

PRARA NEWS

ESTABLISHED 1937

February 2025



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ADVERTISING RATES

Full page	\$900
1/2 page	\$600
1/4 page	\$450
1/8 page	\$330
Insert (one mailing)	\$100

EMERGENCY SPILL KIT

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PRESIDENT'S PAGE

BY: KEVIN FORSYTHE

The following article was forwarded to me from Ted Harris of the PPA. I thought it was important to share this information with our association.

Pending Skill Game Regulation

The Pennsylvania Petroleum Association anticipates legislative action in 2025 to create a regulatory framework and taxation mechanism for entities that operate skill games. On January 15, the [following proposal](#) was released by the two highest-ranking legislators within the Senate Republican leadership to limit the eligibility of a skill game license to establishments with an active liquor license. The PPA is concerned about this specific proposal because of the lack of liquor licenses available to convenience store retailers. [The following Spotlight story](#) was published this morning which provides a comprehensive background on the skill game debate within the state legislature.

One of the key reasons legislators are considering policies to attach a skill game license to a liquor license is to force bad operators out of the space. There is concern that skill games have enabled fly-by-night operators to establish mini-casinos with dozens of machines and/or purposely create environments that proliferate gambling abuse within their local communities.

It is the PPA's position that the 4,300+ convenience store locations that sell motor fuels in the Commonwealth are properly positioned to offer regulated gaming if they choose to do so regardless of obtaining a liquor license. There are numerous ways for the state to verify convenience store retailer eligibility for a skill game license which would include a tobacco license, a lottery license, regulated underground storage tanks, metered dispensers, and active USTIF registration.

Please email Ted Harris (tharris@papetroleum.org) to provide the following feedback on a legislative proposal that would require retail locations to have an active liquor license in order to obtain a skills game permit. It would be helpful to know the following information.

1. Number of company-owned convenience stores that don't have a liquor license and would be negatively impacted by this proposal.
 2. Approximate number of convenience store dealers/retailers your company supplies that would be negatively impacted by this proposal.
- o *Note: If you do not know the number but would like to forward this email directly to your dealers to provide this information to the PPA please do so.*



**The Bureau of Workers' Compensation Health & Safety Division
will be offering the following safety webinars in February 2025:**

Tuesday, February 4
 9:30am Electrical Safety
 11am Kitchen Safety -
 Burn & Fire Prevention
 1:30pm Workplace Safety Committee
 Certification Renewal
 1:30pm OVR - Expanding Your Market by
 Making Your Business & Services
 Accessible

Wednesday, February 5
 9:30am Bloodborne Pathogens
 1:30pm First Aid Awareness

Thursday, February 6
 9:30am Arc Flash Safety
 11am Fire Extinguisher Use
 1:30pm Back Injuries - Prevention

Friday, February 7
 9:30am Governor's Award for Safety
 Excellence - GASE
 1:30pm Home Fire Safety

Tuesday, February 11
 9:30am Workplace Safety Committee
 Certification Initial
 11am Incident Investigations
 1:30pm Managing Emergencies

Wednesday, February 12
 9:30am Ladders
 1:30pm Ergonomics

Thursday, February 13
 9:30am Scabies, Bed Bugs, MRSA
 11am Snowblower Safety
 1:30pm Slips, Trips & Falls

Friday, February 14
 9:30am Occupational Skin Diseases
 1:30pm Diversity and Inclusion in the
 Workplace

Tuesday, February 18
 9:30am A Business Case for Safety
 9:30am OVR - Ensuring Your Facilities
 & Services are ADA Accessible
 11am Job Safety Analysis
 1:30pm Snow Shoveling Safety

Wednesday, Feb19
 9:30am Caught In/Between
 1:30pm Aggressive Driving & Road Rage

To register for any of these events just copy and paste the
 link into your browser and follow the links:
[https://www.dli.pa.gov/Businesses/Compensation/WC/
 safety/paths/calendar/Pages/default.aspx](https://www.dli.pa.gov/Businesses/Compensation/WC/safety/paths/calendar/Pages/default.aspx)

Thursday, February 20
 9:30am Workplace Safety Committee
 Certification Renewal
 11am Pre-Employment Screening
 1:30pm Safety Culture (Part 1)

Friday, February 21
 9:30am Personal Protective Equipment - PPE
 1:30pm Sprains & Strains

Monday, February 24
 9am Near Miss
 20pm Whistleblower

Tuesday, February 25
 9:30am Experience Rating
 11am Cuts, Scrapes & Punctures
 1pm Social Media Safety
 1:30pm Opioid Use Disorder

Wednesday, Feb 26
 9:30am Emergency Action Plans
 1:30pm Workplace Safety Committee
 Certification Initial

Thursday, February 27
 9:30am Hazard Identification
 11am Cyberbullying
 1:30pm Pandemic Preparedness

Friday, February 28
 1:30pm Walkthrough Surveys

MARCH

Monday, March 3
 9am Fire Extinguisher Use
 1:30pm Ladders

Tuesday, March 4
 9:30am Fall Protection
 11am Hazard Identification
 1:30pm Workplace Safety Committee
 Certification Renewal

Wednesday, March 5
 9:30am Walking - Working Surfaces
 1:30pm Slips, Trips & Falls

Thursday, March 6
 9:30am Office Safety
 11am Aerial Work Platform & Scissor Lift
 1:30pm Stairways & Ladders

Friday, March 7
 9:30am Governor's Award for Safety
 Excellence - GASE
 1:30pm Sleep vs. Fatigue

*Remember, registration closes the day before the presentation
 is scheduled to begin.*





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Class Date: Wednesday, April 16, 2025
Time: Registration: 8:30 am
Class: 9:00 am to 5:00 pm

Location: PRARA Office

Price: \$250 per person (non-member)
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Payments are due by April 9, 2025

****Non-refundable payments are required for reservations****

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Number Attending: _____

Price Includes A & B Operator Training Binder, Lunch, and Certificate of Completion

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Pending Regulatory Change to USTIF Eligibility Requirements

At its December meeting, the Underground Storage Tank Indemnification Fund Board voted to approve revised eligibility regulations. These regulations were published in the January 18 issue of the *Pennsylvania Bulletin*. The PRARA has a Governor-appointed seat on the USTIF Board and is supportive of the rule change.

Background and Purpose

The proposed regulation change is necessary to clarify the eligibility requirements for participants to be eligible for Fund coverage based on case law developments since the last regulatory amendments to the eligibility requirements made in 2001. Commonwealth residents will also benefit from the amended regulation to the extent that the Fund will continue to ensure that the eligibility requirements are easy to understand and participants understand their obligations under the law and regulations. Ease of participant compliance will ensure that more Fund and Tank Installer Indemnification Program (Program) claims will be found eligible for Fund coverage and that Fund resources can be utilized to indemnify its participants for the remediation of eligible releases, thereby protecting the lands and waters of this Commonwealth.

Description of the Proposed Amendments

This proposed rulemaking adds a definition for "UST facility" to § 977.4 to clarify that the term includes a storage tank facility (as that term is defined in § 245.1 (relating to definitions)), pertaining to the administration of the storage tank and spill prevention program, that has one or more underground storage tanks (UST) or heating oil tanks (HOT).

The USTIF board proposes to amend § 977.31(1) to clarify that the eligibility requirements for Fund coverage apply to both USTs and HOTs.

Section 977.31(2) is proposed to be amended to clarify what fees need to be paid to be eligible for reimbursement from the Fund and the timing of payment of those fees. Currently, § 977.31(2) does not provide a deadline for payment of the fees required by Subchapter B (relating to fees and collection procedures) to be eligible for coverage from the Fund. This has created confusion for participants. These fees finance the Fund and are necessary to ensure the continued financial solvency of the Fund. The proposed amendment would clarify that the fees required by Subchapter B must be paid prior to the time that the release giving rise to the claim is discovered, providing a clear deadline to participants.

Section 977.31(3) is proposed to be amended to require that registration and annual registration fees required under §§ 245.41 and 245.42 (relating to tank registration requirements; and tank registration fees) for USTs located at the UST facility where the release occurred are current and paid on or before 60 days of when the release giving rise to the claim is discovered. This allows tank owners or operators to come into compliance with payment of the required fees for up to 60 days after a release is discovered. The regulation, as currently written, did not specify when the participant had to pay the fees to be eligible for reimbursement. The Fund interpreted the regulation as requiring fees to be paid at the time the release was discovered, but the Commonwealth Court and Supreme Court found that the fees could be paid at any time prior to the Fund eligibility determination. To address the courts' decisions, the board considered the establishment of different time periods within which these fees must be paid. After input from the Department of Environmental Protection (DEP), the board determined that participants should be provided 60 days after discovering the release to pay all the fees required by §§ 245.41 and 245.42.

The Fund proposes to amend § 977.31(4) to clarify that a participant must have received the appropriate permit or certification for the UST before the release giving rise to the claim is discovered. As currently written, the regulation does not specify when the permit or certification must be obtained.

Treasury & IRS Outline Regulations to Implement the 45Z Biofuel Production Tax Credit

The U.S. Department of the Treasury and the Internal Revenue Service recently issued the long-awaited guidance regarding the implementation of the Section 45Z Clean Fuel Production Tax Credit pursuant to the Inflation Reduction Act. Effective since January 1, 2025, the 45Z regime provides a credit of up to:

- \$1.00 per gallon for the production of over-the-road biofuels (e.g., biodiesel, renewable diesel)
- \$1.75 for the production of sustainable aviation fuel.

Important for EMA marketers, the new tax regime shifts the incentives from blending to production and calculates the credits based on the carbon reduction attributes of the fuel. The production tax credit is available for each gallon of fuel produced domestically after December 31, 2024, and sold before January 1, 2028.

The guidance delineates forthcoming implementing regulations, including definitions applicable under the framework, the filing process, and general rules to clarify credit calculation, such as how to measure fuel and emission rates. For instance, proposed regulations will specify that the volume of a liquid fuel would be measured based on gallons adjusted to ambient pressure and temperature of 1 atmosphere and 60 degrees Fahrenheit. The guidance also provides the methodology for calculating the life cycle greenhouse gas emissions of fuels for purposes of obtaining tax credits.

Renewable heating fuels may possibly qualify for the credit, although the proposed regulatory language is ambiguous. In short, heating fuels would have to be “suitable for use” in a highway vehicle or aircraft. While the fuels do not have to be used in such applications, “possible” or “rare” uses, standing alone, are not enough to demonstrate practical and commercial fitness for use as a fuel in a highway vehicle. If another “step” is necessary to make it suitable, such as the type of additization normally found in diesel fuels, it may not qualify. EMA will seek further clarification on this issue and will continue to push for an inclusive framework.

EMA is carefully reviewing the guidance and will continue to monitor developments, as the Trump administration is likely to revise this regulatory matter. For now, comments on the guidance are due by April 10, 2025.

EMA opposes a “production” as opposed to a “blender” credit because producer credits are unlikely to be passed through to blenders and consumers downstream. EMA continues to advocate on Capitol Hill for an extension of the Biodiesel Blenders’ Tax Credit to prevent supply chain disruptions, sustain carbon reduction benefits, and maintain lower prices at the pump.

“The 45Z tax regime is rife with deficiencies and uncertainty. Ultimately, EMA advocates for a strategic biofuel tax policy that promotes regulatory certainty, energy security, environmental benefits, and affordability at the pump. A long-term Blender framework is the right policy approach. We will continue to make this case to the incoming administration,” said Rob Underwood.

Important: The Section 40A Biodiesel Tax Credit, which accrued to fuel blenders, expired on December 31, 2024.

SSDA-AT Legislative Updates

SSDA-AT Rallies Around 199A Permanence

SSDA-AT along with more than 230 trade associations came out in support of legislation to make permanent the Section 199A deduction. Appropriately named the *Main Street Tax Certainty Act*, the bill is set to be reintroduced tomorrow by Senator Steve Daines (R-MT) and Representative Lloyd Smucker (R-PA), two of the Main Street business community's staunchest allies.

The deduction was enacted in 2017 to encourage job creation and new investment by private businesses. It also helps private companies compete with public corporations. Without the deduction, pass-throughs would face rates up to 16 percentage points higher than their publicly-traded competitors. The challenge is Section 199A will expire at the end of this year absent congressional action.

Here is the full letter:

Dear Senator Daines and Representative Smucker:

SSDA-AT and the undersigned business groups strongly support your Main Street Tax Certainty Act of 2025, legislation to make permanent the 20-percent deduction for small- and family-owned businesses (Section 199A).

This legislation would provide certainty to the millions of S corporations, partnerships and sole proprietorships that rely on the Section 199A deduction to remain competitive. Pass-through businesses are the backbone of the American economy. They account for 95 percent of all businesses and employ 63 percent of all private sector workers.

They also form the economic and social foundation for thousands of communities nationwide. Absent their efforts, those communities would face a future of lower growth, fewer jobs, and more boarded up buildings.

Despite its importance, the Section 199A deduction is scheduled to sunset at the end of 2025, even as the businesses it supports continue to struggle with rising prices, labor shortages, and supply chain disruptions. A recent EY study found the loss of Section 199A would put 2.6 million jobs at risk.

Making the Section 199A deduction permanent will help Main Street compete with large public corporations, lead to higher economic growth and more employment, and help prevent a significant tax hike on the very businesses we rely on to drive our economy.

Numerous studies by economists Barro and Furman, the American Action Forum, DeBacker and Kasher, EY and others found Section 199A permanence would result in improved parity for Main Street businesses and higher levels of economic growth.

The more quickly Congress acts to make Section 199A permanent, the sooner Main Street businesses can return their focus to economic growth and job creation.

We appreciate your introduction of this important legislation and look forward to working with you to see it enacted this year.

CTA Update

The implementation of the Corporate Transparency Act (CTA), which mandates that millions of businesses reveal their actual owners, is still stalled despite a U.S. Supreme Court decision supporting the Treasury Department.

On Thursday, the Supreme Court overturned a lower court ruling that had been preventing the enforcement of the CTA. However, a separate nationwide injunction issued earlier this month by a federal judge is still in effect, continuing to block the law from being carried out.

Designed to equip financial crime investigators with better tools to combat money laundering and terrorist financing, the CTA has faced criticism from opponents who argue that its reporting requirements place an undue burden on small businesses.

Justice Samuel Alito, in a court order issued Thursday, granted the government's request to lift the nationwide injunction against the CTA. The injunction had been issued on December 3 by Judge Amos Mazzant of the U.S. District Court for the Eastern District of Texas in response to a lawsuit filed by parties including the Texas Top Cop Shop, a small business specializing in police equipment.

However, a separate nationwide injunction from January 7, issued by Judge Jeremy Kernodle—also of the Eastern District of Texas—remains in effect. That order continues to halt the nationwide implementation and enforcement of the CTA. As of now, the case's docket does not indicate that the government has filed an appeal to challenge this ruling.

MEMBER TO MEMBER SERVICES

ACCOUNTANTS

J.E. Robinson
Murrysville, PA
412-423-1093

ATM

ATM Cash World
Tom Ranallo
Pittsburgh
800-937-5169

ATTORNEY

Andrew Klaber
Chartwell Law Offices
Sewickley, PA
412-741-0600

COMPLIANCE TESTING

Total Tank Works LLC
Sean Tosadori-East Butler
724-285-4258

COMPUTERS

Computer Solutions
Dick Norchi-Allison Park, PA
412-369-8896

CONSULTING

Enviric, Inc.
Victor Unger-Bairdford, PA
724-265-5100



ENVIRONMENTAL TANKS & UPGRADES

McRo Construction Inc.
Donald Rothey Jr.
Elizabeth, PA
412-384-6051

Total Tank Works LLC
Sean Tosadori-East Butler
724-285-4258

INSURANCE

Bulava & Associates
Joe Bulava-Greensburg, PA
724-836-7610

LUBRICANTS AND ANTIFREEZE

Oil Service, Inc.
Joe Schmidlin-Pittsburgh, PA
412-771-6950
www.oilservice.com

PARTS/PETROLEUM EQUIP

Total Tank Works LLC
Sean Tosadori-East Butler
724-285-4258

FDA Publishes Very Low Nicotine Cigarette Content Proposed Rule

In the remaining days of the Biden Administration, the FDA has published a proposed rule that would establish a maximum nicotine level. The product standard will set a maximum nicotine level of 0.7mg nicotine/gram and will apply to cigarettes (other than non-combusted cigarettes, such as heated tobacco products), cigarette tobacco, roll-your-own tobacco, cigars (other than premium cigars), and pipe tobacco (other than waterpipe tobacco). This proposal would have a devastating impact on tobacco retailers.

To propose a new regulation such as this one, a federal agency is required to follow a multi-year, nine-step process that involves identifying the need for a new regulation, drafting the regulation, having the White House Office of Management and Budget review the proposed regulation under applicable executive orders, publishing the proposed regulation for public comment, reviewing all public comments, making any changes deemed necessary to the regulation, obtaining final White House Office of Management and Budget approval, and publishing the final regulation with an effective date. With the publication of the proposed rule, the FDA is currently on the fifth step of this nine-step process.

The next step in the regulatory process is the public comment period, which will be open for 240 days. EMA encourages all members to file comments on the negative economic impact and unintended consequences of this proposal and will have a template to use soon.

The National Association of Tobacco Outlets (NATO) intends to file comments to the federal docket and highlight findings from a study NATO commissioned and was compiled by Chmura Economics and Analytics that shows the significant negative economic impact of the proposed FDA rule limiting nicotine content of cigarettes and other combusted tobacco products. The study measures the substantial economic impact on retail sales (tobacco products and ancillary sales), federal excise tax, state and local excise tax and sales tax revenue, jobs, and Master Settlement Agreement payments to the states. The report also details how every single state will be negatively impacted by the proposed FDA rule. The economic impact report can be found on NATO's website at the following link: [NATO: Legislative – Cigarette Nicotine Limits Economic Impact Study](#).

MEMBER TO MEMBER SERVICES

PETROLEUM

Center Independent
Doug Friend
724-622-4835

Coen Markets Inc.
Don Meade-Canonsburg, PA
412-780-5480

Countywide Petroleum
Tim Redshaw-Pittsburgh, PA
317-750-8273

Glassmere Fuel Service
Dell Cromie-Tarantum, PA
724-265-4646

PETROLEUM

Graft Oil Company
Kevin Forsythe Connellsville, PA
724-557-4444

Kehm Oil Company
George Kehm-Oakdale, PA
412-921-5200

REMODELING

McRo Construction Inc.
Donald Rothery Jr.
Elizabeth, PA
412-384-6051

SITE INSPECTION & TECHNICAL SERVICES

Enviric, Inc.
Victor Unger-Bairdford, PA
724-265-5100

Total Tank Works LLC
Sean Tosadori-East Butler
724-285-4258

TAXES

J.E. Robinson
Murrysville, PA
412-423-1093

UNDERGROUND STORAGE TANK/ LINE TESTING

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Victor Unger-Bairdford, PA
724-265-5100

Total Tank Works LLC
Sean Tosadori-East Butler
724-285-4258

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CA Withdraws Zero Emission Truck EPA Waiver Request

The State of California withdrew its remaining requests to the U.S. Environmental Protection Agency for federal waivers under the Clean Air Act to limit greenhouse gas emissions from semi-trucks and diesel-powered trains. The California Air Resources Board's (CARB) decision to withdraw the requests came less than a week before President Biden leaves office and in anticipation of opposition from the incoming Trump administration.

California submitted its Advanced Clean Fleets (ACF) waiver request to EPA in November 2023, which would have required trucking fleets in the State to transition to zero-emission vehicles beginning in 2024, and that all fleets be fully zero-emissions between 2035 and 2042, depending on several factors. ACF also mandated that all new heavy-duty trucks sold in California to be zero-emissions by 2036.

The ACF rule was intended by CARB, in part, to incentivize fleet purchases of zero-emission vehicles. Its counterpart, California's Advanced Clean Trucks (ACT) rule, was granted a federal waiver by EPA in March 2023. The ACT rule regulates the types of truck OEMs can sell into the California market. EMA is one of the petitioners challenging the ACT waiver in federal court.

The other waiver requests pulled this week by California included a 2023 regulation that would have phased out the sale of new diesel-powered semi-trucks and buses by 2036. Another rule, which CARB also promulgated in 2023, would have banned locomotive engines more than 23 years old by 2030, and would have increased the use of zero-emission technology to transport freight from ports and in rail yards in California.

"CARB's abandonment of its ACF rule waiver request is welcome news to energy marketers and consumers across the country," said EMA President Rob Underwood. "This mandate was unachievable since day one." "We look forward to working with the Trump administration on common-sense approaches for nationwide emissions standards that are achievable and deliver the promised environmental benefits, including reversing the unworkable waiver EPA granted last month to California for its Advanced Clean Car II (ACC II) rule," Underwood added.

The ACC II rule is a set of requirements for model years 2026 through 2035 for on-road light- and medium-duty engines and vehicles. The ACC II rule includes revisions to both California's Low Emission Vehicle and Zero Emission Vehicle (ZEV) regulations. The ACC II ZEV provisions specify future zero emission vehicle requirements in California as a percent of annual new vehicle sales. This requirement increases from 35% in model year 2026 to 100% in model year 2035. The Trump administration likely is going to start regulatory efforts to rescind the Biden EPA's ACC II waiver, while Congress may entertain disapproving it under the Congressional Review Act.

California's withdrawal of its EPA waiver request for the ACF rule will resonate beyond California, because states can adopt CARB's EPA-approved vehicle emission rules. CARB's action does not affect the antitrust lawsuit recently brought by EMA, the State of Nebraska, and others against California and the truck OEMs for their Clean Truck Partnership.

Calendar of Events

Groundhog Day	February 2
Super Bowl	February 9
Valentine 's Day	February 14
Daytona 500	February 16
Presidents ' Day	February 17
A&B Operator Training Class	April 16

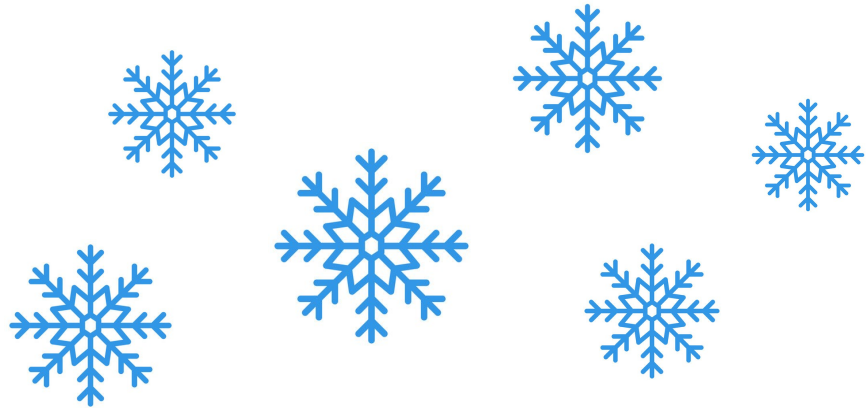
Business Hours:

Monday	Closed
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Wednesday	8:30-3:30
Thursday	8:30-3:30
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Contact:

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Petroleum Retailers & Auto Repair Association
1051 Brinton Road Suite 304
Pittsburgh PA 15221

