oklahoma City, OK 73154) on March 21, 2012, to operate a 15 MMscfd triethylene glycol (TEG) dehydrator with associated reboiler at their existing Thompson Dehydration Facility, in South Beaver Township, **Beaver County**.

**GP5-32-00381C: EXCO Resources (PA), Inc.** (3000 Ericson Drive, Suite 200, Warrendale, PA 15086) on March 21, 2012, to renew the existing authorization to use one (1) Caterpillar Compressor engine rated at 215 bhp, One (1) Natco Tri Ethylene Glycol (TEG) dehydrator with a capacity of 0.36 MMscfd including a reboiler rated at 0.20 MMBtu/hr and one (1) storage tank with a capacity of 2,100 gallons at their Pineton Compressor Station in Green Township, **Indiana County, PA**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**43-309B: Bucks Fabricating, Inc.** (3547 Perry Highway, Hadley, PA 16130-2325) on March 23, 2012, to install two (2) paint booths in Sandy Creek Township, **Mercer County**. A dry filter system is used to control particulate matter (PM) emissions.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0262C: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on March 21, 2012, to operate dust collectors in Hatfield Township, **Montgomery County**.

**15-0061A: Phoenixville Hospital Co., LLC.** (140 Nutt Road, Phoenixville, PA 19460) on March 21, 2012, to operate an IC engine/generator in Phoenixville Borough, **Chester County**.

**09-0022C: Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951) on March 21, 2012, to operate pail line flange booth in Quakertown Borough, **Bucks County**.

**09-0196D: Abington Reldan Metals, LLC.** (550 Old Bordentown Road, Fairless Hills, PA 19030) on March 21, 2012, to operate an acid room process in Falls Township, **Bucks County**.

**09-0203: AE Polysilicon Corp.** (150 Roebling Road, Fairless Hills, PA 19030) on March 21, 2012, to operate dust collectors and a scrubber system in Falls Township, **Bucks County**.

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

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

**59-00004G: Ward Manufacturing, LLC** (117 Gulick Street, Blossburg, PA 16912) on March 12, 2012 to extend the authorization to operate a tumblast cleaning machine at their facility in Blossburg Borough, **Tioga County** on a temporary basis to September 8, 2012. The plan approval has been extended.

**41-00077A: Kellogg USA, Inc.** (572 Industrial Park Road, Muncy, PA 17756) on March 15, 2012, to extend the plan approval for their facility in Muncy Creek Township, **Lycoming County** on a temporary basis to September 23, 2012. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

**65-302-071: ArcelorMittal-Monessen, LLC**, (345 Donner Avenue, Monessen, PA 15062) on March 25, 2012, for a plan approval extension, with an expiration date of September 25, 2012, to allow for continued temporary operation of two (2) coke oven gas/natural gas boilers at the Monessen Coke Plant, located in the City of Monessen, **Westmoreland County**. The plan approval has been extended.

**03-00215A: Allegheny Mineral Corp.** (P O Box 1022, One Glade Park East, Kittanning, PA 16201) on March 26, 2012, for an extension of the Plan Approval PA-03-00215A to authorize the temporary operation of a new limestone preparation facility by Allegheny Mineral Corporation located in Franklin Township, **Armstrong County**. The plan approval has been extended.

**63-00943A: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on March 26, 2012, to issue a plan approval extension with an expiration date of October 4, 2012. This action authorizes Dominion Transmission to continue to temporarily operate a propane storage and marketing station, known as the Charleroi Propane Station, located in Fallowfield Township, **Washington County**. The plan approval has been extended.

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

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

**10-284E: Seneca Landfill, Inc.** (421 Hartmann Road, Evans City, PA 16033) on March 31, 2012, to modify plan approval 10-284D conditions with regards to start-up, shutdown, and ceramic media curing procedures associated with the thermal oxidizer in Jackson Township, **Butler County**. This is a Title V facility. The plan approval has been extended.

**10-309E: Harsco Metals** (8050 Rowan Road, P. O. Box 5003, Cranberry Township, PA 16066) on March 31, 2012, to install a slag pot dumping station equipped with water sprays and additional control activities. Harsco Metals will increase slag handling capacity to handle the increased production projected by AK Steel. This action is under Plan Approval 10-309E for the facility adjacent to the AK Steel plant along Route 8, in Butler Township, **Butler County**.

**24-083S: Mersen USA St. Marys—formerly Carbone of America** (215 Stackpole Street, St Marys, PA 15857) on March 31, 2012, to install four (4) mixers and a new pulverizer. This action is under Plan Approval 24-083S for the facility at 1032 Trout Run Road, in the City of St Marys, **Elk County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

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

**36-05136: Granger Energy of Honeybrook, LLC** (PO Box 27185, 16980 Wood Road, Lansing, MI 48909-7185) on March 19, 2012, for the landfill gas-to-energy plant associated with the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

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



**40-00018: Exopack, LLC** (3 Mapelwood Drive, Hazelton, PA 18202) on March 23, 2012, to operate of multicolor flexographic printing presses and patch printers at Hazle Township, **Luzerne County**. This is a renewal of a State-Only Operating Permit.

**40-00065: SVC MFG. Inc.—Division of Pepsi Co., Inc.** (750 Oak Hill Road, Mountain Top, PA 18707-2112) on March 23, 2012, to operate and manufacture their soft drink facility in Wright Township, **Luzerne County**. This is a renewal of a State-Only Operating Permit.

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

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

**34-03006: Stella Jones Corp.** (PO Box 251, McAlisterville, PA 17049-0251) on March 15, 2012, for their wood pressure-treating facility in Fayette Township, **Juniata County**. The State-only permit was renewed.

**67-03098: White Rose Crematorium, LLC** (420 Pat-tison Street, York, PA 17403-2439) on March 20, 2012, for their human crematory facility in York City, **York County**. The State-only permit was renewed.

**22-03025: John R. Shultz Funeral Home** (406 Market Street, Lykens, PA 17048-1345) on March 20, 2012, for their human crematorium at the John R. Shultz Funeral Home in Lykens Borough, **Dauphin County**. The State-only permit was renewed.

**06-05084: Electro Space Fabricators, Inc.** (300 West High Street, Topton, PA 19562) on March 21, 2012, for their steel and aluminum enclosure manufacturing facility in Topton Borough, **Berks County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00025: P.J. Greco & Sons** (593 Tarrtown Road, Kittanning, PA 16201) on March 20, 2012, for a State Only Operating Permit to authorize the operation of a scrap metals recycling facility at their Kittanning Plant in the Kittanning Township, **Armstrong County**. The facility consists of a Cobbler by American Pulverizer Company, torch cutter, magnetic metal separator, a grapple, conveyor, rolloff boxes, storage piles, and other miscellaneous equipment associated with this type of operations.

**03-00206: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on March 26, 2012, to operate their Tracy Lynne Mine Coal Preparation Plant in Kiskiminetas Township, **Armstrong County**. The 1,000,000 ton per year facility contains air contamination sources, consisting of one two unit vibrating screen, conveyers, truck loading, storage piles, and a 755-bhp diesel emergency engine. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and Subpart IIII, and Pa. Code Title 25, Chapters 121—145. The permit also includes emission limitations, operational requirements, monitoring requirements testing requirements, recordkeeping requirements, and reporting requirements.

**32-00409: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on March 23, 2012, to operate the Starford Mine Coal Preparation Plant in Green Township, **Indiana County**. The 1,600,000 ton per year facility

contains air contamination sources, consisting of one 400 tph screen, conveyers, truck loading, storage piles, and a 755-bhp diesel emergency engine. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and Subpart IIII and Pa. Code Title 25, Chapters 121—145. The permit also includes emission limitations, operational requirements, monitoring requirements testing requirements, recordkeeping requirements, and reporting requirements for the facility.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**25-00006: Russell Standard Corp.—Waterford Plant** (3580 Wheelertown Road, Waterford, PA 16441), on March 20, 2012, for a Synthetic Minor Permit to operate a hot mix asphalt plant in Le Boeuf Township, **Erie County**. The significant sources are, 1) Parallel flow drum hot mix asphalt, 2) Fugitive from storage pile, 3) Fugitive from cold aggregate handling and, 4) Fabric collector (control device). The facility has taken a restriction on production not exceeding 434,000 tons per year to qualify as a Synthetic Minor facility.

**25-00929: Russell Standard Corp.—Millcreek Plant** (2002 Pittsburg Avenue, Erie, PA 16506) on March 20, 2012, for a Synthetic Minor Permit to operate a hot mix asphalt plant located in Millcreek Township, **Erie County**. The significant sources are, 1) Batch mix Asphalt Plant (process), 2) Baghouse (control device) and, 3) Cyclone (control device). The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00015: Rohm and Haas Company.** (200 Route 413, Bristol, PA 19007) on March 22, 2012, to issue a Title V Operating Permit Minor Modification under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462 in Bristol Township, **Bucks County**. Modification is to increase the minimum operation temperature of the Catalytic Oxidizer (Source Id C09) without changing any pollutant emissions. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

**28-05002: US Army Letterkenny Army Depot** (AMLD-EN, Chambersburg, PA 17201-4150) on March 21, 2012, for the Letterkenny Army Depot in Letterkenny Township, **Franklin County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 28-05002G.

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


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

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

**28-05002: US Department of Defense—Letterkenny Army Depot** (1 Overcash Avenue, Chambersburg, PA 17201) Pursuant to 25 Pa. Code § 127.449(i), this PA Bulletin Notice is for de minimis emission increases of 0.0025 TPY VOCs; 0.001 TPY NO<sub>x</sub>; 0.00025 TPY CO; 0.00017 TPY PM10 and 0.0071 TPY SO<sub>x</sub> resulting from the testing and repair of MBU's (cooktops) in Building 57 at the facility located in Greene / Letterkenny Townships, **Franklin County**. These are the first de minimis emission increases at the facility during the term of the current operating permit.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**


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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00202: Elan Corp.** (3000 Horizon Drive, King of Prussia, PA 19406) on March 21, 2012, for revocation of their Non-Title V Operating Permit in Upper Merion Township, **Montgomery County**. The operating permit has been revoked due to a cease of operations at this facility.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**


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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

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*Coal Permits Actions*

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

**03061301 and NPDES No. PA 0235687. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The applica-

tion was considered administratively complete on January 20, 2012. Application received: November 3, 2011. Permit issued: March 20, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03070103 and NPDES Permit No. PA0251160. Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201). Transfer permit issued to an existing bituminous surface mine previously permitted to Thomas J. Smith, Inc., located in Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: unnamed tributary to Pine run and Nye Branch Application received: April 28, 2011. Permit issued: March 20, 2012.

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

**16070103. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous surface and coal refuse disposal mine in Perry Township, **Clarion County** affecting 145.0 acres. Receiving streams: Two unnamed tributaries to the Clarion River. This renewal is issued for reclamation only. Application received: January 18, 2012. Permit Issued: March 22, 2012.

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

**17960113 and NPDES No. PA0220396. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal permit issued for reclamation only to an existing bituminous surface mine, located in Covington and Karthaus Townships, **Clearfield County**, affecting 321.5 acres. Receiving stream: Curley's Run to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 7, 2012. Permit issued: March 13, 2012.

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

**54880201GP104. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54880201 in Pine Grove Township, **Schuylkill County**, receiving stream: Swatara Creek. Application received: October 13, 2011. Permit issued: March 20, 2012.

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*Noncoal Permits Actions*

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

**08110305 and NPDES No. PA0257681. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). Commencement, operation and restoration of a large industrial mineral surface mine (topsoil, sandstone/shale) located in Windham and Rome Townships, **Bradford County** affecting 150.8 acres. Receiving streams: Trout Brook and Wysox Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 1, 2011. Permit issued: March 7, 2012.

**08110303. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16804). Commencement, operation and restoration of a large industrial mineral surface mine (bluestone and overburden) located in Terry Township, **Bradford County** affecting 54.4 acres. Receiving stream: Susquehanna River classified for warm water fishery. There are no potable water supply

intakes within 10 miles downstream. Application received: February 14, 2011. Permit issued: March 6, 2012.

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

**64102803. Joseph G. Bunnell**, (267 Tryon Street, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Texas Township, **Wayne County** affecting 5.0 acres, receiving stream: Lackawaxen River. Application received: May 27, 2010. Permit issued: March 21, 2012.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

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

**25124003. Hal D. Lilley** (8323 Oxbow Road, Northeast, PA 16428) Blasting activity permit for Silo demolition in Washington Township, **Erie County**. This blasting activity permit expires: May 2, 2012. Application received: March 21, 2012.

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

**08124117. Doug Wathen LLC** (11934 Fairway Lakes Dr., Suite 1, Ft. Myers, FL 33913). Blasting for construction of a gas well pad located in Burlington Township, **Bradford County**. Permit issued: March 19, 2012. Permit expires: March 15, 2013.

**08124118. Doug Wathen LLC** (11934 Fairway Lakes Dr., Suite 1, Ft. Myers, FL 33913). Blasting for construction of a gas well pad located in Albany Township, **Bradford County**. Permit issued: March 16, 2012. Permit expires: March 15, 2013.

**08124119. Midstream Explosives LLC** (289 Southside Dr., Newville, PA 17241). Construction blasting for a pipeline located in Albany and Overton Townships, **Bradford County**. Permit issued: March 20, 2012. Permit expires: March 19, 2013.

**41124104. Wampum Hardware Company** (2856 Stoystown Rd, Friedens, PA 15541). Blasting for commercial development located in Cascade Township, **Lycoming County**. Permit issued: March 14, 2012. Permit expires: December 12, 2012.

**14124103. Abel Construction Company, Inc.** (P. O. Box 476, Mountville, PA 17554). Construction blasting for a self-storage facility located in Benner Township, **Centre County**. Permit issued: March 14, 2012. Permit expires: December 31, 2012.

**08124116. Midstream Explosives LLC** (289 Southside Dr., Newville, PA 17241). Construction blasting for a pipeline located in Leroy Township, **Bradford County**. Permit issued: March 14, 2012. Permit expires: March 13, 2013.

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

**36124112. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for War-

ington Development in East Lampeter Township, **Lancaster County** with an expiration date of March 31, 2013. Permit issued: March 20, 2012.

**40124105. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Center Point Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2013. Permit issued: March 20, 2012.

**40124106. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Center Point West in Pittston Township, **Luzerne County** with an expiration date of March 31, 2013. Permit issued: March 20, 2012.

**58124118. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Teddick Gas Pad in Bridgewater and Brooklyn Townships, **Susquehanna County** with an expiration date of March 12, 2013. Permit issued: March 22, 2012.

**58124119. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Plonski Gas Pad in Dimock and Brooklyn Townships, **Susquehanna County** with an expiration date of March 15, 2013. Permit issued: March 22, 2012.

**36124113. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Kevin Musser Hog Barn in Rapho Township, **Lancaster County** with an expiration date of June 30, 2012. Permit issued: March 23, 2012.

**58124120. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Manzer Gas Pad in Gibson Township, **Susquehanna County** with an expiration date of March 15, 2013. Permit issued: March 23, 2012.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to

the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*District Oil and Gas Operations: Eastern Oil and Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-025: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, Bradford County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, two 16 inch diameter water lines impacting 20 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'50"N 76°14'45"W);

2) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 37 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'49"N 76°14'46"W);

3) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 20 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'40"N 76°14'37"W);

4) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 24 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'34"N 76°14'32"W);

5) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 25 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°33'15"N 76°14'33"W);

6) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 6 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°33'14"N 76°14'32"W);

7) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 22 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'51"N 76°14'23"W);

8) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 26 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'42"N 76°14'31"W);

9) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an

unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'25"N 76°13'27"W);

10) two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'28"N 76°13'16"W);

11) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 24 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 243 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'33"N 76°14'14"W);

12) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 22 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 231 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'32"N 76°14'19"W);

13) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 564 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'33"N 76°14'14"W);

14) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 26 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 264 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'33"N 76°14'14"W);

15) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 30 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 1,144 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'49"N 76°14'46"W);

16) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 487 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'44"N 76°14'46"W);

17) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Sciota Brook (CWF) and 4,223 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Jenningsville, PA Quadrangle 41°32'47"N 76°14'24"W);

18) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 25 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 307 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'44"N 76°14'18"W);

19) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 20 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 4,060 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'43"N 76°14'27"W);

20) two 16 inch diameter water line impacting 103 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'34"N 76°14'10"W);

21) two 16 inch diameter water line impacting 103 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'34"N 76°14'11"W);

22) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 807 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'32"N 76°14'16"W);

23) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 177 square feet of

a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'24"N 76°14'25"W);

24) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 664 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'22"N 76°14'24"W);

25) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 254 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'17"N 76°14'24"W);

26) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 307 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'10"N 76°14'27"W);

27) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 271 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'08"N 76°14'27"W);

28) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 514 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'08"N 76°14'26"W);

29) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 362 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'06"N 76°14'26"W);

30) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 1,166 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'04"N 76°14'31"W);

31) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 329 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'41"N 76°14'42"W);

32) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 843 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'09"N 76°14'26"W);

33) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 288 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'40"N 76°19'16"W);

34) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 1,483 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'40"N 76°14'34"W);

35) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 220 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'39"N 76°14'35"W).

The project will result in 413 linear feet of temporary stream impacts, a total of 19,374 square feet (0.44 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline for Marcellus well development in Wilmot Township, Bradford County. This project is associated with permit number E5729-017 and E6629-004.

**E6629-004: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, North Branch Township, Wyoming County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 1 linear foot of an

unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'33"N 76°12'54"W);

2) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'36"N 76°12'32"W);

3) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'36"N 76°12'29"W);

4) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 4 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'50"N 76°12'02"W);

5) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 17 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'52"N 76°11'51"W);

6) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'52"N 76°11'48"W);

7) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 22 linear feet of an unnamed tributary to Mehoopany Creek (CWF) (Jenningsville, PA Quadrangle 41°33'55"N 76°11'19"W);

8) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 28 linear feet of an unnamed tributary to Mehoopany Creek (CWF) and 2,587 square feet of an emergent/palustrine forested (PEM/PFO) wetland (Jenningsville, PA Quadrangle 41°33'58"N 76°11'11"W);

9) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 47 linear feet of an unnamed tributary to Mehoopany Creek (CWF) (Jenningsville, PA Quadrangle 41°33'58"N 76°11'09"W);

10) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 26 linear feet of an unnamed tributary to Mehoopany Creek (CWF) (Jenningsville, PA Quadrangle 41°34'06"N 76°11'03"W);

11) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 135 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'49"N 76°12'10"W);

12) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 324 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'50"N 76°12'01"W);

13) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 431 square feet of a palustrine emergent/palustrine forested (PEM/PFO) wetland (Jenningsville, PA Quadrangle 41°33'59"N 76°11'15"W).

The project will result in 151 linear feet of temporary stream impacts, a total of 3,477 square feet (0.08 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline for Marcellus well development.

**E5729-017: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Colley Township, Sullivan County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 6 linear feet of an

unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'25"N 76°14'02"W);

2) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 42 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'27"N 76°13'48"W);

3) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 35 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'10"N 76°13'37"W);

4) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 7 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'06"N 76°13'53"W);

5) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 23 linear feet of an unnamed tributary to Sciota Brook (CWF) and 1,458 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Jenningsville, PA Quadrangle 41°32'25"N 76°13'44"W);

6) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 5,354 square feet of an exceptional value palustrine emergent/palustrine forested (EV-PEM/PFO) wetland (Jenningsville, PA Quadrangle 41°32'18"N 76°13'32"W).

The project will result in 113 linear feet of temporary stream impacts, a total of 6,812 square feet (0.16 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline for Marcellus well development in Colley Township, Sullivan County. This project is associated with permit number E6629-004 and E0829-025.

**E4129-024: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Anthony & Mifflin Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across Mash Run (EV) impacting 53 linear feet (Salladasburg Quadrangle 41°19'25" N 77°11'38" W),

(2) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 79 linear feet; (Salladasburg Quadrangle 41°18'29" N 77°12'08" W),

(3) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 51 linear feet (Trout Run Quadrangle 41°18'07" N 77°12'26" W),

(4) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 129 linear feet (Trout Run Quadrangle 41°18'06" N 77°12'29" W),

(5) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 130 linear feet (Trout Run Quadrangle 41°17'51" N 77°12'51" W),

(6) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 58 linear feet (Trout Run Quadrangle 41°17'49" N 77°13'00" W),

The project will result in 500 linear feet of stream impacts and 0.0 acre of wetland impacts, all for the

purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E4129-026: Chief Gathering LLC**, 6051 Wallace Road, Suite 210, Wexford, Pa 15090, Shrewsbury Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 71 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'03"N 76°40'57"W),

2) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 65 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'03"N 76°40'56"W),

3) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 68 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'02"N 76°40'56"W),

4) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2380 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'02"N 76°40'53"W),

5) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 30 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) and 546 square feet of adjacent palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°19'58"N 76°40'46"W),

6) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 396 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°19'59"N 76°40'32"W),

7) one 12 inch natural gas pipeline bored beneath 168 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'00"N 76°40'30"W),

8) one 12 inch natural gas pipeline bored beneath 30 linear feet of Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'01"N 76°40'28"W),

9) one 12 inch natural gas pipeline bored beneath 61 linear feet of unnamed tributaries to Lake Run (HQ-CWF,MF) and 2945 square feet of adjacent palustrine forested (PFO) wetland (Picture Rocks PA Quadrangle 41°20'02"N 76°40'27"W),

10) one 12 inch natural gas pipeline impacting 13 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'03"N 76°40'25"W),

11) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 72 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'14"N 76°39'52"W),

12) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 67 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'16"N 76°39'46"W),

13) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2064 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'22"N 76°39'37"W),

14) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 65 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'26"N 76°39'35"W),

15) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 69 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'27"N 76°39'35"W),

16) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'34"W),

17) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 64 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'32"W),

18) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 74 linear feet of Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'29"N 76°39'29"W),

19) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 119 linear feet of Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'27"W),

20) one 12 inch natural gas pipeline impacting 9 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'31"N 76°39' 22"W),

21) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'31"N 76°39'21"W).

The project will result in 905 linear feet of temporary stream impacts and 0.12 acre of temporary wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus well development.

**E4129-020: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade and Gamble Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 422 linear feet of East Branch Murray Run (EV, MF) and two unnamed tributaries and 19224 square feet of the adjacent palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'39"N 76°56'25"W),

2) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 89 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) and 2380 square feet of adjacent palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'36"N 76°56'49"W),

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic

line impacting 38857 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'38"N 76°56'52"W),

4) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 178 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'32"N 76°57'10"W),

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 75 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) and 6621 square feet of adjacent palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'26"N 76°57'35"W),

6) temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 517 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'26"N 76°57'39"W),

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 3984 square feet of a palustrine scrub shrub (PSS) wetland (Bodines PA Quadrangle 41°25'11"N 76°58'07"W),

8) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 130 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'10"N 76°58'09"W),

9) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 76 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'09"N 76°58'11"W),

10) temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 151 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'07"N 76°58'12"W),

11) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 57 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'07"N 76°58'13"W),

12) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 90 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'05"N 76°58'13"W),

13) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 1064 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°24'59"N 76°58'18"W).

The project will result in 1,117 linear feet of temporary stream impacts and 1.67 acres of temporary wetland

impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E15-819. Doe Run Limited Partnership**, 5000 South Broad Street, West Marlborough Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain an approximately 16-foot long, 56-foot span, 5.02 foot rise Truss bridge across Doe Run (TSF-MF) to facilitate the crossing of livestock and farm equipment. This work includes minor grading within the floodway associated with creation of a small agricultural testing area.

The site is located approximately 2040 feet northeast of the intersection Thouron Road and Chatham Road (S.R. 0841) in West Marlborough Township, Chester County (Coatesville PA, USGS Quadrangle N: 5.96 inches; W: 9.94 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E67-839: Faire Wynd Associates, LLP**, 4400 Deer Path Road, Harrisburg, Pennsylvania 17110, in Dover Township, **York County**, ACOE Baltimore District

To construct and maintain: 1) a 98.5-foot long, 1.0-foot uniformly depressed, 3.5-foot high by 10.0-foot wide concrete box culvert with baffles in an unnamed tributary to Fox Run (TSF, MF) and to place and maintain approximately 267.0 cubic yards of fill, associated with roadway approach and culvert construction, within the floodway of an unnamed tributary to Fox Run (TSF, MF), permanently impacting 98.5 lineal feet of stream channel; 2) an 18.0-inch diameter HDPE stormwater pipe; 3) an 8.0-inch diameter PVC sanitary sewer pipe; 4) an 8.0-inch diameter DI water main in and across an unnamed tributary to Fox Run (TSF, MF); 5) an 87.0-foot long, 1.0-foot uniformly depressed, 3.5-foot high by 10.0-foot wide concrete box culvert with baffles in an unnamed tributary to Fox Run (TSF, MF) and to place and maintain approximately 107.0 cubic yards of fill, associated with the roadway approach and culvert construction, within the floodway of an unnamed tributary to Fox Run (TSF, MF); 6) an 18.0-inch diameter HDPE stormwater pipe; 7) an 8.0-inch diameter PVC sanitary sewer pipe; 8) and an 8.0-inch diameter DI water main in and across an unnamed tributary to Fox Run (TSF, MF), permanently impacting 87.0 lineal feet of stream channel; 9) a 73.6-foot long, 6.0-inch uniformly depressed, 2.0-foot by 3.16-foot concrete elliptical culvert in an unnamed tributary to Fox Run (TSF, MF) and to place and maintain approximately 113.0 cubic yards of fill, associated with roadway approach and culvert construction, within the floodway of an unnamed tributary to Fox Run (TSF, MF), permanently impacting 73.6 lineal feet of stream channel; 10) an 18.0-inch diameter HDPE stormwater pipe; 11) an 8.0-inch diameter PVC sanitary sewer pipe; 12) an 8.0-inch diameter DI water main in and across an unnamed tributary to Fox Run (TSF, MF); 13) a riprap stormwater channel discharging to an unnamed tributary to Fox Run (TSF, MF), permanently impacting 40.0 lineal feet of stream channel; 14) a 24-inch diameter HDPE stormwater management basin outfall with an R-5 riprap

apron discharging to Fox Run (TSF, MF), permanently impacting 18.0 lineal feet of stream channel; and 15) four temporary sediment traps discharging to unnamed tributaries to Fox Run (TSF, MF). The project is located along Bull Road/Roosevelt Avenue, approximately 2,000.0 feet south of its intersection with Canal Road (Dover, PA Quadrangle; N: 1.75 inches, W: 9.75 inches; Latitude: 40°0'51", Longitude: -76°48'52") in Dover Township, York County. The project will permanently impact a total of 317.1 linear feet of stream channel. The applicant proposes no impacts to wetlands.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D40-023EA. Theta Land Corporation**, 1004 Exeter Avenue, Exeter, PA 18643. Plains Township, **Luzerne County**, ACOE Baltimore District.

Project proposes to breach and remove Laurel Run No. 2 Dam across Laurel Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,100 feet of stream channel. The dam is located approximately 1,200 feet southeast of the intersection of US 81 and SR 309 (Wilkes-Barre, East, PA Quadrangle Latitude: 41° 14' 53"; Longitude: -75° 49' 04").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program 400 Waterfront Drive Pittsburgh, PA 15222*

1/18/12

ESCGP-1 No: ESX10-051-0033 MAJOR REVISION

Applicant Name: CHEVRON APPALACHIA LLC

Contact Person JEREMY HIRTZ

Address: 800 MOUNTAIN VIEW DRIVE

City: SMITHFIELD State: PA Zip Code: 15478

County: FAYETTE Township: LUZERNE



Receiving Stream (s) And Classifications: UNT TO WALLACE RUN, WALLACE RUN/MIDDLE MONONGAHELA RIVER WATERSHED; OTHER

2/14/12

ESCGP-1 No.: ESX11-063-0011 MAJOR REVISION

Applicant Name: MOUNTAIN GATHERING LLC

Contact Person: DEWEY CHALOS

Address: 810 HOUSTON STREET

City: FORT WORTH State: TX Zip Code: 76102

County: INDIANA Township(s): CENTER AND BLACKLICK

Receiving Stream(s) and Classifications: UNT TO TWO LICK CREEK/ TWO LICK CREEK WATERSHED, UNT TO BLACKLICK CREEK/BLACKLICK CREEK WATERSHED; OTHER

1/11/12

ESCGP-1 No.: ESX12-125-0007

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: GLENN TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: Washington Township(s): CROSS CREEK

Receiving Stream(s) and Classifications: UNT TO CROSS CREEK AND UNT TO NORTH FORK CROSS CREEK/ RACCOON CREEK WATERSHED; OTHER

1/10/12

ESCGP-1 No.: ESX12-003-0001

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: GLEN TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: ALLEGHENY Township(s): FRAZER

Receiving Stream(s) and Classifications: UNT TO BULL CREEK AND UNT TO DAYS RUN/ LOWER ALLEGHENY RIVER WATERSHED; OTHER

12/16/11

ESCGP-1 No.: ESX11-125-0119

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: LAURA RUSMISEL

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County WASHINGTON Township(s): DONEGAL

Receiving Stream(s) and Classifications: UNTs TO BUCK RUN/WHEELING-BUFFALO CREEKS WATERSHED; HQ

**SPECIAL NOTICES**

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Wolf Run Watershed in Lycoming County, Pennsylvania**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Wolf Run Watershed in Lycoming County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Wolf Run Watershed. The sediment loading was allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Wolf Run Watershed*

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	2,116,200	5,798	1,885,261	5,165	13%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Sean Kilmartin, Civil Engineer Hydraulic, Watershed Quality Standards Division, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, 717-783-2958, [sekilmarti@pa.gov](mailto:sekilmarti@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the PA bulletin. A public meeting to discuss the technical merits of the TMDL will be held upon request.

[Pa.B. Doc. No. 12-612. Filed for public inspection April 6, 2012, 9:00 a.m.]

**2012 Draft Integrated Water Quality Monitoring and Assessment Report; Notice of Availability for Public Comment**

The Department of Environmental Protection (Department) is providing for public comment on its draft 2012 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report includes both a narrative description of this Commonwealth's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of Commonwealth surface waters as required under section 303(d) of the Federal Clean Water Act (33 U.S.C.A. § 1313). The Integrated Report is comprised of four parts and also includes a five-part list that collectively summarizes the designated use attainment status of Commonwealth surface waters.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 (relating to water quality planning and management) require states to identify waters which

would still be impaired, even after the appropriate technology has been applied to point sources and requires best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are placed on Category 5 of the Integrated Waterbody List.

For each waterbody in Category 5, the Department or the United States Environmental Protection Agency must develop Total Maximum Daily Load (TMDL) allocations. A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in National Pollution Discharge Elimination System water quality permits and identify where best management practices for nonpoint sources are necessary to improve and protect water quality. When a TMDL is approved for a waterbody, that waterbody listing is moved to Category 4a.

Waterbody assessment and compilation of the Integrated Report is an ongoing process. The Department will continue to verify the quality of data used in this process and, as needed, will publish supplements to the Integrated Report for public review and comment.

The draft 2012 Integrated Report is available on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), select "Water," select "The Bureau of Water Standards and Facility Regulation," from right hand column select "Water Quality Standards," and finally "2012 Integrated List Draft." The full address is: [http://www.portal.state.pa.us/portal/server.pt/community/water\\_quality\\_standards/10556](http://www.portal.state.pa.us/portal/server.pt/community/water_quality_standards/10556).

The Department invites public comments on the draft Integrated Report. The Department must receive comments on the draft Integrated Report by May 22, 2012. Written comments should be submitted to Molly Pulket, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8467, [mpulket@pa.gov](mailto:mpulket@pa.gov). Comments received by facsimile will not be accepted.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Molly Pulket directly at (717) 783-2949 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-613. Filed for public inspection April 6, 2012, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Cancellation

The April 11, 2012, meeting of the Water Resources Advisory Committee (Committee) is cancelled.

Questions concerning the next scheduled meeting of the Committee can be directed to Duke Adams at (717) 783-4693, [ranadams@pa.gov](mailto:ranadams@pa.gov). The agenda and meeting materials for the May 16, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-4693 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-614. Filed for public inspection April 6, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Jefferson Hills Manor  
448 Old Clairton Road  
Jefferson Hills, PA 15025

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the 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](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 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 V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-615. Filed for public inspection April 6, 2012, 9:00 a.m.]

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, April 20, 2012, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 327, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, (717) 772-2762, or for a speech and/or hearing impaired persons call V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-616. Filed for public inspection April 6, 2012, 9:00 a.m.]

## Rescheduling of Controlled Substance: Clobazam from Schedule I to Schedule IV Classification

The Department of Health (Department) provides notice that the Secretary of Health (Secretary), with the authorization of the Pennsylvania Drug, Device and Cosmetic Board (Board), has acted to reclassify the controlled substance clobazam from a Schedule I controlled substance to a Schedule IV controlled substance under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) (act). The Secretary took this action on March 27, 2012, under section 3(c) of the act (35 P. S. § 780-103(c)) (relating to authority to control). The reclassification was effective immediately upon the Secretary's action.

### Background

The Department learned on March 26, 2012, that the United States Food and Drug Administration (FDA) recently had approved the drug Onfi™ (chemical name: clobazam) for the treatment of a rare but severe form of epilepsy in adults and in children 2 years of age and older. Under Federal law, clobazam is a Schedule IV controlled substance and, therefore, may be properly prescribed for appropriate medical treatments.

In the Commonwealth, by contrast, clobazam had been a Schedule I controlled substance under 28 Pa. Code § 25.72 (relating to schedules of controlled substances). See 28 Pa. Code § 25.72(b)(6)(vi) (relating to Schedule I). Clobazam had been listed as a Schedule I controlled substance under Department regulations since 1986. Thus, under Commonwealth law, until the Secretary acted to reclassify it, clobazam had been illegal to possess, administer, dispense, prescribe or distribute.

At the time that the Department originally classified clobazam as a Schedule I controlled substance in 1986, it met State law criteria for that classification in the act and implementing Department regulations, 28 Pa. Code Chapter 25 (relating to controlled substances, drugs, devices, and cosmetics). Under section 4(1) of the act (35 P. S. § 780-104(1)) (relating to schedules of controlled substances—Schedule I) and 28 Pa. Code § 25.72(b), the factors to determine whether a substance is classified as a Schedule I controlled substance are the following:

1. A high potential for abuse.
2. No currently accepted medical use in the United States.
3. A lack of accepted safety for use under medical supervision.

Under section 4(4) of the act (35 P. S. § 780-104(4)) (relating to Schedule IV) and 28 Pa. Code § 25.72(e) (relating to Schedule IV), the factors to determine whether a substance is classified as a Schedule IV controlled substance are as follows:

1. A low potential for abuse relative to the substances listed in Schedule III.
2. Currently accepted medical use in the United States.
3. Limited physical or psychological dependence liability relative to the substances listed in Schedule III.

With the recent FDA action approving Onfi™ (chemical name: clobazam) for the treatment of epilepsy with a Schedule IV classification at the Federal level, clobazam now has an accepted medical use; and it is accepted for safe use under medical supervision.

### Legal Authority and Action

Under section 3(c) of the act (35 P. S. § 780-103(c)), the Secretary is authorized to reschedule any controlled substance when specifically authorized by the Board. The Board is established by section 31 of the act as a departmental administrative board of the Department and is chaired by the Secretary. See 35 P. S. § 780-131 (relating to board creation).

When the Department learned of the action of the FDA to approve the use of Onfi™ (chemical name: clobazam) to treat certain forms of epilepsy, the Secretary acted as chair to convene an emergency meeting of the Board on March 27, 2012. The purpose of the emergency meeting was to determine whether, in consideration of the FDA's action regarding Onfi™ (chemical name: clobazam), clobazam should be rescheduled under Commonwealth law as a Schedule IV controlled substance, instead of a Schedule I controlled substance.

At the emergency meeting of the Board, a motion to reschedule Onfi™ (chemical name: clobazam) as a Schedule IV controlled substance was presented by board member Joan B. Tarloff, Ph.D. (Pharmacist on the Board), Professor and Interim Chair, Department of Pharmaceutical Sciences, Philadelphia College of Pharmacy, University of the Sciences. The Secretary of Health, Eli N. Avila, seconded the motion. The Board proceeded to vote unanimously to authorize the rescheduling of clobazam as a Schedule IV controlled substance. The Secretary then acted immediately under section 103(c) of the act to effect the rescheduling.

To revise 28 Pa. Code § 25.72 to conform to the action taken by the Secretary under section 103(c) of the act to reschedule clobazam as a Schedule IV controlled substance, the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final rulemaking with proposed rulemaking omitted.

### Accessibility

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of Community Program Licensure and Certification, Division of Home Health via the Drug, Device and Cosmetic Program, 132A Kline Plaza, Harrisburg, PA 17104, (717) 783-1379, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-617. Filed for public inspection April 6, 2012, 9:00 a.m.]

## Updating the List of Citations to ACIP Recommendations Prescribing Child Immunization Practices and Immunizing Agents and Doses

In accordance with 31 Pa. Code §§ 89.806(a) and 89.807(b) (relating to coverage of child immunizations; and immunizing agents, doses and AWP's), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization is updating 31 Pa. Code Chapter 89, Appendices G and H (relating to ACIP recommendations prescribing child immunization practices; and immunizing agents and doses). The Department has primary responsibility for the interpretation

and the implementation of 31 Pa. Code §§ 89.806 and 89.807. See 31 Pa. Code § 89.801(b) (relating to authority and purpose; implementation).

Health insurance policies are required by the Childhood Immunization Insurance Act (act) (40 P. S. §§ 3501—3508) and regulations promulgated thereunder, 31 Pa. Code Chapter 89, Subchapter L (relating to childhood immunization insurance) to include coverage for certain childhood immunizations, unless the policies are exempted by the act and 31 Pa. Code § 89.809 (relating to exempt policies). The childhood immunizations covered are those that meet Advisory Committee on Immunization Practices (ACIP) standards in effect on May 21, 1992. See 31 Pa. Code § 89.806(a). A list of the Morbidity and Mortality Weekly Report (MMWR) publications containing ACIP recommendations issued under the ACIP standards in effect on May 21, 1992, appears in 31 Pa. Code Chapter 89, Appendix G.

The Department is required to update the list of these MMWR publications appearing in 31 Pa. Code Chapter 89, Appendix G. See 31 Pa. Code § 89.806(a). The additions to the list are as follows, the remainder of the list at 31 Pa. Code Chapter 89, Appendix G remains in full force and effect:

*August 5, 2011, Vol. 60/No. 30*

*Licensure of a Meningococcal Conjugate Vaccine for Children Aged 2 Through 10 Years and Updated Booster Dose Guidance for Adolescents and Other Persons at Increased Risk for Meningococcal Disease—Advisory Committee on Immunization Practices (ACIP), 2011*

In January 2011, the Food and Drug Administration lowered the approval age range for use of MenACWY-CRM (Menveo, Novartis Vaccines and Diagnostics), a quadrivalent meningococcal conjugate vaccine, to include persons aged 2 through 55 years. One other quadrivalent meningococcal conjugate vaccine, meningococcal conjugate vaccine (MenACWY-D) (Menactra, Sanofi Pasteur), is licensed in the United States for prevention of meningococcal disease caused by serogroups A, C, Y, and W-135 among persons aged 2 through 55 years; MenACWY-D also is licensed as a 2-dose series for children aged 9 through 23 months. The Advisory Committee on Immunization Practices (ACIP) recommends that persons aged 2 through 55 years at increased risk for meningococcal disease and all adolescents aged 11 through 18 years be immunized with meningococcal conjugate vaccine. ACIP further recommended, in January 2011, that all adolescents receive a booster dose of quadrivalent meningococcal conjugate vaccine at age 16 years. The article summarizes data supporting the extended age indication for MenACWY-CRM and the interchangeability of the two licensed meningococcal conjugate vaccines.

*August 26, 2011, Vol. 60/ No. 33*

*National and State Vaccination Coverage Among Adolescents Aged 13 Through 17 Years—United States, 2010*

The Advisory Committee on Immunization Practices (ACIP) recommends that adolescents routinely receive meningococcal conjugate (MenACWY, 2 doses); tetanus, diphtheria, acellular pertussis (Tdap, 1 dose); and human papillomavirus (HPV, 3 doses) vaccines (influenza vaccine is recommended annually for all persons aged 6 months and older) Center for Disease Control (CDC) tracks vaccination coverage among adolescents aged 13 through 17 years through the National Immunization Survey-Teen (NIS-Teen). To provide updated vaccination coverage estimates, CDC analyzed 2010 NIS-Teen data and compared

results with 2009 NIS-Teen estimates. The article summarizes the results of that analysis, which found that coverage increased for all three of the routinely administered adolescent vaccines: Tdap from 55.6% to 68.7%, MenACWY from 53.6% to 62.7%, (among females)  $\geq 1$  dose of HPV from 44.3% to 48.7%, and  $\geq 3$  doses of HPV from 26.7% to 32.0%. Vaccination coverage varied widely among states; three states (Massachusetts, Rhode Island and Washington) had coverage of  $>65\%$  for  $\geq 1$  dose of all three vaccines (Tdap, MenACWY and HPV). Continued evaluation of vaccination-promoting initiatives, including state vaccination-financing policies, is needed to understand their impact on adolescent vaccination and to promote effective practices.

*September 2, 2011, Vol. 60/ No. 34*

*National and State Vaccination Coverage Among Children Aged 19-35 Months—United States, 2010*

The National Immunization Survey (NIS) monitors vaccination coverage among children aged 19-35 months using a random-digit-dialed sample of telephone numbers of households to evaluate childhood immunization programs in the United States. The article describes the 2010 NIS coverage estimates for children born during January 2007-July 2009. Nationally, vaccination coverage increased in 2010 compared with 2009 for  $\geq 1$  dose of measles, mumps, and rubella vaccine (MMR), from 90.0% to 91.5%;  $\geq 4$  doses of pneumococcal conjugate vaccine (PCV), from 80.4% to 83.3%; the birth dose of hepatitis B vaccine (HepB), from 60.8% to 64.1%;  $\geq 2$  doses of hepatitis A vaccine (HepA), from 46.6% to 49.7%; rotavirus vaccine, from 43.9% to 59.2%; and the full series of *Haemophilus influenzae* type b (Hib) vaccine, from 54.8% to 66.8%. Coverage for poliovirus vaccine (93.3%), MMR (91.5%),  $\geq 3$  doses HepB (91.8%), and varicella vaccine (90.4%) continued to be at or above the national health objective targets of 90% for these vaccines. The percentage of children who had not received any vaccinations remained low ( $<1\%$ ). For most vaccines, no disparities by racial/ethnic group were observed, with coverage for other racial/ethnic groups in 2010 similar to or higher than coverage among white children. However, disparities by poverty status still exist. Maintaining high vaccination coverage levels is important to reduce the burden of vaccine-preventable diseases and prevent a resurgence of these diseases in the United States, particularly in under vaccinated populations.

*October 14, 2011, Vol. 60/ No. 40*

*Recommendation of the Advisory Committee on Immunization Practices (ACIP) for Use of Quadrivalent Meningococcal Conjugate Vaccine (MenACWY-D) Among Children Aged 9 Through 23 Months at Increased Risk for Invasive Meningococcal Disease*

In April 2011, the Food and Drug Administration approved the use of a quadrivalent meningococcal conjugate vaccine (MenACWY-D) (Menactra, Sanofi Pasteur) as a 2-dose primary series among children aged 9 through 23 months. Vaccination with meningococcal polysaccharide vaccine is not recommended for children aged  $<2$  years because of low immunogenicity and short duration of protection in this age group.

The Advisory Committee on Immunization Practices (ACIP) Meningococcal Vaccine Work Group reviewed data from four clinical studies on the safety and immunogenicity of MenACWY-D in healthy children aged 9 through 23 months. The pivotal immunogenicity study was a Phase III, multicenter, U.S. trial measuring seroresponse 30 days after 2 doses of MenACWY-D. Antibody titers were

measured using a serum bactericidal assay containing human complement (hSBA). Seroreponse was defined as the proportion of subjects with hSBA titers of  $\geq 1:8$ , the accepted measure of protection. The first dose of MenACWY-D was administered alone at age 9 months, followed by a second dose administered alone ( $n = 404$ ) or concomitantly with measles, mumps, rubella, and varicella vaccine ( $n = 302$ ) or 7-valent pneumococcal conjugate vaccine (PCV7) ( $n = 422$ ) at age 12 months. The percentage of subjects with hSBA titers  $\geq 1:8$  was  $>90\%$  for all meningococcal serogroups except serogroup W135 ( $>80\%$ ).

Immune responses to childhood vaccines recommended by ACIP at age 12 months, administered concomitantly with MenACWY-D, were evaluated in a separate randomized, multicenter, U.S. trial. After coadministration of MenACWY-D and PCV7, lower geometric mean concentrations (GMCs) of antipneumococcal immunoglobulin G (IgG) were observed compared with corresponding IgG GMCs when PCV7 was administered without MenACWY-D. The noninferiority criteria (twofold differences in IgG GMCs) for the prespecified pneumococcal endpoints were not met for serotypes 4, 6B, and 18C. However, the IgG antibody responses to the seven pneumococcal vaccine serotypes were still robust. For an individual, the clinical relevance of decreased pneumococcal antibody responses to three of seven vaccine serotypes is not known. No data are available on the immune responses to coadministered MenACWY-D and a CRM197-based 13-valent pneumococcal conjugate vaccine. The most common solicited adverse events for MenACWY-D included injection site tenderness and irritability; no serious adverse events were attributed to MenACWY-D.

November 4, 2011, Vol. 60 No. 43

*Invasive Pneumococcal Disease and 13-Valent Pneumococcal Conjugate Vaccine (PCV13) Coverage Among Children Aged  $\leq 59$  Months—Selected United States Regions, 2010-2011*

On March 12, 2010, the Advisory Committee on Immunization Practices (ACIP) published recommendations for use of a newly licensed, 13-valent pneumococcal conjugate vaccine (PCV13) to replace the 7-valent vaccine (PCV7) for all children and for a supplemental dose for those aged 14 through 59 months. PCV is given routinely to children at ages 2, 4 and 6 months, and a booster dose is given at 12-15 months. PCV13 includes antigens of six pneumococcal serotypes in addition to those in PCV7. Children only vaccinated with PCV7 are susceptible to those six serotypes, which can cause invasive pneumococcal disease (IPD) and death. During 2010 and 2011, CDC evaluated available data to assess the occurrence of PCV13-type IPD cases and PCV13 vaccination coverage among children aged  $\leq 59$  months. During May 1, 2010-April 30, 2011, 63 vaccine-eligible children with IPD caused by a serotype that would have been prevented by PCV13 were identified within 12 study regions. Most of those children were aged 24 through 59 months and were vaccinated completely with PCV7 but had not received the recommended supplemental dose of PCV13. Immunization Information System (IIS) sentinel site data from March 2010-June 2011 indicated that the proportion of PCV7-vaccinated children who had received the PCV13 supplemental dose was only 37%. Similarly, among children aged  $\leq 59$  months requiring additional primary series doses, PCV13 coverage was only 46%. Given the potential for missed PCV13 vaccination, health-care providers should recommend PCV13 vaccination for all eligible children aged 14 through 59 months during all

visits, and continue to ensure receipt of the full PCV13 primary series for younger children.

In June 2011, a girl in California, aged 2 years, died of IPD caused by serotype 19A, one of six serotypes included in PCV13 but not in PCV7. The child had received 3 doses of PCV7 but had not received PCV13. The California Department of Public Health identified an additional 30 PCV13-eligible children who had developed nonfatal IPD caused by the pneumococcal serotypes not covered by PCV7 and who became ill after PCV13 was recommended by ACIP. In August 2011, a health advisory was sent to California health-care providers to remind them of ACIP's recommendation for PCV13 use. To determine if other areas of the country were identifying cases of PCV13-type IPD among children eligible to receive PCV13 and to assess PCV13 vaccination coverage among children aged  $\leq 59$  months, CDC assessed data from 12 geographic regions participating in its ongoing PCV13 Vaccine Effectiveness Evaluation and from eight IIS sentinel sites.

*Disclaimer*

This publication was prepared in accordance with the Childhood Immunization Insurance Act. First Databank has ceased publishing the Blue Book Average Wholesale Prices (AWP) data field for all drugs as of September 29, 2011. Until a relevant industry or governmental organization develops a viable, generally accepted alternative price benchmark to replace Blue Book AWP data the Department will no longer provide a list of immunizing agents and AWP pricing.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Division of Immunizations, Room 1026, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-5681, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-618. Filed for public inspection April 6, 2012, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services

The Department of Public Welfare (Department) is announcing its intent to decrease the allotted funding for Fiscal Year (FY) 2011-2012 disproportionate share hospital (DSH) payments to certain qualifying hospitals based on obstetrical and neonatal intensive care cases. This decrease in funding is required to be consistent with the FY 2011-2012 appropriated amounts for inpatient hospital services. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

*Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this anticipated change to this DSH payments is \$7.374 million (\$3.313 million in State general funds and \$4.061

million in Federal funds) pending approval by the Centers for Medicare and Medicaid Services.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-749. (1) General Fund; (2) Implementing Year 2011-12 is \$3,313,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$4,815,000; 2009-10 Program—\$4,500,000; 2008-09 Program—\$6,544,000; (7) Medical Assistance—Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover these payments.

[Pa.B. Doc. No. 12-619. Filed for public inspection April 6, 2012, 9:00 a.m.]

### Trauma Disproportionate Share Payments

The Department of Public Welfare (Department) is announcing its intent to decrease the funding allotted for Fiscal Year (FY) 2011-2012 disproportionate share hospital (DSH) payments to hospitals that qualify as trauma centers for the purpose of improving access to readily available and coordinated trauma care for the citizens of this Commonwealth. This decrease in funding is required to be consistent with the Fiscal Year 2011-2012 amount appropriated for this DSH payment. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

*Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this anticipated change to this DSH payments is \$17.338 million (\$7.790 million in State general funds and \$9.548 million in Federal funds) pending approval by the Centers for Medicare and Medicaid Services.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-750. (1) General Fund; (2) Implementing Year 2011-12 is \$7,790,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$11,322,000; 2009-10 Program—\$10,387,000; 2008-09 Program—\$11,597,000; (7) Trauma Centers; (8) recommends adoption. Funds have been included in the budget to cover these payments.

[Pa.B. Doc. No. 12-620. Filed for public inspection April 6, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, March 15, 2012, and announced the following:

*Action Taken—Regulation Disapproved*

Pennsylvania Public Utility Commission #57-273:  
Default Service Regulations

### Disapproval Order

Public Meeting Held  
March 15, 2012

*Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli, Abstained; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.*

*Pennsylvania Public Utility Commission—  
Default Service Regulations  
Regulation No. 57-273 (#2837)*

On April 15, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 54. The proposed regulation was published in the May 1, 2010 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on January 27, 2012.

This final-form rulemaking aligns the PUC's existing default service regulations with Act 129 of 2008 (Act 129). Act 129 had several key elements, including changes to the way electric distribution companies serving as the default service provider (DSP) for non-shopping customers (or alternative PUC-approved DSPs) purchase electricity for sale to non-shopping customers. Under the original deregulation law, the Electric Generation Customer Choice and Competition Act of 1996, DSPs were required to purchase the electricity at "prevailing market prices." (See former 66 Pa.C.S. § 2807(e)(3).) Act 129 repealed that standard and now requires the purchases to be designed to ensure adequate and reliable service at the "least cost to customers over time."

The PUC has noted that the rulemaking generally incorporates Act 129 procurement requirements verbatim. When the proposed rulemaking was published, the PUC

sought comment on 16 questions pertaining to how Act 129 should be interpreted “to ensure adequate and reliable service at the least cost to customers over time, and on how the proposed regulations should be revised to reflect the interpretation recommended by the person filing the comments.”

Our comments expressed concern with the approach taken by PUC for the promulgation of the rulemaking and questioned the need for the regulation in this form and at this time. We recommended that the PUC withdraw the proposed rulemaking, evaluate the feedback provided by the regulated community on the 16 questions, and draft a new proposed regulation that does more than recite the Act 129 revisions, especially as the PUC has acknowledged that the statute is subject to interpretation. There have been no substantive changes made to the final-form version of the rulemaking.

The PUC reported to the Commission that in April of 2011, the PUC launched an investigation into Pennsylvania’s competitive electricity retail market. It is our understanding that part of the investigation will focus on “end state default service models.”

Since the PUC is still in the process of determining how the procurement provisions of Act 129 as they relate to default service should be interpreted and applied, and as

the final-form regulation largely reiterates language from the statute without providing a clear interpretation of the statute, we question whether the regulation is premature or needed at this time. (71 P. S. § 745.5b(3)(iii)). We do not believe the PUC has adequately demonstrated that the rulemaking is in the public interest prior to the completion of its investigation and submission of a clearly defined standard of interpretation of Act 129’s requirements.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 501 and 2807) and the intention of the General Assembly. However, we have determined that the regulation does not meet the criterion of need under the Regulatory Review Act as discussed above and find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

The regulation #57-273 (IRRC #2837) from the Pennsylvania Public Utility Commission was disapproved on March 15, 2012.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-621. Filed for public inspection April 6, 2012, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies 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>
7-466	Environmental Quality Board Dam Safety and Waterway Management Fees 42 Pa.B. 553 (January 28, 2012)	2/27/12	3/28/12

**Environmental Quality Board Regulation #7-466  
(IRRC #2927)  
Dam Safety and Waterway Management Fees  
March 28, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the January 28, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. General.—Consistency with statute; Economic impact; Reasonableness; Clarity.**

*Reasonable fees*

The Dam Safety and Encroachments Act (Act) charges the EQB, in part, with protecting the public safety through the regulation of dams, reservoirs, water obstructions and water encroachments. 32 P. S. § 693.2. Relating

to fees, the EQB has the power to adopt regulations establishing “reasonable fees for the processing of applications and periodic inspections, for the purpose of reimbursing the Commonwealth for the costs of administration of this act.” 32 P. S. § 693.5(a)(5).

In Regulatory Analysis Form (RAF) Questions 12, 13 and 14, the EQB provides a breakdown of the fee impact by program, which we summarize as follows:

- **Dam Safety Program:** The proposed regulation would increase the annual revenue from \$28,000 in existing fees to \$1,139,850 in new fees, an increase of \$1,111,850.
- **Water Obstruction and Encroachment Program:** The proposed regulation would increase the annual revenue from \$47,850 in existing fees to \$2,952,612 in new fees, an increase of \$2,904,762.
- **Submerged Lands License Agreement Program:** The proposed regulation would increase the annual revenue from \$391,000 in existing fees to \$1,564,000 in new fees, an increase of \$1,173,000.

Overall, existing fees generate about \$467,000 and the new fees would generate about \$5.6 million. The EQB would receive an increase of \$5 million to cover the costs to administer the Act, and the regulated community would incur increased costs of the same amount. In comparison, the response to RAF Question 17a shows that expenditures for programs affected by the regulation are expected to total about \$106 million for fiscal year 2011-2012.

Under existing regulation, Subsection 105.13(b) specifies a fee exemption for “applications submitted by Federal, State, county or municipal agencies or a municipal authority for a dam, water obstruction or encroachment.” The proposed regulation amends this exemption. It exempts fees for Federal and State agencies for dams and Federal, State, county and municipal agencies and authorities related to water obstruction and encroachment. We note that the proposed regulation does not exempt county and municipal agencies and authorities related to dams. However, in the Preamble, the EQB states it will add them to the exemption in the final-form regulation.

Commentators believe the distribution of fees is not equitable. They note that dam safety work is not optional and the Dam Safety Program oversees the regulation and safety of approximately 3,300 dams throughout Pennsylvania. The commentators state that there are 930 dams owned by state, county or municipal entities and 1,749 category C-4 dams (Category C dams have impoundment storage of equal to or less than 100 acre feet, and a height of equal to or less than 40 feet; Category 4 dams have no expected population at risk, and economic loss is expected to be minimal to private or public property and cause no significant public inconvenience). However, virtually all of the fees are assessed on only the 645 privately-owned dams. Consequently, a disproportionate share of the program costs is paid by private dam owners. They ask that fees be applied to all categories of dam owners equally, including fees for review of dam permit applications.

We believe these commentators make a valid point relating to the Act. The Act states that the EQB has the power to adopt regulations establishing “reasonable fees for the processing of applications and periodic inspections, for the purpose of reimbursing the Commonwealth for the costs of administration of this act.” 32 P. S. § 693.5(a)(5).

We emphasize three points relating to the proposed regulation. First, the regulation imposes significant fee increases of more than \$5 million which, overall, amounts to a 12-fold increase over existing fees and revenues. Some fee categories are being increased by more than 12-fold. Second, RAF Question 20 asks what regulatory alternatives have been considered and rejected and requests a statement that the least burdensome alternative has been selected. The EQB responds, in part, that “no alternatives have been considered and/or rejected.” Finally, as one example, the fees specified in the regulation are applied to only about 20% of dam owners. Given that the programs cover all dams, it is not clear how the exemptions and application of fees meet the Act’s provision for “reasonable fees.”

While we recognize that fees have not been increased since 1991, given the magnitude of the fee increases and the limitations on what portions of the regulated community pay the fees, we believe that exploration of alternatives is warranted, particularly in regard to the entities that pay the fees. The EQB should explain how all of the fees in the final regulation meet the statutory provision for “reasonable fees for the processing of applications and

periodic inspections, for the purpose of reimbursing the Commonwealth for the costs of administration of this act.”

#### *Calculation of fees*

The EQB provided a “FEE REPORT FORM” dated October 2010 with the proposed regulation. The form includes a “Proposed Revised Dam Safety Fee Schedule” showing, for example, that the fee for “Permit Application—New Dam—Class A, Hazard 1” should be increased from \$3,000 to \$26,500. While the form establishes that current fees do not cover costs and provides a narrative describing examples of reviews, it does not provide clear support or a direct correlation of the specific hours and costs of these activities to administer the Act and the basis for the actual fee increases that are being implemented. Using the above example, what is the basis for the calculation of the fee of \$26,500? Without providing the basis for the calculation of all proposed fees, it is not clear how the EQB determined that it is reasonable for fees to offset approximately 35% of the costs of the Dam Safety Program and 31% of the costs of the Water Obstruction and Encroachment Program, as well as 53% of the cost of conducting permit reviews for the Water Obstruction and Encroachment Program. For the final-form regulation, the EQB should provide calculations showing how the specific fee increases it proposes correlate to the costs and activities required to administer the Act.

#### *Exemptions*

In the Preamble to the proposed regulation, the EQB states that the final-form rulemaking will include counties and municipalities within the Dam Safety Program’s fee exemption in Paragraph 105.13(a)(1). We are concerned that the public, legislature and this commission were not given an opportunity to comment on the proposed language. In addition, the EQB should clarify whether the data provided as the basis for the proposed fees included counties and municipalities in the calculation of the fees and what impact that would have on the proposed fees.

#### *Cost reductions*

Commentators noted three things that may reduce costs that we ask the EQB to address. First, commentators state there is a duplication of inspection efforts by licensed professionals and Dam Safety Program personnel. They state that eliminating this duplication could result in lower fees. We recommend that where it is consistent with the Act and feasible to do so, the regulation should allow the acceptance of valid inspections performed by private licensed professionals if the goals of the inspections are consistent.

Second, a commentator believes that updating and developing new general permits would improve efficiency without compromising public safety. Has the EQB done a review of the program to improve efficiency before imposing additional fees?

Finally, a commentator recommended using additional fee revenue to expedite the development of an electronic permitting process. Has the EQB considered using technology such as an electronic permitting process to reduce program costs?

The EQB should consider these suggestions and explain why they were or were not adopted before imposing fee increases.



*State Conservation Commission and its county conservation districts*

The State Conservation Commission (SCC) submitted comments reflecting comments it received from 25 county conservation districts. The SCC comments raise concerns with what it describes as excessive fees, issues related to implementation of the fees, services provided by county conservation districts, whether county conservation districts will receive part of the fees and delegation agreements. We will review the EQB's responses to all of the SCC comments as part of our review of the final-form regulation. We also ask the EQB to explain how the regulation will impact county conservation districts, what services they provide related to the programs the fees will support and whether the revenues received as a result of this regulation will be shared with the county conservation districts.

*Advanced Notice of Final-Form Rulemaking*

In the Preamble, the EQB expressly seeks input regarding modifying the proposed rule to incorporate flexibility in the water obstructions and encroachments fee proposal to accommodate multiple structures in one project. We recognize this phrasing is used in existing Subsection 105.13(c); however, it is not clear what modifications the EQB contemplates.

Additionally, as noted previously, the EQB states in the Preamble that the final-form rulemaking will include counties and municipalities within the Dam Safety Program's fee exemption in Paragraph 105.13(a)(1). We question why the EQB chose to state this information in the Preamble rather than include it in the body of the proposed rulemaking.

In order to give the regulated community and other interested parties an opportunity to provide input on any revisions made by the EQB related to these two issues, we recommend that the EQB publish an Advanced Notice of Final Rulemaking (ANFR). An ANFR would provide the opportunity to review and resolve remaining issues before submittal of a final-form regulation.

**2. Section 105.13. Regulated activities—information and fees.—Economic impact; Reasonableness; Clarity.**

*Impact on dredgers*

Commentators who represent dredging operations provided calculations demonstrating that application of the fees to their operations could result in permit fees of \$1.4 million for a single permit and the disturbance fee could cost over \$48 million for their operations. Fees of this magnitude would be unaffordable to them. We agree with the commentators that it does not appear this was the EQB's intent within the context of an overall estimated fee increase of \$5 million. Did the EQB intend for the proposed rulemaking to apply to dredgers? If so, the EQB should explain in the Preamble of the final-form regulation how it considered the economic impact on this industry, and how it found that impact to be reasonable. If not, the regulation should specifically provide a clarification that the fees do not apply to dredging operations.

*Inconsistent language*

The regulated activities listed under Subsection (a) do not appear to be consistent with the language in the fee descriptors listed under Subsection (c). For example, Subsection (a) includes a "registration for a general permit" but we do not see any reference to a "registration for a general permit" under Subsection (c). These subsections

should be consistent in describing the regulated activities in the final-form regulation.

*Clean Water Fund*

The EQB states in Subsection (b) that fees collected by the Dam Safety Program and Water Obstruction and Encroachment Program will be deposited into the Clean Water Fund and utilized to offset the operating costs to implement respective programs. A commentator suggests that any fees and penalties associated with Chapter 105 be accounted for separately from other monies that go into the Clean Water Fund. The EQB should explain how it can ensure that the funds collected through Chapter 105 will be used only for the benefit of the Water Obstruction and Encroachment Program, Submerged Lands License Agreement Program and the Dam Safety Program to offset the costs of these respective programs.

*Application of fees*

Commentators have indicated the proposed rulemaking lacks clarity in regard to the application of fees as stated in Paragraph (c)(2). For example:

- Did the EQB intend for a general permit applicant to pay the Administrative Filing Fee, the Disturbance Fee and appropriate General Permits Fee?
- When would the proposed \$500 fee for Environmental Assessment for Waived Activities apply?
- To which permits would the \$1,750 Administrative Filing fee apply?
- Does the Disturbance Review Fee only apply to GP 11 and GP 15? Is it only for full Water Obstruction and Encroachment permits?
- Will applicants be required to obtain an approved Erosion and Sediment Control Plan and pay the associated fees in addition to the proposed permit fees?
- Dam rehabilitations may involve the need to provide additional hydraulic spillway capacity. With large dam rehabilitation designs, a hydrologic and hydraulic review by the Department of Environmental Protection is usually required very early in the design process. How will this staged review approach be handled in accordance with the new fees?
- By referencing fees established under Section 105.13, is Paragraph 105.444(5) limiting fees for new general permits because those new permits are not specifically listed in Paragraph 105.13(c)(2)?

We recommend that the EQB clearly establish the applicability of fees in the final-form regulation in response to all public comments.

*"Waived activities," "major amendment" and "minor amendment"*

Under Paragraph (c)(2), the EQB should define the "waived activities" which are subject to the Environmental Assessment for Waived Activities. The EQB should also define what qualifies as a major or minor amendment as it did under Clauses (c)(1)(iv)(B) and (C) in defining major and minor projects. A commentator states that the implication that major amendments include temporary and/or permanent impacts, while minor amendments do not, should be explicit in this section.

*Evaluation of fees*

Subsection (l) states that the Department's report regarding the adequacy of fees "will contain recommendations to increase fees to eliminate the disparity..." (Emphasis added.) As written, the regulation precludes

the possibility of a finding that fees could be more than adequate and should be reduced. We recommend amending this provision to also accommodate the possibility of a fee decrease.

**3. Section 105.448. Determination of applicability of a general permit.—Clarity.**

*Nonregulatory language*

Subsection (c) states that a project requiring registration under Section 105.447 “may” be charged an application fee. This is nonregulatory language. The final-form regulation should specify when an application fee will be charged.

**4. Miscellaneous clarity.**

- Clause 105.13(c)(1)(iv)(C) addresses circumstances when costs are less than \$250,000 and when costs exceed \$250,000. This should be amended to include the possibility that the amount of the total construction costs equals \$250,000.
- In Section 105.131a, the reference to Subparagraph 105.13(c)(viii) should be amended to 105.13(c)(1)(viii).

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-622. Filed for public inspection April 6, 2012, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
47-15	Milk Marketing Board Electronic Methods for Testing Milk for Fat Content	3/26/12	5/17/12
125-152	Pennsylvania Gaming Control Board Table Game Rules for Four Card Poker, Let It Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker	3/26/12	5/17/12
125-154	Pennsylvania Gaming Control Board Table Game Rules for Caribbean Stud Poker and Texas Hold 'Em Bonus Poker	3/26/12	5/17/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-623. Filed for public inspection April 6, 2012, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Philadelphia Contributionship Insurance Company;  
Germantown Insurance Company; Homeowners;  
Rate and Rule Revisions**

On March 16, 2012, the Insurance Department (Department) received from Philadelphia Contributionship Insurance Company and Germantown Insurance Company a filing for rate level changes for homeowners insurance.

The companies request an overall 3.9% increase to be effective June 7, 2012, for new business and July 22, 2012, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to April 15, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on “PA Bulletin.”

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

mmckenney@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-624. Filed for public inspection April 6, 2012, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Corporate Restructuring**

**A-2012-2295106. Verizon Pennsylvania, Inc.** Application of Verizon Pennsylvania, Inc. for approval of a corporate restructuring from a business corporation to a limited liability company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 23, 2012. The documents filed in support of the application are available for

inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Verizon Pennsylvania, Inc.

*Through and By Counsel:* Susan D. Paiva, Assistant General Counsel, Verizon Pa, Inc., 1717 Arch Street, 3 East, Philadelphia, PA 19103

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-625. Filed for public inspection April 6, 2012, 9:00 a.m.]

### Indirect Transfer of Control

**A-2012-2295561 and A-2012-2295564. AboveNet, Inc., AboveNet Communications, Inc. and Zayo Group, LLC.** Joint application of AboveNet, Inc., AboveNet Communications, Inc. and Zayo Group, LLC, for approval of the indirect transfer of control of AboveNet Communications, Inc. to Zayo Group, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 23, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* AboveNet, Communications, Inc., Zayo Group, LLC

*Through and By Counsel:* Daniel P. Delaney, Esquire, K & L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-626. Filed for public inspection April 6, 2012, 9:00 a.m.]

### Voting Membership Interests

**A-2012-2295123. Ironton Telephone Company.** Application of Ironton Telephone Company for approval of the acquisition of 5% or more of the voting membership interests of ITC Global Networks, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 23, 2012. The documents

filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Ironton Telephone Company

*Through and By Counsel:* Charles E. Thomas, Jr., Esquire, Charles E. Thomas, III, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-627. Filed for public inspection April 6, 2012, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

## Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Ananias Hershberger 310 PP&L Road Danville, PA 17821	Montour County/ Anthony Township	103.56	Veal	New	Approved
Sperry Farms, Inc. 11420 Sperry Road Atlantic, PA 16111	Crawford County/ East Fallowfield Township	0	Layer	Amended	Approved
Paul J. Dagostin- Will-O-Bett Farm 137 Bombay Lane Berwick, PA 18603	Luzerne County/ Salem Township	713.42	Swine	New	Approved
Rocky Knoll Limited Partnership 1166 Gypsy Hill Road Lancaster, PA 17602	Lancaster County/ West Lampeter Township	0	Swine	Amended	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 12-628. Filed for public inspection April 6, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at December Meeting

As part of its regular business meeting held on December 15, 2011, in Wilkes-Barre, PA, the Susquehanna River Basin Commission (Commission) convened a public hearing, at which it took the following actions: 1) rescinded approval for three water resources projects; and 2) approved, denied or tabled the applications of certain water resources projects. The Commission took additional actions at its business meeting as set forth in the Supplementary Information section as follows.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391. See also the Commission web site at [www.srbc.net](http://www.srbc.net).

#### Supplementary Information

In addition to the public hearing and its related actions on projects identified in the previous summary and the following listings, the following items were also presented or acted on at the business meeting: 1) presentation of the Commission Anthracite Remediation Strategy; 2) presentation of the Commission's William W. Jeanes, Sr. Award to Bernie McGurl, Executive Director of the Lackawanna River Corridor Association; 3) a report on hydrologic conditions in the Susquehanna River Basin; 4) Fiscal Year-2013 funding of the Susquehanna Flood Forecast and Warning System, the National Streamflow Information Program and the National Weather Service Advanced Hydrologic Prediction Services; 5) approval of a final rulemaking amending 18 CFR Part 806; and 6) a preliminary introduction to dockets. The Commission also heard counsel's report on legal matters affecting the Commission. The Commission convened a public hearing and took the following specific actions:

#### Public Hearing—Rescissions of Project Approvals

The following project approvals were rescinded by the Commission:

1. Project Sponsor and Facility: EXCO Resources (PA), LLC (Pine Creek) (Docket No. 20081203), Cummings Township, Lycoming County, PA.
2. Project Sponsor and Facility: EXCO Resources (PA), LLC (Unnamed Tributary to Sandy Run) (Docket No. 20081209), Burnside Township, Centre County, PA.
3. Project Sponsor and Facility: Possum Valley Municipal Authority (Docket No. 20090636), Menallen Township, Adams County, PA.

#### Public Hearing—Project Application Tabled

The following project application was tabled by the Commission:

1. Project Sponsor and Facility: Stanley S. Karp, Sr. (Tunkhannock Creek), Nicholson Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.510 mgd (peak day).

#### Public Hearing—Project Application Denied

The following project application was denied by the Commission:

1. Project Sponsor: Anadarko E&P Company, LP. Project Facility: Sproul State Forest—Council Run, Snow Shoe Township, Centre County, PA. Application for groundwater withdrawal of up to 0.715 mgd (30-day average) from Well PW-11.

#### Public Hearing—Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor: Bioenergy International, LLC. Project Facility: Bionol Clearfield, LLC, Clearfield Borough, Clearfield County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20070904).
2. Project Sponsor: Borough of Ephrata. Project Facility: Ephrata Area Joint Authority, Ephrata Borough,

Lancaster County, PA. Modification to conditions of the groundwater withdrawal approval (Docket No. 20110902).

3. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Mosquito Creek-2), Karthaus Township, Clearfield County, PA. Surface water withdrawal of up to 2.160 mgd.

4. Project Sponsor and Facility: Central New York Oil and Gas Company, LLC (Susquehanna River), Wilmot Township, Bradford County, PA. Surface water withdrawal of up to 0.540 mgd.

5. Project Sponsor and Facility: Central New York Oil and Gas Company, LLC, Wilmot Township, Bradford County, PA. Consumptive water use of up to 0.105 mgd.

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Babcock), Ulster Township, Bradford County, PA. Surface water withdrawal of up to 3.000 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Elmglade), Wilmot Township, Bradford County, PA. Surface water withdrawal of up to 2.016 mgd.

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek—Sechrist), Canton Township, Bradford County, PA. Surface water withdrawal of up to 0.504 mgd.

9. Project Sponsor: Clark Trucking, LLC. Project Facility: Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 0.500 mgd.

10. Project Sponsor: Clark Trucking, LLC. Project Facility: Northeast Division (Muncy Creek), Muncy Creek Township, Lycoming County, PA. Surface water withdrawal of up to 0.700 mgd.

11. Project Sponsor and Facility: Dunn Lake, LLC (Dunn Pond), Ararat Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd.

12. Project Sponsor and Facility: EXCO Resources (PA), LLC (Muncy Creek—McClintock), Penn Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd.

13. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, PA. Surface water withdrawal of up to 0.249 mgd.

14. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, PA. Consumptive water use of up to 0.249 mgd.

15. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, PA. Modification to increase groundwater withdrawal by an additional 0.145 mgd, for a total of 0.200 mgd (30-day average) (Docket No. 20110307).

16. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, PA. Surface water withdrawal of up to 0.950 mgd.

17. Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, PA. Modification to project features and conditions of the groundwater withdrawal approval (Docket No. 20100913).

18. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Susquehanna River—Chellis), Eaton Township, Wyoming County, PA. Surface water withdrawal of up to 1.500 mgd.

19. Project Sponsor: The Municipal Authority of the Borough of Berlin. Project Facility: Berlin Borough Municipal Authority, Allegheny Township, Somerset County, PA. Modification to conditions of the groundwater withdrawal approval (Docket No. 19980702).

20. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA. Modification to increase the total groundwater system withdrawal limit from 0.523 mgd to 0.753 mgd (30-day average) (Docket No. 20070905).

21. Project Sponsor and Facility: Williams Production Appalachia, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd.

22. Project Sponsor and Facility: Williams Production Appalachia, LLC (Snake Creek—2), Franklin Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd.

23. Project Sponsor and Facility: Williams Production Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Commission-initiated modification to project features and conditions of the surface water withdrawal approval (Docket No. 20090303), making a correction and reducing the approved surface water withdrawal amount from 3.00 mgd to 1.00 mgd.

24. Project Sponsor and Facility: Williams Production Appalachia, LLC (Susquehanna River—2), Great Bend Township, Susquehanna County, PA. Surface water withdrawal of up to 2.000 mgd.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: March 23, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-629. Filed for public inspection April 6, 2012, 9:00 a.m.]

### Actions Taken at March Meeting

As part of its regular business meeting held on March 15, 2012, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) reconsidered certain actions taken at its December 15, 2011, public hearing; 2) upon reconsideration, approved or denied the applications of certain water resources projects, originally considered at the December 15, 2011, public hearing; 3) rescinded approval for one additional water resources project; 4) approved, tabled or denied the applications of certain additional water resources projects; and 5) took additional actions as set forth in the Supplementary Information section as follows.

For further information contact: Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391. See also the Commission web site at [www.srbc.net](http://www.srbc.net).

#### *Supplementary Information*

In addition to its related actions on projects identified in the previous summary and the following listings, the following items were also presented or acted on at the

business meeting: 1) adoption of a resolution encouraging the use of lesser quality waters; 2) approval for expenditures for the Susquehanna River Flow Management Project; 3) adoption of an investment policy statement and amendments of the By-Laws; 4) approval of a partial waiver of the fee for transfer of approvals to SWEPI, LP; 5) adoption of the revised operating budget and a capital budget for Fiscal Year-2013; 6) approval for staff to release a draft Low Flow Protection Policy for public review and comment; 7) ratification of a settlement agreement with C&N Dining; and 8) ratification of grants/contracts. The Commission also took the following specific actions:

*Project Applications originally considered at the December 15, 2011, Public Hearing, Approved*

Upon reconsideration, the Commission approved the following project applications originally acted upon at the December 15, 2011, public hearing:

1. Project Sponsor: Bioenergy International, LLC. Project Facility: Bionol Clearfield, LLC, Clearfield Borough, Clearfield County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20070904).

2. Project Sponsor: Borough of Ephrata. Project Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, PA. Modification to conditions of the groundwater withdrawal approval (Docket No. 20110902).

3. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Mosquito Creek—2), Karthaus Township, Clearfield County, PA. Surface water withdrawal of up to 2.160 mgd.

4. Project Sponsor and Facility: Central New York Oil and Gas Company, LLC (Susquehanna River), Wilmot Township, Bradford County, PA. Surface water withdrawal of up to 0.540 mgd.

5. Project Sponsor and Facility: Central New York Oil and Gas Company, LLC, Wilmot Township, Bradford County, PA. Consumptive water use of up to 0.105 mgd.

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Babcock), Ulster Township, Bradford County, PA. Surface water withdrawal of up to 3.000 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Elmglade), Wilmot Township, Bradford County, PA. Surface water withdrawal of up to 2.016 mgd.

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek—Sechrist), Canton Township, Bradford County, PA. Surface water withdrawal of up to 0.504 mgd.

9. Project Sponsor: Clark Trucking, LLC. Project Facility: Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 0.500 mgd.

10. Project Sponsor: Clark Trucking, LLC. Project Facility: Northeast Division (Muncy Creek), Muncy Creek Township, Lycoming County, PA. Surface water withdrawal of up to 0.700 mgd.

11. Project Sponsor and Facility: Dunn Lake LLC (Dunn Pond), Ararat Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd.

12. Project Sponsor and Facility: EXCO Resources (PA), LLC (Muncy Creek—McClintock), Penn Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd.

13. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, PA. Surface water withdrawal of up to 0.249 mgd.

14. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, PA. Consumptive water use of up to 0.249 mgd.

15. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, PA. Modification to increase groundwater withdrawal by an additional 0.145 mgd, for a total of 0.200 mgd (30-day average) (Docket No. 20110307).

16. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, PA. Surface water withdrawal of up to 0.950 mgd.

17. Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, PA. Modification to project features and conditions of the groundwater withdrawal approval (Docket No. 20100913).

18. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Susquehanna River—Chellis), Eaton Township, Wyoming County, PA. Surface water withdrawal of up to 1.500 mgd.

19. Project Sponsor: The Municipal Authority of the Borough of Berlin. Project Facility: Berlin Borough Municipal Authority, Allegheny Township, Somerset County, PA. Modification to conditions of the groundwater withdrawal approval (Docket No. 19980702).

20. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA. Modification to increase the total groundwater system withdrawal limit from 0.523 mgd to 0.753 mgd (30-day average) (Docket No. 20070905).

21. Project Sponsor and Facility: Williams Production Appalachia, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd.

22. Project Sponsor and Facility: Williams Production Appalachia, LLC (Snake Creek—2), Franklin Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd.

23. Project Sponsor and Facility: Williams Production Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Commission-initiated modification to project features and conditions of the surface water withdrawal approval (Docket No. 20090303), making a correction and reducing the approved surface water withdrawal amount from 3.00 mgd to 1.00 mgd.

24. Project Sponsor and Facility: Williams Production Appalachia, LLC (Susquehanna River—2), Great Bend Township, Susquehanna County, PA. Surface water withdrawal of up to 2.000 mgd.

*Project Application originally considered at the December 15, 2011, Public Hearing, Denied*

Upon reconsideration, the Commission denied the following project application originally acted upon at the December 15, 2011, public hearing:

1. Project Sponsor: Anadarko E&P Company, LP. Project Facility: Sproul State Forest—Council Run, Snow

Shoe Township, Centre County, PA. Application for groundwater withdrawal of up to 0.715 mgd (30-day average) from Well PW-11.

*Rescission of Project Approval*

The Commission rescinded approval for the following project:

1. Project Sponsor and Facility: Texas Eastern Transmission, LP (Susquehanna River) (Docket No. 20110314), East Donegal Township, Lancaster County, PA.

*Project Applications Approved*

The Commission approved the following project applications:

1. Project Sponsor and Facility: Anadarko E&P Company, LP (Lycoming Creek), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 1.340 mgd (peak day).

2. Project Sponsor and Facility: Aqua Infrastructure, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, PA. Surface water withdrawal of up to 3.000 mgd (peak day).

3. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 0.400 mgd (peak day).

4. Project Sponsor and Facility: Blossburg Municipal Authority, Bloss Township, Tioga County, PA. Groundwater withdrawal of up to 0.396 mgd (30-day average) from Route 15 Well.

5. Project Sponsor and Facility: Buck Ridge Stone, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, PA. Modification to increase surface water withdrawal by an additional 0.637 mgd, for a total of 0.720 mgd (peak day) (Docket No. 20100905).

6. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Modification to increase surface water withdrawal by an additional 0.780 mgd, for a total of 1.500 mgd (peak day) (Docket No. 20080908).

7. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, PA. Modification to increase surface water withdrawal by an additional 1.280 mgd, for a total of 2.000 mgd (peak day) (Docket No. 20080905).

8. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20110604).

9. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Moshannon Creek), Decatur Township, Clearfield County, PA. Surface water withdrawal of up to 2.590 mgd (peak day).

10. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Unnamed Tributary of Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20110605).

11. Project Sponsor and Facility: EQT Production Company (Bennett Branch Power), Jay Township, Elk County, PA. Surface water withdrawal of up to 2.500 mgd (peak day).

12. Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, PA. Surface water withdrawal of up to 0.740 mgd (peak day).

13. Project Sponsor: IBM Corporation. Project Facility: Endicott Facility, Village of Endicott, Broome County, NY. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.509 mgd (30-day average) (Docket No. 20090329).

14. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, PA. Modification to increase groundwater withdrawal by an additional 0.150 mgd, for a total of 0.160 mgd (30-day average) (Docket No. 20080611).

15. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, PA. Modification to increase consumptive water use by an additional 0.260 mgd, for a total of up to 0.360 mgd (30-day average) (Docket No. 20080611).

16. Project Sponsor: Pine Creek Municipal Authority. Project Facility: Wastewater Treatment Plant, Pine Creek Township, Clinton County, PA. Withdrawal of treated wastewater effluent of up to 0.999 mgd.

17. Project Sponsor and Facility: Roaring Spring Water—Division of Roaring Spring Blank Book (Roaring Spring), Roaring Spring Borough, Blair County, PA. Surface water withdrawal of up to 0.302 mgd (peak day).

18. Project Sponsor and Facility: Roaring Spring Water—Division of Roaring Spring Blank Book, Roaring Spring Borough, Blair County, PA. Consumptive water use of up to 0.255 mgd (30-day average).

19. Project Sponsor and Facility: Southwestern Energy Production Company (Blockhouse Creek), Jackson Township, Lycoming County, PA. Surface water withdrawal of up to 0.999 mgd (peak day).

20. Project Sponsor and Facility: Southwestern Energy Production Company (Susquehanna River), Oakland Township, Susquehanna County, PA. Surface water withdrawal of up to 3.000 mgd (peak day).

21. Project Sponsor and Facility: Southwestern Energy Production Company (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Surface water withdrawal of up to 1.500 mgd (peak day).

22. Project Sponsor and Facility: SWEPI, LP (Cowanesque River—Egleston), Nelson Township, Tioga County, PA. Modification to increase surface water withdrawal by an additional 0.267 mgd, for a total of 0.534 mgd (peak day) (Docket No. 20100604).

*Project Applications Tabled*

The following project applications were tabled by the Commission:

1. Project Sponsor and Facility: Aqua Resources, Inc. (Susquehanna River), Athens Township, Bradford County, PA. Application for surface water withdrawal of up to 0.900 mgd (peak day).

2. Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, PA. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.269 mgd (30-day average) (Docket No. 20030809).

3. Project Sponsor and Facility: Jo Jo Oil Company, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

4. Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 2.

5. Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, PA. Application for groundwater withdrawal of up to 1.000 mgd (30-day average) from Well 3.

6. Project Sponsor and Facility: Southwestern Energy Production Company (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

7. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for consumptive water use of up to 0.387 mgd (30-day average).

8. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Well 1, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

9. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Well 2, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

10. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Well 4, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

*Project Applications Denied*

The following project applications were denied by the Commission:

1. Project Sponsor and Facility: Stanley S. Karp, Sr. (Tunkhannock Creek), Nicholson Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.510 mgd (peak day).

2. Project Sponsor and Facility: Water Treatment Solutions, LLC (South Mountain Lake), Woodward Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.499 mgd (peak day).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: March 23, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-630. Filed for public inspection April 6, 2012, 9:00 a.m.]

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## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 11-0010 to excavate, locate and replace approximately 330 lineal feet of underground steam and condensate piping. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 391-3557, froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 12-631. Filed for public inspection April 6, 2012, 9:00 a.m.]

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