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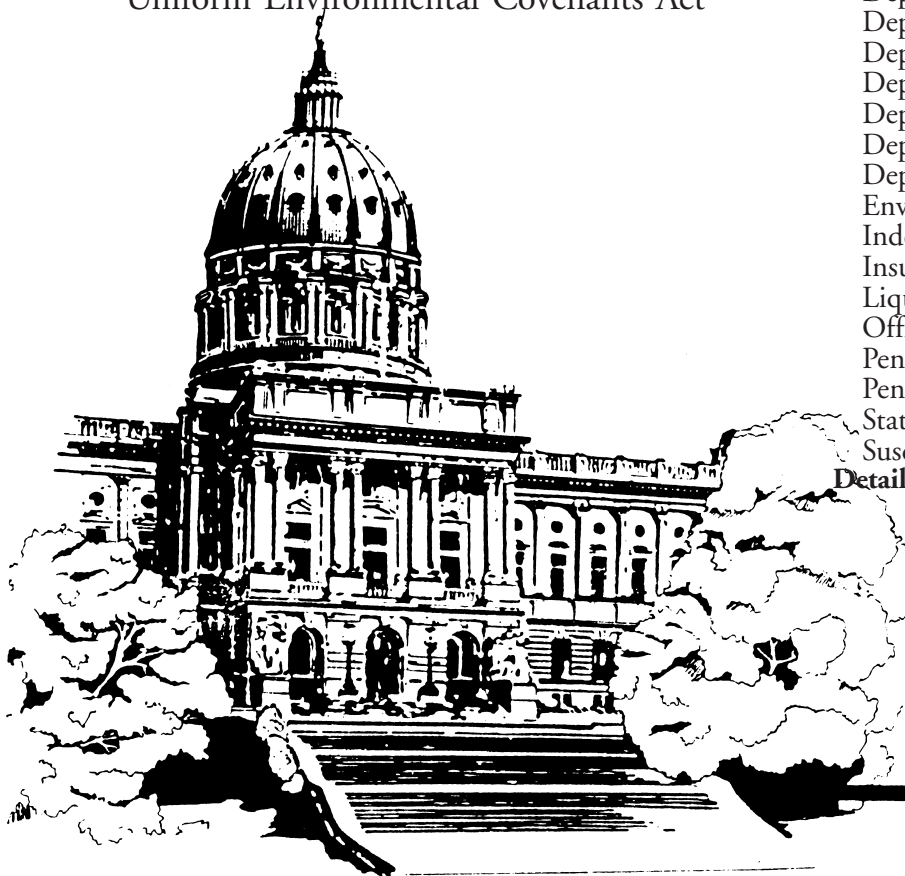
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No. 424, March 2010

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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 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 where the agency may omit the proposal step; they 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, they must re-propose.

Citation to the *Pennsylvania Bulletin*

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

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* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. 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*.

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.

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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 2010.

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THE GENERAL ASSEMBLY

Recent Actions during the 2010 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2010 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 001 through 008					
001	Jan 7	SB0711	PN1586	Immediately*	Amusements (4 Pa.C.S.)—omnibus amendments
002	Feb 1	HB0458	PN1377	60 days	Queen Aliquippa Bridge—designation
003	Feb 1	HB1801	PN2404	60 days	Milton L. Lebowitz Memorial Bridge—designation
004	Feb 1	HB1847	PN2794	Immediately*	Coal Refuse Disposal Control Act—establishment of Coal Bed Methane Review Board and declaration of policy.
005	Feb 1	SB0380	PN0378	Immediately	Christopher E. Loudon Memorial Bridge—designation
006	Feb 17	HB0692	PN2674	60 days	POW/MIA Memorial Bridge, Lt. Colonel Richard J. Berrettini Memorial Bridge, Potter County World War II Veterans Memorial Bridge and Veterans Memorial Gay Street Bridge—designations
007	Feb 17	HB1551	PN1926	Immediately	Crane Operator Licensure Act—licensing without certification
008	Feb 17	SB0125	PN1333	60 days	Controlled Substance, Drug, Device and Cosmetic Act—offenses of methamphetamine production, operating a methamphetamine laboratory, illegal dumping of methamphetamine waste and environmental costs and prohibited acts and penalties

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 10-386. Filed for public inspection March 5, 2010, 9:00 a.m.]

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 100]

In Re: Adoption of Rule 114 of the Rules Governing Standards of Conduct of Magisterial District Judges; Magisterial No. 263

Order

Per Curiam:

And Now, this 18th day of February, 2010, upon the recommendation of the Minor Court Rules Committee, the proposal having been published for public comment before adoption at Volume 39, *Pennsylvania Bulletin*, page 1856 (April 11, 2009) and a *Final Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 114 of the Rules Governing Standards of Conduct of Magisterial District Judges is adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective March 20, 2010.

PATRICIA NICOLA,
Chief Clerk,
Supreme Court of Pennsylvania

Annex A

TITLE 246. MINOR COURTS CIVIL RULES

PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

Rule 114. Reliance on Advisory Opinions. (NEW)

The Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania and the Ethics Committee of the Pennsylvania Conference of State Trial Judges are designated as the approved bodies to render advisory opinions regarding ethical concerns involving magisterial district judges and judges of the Traffic Court of the City of Philadelphia. Although such opinions are not per se binding upon the Judicial Conduct Board, the Court of Judicial Discipline, or the Supreme Court of Pennsylvania, actions taken in reliance upon these opinions shall be taken into account in determining whether discipline should be recommended or imposed.

Official Note: See Judicial Conduct Board Rules of Procedure No. 29, "Reliance on Advisory Opinions," which directs judicial officers to either the Ethics Committee of the Pennsylvania Conference of State Trial Judges or the Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania. Compare with "Reliance on Advisory Opinions" within the Code of Judicial Conduct. It is anticipated that ethical concerns directed to the Pennsylvania Conference of State Trial Judges would be limited to matters more appropriately before that body, for example, campaigning for election to the court of common pleas or an appellate court.

Adopted February 18, 2010, effective March 20, 2010.

FINAL REPORT

Proposed New Rule 114 of the Rules Governing Standards of Conduct of Magisterial District Judges

ADVISORY OPINIONS FOR ETHICAL INQUIRIES

On February 18, 2010, effective March 20, 2010, upon recommendation of the Minor Court Rules Committee¹, the Supreme Court of Pennsylvania approved new Rule 114 of the Rules Governing Standards of Conduct of Magisterial District Judges.

I. Background

In 2008, the Minor Court Rules Committee ("the Committee") was approached by a newly elected magisterial district judge who sought advice about one of the Rules Governing Standards of Conduct of Magisterial District Judges ("Rules of Conduct"). This inquiry initiated a discussion among the Committee members about what entity should be providing "advisory opinions" on the Rules of Conduct to magisterial district judges. The Committee was aware that the Ethics and Professionalism Committee of the Special Court Judges' Association of Pennsylvania ("the Association") had historically provided such opinions. However, neither the Rules of Conduct nor the Code of Judicial Conduct specifically authorized the Association to provide such opinions. Instead, the Judicial Conduct Board Rules of Procedure had a reference to the Association's ability to render such opinions. In order to provide more clarity to magisterial district judges and judges of the Traffic Court of the City of Philadelphia, the Committee recommended a new Rule 114 to specify directly in the Rules of Conduct that the Association, as well as the Ethics Committee of the Pennsylvania Conference of State Trial Judges², is responsible for providing advisory opinions.

II. Discussion

The Committee reviewed the section entitled "Reliance on Advisory Opinions," which appears at the end of the Code of Judicial Conduct. This section, unlike the Canons, is unnumbered. The "Reliance on Advisory Opinions" section directs all "judges, justices and other judicial officers" to contact the Ethics Committee of the Pennsylvania Conference of State Trial Judges regarding ethical concerns. However, two sections before the "Reliance" section, another unnumbered section, entitled "Compliance with the Code of Judicial Conduct" states: "This Code shall not apply to magisterial district judges and judges of the Traffic Court of the City of Philadelphia." In the note to this section, it refers magisterial district judges and traffic court judges to the Rules Governing Standards of Conduct of Magisterial District Judges.

Based upon the above, a magisterial district judge or traffic court judge attempting to obtain information about advisory opinions would be directed from the Code of Judicial Conduct to the Rules Governing Standards of Conduct for Magisterial District Judges. Unfortunately, no rule in the Rules of Conduct contains any reference to advisory opinions. Instead, there is a reference to the Association's ability to render such opinions in the Judicial Conduct Board Rules of Procedure. See J.C.B.R.P. 29. However, the Committee thought it was unlikely that

¹ Minor Court Rules Committee Recommendation 2-2009.

² It is anticipated that inquiries directed to the Ethics Committee of the Pennsylvania Conference of State Trial Judges would be limited to matters before that body, such as campaigning for election to the court of common pleas or an appellate court.

magisterial district judges or traffic court judges would look in the Judicial Conduct Board Rules of Procedure for guidance.

III. *Approved Rule Changes*

To address the issues discussed above, the Committee proposed a new Rule 114. The language of Rule 114 substantially tracks the language of the "Reliance on Advisory Opinions" section of the Code of Judicial Conduct. The note refers readers to the Code of Judicial Conduct for comparison. In addition, the note directs judges to J.C.B.R.P. 29.

[Pa.B. Doc. No. 10-387. Filed for public inspection March 5, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

**In Re: Promulgation of Local Rules 202 and 507;
No. 1793 S 1989; No. 10-6 MD 2010**

Order

And Now, this 4th day of February 2010, Dauphin County Local Rules of Criminal Procedure 202 and 507 are promulgated as follows:

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Dauphin County, having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants in the following circumstances:

Any search warrant application arising out of an investigation of any of the following offenses:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- (5) Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- (6) Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- (7) Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- (8) Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- (9) Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- (10) Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- (11) Homicide by vehicle in violation of 75 Pa.C.S.A. Section 3732; and
- (12) Homicide by vehicle while driving under influence in violation of 75 Pa.C.S.A. Section 3735.

(13) Aggravated Assault by vehicle while driving under influence in violation of 75 Pa.C.S.A. Section 3735.1;

(14) Rape in violation of 18 Pa.C.S.A. Section 3121;

(15) Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;

(16) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;

(17) Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;

(18) Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.2;

(19) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Dauphin County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- (5) Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- (6) Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- (7) Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- (8) Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- (9) Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- (10) Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- (11) Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732; and
- (12) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.
- (13) Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- (14) Rape in violation of 18 Pa.C.S.A. Section 3121;
- (15) Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- (16) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- (17) Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- (18) Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.2;

(19) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125; and

(20) Any offense arising out of an incident for which the District Attorney of Dauphin County has given written notice to the investigating agency of his intent to review any charges brought in connection with that incident prior to filing.

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 10-388. Filed for public inspection March 5, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 1, 3, 5, 7, 11, 13 AND 17]

License Applications and Management Contracts

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), amends 40 Pa. Code Chapters 1, 3, 5, 7, 11, 13 and 17.

Purpose

Several of the changes pertain to the use of management companies by licensees and to the level of interest in the licensed business that the management companies may have. The Board has found with increasing frequency that holders of hotel licenses, and to a somewhat lesser degree, holders of restaurant and eating place malt beverage licenses, are using management companies to carry out day-to-day activities. While Act 10 of 2002 amended the Liquor Code (47 P. S. §§ 1-101—8-803) to acknowledge and regulate this process, sections 4-404 and 4-436(f) of the Liquor Code still require that the licensee itself be the only party that is “pecuniarily interested” in the license. (47 P. S. §§ 4-404 and 4-436(f)).

Unfortunately, the term “pecuniarily interested” is not defined in the Liquor Code and the case law is somewhat scant. This presents a problem to the industry as it tries to draft agreements that would allow them to avail themselves of the opportunity to use a management company in a manner that does not violate the Liquor Code. When analyzing a management agreement, the Board has been guided by the Commonwealth Court decision in *Appeal of: E-J Westside Inn Corp.*, 449 A.2d 93 (Pa. Cmwlth. 1981). In that case, the Commonwealth Court held that a party has a pecuniary interest in a license when it participates in the profits of the licensed business and exercises substantial control over the business.

The purpose of this part of the rulemaking is to let the licensed community know how the Board interprets the Commonwealth Court’s decision and the factors that the Board will consider when reviewing an arrangement between the licensee and a third party. The definition of “pecuniary interest” incorporates the factors specified in the *E-J Westside* decision: participation in the profits of the licensed business and exercising “substantially” all right to control the business. Further, the rulemaking codifies the Board’s use of a 10% threshold in participation in the proceeds of the business as its trigger for further review of a management contract. This has been the administrative standard utilized by the Board for at least the last 2 decades.

Sections 4-404 and 4-436 of the Liquor Code mandate that the Board be satisfied upon receipt of the application and proper fees for issuance of a liquor license that the applicant is the only person pecuniarily interested in the license to be issued and that the applicant is a responsible person of good reputation. The rulemaking clarifies that the same standards the Board applies when determining the fitness of licensees will also be applied to the management companies they utilize. In other words, management companies are subject to sections 4-404 and 4-436 of the Liquor Code, requiring that the contractual arrangement does not give the management company (a nonlicensee) a pecuniary interest and the license, and

that the management company is also a responsible person or entity of good reputation.

The final-form regulations specify that the Board may refuse an interest based upon the factors provided in section 4-470(a.1) (47 P. S. § 4-470(a.1)), of the Liquor Code: reputation, criminal history and current or prior involvement in other licenses. The final-form regulations clarify that management companies are subject to the Liquor Code’s requirement that the entity be a responsible person or entity of good reputation. Put another way, the purpose is to clarify that the Board has the authority to examine the reputation of a management company in the same manner that it can examine the reputation of the licensee which employs the management company.

In addition, the regulations are amended to notify the licensed community of the process that shall be followed to notify the Board that a management company is being used. The Board will notify the applicant or licensee, in writing, of the Board’s decision to either approve or refuse the involvement of a person providing services as a management company. The final-form regulations do not set forth a specific time frame for the Board to notify an applicant or licensee of the Board’s decision regarding approval of a management contract. The Board believes that setting a specific time frame would be impracticable, because the management contracts that it reviews are highly variable in their scope, complexity and number of parties involved. Additionally, the approval or rejection of a management contract represents an after-the-fact event (that is, the licensee has already engaged the services of the management company) and therefore does not adversely affect the operation of the licensed business, as the licensee can continue to utilize the management company pending Board approval.

The rulemaking establishes a fee of \$350 for the Board’s review of a management contract. In certain circumstances, a fee can be waived by the Board if the intent of the applicant is to simply advise of a minor change or correction to a previously approved management contract. For example, there would be no fee assessed when an applicant is fixing a typographical error for a name of a party or an address, where an applicant is providing an exhibit that was referenced in the approved agreement but was inadvertently not provided originally, where an applicant is providing a missing page to an already approved contract or exhibit, where an applicant is reporting a name change as to one of the parties, or where an applicant is reporting a change in the mailing address or a change in contact information. However, a fee will be required by the Board if an applicant is reporting that one of the owners of the management company has changed, or if an applicant is reporting that the agreement is being assigned.

Another change involves the procedures for cleaning and maintaining systems for serving draft beer. This change reflects the fact that changes in technology allow for cleaning methods that do not require weekly cleanings and will encourage licensees to adopt these more modern methods. There has been uncertainty in the licensed community because the improved technology has been available for several years, but the ability for a licensee to use this technology under the existing regulations has not been clear. It is anticipated that the licensed community will realize a savings if the draft beer systems do not have to be completely emptied and cleaned every week.

The enforcement officers of the Bureau of Liquor Control Enforcement, Pennsylvania State Police also have been uncertain about the permissibility of this advanced technology. Resolving these uncertainties should help make enforcement more efficient, predictable and cost-effective.

A further change pertains to tastings that are conducted at State stores. Tastings were first authorized by Act 15 of 2003. See 47 P. S. § 2-215(e). In response, the Board drafted regulations to govern these tastings. Having now conducted several years of tastings, the Board feels that amendments will make the tastings more efficient and more consumer-friendly. The specific amendments allow sponsors of in-store tastings to import those products to be tasted into this Commonwealth, rather than requiring sponsors to purchase the products from the Board. It also allows partially-consumed bottles being used for tastings to be stored at wine and spirits stores, rather than requiring that they be discarded.

Another change pertains to the information the Board considers when assessing an applicant's reputation. The amendment reflects the fact that the Liquor Code contemplates a review of the reputation of the individuals associated with the licensee in addition to the licensee itself. Good reputation is a characteristic required by the Liquor Code in determining eligibility for a license. The amendment makes it clear that the reputation of the officers, directors, shareholders, members and partners of an applicant entity will be considered in determining eligibility for a license. Improved clarity and predictability will make the application process more efficient and thus more economical for the applicant for a license.

Administrative amendments have been included in Chapter 17 (relating to special rules of practice and procedure for matters before the Board). These changes allow prehearing submission of proposed exhibits to the Board's Hearing Examiner and encourage the parties to exchange documents before a hearing. All participants in hearings should benefit from this process to clarify the issues before a hearing begins. Other changes benefit hearing participants by clarifying the time within which a protest to an application must be received. The Board's authority to issue its own subpoenas is also clarified, and thus the administrative process is simplified.

The remaining amendments address administrative changes that will facilitate and improve the Board's administration of the Liquor Code. Each of these changes as presented responds to the public interest in an efficiently regulated alcohol beverage industry in this Commonwealth while keeping pace with changes in the dynamic marketplace for alcohol beverages.

Proposed amendments relating to requiring vendor tax clearance have been completely withdrawn. These proposals were found in §§ 1.1, 3.8, 3.142(a)(2) and 11.143. The proposal intended to place merchants on notice that the Commonwealth's Contractor Responsibility Program applied to business entities that sell liquor and liquor accessories to the Board. These sales of liquor and liquor accessories are not subject to the Commonwealth's Procurement Code. The proposal would have required that the merchants of the Board provide documentation demonstrating that they had necessary tax clearances from the Departments of Revenue and Labor and Industry. During the pendency of the proposal, however, the Commonwealth revised its administrative procedures regarding the payment of Commonwealth vendors. Under the new procedures, merchants selling liquor and liquor accessories to the Board are currently ineligible to receive payment of their invoices if they do not have tax clear-

ance from the Departments of Labor and Industry and Revenue. As the implementation of these new Commonwealth procedures resolved the issues to be addressed by the proposed regulations, the regulations have been withdrawn in their entirety.

Moreover, the Board has withdrawn proposed amendments to § 3.8(a) and (b) (relating to certificate of completion; certificate of approval; letter of authority), as the Board is currently uncertain as to how it wishes to proceed regarding the policy changes reflected in the regulations. Accordingly, it was decided to withdraw the proposed amendments and resubmit them to the Independent Regulatory Review Commission (IRRC), in a subsequent regulatory package, after the Board further reflects on how to proceed.

Summary of Amendments:

The amendments add three new definitions, establish regulations for management agreements, revise procedures for wine and spirits tastings in stores and revise rules of hearing procedure. Obsolete regulations about cleaning draft beer systems are updated. The following are summaries of the regulatory changes:

- Defines the term "pecuniary interest."
- Clarifies that the reputation of stockholders, directors, officers and members of corporate or other business entity licensees will be considered in assessing the reputation of the licensee.
- Establishes rules and procedures for approval of management agreements and sets a fee for review of such agreements.
- Recognizes that licensees are using new technology to assure that malt or brewed beverage dispensing systems are clean.
- Codifies the Board's established practice that the purchase price for transfers of licenses that involve changes in ownership must be placed into escrow.
- Amends regulations on "tasting events" to clarify the amount of alcoholic beverages that may be given. It also allows sponsors of in-store tastings to import into this Commonwealth, products to be tasted rather than making them buy the products from the Board. It also allows partially-consumed bottles being used for tasting to be stored at wine and spirits stores, rather than requiring that they be discarded.
- Amends hearing procedures related to issuance of subpoenas and the time for filing protests.

Affected Parties

The regulations will affect licensees and applicants for licenses issued by the Board. It will affect anyone participating in a hearing before the Board.

Paperwork Requirements

The amendments will not significantly increase paperwork for the agency or most of the regulated community.

Fiscal Impact

With respect to the regulatory changes pertaining to management contracts, members of the regulated community who utilize a management company will be required to pay the \$350 processing fee under § 3.142(c). No other additional costs, except for the previously mentioned \$350 fees, are expected to be borne by the regulated community, as the regulatory changes merely codify existing Board practices in reviewing these management contracts. Fees assessed on applicants and licensees utilizing management companies would be retained by the Board, resulting in an overall increase to the Board's revenues,

which can be utilized to defray the current administrative costs associated with processing the contracts. The records of the Board's Bureau of Licensing estimates that since June 2005, there are a total of 486 management companies on file with the Board. Further, since the start of 2009, the Board has received 64 applications for management companies, which included a copy of the management contract. Accordingly, if the Board would receive a total of 85 management contracts through the end of 2009, the Board would receive approximately \$30,000 in fees.

There are no expected costs or savings expected for the regulated community regarding the proposed modification to § 1.5 related to evaluating the reputation of licensees. Further, the Board does not expect that the proposed change will result in any costs or savings for either the Commonwealth or local governments.

With respect to the amendments pertaining to beer line cleaning, it is possible that the regulated community may realize potential costs or savings depending on its utilization of any newly approved beer line cleaning systems. Costs or savings nor both, would be speculative and outside the Board's control. The Board does not expect that the proposed change will result in any costs or savings for either the Commonwealth or local governments.

With respect to the amendments in §§ 13.201 and 13.211 (relating to definitions; and tasting events), there are no expected costs or savings expected for the regulated community regarding the amendments. Further, the Board does not expect that the amendments will result in any costs or savings for either the Commonwealth or local governments.

With respect to the amendments in §§ 13.223 and 13.228 (relating to procurement of wine or spirits, or both; and disposal and storage of partially-used liquor and empty containers) members of the regulated community which provide in-store tastings may realize savings as a result of being able to provide and transport the wine and spirits from their own stock, as opposed to having to purchase products from the Board. Further, savings may be realized in that the final-form regulations would allow members of the regulated community to reseal bottles used at such in-store tasting events and transport them for additional tasting events, thereby reducing the number of bottles needed for tasting events. If members of the regulated community sponsoring in-store tasting events all chose not to purchase their products from the Board, as permitted by these regulations, the Board has estimated that its loss of tax revenue would be approximately \$200,000 per year, based upon the Board's experience with conducting tasting events. It should be noted that the estimated loss of \$200,000 per year would be realized in savings by the regulated community.

With respect to the amendments to administrative hearing procedures, there are no expected costs or savings expected for the regulated community. Further, the Board does not expect that the proposed changes will result in any costs or savings for either the Commonwealth or local governments.

With respect to the remaining administrative amendments represented by the final-form regulations, there are no expected costs or savings expected for the regulated community. Further, the Board does not expect that the amendments will result in any costs or savings for either the Commonwealth or local governments.

Effective Date

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

Public Comment/Contact Person

Comments and questions should be addressed to James F. Maher, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 17, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 3418 (July 21, 2007), to the Independent Regulatory Review Commission (IRRC) and the House and Senate Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act, (71 P. S. § 745.5a(j.2) on November 18, 2009, these final-form regulations were deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 19, 2009 and approved the final-form regulations.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapters 1, 3, 5, 7, 11, 13 and 17, are amended by amending §§ 1.1, 1.5, 3.1, 5.23, 5.51—5.54, 7.2, 13.43, 13.51, 13.201, 13.211, 13.223, 13.228, 17.5, 17.7 and 17.13; and by adding §§ 3.141—3.143 and 5.50 to read as set forth in Annex A.

(b) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

PATRICK J. STAPLETON, III,
Chairperson

(Editor's Note: The proposal to amend § 3.8 and to add § 11.143, included in the proposed rulemaking at 37 Pa.B. 3418 has been withdrawn by the Board. The amendment of § 3.1 and the addition of § 5.50 were not included in the proposed rulemaking which appeared at 37 Pa.B. 3418.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 6915 (December 5, 2009).)

Fiscal Note: Fiscal Note 54-63 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 1. GENERAL PROVISIONS

§ 1.1. Definitions.

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

Alcohol—Absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines and other spirits by whatever name or designation given.

Board—The Liquor Control Board of the Commonwealth.

Examiner—An individual learned in the law appointed by the Governor under the Liquor Code.

Liquor Code—The Liquor Code (47 P. S. §§ 1-101—8-803).

Pecuniary interest—An interest that sounds in the attributes of proprietorship. There is a rebuttable presumption of a pecuniary interest when a person receives 10% or more of the proceeds of the licensed business or when control is exercised by one or more of the following:

- (i) Employing a majority of the employees of the licensee.
- (ii) Independently making day-to-day decisions about the operation of the business.
- (iii) Having final authority to decide how the licensed business is conducted.

§ 1.5. Reputation: Use of criminal and citation history.

(a) When considering whether a person is reputable or the repute of a person under any section of the Liquor Code or this title, the Board may consider whether that person has been convicted of any crimes including misdemeanors and felonies, the person's history regarding licenses issued by the Board, including the citation history of the licenses, and any other factor the Board deems appropriate.

(b) When considering the reputation of a corporation, partnership, limited liability company or other business entity, the Board will consider the reputation of its stockholders, directors, officers, managers or members.

CHAPTER 3. LICENSE APPLICATIONS

Subchapter A. GENERAL PROVISIONS

§ 3.1. Definitions.

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

Authorized agent—An individual whose signature appears on the reverse side of a Wholesale Liquor Purchase Permit Card, provided the individual is regularly employed in the business or establishment of a permit holder.

Bar/counter—A smooth flat surface affixed to the premises on which drinks and food are served.

Bench—A long seat for more than one person.

Booth—A table usually surrounded by one or two benches, serving as partitions.

Chair—A single seat with back, often with arms, and supported on legs or a pedestal.

Eating space—A space at least 18 inches wide by 12 inches deep, which is suitable for a service setting of plate, utensils and drink.

Management contract—An agreement between a licensee and a management company to operate, manage or supervise all or part of the operation of the licensed premises.

Permit holder—A retail liquor licensee, registered pharmacist, hospital, State-owned institution, manufacturing pharmacist or chemist, manufacturer of products for nonbeverage purposes, or other person to whom a Wholesale Liquor Purchase Permit has been issued by the Board.

Retail liquor licensee—A person, partnership, association or corporation holding a hotel, restaurant, club or public service liquor license or other license issued under the Liquor Code for the sale of liquor and malt or brewed beverages at retail.

Seating—The number of patrons able to be served meals in a restaurant or eating place retail dispenser premises where a stool, chair, booth or bench is provided to sit on, and where an eating space is provided.

Stool—A backless and armless single seat supported on legs or a pedestal.

Table—A piece of furniture having a smooth flat top supported by one or more vertical legs.

Subchapter M. MANAGEMENT CONTRACTS

Sec.	
3.141.	Management contracts.
3.142.	Reporting.
3.143.	Board approval and licensee responsibility.

§ 3.141. Management contracts.

(a) A licensee may contract with another person to manage its licensed premises.

(b) A management contract must reserve to the licensee the capability to direct its own business.

(c) A management contract must be in writing, and a copy shall be maintained on the licensed premises where it shall be available for inspection by the Board.

(d) A management contract may not give a pecuniary interest to a management company.

§ 3.142. Reporting.

(a) Current licensees or applicants for licenses that have management contracts shall file with the Board's Bureau of Licensing (Licensing) on forms supplied by Licensing, the identity of all persons who are parties to the management contract.

(b) Current licensees or applicants for licenses that enter into, modify or terminate management contracts shall, within 30 days, file a written notice with the Board that this has occurred. The changes shall be reported on forms which will be furnished upon request by the Board.

(c) Licensees filing notice of the establishment or modification of a management contract shall pay a fee of \$350. No fee is payable when a licensee gives notice to the Board that a management contract has been terminated. Likewise, no fee is required when a licensee is notifying the Board of a nonsubstantive change to an existing management contract, such as the correction of a typographical error, the providing of a page or document

inadvertently omitted from an earlier submission, or a name, address or contact information change as to one of the parties.

§ 3.143. Board approval and licensee responsibility.

(a) The Board will notify the current licensee or applicant, in writing, of the Board's decision to either approve or refuse the involvement of a person providing services as a management company.

(b) The Board may refuse the involvement of a person providing services as a management company. The Board's refusal may be based upon the following:

(1) The creation by the management contract of a pecuniary interest in the license.

(2) Facts upon which the Board could refuse a person's involvement in the license which may include reasons specified in section 4-470(a.1) of the Liquor Code (47 P. S. § 4-470(a.1)) such as reputation, criminal history, and current or prior involvement in other licenses.

(c) The licensee's use of a management company will not affect the licensee's responsibility for violations of the Liquor Code or this title.

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter B. EMPLOYEES OF LICENSEES EMPLOYMENT OF OTHERS

§ 5.23. Appointment of managers.

(a) The operation of a licensed business requires a manager. A licensee shall appoint an individual as manager for each licensed establishment. The manager shall devote full time and attention to the licensed business.

(b) An individual licensee holding multiple licenses may designate himself as manager of only one licensed establishment. If a license is held by more than one individual, the manager may be one of the individuals or another person the licensee may designate.

(c) The manager appointed by a licensee shall be a reputable person. The licensee shall notify the Board in writing of the name and home address of the manager and the date and place of birth. If there is a change of manager, the licensee shall give the Board written notice within 15 days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by the appropriate fee.

(d) When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, a total fee of \$135 will be assessed. An individual may not act in the capacity of manager after the licensee has been notified that the individual has been disapproved by the Board. The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior written approval is obtained from the Board. If the designated manager is currently a Board-approved officer, member, partner or shareholder of that licensee, a fee of \$60 will be assessed.

(e) Appointment or approval, or both, by the Board of a manager will not exempt the licensee from the penalties provided by law and this title for violations committed in the licensed establishment or in the course of the operation of the licensed business.

(f) The Board may rescind the approval of an appointment of a manager at any time for any cause which it deems sufficient.

(g) In the event of the illness or extended vacation of a licensee, the Board may approve the appointment of a manager for a period not to exceed 30 days. In case of emergency, the approval may be extended upon written request of the licensee.

(h) The licensee, without Board approval, may designate one of its employees as the person in charge of the business for a period of time not to exceed 15 calendar days, when the manager is absent from the licensed premises.

(i) A club manager or steward may engage in employment outside his duties as manager or steward except as provided in section 4-493(11) of the Liquor Code (47 P. S. § 4-493(11)).

(j) If approved by the Board, management contracts may permit the manager for the licensed premises to be employed by the management company; however, the licensee shall have unfettered discretion in all aspects of management of the licensed business, including the employment of the manager and sales of food, alcoholic and nonalcoholic beverages. The licensee's discretion includes control of the manager's hiring, firing, discipline, salary and duties. The manager is an agent of the licensee.

Subchapter D. SANITARY CONDITIONS AND LIGHTING AND CLEANING OF MALT OR BREWED BEVERAGE DISPENSING SYSTEMS

CLEANING OF MALT OR BREWED BEVERAGE DISPENSING SYSTEMS

§ 5.50. Definition.

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

Malt or brewed beverage dispensing system—A keg or other container of malt or brewed beverages together with all components used to serve those beverages on draft.

§ 5.51. Cleaning of malt or brewed beverage dispensing systems.

(a) A licensee that uses a malt or brewed beverage dispensing system in its licensed premises shall clean the system at its sole expense. One licensee may not clean a malt or brewed beverage dispensing system for another licensee.

(b) The method of cleaning must leave the entire malt or brewed beverage dispensing system in a clean and sanitary condition. The cleaning method used must include cleaning the entire system with a chemical cleaning solution or other cleaning method approved by the Board. The following alternative cleaning methods have Board approval:

(1) Live steam.

(2) Hot water and soda solution, followed by thorough rinsing with hot water.

(c) The frequency of cleaning for the malt or brewed beverage dispensing system shall be as follows:

(1) Once every 7 days for the faucets.

(2) Once every 7 days for the dispensing lines, valves, joints, couplers, hose fittings, washers, o-rings, empty beer detectors (known as "FOBS") and draft foam control units, except if the licensee has an operating ultrasonic, electromagnetic or other system that retards the growth

of yeast and bacteria in the dispensing lines. If such a system is installed and operating, the licensee shall follow the cleaning frequency and cleaning method guidelines of the system's manufacturer.

(3) The Board may approve different cleaning frequencies.

§ 5.52. Certificate or record required.

(a) The malt or brewed beverage dispensing system may be cleaned for the licensee by a person, other than another licensee, thoroughly equipped to do so by a method enumerated in § 5.51 (relating to cleaning of malt or brewed beverage dispensing systems). The licensee shall obtain from the cleaner a certificate showing the date cleaned, the name of the person by whom cleaned and the method utilized. The certificate shall be kept on file at the licensed premises at all times for inspection by the Board.

(b) The malt or brewed beverage dispensing system may be cleaned by the licensee. The licensee shall maintain and keep a record of the date of each cleaning and the method utilized. This record shall also be kept on file at all times for inspection by the Board.

§ 5.53. Pressure maintenance.

If a compressed gas or other pressurizing system is used in the malt or brewed beverage dispensing system, it shall be designed to preserve the normal flavor of the malt or brewed beverage and not introduce contaminants such as dust, water or oil, into the system.

§ 5.54. Responsibility for condition of equipment.

The licensee has the sole responsibility of maintaining equipment used in dispensing malt or brewed beverages on draft in a clean and sanitary condition. The mere fact that records of licensees indicate that the malt or brewed beverage dispensing system has been cleaned is no defense to enforcement action under the law and the provisions of this subchapter if the malt or brewed beverage dispensing system is at any time found to be in an unsanitary condition.

**CHAPTER 7. TRANSFER, EXTENSION,
SURRENDER, EXCHANGE AND SUSPENSION OF
LICENSES**

Subchapter A. TRANSFER OF LICENSES

§ 7.2. Transfers of ownership.

When an application is filed for transfer of a license from one person to another, a bill of sale of the business or fixtures shall be executed by the licensee and shall be exhibited to the Board or its representative. The purchase price of the business, either in the form of cash or legal obligation as security for the purchase price, shall be placed in escrow with an attorney or financial institution, to be paid to the original licensee upon the approval of the transfer by the Board. The actual transfer of ownership of the business may not pass until approval of the transfer of license has been given. The transferee shall exhibit a deed or lease for the premises, or bill of sale, or both, as the case may be. The license may not change hands until the license transfer has been approved by the Board and the original licensee may continue the operation of the business and may sell liquor or malt or brewed beverages until formal approval of the transfer is given. If the original licensee does not continue operation of the business under the license, no liquor or malt or brewed beverages may be sold and the license shall be surrendered to the Board until the transfer is approved.

**CHAPTER 13. PROMOTION
Subchapter A. ADVERTISING
ADVERTISING OF BRAND NAMES**

§ 13.43. Interior display.

(a) A licensee may install or permit to be installed electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for interior display on the licensed premises.

(b) When the point-of-sale material, as described in subsection (a), is of maximum value as set by the Board, no background material may be used in conjunction with the installation.

(c) Signs or displays intended for use interchangeable in a window, doorway or in the interior must meet the requirements for both maximum area, as provided in § 13.42 (relating to window and doorway display) and maximum value as set by the Board.

GIVING AND ACCEPTING THINGS OF VALUE

§ 13.51. General prohibition.

(a) Except as provided herein and in § 13.52 (relating to advertising novelties), no in-State or out-of-State manufacturer, licensee or group of licensees, their servants, agents or employees, may directly or indirectly, in person, individually or through a trade organization, contribute to or accept from another licensee or group of licensees of a different class, their servants, agents or employees or a trade organization of licensees of a different class, anything of value by means of advertisements, contributions, purchase, sale of tickets, donations or by any device, for any purpose.

(b) Manufacturers of alcoholic beverages and their servants, agents, employees or representatives are not prohibited from participating in the activities of conventions of State or National organizations of retail liquor licensees, or distributor or importing distributor malt beverage licensees. The participation shall be limited to the payment of registration fees entitling the registrant to admission to the convention, to the insertion of advertising in the convention program of the State or National convention and to the furnishing of food, beverages and entertainment to persons who are bona fide registrants at the conventions.

(c) This section does not prohibit an in-State or out-of-State manufacturer, licensee or trade organization from providing another in-State or out-of-State manufacturer, licensee or trade organization routine business entertainment as defined in § 13.1 (relating to definitions). The routine business entertainment shall be subject to the following conditions:

(1) Routine business entertainment shall be provided without a corresponding obligation on the part of the recipient to purchase alcoholic beverages or to provide any other benefit to the donor or to exclude or restrict from sale the products of any other licensee or in-State or out-of-State manufacturer.

(2) The donor, its servants, agents or employees shall accompany the recipient during routine business entertainment. When items such as tickets are donated by manufacturers to importing distributors for the ultimate use of retailers, the donor is considered to be the importing distributor and it is the importing distributor, or its servants, agents or employees, who shall accompany the retailer.

(3) Routine business entertainment that requires or includes an overnight stay is prohibited.

(4) No more than \$800 may be spent in a calendar year on any recipient licensee.

(5) Included under the \$800 yearly entertainment cap for a recipient licensee are the licensee, a spouse, employees and guests.

(6) Licensees, in-State manufacturers and out-of-State manufacturers shall keep complete and accurate records of all expenses incurred and all routine business entertainment received for 2 years. These records must contain the name of the recipient and donor of the entertainment, the type of routine business entertainment, the date and, in the case of a donor, the amount of expenditure for each occasion.

(d) After prior written agreement, manufacturers may reimburse importing distributors or distributors for the cost of affixing the manufacturers' beer brand logos to importing distributors' or distributors' delivery vehicles.

(e) The sponsorship of a tasting upon a licensed premises will not be considered giving or accepting a thing of value.

**Subchapter D. TASTING EVENTS
GENERAL PROVISIONS**

§ 13.201. Definitions.

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

In-store tasting events—Tasting/tasting events held upon the premises of a State Liquor Store.

Sponsor—A sponsor of a tasting event may be any licensed vendor, importer, distributor, importing distributor or manufacturer or its agent or employee who is 21 years of age or older.

Standard size alcoholic beverage—A standard size alcoholic beverage is 12 fluid ounces of a malt or brewed beverage, 4 fluid ounces of wine (including fortified wine) or 1 1/2 fluid ounces of spirits.

Tasting/tasting events—A presentation of alcoholic products to the public for the purpose of market research, disseminating product information and education of the public as to quality and availability.

TASTING EVENTS

§ 13.211. Tasting events.

(a) Tastings may be conducted by sponsors upon licensed or unlicensed premises.

(b) Sponsors conducting a tasting event shall adhere to the following requirements:

(1) Products used shall be legally procured and properly registered and taxes on the products shall be paid.

(2) Purchase requirements may not be associated with the tasting.

(3) Products offered will not exceed a standard size alcoholic beverage for that product. For example, if wine is offered, each glass of each wine offered to a participant will not exceed 4 ounces in volume. A tasting event comparing a brand of Chardonnay from California to a brand of Chardonnay from France would allow the participant to receive one 4-ounce glass of each Chardonnay.

IN-STORE TASTING EVENTS

§ 13.223. Procurement of wine or spirits, or both.

(a) Wine or spirits used during the in-store tasting events shall be procured by the sponsor in accordance

with the sampling process as specified in § 13.81 (relating to samples of liquor), by purchase from the Board or the sponsor may provide and transport the wine and spirits from its own stock.

(b) A maximum of four products per sponsor per in-store tasting event may be made available for tasting by consumers.

(c) Wine and spirits used during an in-store tasting event shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer.

§ 13.228. Disposal and storage of partially-used liquor and empty containers.

(a) At the conclusion of the in-store tasting event, sponsors shall either discard unused portions of opened liquor containers at the State Liquor Store or may reseal the partially-consumed liquor containers. The resealed partially-used containers shall be placed in storage at the store for use at a subsequent store tasting or may be removed from the premises. No partially-consumed liquor containers may be placed in storage at a store for more than 15 days. After 15 days, partially-used containers of liquor may be discarded by the Board.

(b) Sponsors shall dispose of all empty liquor containers in accordance with section 4-491(5) of the Liquor Code (47 P. S. § 4-491(5))

(c) Resealed partially-used containers may not be furnished to employees of the Board or any other person and may only be used for a subsequent in-store tasting.

**CHAPTER 17. SPECIAL RULES OF PRACTICE
AND PROCEDURE FOR MATTERS BEFORE THE
BOARD**

Subchapter A. GENERAL

§ 17.5. Subpoenas.

(a) *Issuance.* Except for subpoenas issued upon the Board's own motion, issuance of subpoenas will be as follows:

(1) Subpoenas for the attendance of witnesses or for the production of documents will be issued only upon written application to the Board, with a copy of the application to the opposing party.

(2) Written application shall specify as clearly as possible the relevance of the testimony or documentary evidence sought. Requests for documents must specify, to the extent possible, the documents desired.

(3) Failure to adhere to this subsection may result in the refusal by the Board to issue the requested subpoenas.

(b) *Service.* Service of subpoenas shall be as follows:

(1) A subpoena shall be served personally upon the witness by the party requesting the subpoena, who shall be responsible for witness fees.

(2) Subpoenas for the production of documents shall be served upon the individual in possession of the documents, if known, or the agency head, who may designate a custodian of the documents.

(3) Service shall be made at least 48 hours prior to the hearing, unless the witness agrees to waive the 48-hour requirement.

(4) Failure to adhere to this subsection may result in a ruling by the Board denying the enforceability of the subpoena.

(c) *Supersession.* Subsection (a) supersedes 1 Pa. Code § 35.142(a) (relating to subpoenas). Subsection (b) supplements 1 Pa. Code § 35.142(b) and (c).

§ 17.7. Exhibits.

(a) Exhibits to be presented in connection with a hearing shall be submitted in five copies each at the time of the hearing unless otherwise directed by the Board.

(b) Documents that the Board, a party, petitioner or intervenor expects to offer as exhibits may be presented to the Board's hearing examiner and all other parties of record in advance of a hearing. The documents are not evidence unless admitted into the record by the hearing examiner at the hearing. Presentation of documents to the other parties before a hearing is encouraged.

(c) Subsection (a) supersedes 1 Pa. Code § 33.15 (relating to number of copies).

Subchapter B. LICENSE APPLICATIONS

§ 17.13. Protests/intervention procedure.

(a) *Form.* A protest or petition to intervene must be substantially in the following form and contain:

(1) The identity of the protestant or petitioner—name, address and telephone number.

(2) The matter to which the protest or petition is addressed.

(3) A concise statement of the objections, including the legal basis for consideration as a valid protest, if applicable.

(4) In addition to the requirements in paragraphs (1)—(3), petitions to intervene must contain the following:

(i) A statement of the direct interest of the petitioner in the proceeding.

(ii) A description of how the petitioner will be aggrieved in the event of a Board decision contrary to the petitioner's direct interest.

(b) *Time.* A protest or petition to intervene shall be filed with the Board within 30 days of the posting of notice of application as required under Chapter 3, Subchapter B (relating to notice posting). The Board may accept an untimely filed protest or petition to intervene, but only upon good cause shown.

(c) *Notice.* A petition to intervene shall be served upon the applicant in compliance with 1 Pa. Code §§ 33.31—33.37 (relating to service of documents). With respect to a valid protest as determined by the Board, service upon a party is not required. The Board will notify the applicant of a valid protest if a hearing is convened.

(d) *Action or petition to intervene.* An answer to a petition to intervene or protest is not required.

(e) *Hearings.* When the Board orders a hearing, valid protestants and those who have been granted status as intervenors will be notified of the time and place of the hearing at least 10 days in advance of the hearing. The Board will render its decision based upon the record. Failure to appear or testify at the hearing may remove the reasons for protest or intervention from the Board's consideration.

(f) *Limitation of participation in hearing.* If the Board determines that two or more protestants or intervenors have substantially similar interests and positions, the Board may indicate the similarity of interests in the notice of hearing and direct that one or more persons testify as representative of the similar interests. Designated representatives shall advise the Board at the time of hearing. If no designation has been effected, the Board will select a representative protestant or intervenor, or permit all or a portion of the group to testify as time permits or as appropriate under the circumstances.

(g) *Supersession.* This section supersedes 1 Pa. Code §§ 35.23, 35.24, 35.27—35.32 and 35.35—35.41 (relating to protests; intervention; and answers).

[Pa.B. Doc. No. 10-389. Filed for public inspection March 5, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 521, 527, 553, 555, 557, 559, 561, 563 AND 565]

Temporary Table Game Training Requirements; Temporary Table Game Rules for Poker, Caribbean Stud Poker, Four Card Poker, Let It Ride Poker, Pai Gow Poker, Texas Hold 'Em Bonus Poker and Three Card Poker

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. §§ 1302A(1)—(4), (5.1) and (7) and 1323A (relating to regulatory authority; and training of employees and potential employees), adopts temporary regulations in Chapters 521, 527, 553, 555, 557, 559, 561, 563 and 565 (relating to general provisions; minimum training standards; poker; Caribbean Stud Poker; Four Card Poker; Let It Ride Poker; Pai Gow Poker; Texas Hold 'Em Bonus Poker; and Three Card Poker) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of a new Subpart K entitled Table Games.

Purpose of the Temporary Rulemaking

This temporary rulemaking contains minimum training provisions for dealers, procedures to request permission to offer a new table game or seek a waiver of table game regulations and the rules for conducting the games of Poker, Caribbean Stud Poker, Four Card Poker, Let It Ride Poker, Pai Gow Poker, Texas Hold 'Em Bonus Poker and Three Card Poker.

Explanation of Chapters 521, 527, 553, 555, 557, 559, 561, 563 and 565

In Chapter 521, definitions of the terms "ante," "cover card" and "stub" have been added. These terms are used throughout the chapters related to the rules of the games.

A new § 521.4 (relating to request to offer a new table game or new feature for an existing table game) has been added to give certificate holders a mechanism through which they can request permission to offer a new table game for which the Board has not promulgated regulations, or add a new wager or feature to an existing game. The Board recognizes that as more jurisdictions permit table games, certificate holders may need to be able to add new games or modify existing games to maintain player interest and meet market demands. Under this section, certificate holders will be able to file a written request with the Board's Executive Director requesting permission to do either of these.

Similarly, a new § 521.5 (relating to waiver of existing table game regulations) has been added which will allow certificate holders to file a petition to seek a waiver of any of the Board's table game regulations. While the Board has attempted to build a fair amount of flexibility into the table game regulations, it recognizes that there may be circumstances where a certificate holder may find that a specific regulation imposes an unreasonable hardship on the certificate holder. Adding this waiver provision will create a process whereby a certificate holder can seek relief.

Chapter 527 sets forth the general minimum training or experience requirements that an individual will have to meet to be a dealer in this Commonwealth. Dealers will have to be trained in the table games they deal, either at a school or a licensed facility or have at least 6 months previous dealing experience in another jurisdiction. Section 527.2 (relating to minimum proficiency requirements) lists the minimum hours of instruction required for different table games which will need to be included in the training programs of schools and certificate holders. It also contains general requirements related to training on the handling of cards, dice and tiles that are used in the play of table games. In § 527.3 (relating to employee training by certificate holders), the Board has listed the areas that each certificate holder must include as part of its in-house training of employees who are going to be dealers and in § 527.4 (relating to submission of training programs to the Board) certificate holders are required to submit those training programs to the Board. Finally, under § 527.5 (relating to table test; employee personnel file) certificate holders will be required to have all prospective dealers pass a live table test before the dealers will be permitted to conduct table games on the gaming floor. Additionally, this section requires the certificate holder to document all of a dealer's training in the dealer's personnel file so that the Board can audit compliance with these requirements.

Chapter 553 contains the rules for the nonbanking poker games that may be offered. Nonbanking table games are games where the players compete against each other, not the certificate holder, and for which the certificate holder collects a percentage of winning pots or a fee, referred to as the "rake." This chapter includes general provisions which address: the layout of tables used for Poker; the decks of cards to be used; the ranking of Poker hands; the opening of Poker tables; the procedures for shuffling, cutting and dealing; and wagers. It also includes separate sections which contain the specific rules for the five poker games that can be offered, which are: Seven-card Stud Poker; Hold'em Poker; Omaha Poker; Five-card Draw Poker; and Five-card Stud Poker. Also contained in this chapter are sections which outline: the general rules applicable to all Poker games and how irregularities in play are to be handled; rules for player conduct; announcement of available games and seats at tables; and the rules for Bad Beat payouts, if they are offered by the certificate holder.

Chapters 555, 557, 559, 561, 563 and 565 contain the rules for the authorized banking poker games, where the players compete against the certificate holder. Each of these chapters is organized in a similar manner which includes: the layout of tables used for each of the games; the decks of cards to be used; the opening of tables; the ranking of hands; the different wagers that may be made; the procedures for shuffling, cutting and dealing; the procedures for the actual play of each game; the collection of losing wagers and payment of winning wagers; the

minimum payout odds and paytables that may be used; and how irregularities in play are to be handled.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to hire and train dealers for the table games they wish to offer and purchase the equipment necessary to conduct the table games.

The Board will experience increased regulatory demands resulting from the implementation of table games. The most significant increases will be the hiring of additional casino compliance agents to oversee the operation of the table games at the licensed facilities and increased number of license and occupation permit applications that will have to be processed by the Bureau of Licensing.

Fiscal Impact

Commonwealth

The Board expects that it will experience increased costs related to adding additional staff at the licensed facilities and at its offices to handle the increased licensing and oversight requirements that will result from the introduction of table games. Because the Board is just starting to receive petitions from slot machine licensees seeking permission to conduct table games, the extent of these additional costs are not known. However, the Board does not expect these increased costs to exceed the additional funding provided to the Board under Act 1.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to meet the requirements contained in these regulations, to purchase equipment to conduct table games and to hire and train employees to operate table games. While these costs are expected to be significant, they will be offset by the revenues generated from the table games.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork requirements

This rulemaking will require certificate holders to file Rules Submissions for each table game they elect to offer. These filings may take the form of standardized checklists for each game and should be relatively simple to fill out. Certificate holders will also be required to maintain information related to dealer training in the individual employees' personnel files.

Effective Date

This temporary rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after

the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-112.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P. S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations shall expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 521, 527, 553, 555, 557, 559, 561, 563 and 565, are amended by amending § 521.1 and adding §§ 521.4 and 521.5, 527.1—527.5, 553.1—553.20, 555.1—555.14, 557.1—557.13, 559.1—559.15, 561.1—561.14, 563.1—563.13 and 565.1—565.13 to read as set forth in Annex A.

(2) The temporary regulations are effective March 6, 2010.

(3) The temporary regulations shall be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-112. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 521. GENERAL PROVISIONS

§ 521.1. Definitions.

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

Ante—The wager that a player may be required to make prior to any cards being dealt to participate in the round of play.

Cover card—An opaque card that is a solid color readily distinguishable from the color of the backs and edges of the playing cards.

Dealer—An employee of a certificate holder whose primary function is to directly operate and conduct table games.

Floorperson—An employee of a certificate holder whose primary function is to supervise the conduct of table games at multiple tables on the gaming floor.

Plaque—A rectangular, square or oval marker that can be used to lieu of gaming chips.

Suit—One of the four categories of cards: clubs, diamonds, hearts or spades.

Stub—The remaining portion of a deck or decks after all cards in the round of play have been dealt.

Table inventory container—The area of a gaming table where a boxman or dealer keeps gaming chips, coins or plaques used for this operation of a table game.

Washing—Mixing of a deck or decks of cards or tiles by placing the cards or tiles face down on a table and mixing them around with both hands so that they are in no particular order.

Vigorish—A percentage commission that is taken by a certificate holder from a wager placed by a player or the winnings of a player.

§ 521.4. Request to offer a new table game or new feature for an existing table game.

A certificate holder that desires to offer a new table game that is not in this subpart or offer a new wager or feature as part of a table game included in this subpart, shall file a written request with the Board's Executive Director. The request, at a minimum, must contain:

(1) A detailed description of the table game or feature including the rules of play and wagering that would be used for the new table game or feature.

(2) The reason why the new table game or feature is being proposed.

(3) A list of other gaming jurisdictions where the new table game or feature is currently being offered.

§ 521.5. Waiver of existing table game regulations.

A certificate holder that desires to conduct a table game, in a manner that is inconsistent with the Board's regulations, shall file a petition in accordance with § 493a.4 (relating to petitions generally) seeking approval of the Board. The petition, at a minimum, must contain:

(1) A detailed description of the modification to the table game.

(2) The reason why the modification to the table game is being requested.

(3) A list of other gaming jurisdictions where the modification to the table game is currently being used.

CHAPTER 527. MINIMUM TRAINING STANDARDS

- Sec.
- 527.1. Minimum training standards for dealers.
 - 527.2. Minimum proficiency requirements.
 - 527.3. Employee training by certificate holders.
 - 527.4. Submission of training programs to the Board.
 - 527.5. Table test; employee personnel file.

§ 527.1. Minimum training standards for dealers.

When filing an application to obtain an occupational permit under § 435a.3 (relating to occupation permit) to work as a dealer in any of the table games authorized in this subpart, the applicant shall provide proof of at least one of the following:

(1) Satisfactory completion of a course of curriculum related to the dealing of table games within the last 5 years which meets the minimum proficiency requirements of § 527.2 (relating to minimum proficiency requirements) at a gaming school, as defined in section 1103 of the act (relating to definitions), or an equivalent curriculum at a gaming school approved by another jurisdiction's state educational authority or gaming regulatory body, to provide training related to the dealing of table games.

(2) Satisfactory completion of a training program offered by a certificate holder which includes a curriculum related to the dealing of table games which meets the minimum proficiency requirements in § 527.2.

(3) At least 6 months of employment as a dealer within the last 5 years in another gaming jurisdiction.

§ 527.2. Minimum proficiency requirements.

A curriculum related to the conduct of table games offered by a gaming school or by a certificate holder, must, at a minimum, include:

(1) The following minimum hours of instruction on the conduct of table games in accordance with the regulations in Subpart K (relating to table games):

<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Blackjack and other banked card games	120 hours over a 6 week period
Craps	160 hours over a 6 week period
Baccarat and Mini-Baccarat	80 hours over a 4 week period
Poker	80 hours over a 4 week period
Roulette	80 hours over a 4 week period
Pai Gow Tiles	160 hours over a 6 week period
Pai Gow Poker	80 hours over a 4 week period

(2) The proper use, control and shuffling of playing cards for authorized games that involve the use of cards.

(3) The proper use and control of dice for authorized games that involve the use of dice.

(4) The proper use and control of tiles for authorized games that involve the use of tiles.

§ 527.3. Employee training by certificate holders.

A certificate holder shall develop a training program for its dealers which, at a minimum, includes training in each of the following:

(1) Procedures for opening and closing tables for gaming, including the proper security procedures regarding table chip inventories.

(2) Procedures for distributing gaming chips or plaques to and removing gaming chips and plaques from gaming tables.

(3) Procedures for accepting cash at gaming tables.

(4) Procedures for the acceptance of tips and gratuities from patrons.

(5) Procedures for shift changes at gaming tables.

(6) Procedures for the proper placement of wagers by patrons and the proper collection of losing wagers and payment of winning wagers.

(7) Training in recognizing problem and compulsive gamblers at table games and procedures for informing supervisory personnel.

(8) Training in cardio pulmonary resuscitation (CPR).

§ 527.4. Submission of training programs to the Board.

A certificate holder shall submit a detailed summary of its curriculum developed in accordance with § 527.2 (relating to minimum proficiency requirements) and its employee training program developed in accordance with § 527.3 (relating to employee training by certificate holders) to the Board to demonstrate the adequacy of the training in accordance with section 1323A of the act (relating to training of employees and potential employees).

§ 527.5. Table test; employee personnel file.

(a) Prior to conducting any table game on the certificate holder's gaming floor, a prospective dealer shall pass a table test on the table games that the dealer will be conducting. The table test must consist of the dealer demonstrating proficiency at the table game to the satisfaction of an employee of the certificate holder at the level of pit boss or higher.

(b) A certificate holder shall document the following in a dealer's personnel file:

(1) Completion of the minimum training or experience required under § 527.1 (relating to minimum training standards for dealers).

(2) Completion of the training program required under § 527.3 (relating to employee training by certificate holders).

(3) Successful completion of the table test required under subsection (a).

CHAPTER 553. POKER

Sec.	Definitions.
553.1.	Definitions.
553.2.	Poker table physical characteristics.
553.3.	Cards; number of decks.
553.4.	Poker rankings.
553.5.	Opening the table for gaming.
553.6.	Shuffle and cut of the cards.
553.7.	Poker overview; general dealing procedures for all types of Poker.
553.8.	Wagers.
553.9.	Types of permissible Poker games.
553.10.	Seven-card Stud Poker; procedures for dealing of cards; completion of each round of play.
553.11.	Hold'em Poker; procedures for dealing of cards; completion of each round of play.
553.12.	Omaha Poker; procedures for dealing of cards; completion of each round of play.
553.13.	Five-card Draw Poker; procedures for dealing of cards; completion of each round of play.
553.14.	Five-card Stud Poker; procedures for dealing of cards; completion of each round of play.
553.15.	Poker revenue.
553.16.	General operating rules for all types of Poker; handling of irregularities.
553.17.	Conduct of players.
553.18.	Minimum and maximum wagers.
553.19.	Announcement of available games and seats.
553.20.	Bad Beat payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.

§ 553.1. Definitions.

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

All-in—A player who has no funds remaining on the Poker table to continue betting in a round of play but who still retains the right to contend for that portion of the pot in which the player has already placed a bet.

Bad Beat—One or more predesignated high value Poker hands which, when held by a player as a losing hand in a round of play, shall result in a Bad Beat payout if the certificate holder has elected to offer a Bad Beat payout at that Poker table.

Bad Beat payout—One or more awards that are payable to a player in accordance with the procedures in § 553.20 (relating to Bad Beat payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation) upon the occurrence of a Bad Beat.

Bet—An action by which a player places gaming chips or gaming plaques into the pot on any betting round.

Betting round—A complete wagering cycle in a hand of Poker after all players have called, folded or gone All-in.

Blind Bet—A mandatory wager in Hold'em or Omaha Poker games which only players sitting in specific betting positions at the Poker table shall be required to place prior to any cards being dealt.

Burn card—A card taken from the top of a deck which is discarded face down, which is not in play and the identity of which remains unknown.

Button—An object which is moved clockwise around the table to determine the betting and dealing sequence.

Call—A wager made in an amount equal to the immediately preceding wager.

Check—A player who waives the right to initiate the betting in a betting round but retains the right to place a bet if another player initiates the betting.

Common card—A card which is dealt, in any game of Stud Poker, face upward if there are insufficient cards left in the deck to deal each player a card individually and which can be used by all players at the showdown.

Community card—A card which is dealt face upward and which can be used by all players to form their best hand.

Draw—In any game of Draw Poker, an exchange by a player of cards held in his hand, after the initial round of betting, for an equal number of new cards from the deck.

Fold—The withdrawal of a player from a round of play by refusing to equal a wager during a betting round and discarding his hand of cards.

Forced Bet—A wager which is required to start the wagering on the first betting round in Seven-card or Five-card Stud Poker.

Fouled hand—A hand that either has an improper number of cards or has come into contact with other cards in such a way as to render it impossible to determine accurately which cards are contained in the hand.

Half-kill option—In the game of Omaha High-low-hand Split Eight or Better Poker, when one player wins an entire qualifying pot, the betting limits are increased by one-half the posted table wagering limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low-hand or until a pot does not equal or exceed the qualifying pot.

High—A game of Poker in which the highest ranking hand in accordance with § 553.3 (relating to cards; number of decks) wins the pot.

High-low-hand split—A form of Poker in which there is a winner for both the highest and lowest ranking hands.

High-low-hand Split Eight or Better—A version of High-low-hand Split Poker in which a winning low-hand must contain no pairs or any card ranked above an 8.

Hole card—Any card dealt to a player face down.

Kill option—In the game of Omaha High-low-hand Split Eight or Better Poker, when one player wins an entire qualifying pot, the betting limits are twice the posted table wagering limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low-hand or until a pot does not equal or exceed the qualifying pot.

Low-hand—A game of Poker in which the lowest ranking hand in accordance with § 553.3 wins the pot.

Opening bet—The first bet in a round of play.

Pot—The amount which is awarded to the winning player or players at the conclusion of a round of play and is equal to the total amount anted or bet by the players during the round of play, less any rake extracted under § 553.15 (relating to Poker revenue) and, if applicable, any amount contributed to a Bad Beat payout fund in accordance with § 553.20.

Protected hand—A hand of cards which the player is physically holding or has placed under one or more gaming chips.

Qualifying pot—In the game of Omaha High-low-hand Split Eight or Better Poker, a pot which equals or exceeds an amount established by the certificate holder which triggers the increase in the minimum and maximum wagers when the Kill or Half-kill options are used.

Raise—A bet in an amount greater than the immediately preceding bet in that betting round.

Rake—The amount of gaming chips, gaming plaques or currency collected by the dealer as Poker revenue in accordance with § 553.15.

Round of play—For any game of Poker, the cycle of play during which cards are dealt, bets are placed and the winner of the pot is determined and paid in accordance with the rules of this chapter.

Showdown—The action of revealing the hands of each player in order to determine who shall win the pot.

Side pot—A separate pot formed when one or more players are All-in.

Table stakes—A player's currency, gaming chips and gaming plaques on the table that are available to place a wager during a round of play.

Up-card—In a game of Stud Poker, any card dealt to a player face up.

§ 553.2. Poker table physical characteristics.

(a) Poker shall be played on a table which is oval in shape and which has places for up to ten players and a dealer. The design of each Poker table authorized under this chapter shall be approved by the Bureau of Gaming Operations. Each Poker table shall be designed and constructed to contain any feature the Bureau of Gaming Operations may require to maintain the integrity of the game.

(b) The layout for a Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder offering the game.

(2) A designated holding area located to the right of the dealer for the collection of the rake prior to final placement of the rake in the drop box.

(c) Each Poker table must have a designated area, in a location approved by the Bureau of Gaming Operations, for the placement of at least one deck of cards. This area may be part of the table inventory container.

(d) Each Poker table must have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

(e) If a certificate holder offers a Bad Beat payout at a designated Poker table, a transparent locked box or container shall be attached to the table on the same side as the drop box and shall be used to hold the pot contributions that fund the Bad Beat payout.

§ 553.3. Cards; number of decks.

(a) Poker shall be played with one deck of cards with backs of the same color and design and one additional cover card. Two decks of cards shall be maintained for use at each Poker table at all times. Each deck maintained at the Poker table must have backs that are different colors. While one deck is in use, the other deck shall be stored in a designated area approved under § 553.2(c) (relating to poker table physical characteristics), unless an automated card shuffling device is being used.

(b) Each deck of cards maintained at the Poker table shall be rotated in and out of play. All decks opened for use on a Poker table shall be changed at least every 6 hours.

(c) Each gaming day, decks of cards with distinguishable card backings shall be distributed among all open Poker tables in the manner contained in the certificate holder's internal controls.

(d) If an automated card shuffling device is being used:

(1) One deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game.

(2) Both decks shall be continuously alternated in and out of play, with each deck being used for every other round of play.

§ 553.4. Poker rankings.

(a) The rank of the cards used in all types of Poker other than Low-hand Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a two, three, four and five.

(b) The permissible High Poker hands in Poker games that result in a full five-card hand, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and nine being the highest ranking

straight flush and ace, two, three, four and five being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand containing four cards of the same rank regardless of suit, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, two, three, four and five being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two, three).

(7) A three-of-a-kind, which is a hand containing three cards of the same rank, regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pairs and two threes and two twos being the lowest ranking two pairs.

(9) One pair, which is a hand containing two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) The rank of the cards used in Low-hand Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, two, three, four, five, six, seven, eight, nine, 10, jack, queen and king. All suits shall be considered equal in rank.

(d) The ranking of a Low-hand Poker hand, as determined by the holding of a five-card hand, shall be the inverse of the rankings for a High Poker hand as set forth in subsection (b); provided, however, that straights and flushes will not be considered for purposes of determining a winning hand at Low-hand Poker.

(e) When comparing two hands which are of identical Poker hand rank under subsection (b) or (d), or which contain none of the Poker hands authorized for that game, the hand which contains the highest ranking card as provided in subsection (a) or (c), whichever is applicable, which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands will be considered tied and the pot shall be divided equally among the players with the tied hands.

(f) In all games of Poker, a hand shall be ranked according to the cards actually contained therein and not by the player's opinion or statement of its value.

§ 553.5. Opening the table for gaming.

(a) After receiving two decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by a floorperson or higher, the cards shall be spread out face up on the table for visual

inspection by the first two players to be seated at the table. The cards shall be spread out according to suit and in sequence.

(c) Immediately prior to the commencement of play and after a minimum of two players are afforded an opportunity to visually inspect the cards from each deck at the table, each deck shall be separately turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Each deck of cards shall then be shuffled in accordance with § 553.6 (relating to the shuffle and cut of the cards).

(d) If an automated card shuffling device is not being used, one of the decks shall be cut in accordance with § 553.6 and the other deck shall be placed in the area designated under § 553.2(c) (relating to poker table physical characteristics). In the alternative, a certificate holder may wash, shuffle and cut only the deck intended for immediate use and place the other deck in the area designated under § 553.2(c). Upon rotation of the decks of cards as required under § 553.3 (relating to cards; number of decks), the other deck shall be washed, shuffled and cut in accordance with the requirements in this section.

(e) If an automated card shuffling device is being used, one of the decks shall be cut in accordance with § 553.6 and the other deck shall be placed or left in the automated shuffler for the next round of play.

§ 553.6. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled, and after the completion of each round of play, the dealer shall shuffle the entire deck of cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled, stacked, and placed on the table in front of the dealer, the dealer shall, using one hand, cut the deck by:

(1) Placing the cover card on the table in front of the deck of cards.

(2) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(3) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(c) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(d) If there is no gaming activity at the Poker table, each deck of cards at the table shall be spread out on the table face up. After the first two players who arrive at the table are afforded an opportunity to visually inspect both of the decks, the procedures required under § 553.5(c) (relating to opening the table for gaming) shall be completed.

§ 553.7. Poker overview; general dealing procedures for all types of Poker.

(a) Poker shall be conducted in a separate and distinct area designated specifically for the operation of Poker as approved by the Board or the Board's Executive Director.

(b) Poker shall be played by a minimum of two players and up to a maximum of ten players. Poker shall be dealt

by a dealer at a Poker table. For all types of permissible Poker games set forth in this chapter, the dealer may not participate in the playing or outcome of the game in any way except as otherwise authorized in this chapter.

(c) A player shall wager on the cards that the player holds in his hand. All bets by a player shall be placed by the dealer in the designated area of the table known as the pot. A player may be required to Ante or place a Blind Bet prior to the receipt of any cards. After each round of cards is dealt, a betting round shall be conducted. Each player shall decide whether to continue contending for the pot by calling or raising the bet of the other players.

(d) The object of Poker shall be for a player to win the pot either by making a bet that no other player elects to call, or depending on the type of Poker being played, having the highest ranking high Poker hand, the highest ranking low Poker hand or both the highest ranking high and low Poker hands in accordance with § 553.4 (relating to Poker rankings). If two or more players are still in contention for a pot after all cards have been dealt and the final betting round has been completed, there shall be a showdown among the players still in contention to determine which player has the winning hand.

(e) The following procedures shall be utilized by the dealer when dealing the game of Poker:

(1) The dealer shall choose the hand in which he will hold the cards. Once the dealer has chosen a hand, the dealer must use that hand whenever holding the cards. The cards held by the dealer shall, at all times, be held in front of the dealer, as level as possible and over the Poker table. If during a round of play, the deck must be set down to handle a transaction, the dealer shall place a marker button on top of the deck until the transaction has been completed.

(2) The dealer shall verbalize or physically indicate the action which is occurring at the Poker table with regard to the conduct of the game and instruct each player as to the player's various turns to act and options.

(3) All burn cards required by this chapter shall be kept separate from the pile of discarded cards.

(4) The dealer shall be required to either:

(i) Count the entire deck of cards at least once every five rounds to determine that 52 cards are present; provided, however, that the dealer may count the stub in the games of Hold 'Em Poker and Omaha Poker.

(ii) Utilize an automated card shuffling device approved by the Bureau of Gaming Operations that has the capability of counting the cards in a deck as it shuffles them.

(5) If a count reveals an incorrect number of cards, the deck shall be removed from the table.

(6) At the completion of a round of play, the dealer shall award the pot to the winning player or players after a showdown or to the last remaining player if all other players have folded. Prior to pushing the pot to the winner and collecting the winning hand, the dealer shall:

(i) Collect the cards from all losing players. The losing hands shall be counted by the dealer to determine that the proper number of cards have been returned.

(ii) Award all side pots.

(iii) Collect the rake in accordance with § 553.15 (relating to Poker revenue).

(iv) Collect, if applicable, any amount required to be contributed to a Bad Beat payout fund in accordance with

§ 553.20 (relating to Bad Beat payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

§ 553.8. Wagers.

(a) Only players who are seated at the Poker table may be permitted to receive cards and participate in each betting round.

(b) A player may only participate in the wagering during a round of play with the table stakes which were already on the Poker table in front of the player when the round of play commenced.

(1) A player may only add to his table stakes between rounds of play and, except as provided in paragraph (5), may not remove any of his table stakes from the Poker table at any time during a round of play.

(2) Currency which is available for use by a player in accordance with the requirements of this section may be utilized to initiate, call or raise a bet if the currency is expeditiously converted into gaming chips or gaming plaques by the dealer.

(3) To participate in a round of play, a player shall be required to have an amount of gaming chips, gaming plaques or currency available on the Poker table prior to the start of the round of play which is sufficient to make any Ante, Blind or Forced bet required by the Poker game being played and at least one bet at the posted table minimum.

(4) A player who satisfies the requirements of paragraph (3) but who depletes his funds on the Poker table prior to the completion of a round of play shall be deemed to be All-in.

(i) An All-in player shall retain financial interest in the outcome of the round of play, but shall only be eligible to win the amount of the pot to which he contributed.

(ii) An All-in player shall continue to receive any cards to which he would normally be entitled.

(iii) Betting shall continue unimpeded among the other players by generating a separate side pot which only those players shall be eligible to win.

(5) Whenever a player indicates an intent to temporarily leave a Poker table during a round of play without relinquishing his seat at the table, a floorperson or higher shall do one of the following:

(i) Determine the amount of the player's table stakes prior to the player's departure from the table and verify that the amount of the player's table stakes have not been changed upon the player's return to the table.

(ii) Maintain the player's table stakes on the table surface using a nontransparent cover until the player's return.

(c) A verbal statement of "fold," "check," "call," "raise," or an announcement of a specific size wager by a player, that is within the rules of the Poker game being played and the minimum and maximum wager limits for the Poker table, shall be binding on the player if it is the player's turn to act.

(d) A player who announces a bet or raise of a certain amount but places a different amount of gaming chips or gaming plaques in the pot shall be required to correct his bet or raise to the announced amount in accordance with the instructions of the dealer.

(e) A player shall be considered to have placed a bet if the player:

(1) Pushes gaming chips or gaming plaques forward to indicate the intent of placing a bet.

(2) Places gaming chips or gaming plaques at a sufficient distance from the player and towards the pot to make it obvious that the gaming chips or plaques are intended as a bet.

(3) Places currency into the pot to be exchanged for chips under subsection (b)(2).

(f) A player may not be permitted to make a bet and thereafter attempt to increase the amount of the bet unless:

(1) The player indicates at the time the bet is being made that the bet is not yet complete.

(2) When a player who puts the proper amount of gaming chips or gaming plaques into the pot to call a bet, the player indicates his intention to also raise.

(g) Subject to the posted table wagering limits, a player who announces "raise" may continue to bet gaming chips or gaming plaques until both of his hands come to rest in front of the pot.

(h) It shall be the dealer's responsibility to ensure that no player touches any of the gaming chips or gaming plaques once the gaming chips or gaming plaques are placed into the pot.

(i) Unless a raise has been verbally announced by a player, the player who puts a single gaming chip into the pot that is larger than required, is assumed to have only called the preceding bet and to be awaiting change from the dealer.

(j) Unless specifically posted to the contrary, a player shall be permitted to raise after the player has previously checked in a betting round.

§ 553.9. Types of permissible Poker games.

(a) A certificate holder may offer the following types of Poker games:

(1) Seven-card Stud (High, High-low-hand Split and High-low-hand Split Eight or Better).

(2) Hold 'em (High).

(3) Omaha (High, High-low-hand Split Eight or Better).

(4) Five-card Draw (high and low-hand).

(5) Five-card Stud (high).

(6) Other Poker games approved by the Board.

(b) A certificate holder may not offer or permit the playing of any Poker game which is not authorized by this chapter or approved under § 521.3 (relating to table games surveillance requirements).

§ 553.10. Seven-card Stud Poker; procedures for dealing of cards; completion of each round of play.

(a) A certificate holder that offers the games of Seven-card Stud High, Seven-card Stud High-low-hand Split or Seven-card Stud High-low-hand Split Eight or Better Stud Poker shall be required to observe the procedures in this section.

(b) A Seven-card Stud Poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an Ante. The rule governing the placement of an Ante and the amount of the Ante, if any, shall be specified in the

certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the Poker table, the dealer shall deal two rounds of cards face down and one round of cards face up to each player.

(d) Once each player has received three cards in accordance with subsection (c), the first betting round shall commence by requiring one player to place a Forced Bet. The amount of the Forced Bet shall be specified in the certificate holder's Rules Submission under § 521.2 and posted at the Poker table. The player required to place the Forced Bet shall be determined by comparing the up-card of each player. For the purposes of this subsection only, in the event that two or more up-cards are of the same rank, the up-cards shall then be ranked by suit, with the highest to lowest ranked suits in the following order: spades, hearts, diamonds, clubs. The Forced Bet shall be made by:

(1) For Seven-card Stud High Poker, the player with the lowest ranked up-card.

(2) For Seven-card Stud High-low-hand Split Poker, the player with the highest ranked up-card. In this game, to determine the highest ranked up-card, an ace shall be considered ranked below a two.

(3) For Seven-card Stud High-low-hand Split Eight or Better Poker, the player with the lowest ranked up-card. In this game, to determine the lowest ranked up-card, an ace shall be considered the highest ranking card.

(e) Following the placement of the Forced Bet required by subsection (d), each subsequent player, proceeding in a clockwise rotation from the player who placed the Forced Bet, may fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to his left, deal a fourth card face up to each player who made or called the last wager. The next betting round shall commence as follows:

(1) The player with the highest ranking Poker hand showing shall be required to bet or check.

(2) If the highest ranking Poker hand showing is held by two or more players, the player closest to the left of the dealer shall be required to bet or check.

(g) Following the initial bet or check required by subsection (f), each subsequent player, proceeding in a clockwise rotation, may fold, call, raise or, if the preceding players have not made a bet, check. Once a bet has been made, the next player in a clockwise rotation may fold, call or raise. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then deal two additional rounds of cards face up and one round of cards face down to each player who made or called the last wager. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. Notwithstanding the foregoing, if insufficient cards remain in the deck to give each remaining player either a sixth or seventh card, the top card of the deck shall be burned and a common card shall be dealt face up in the center of the table. If there is either one or no card remaining in the deck when a common card is to

be dealt, the dealer shall shuffle the burn cards, burn a card and then deal the common card. The dealing of each round of cards or, if applicable, each common card pursuant to this subsection shall be followed by a betting round conducted in accordance with subsections (f) and (g).

(i) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card Poker hand from the seven cards which the player was dealt. This five-card hand shall constitute the Poker hand of that player at the showdown. The winner of the pot shall be:

(1) In Seven-card Stud High Poker, the player with the highest ranking five-card high hand.

(2) In Seven-card Stud High-low-hand Split Poker or Seven-card Stud High-low-hand Split Eight or Better Poker, the player with the highest ranking five-card high hand and the player with the highest ranking five-card low-hand Poker hand, subject to the provisions of subsection (j), who shall divide the pot equally.

(i) If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high Poker card by suit.

(iii) If a tie exists between two or more players for the highest ranking low-hand, the low-hand share of the pot shall be divided equally among the tied players. If the low-hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low-hand Poker card by suit.

(iv) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest ranked suit in order as follow: spades, hearts, diamonds and clubs.

(j) In Seven-card Stud High-low-hand Split Eight or Better Poker, a winning low-hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a nine, 10, jack, queen or king. This defines the qualifying clause known as "eight or better." In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.

(k) In Seven-card Stud High-low-hand Split Poker and Seven-card Stud High-low-hand Split Eight or Better Poker, the player may form two different hands of five cards each out of the player's seven available cards, enabling that player to contend for both the high hand and low-hand share of the pot. A player may use the same five-card grouping to make a high-hand Poker hand and a low-hand Poker hand. For example:

(1) A hand consisting of a two, three, four, five and six would qualify as a straight for purposes of the high hand and as a high ranking low-hand.

(2) A hand consisting of five cards of the same suit, none higher than an eight, would qualify as a flush for purposes of the high hand and as a high ranking low-hand.

(l) In Seven-card Stud High-low-hand Split Poker and Seven-card Stud High-low-hand Split Eight or Better Poker; an ace may be used concurrently as a low-hand card to make up a low-hand and as a high card to make up a high hand.

§ 553.11. Hold'em Poker; procedures for dealing of cards; completion of each round of play.

(a) A certificate holder that offers the game of Hold'em Poker shall be required to observe the procedures in this section. Hold'em Poker shall be played to determine a winning high hand only.

(b) A Hold'em Poker table shall be restricted to a maximum of ten players. Each player who elects to participate in a round of play may be required to place an Ante. The rule governing the placement of an Ante and the amount of the Ante, if any, shall be specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:

(1) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall be required or have the option to bet.

(2) At the commencement of play, the button shall be placed in front of either:

- (i) The first player to the right of the dealer.
- (ii) The player randomly determined by rank of a single card dealt.

(3) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) The player to the immediate left of the button shall be required to initiate the first betting round before any cards are dealt by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately subsequent to the initial Blind Bet. The amount and number of all Blind Bets required by the certificate holder shall be specified in the certificate holder's Rules Submission under § 521.2 and posted on a sign at the table.

(e) Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the Poker table, the dealer shall deal two rounds of cards face down to each player, with the player with the button being the last player to receive a card each time.

(f) Following the dealing of the two cards in subsection (e), each player, starting with the player to the left of the player or players who were required to place a Blind Bet shall in turn, in a clockwise rotation around the Poker table, either fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(g) The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The next betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.

(h) Upon completion of the betting round required by subsection (g), the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with the requirements of subsection (g).

(i) Upon completion of the betting round required under subsection (h), the dealer shall again burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with the requirements of subsection (g).

(j) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form his highest ranking five-card high Poker hand by using, in any combination, his own two cards and the five community cards available on the table. The winner of the pot shall be the player with the highest ranking five-card high Poker hand. If the highest ranking five-card high Poker hand that each of the remaining players can form is comprised of the five community cards, all players remaining in the round of play shall share equally in the pot.

§ 553.12. Omaha Poker; procedures for dealing of cards; completion of each round of play.

(a) A certificate holder that offers the game of Omaha High or Omaha High-low-hand Split Eight or Better Poker shall be required to observe the procedures in this section.

(b) An Omaha Poker table shall be restricted to a maximum of ten players. Each player who elects to participate in a round of play may be required to place an Ante. The rule governing the placement of an Ante and the amount of the Ante, if any, and the Kill or Half-kill option, if offered, shall be specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:

(1) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall be required or have the option to bet.

(2) At the commencement of play, the button shall be placed in front of either:

- (i) The first player to the right of the dealer.
- (ii) The player randomly determined by rank of a single card dealt.

(3) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) The player to the immediate left of the button shall be required to initiate the first betting round before any cards are dealt by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately subsequent to the initial Blind Bet. The amount and number of all Blind Bets required by the certificate holder shall be specified in the certificate holder's Rules Submission under § 521.2 and posted on a sign at the table.

(e) Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the Poker table, the dealer shall deal four rounds of cards

face down to each player with the player with the button being the last player to receive a card each time.

(f) Following the dealing of the four cards in subsection (e), each player, starting with the player to the left of the player or players who were required to place a Blind Bet shall in turn, in a clockwise rotation around the Poker table, either fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(g) Upon completion of the betting round required under subsection (f), the dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The next betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.

(h) Upon completion of the betting round required under subsection (g), the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with the requirements of subsection (g).

(i) Upon completion of the betting round required under subsection (h), the dealer shall again burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with the requirements of subsection (g).

(j) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card Poker hand by using two of the four cards dealt to the player and three of the five community cards. This five-card hand shall constitute the Poker hand of the player at the showdown. The winner of the pot shall be:

(1) In Omaha High Poker, the player with the highest ranking five-card high Poker hand.

(2) In Omaha High-low-hand Split Eight or Better Poker, the player with the highest ranking five-card high Poker hand and the player with the highest ranking five-card low-hand Poker hand, subject to subsection (k), who shall divide the pot equally.

(i) If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high Poker card by suit.

(iii) If a tie exists between two or more players for the highest ranking low-hand, the low-hand share of the pot shall be divided equally among the tied players. If the low-hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low-hand Poker card by suit.

(iv) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest rank suit in order as follows: spades, hearts, diamonds and clubs.

(k) In Omaha High-low-hand Split Eight or Better Poker, the winning low-hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a nine, 10, jack, queen or king. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high Poker hand.

(l) The following rules only apply in Omaha High-low-hand Split Eight or Better Poker:

(1) A player may form two different hands of five cards each, enabling that player to contend for both the high hand and low-hand share of the pot. Each hand must consist of any three of the community cards and any two of four cards dealt to the player.

(2) A player may use the same five-card grouping to make a high hand and a low-hand.

(3) An ace may be used concurrently as a low-hand card to satisfy a low-hand and as a high card to satisfy a high hand.

(m) In Omaha High-low-hand Split Eight or Better Poker, the certificate holder may use either the Half-kill or Kill option. If the certificate holder elects to use either option, the certificate holder shall indicate which option is being used in the certificate holder's Rules Submission under § 521.2 and shall post which option is being used and the minimum value of a qualifying pot on a sign at each Omaha Poker table.

§ 553.13. Five-card Draw Poker; procedures for dealing of cards; completion of each round of play.

(a) A certificate holder that offers the games of Five-card Draw High or Five-card Draw Low-hand Poker shall be required to observe the procedures in this section.

(b) A Five-card Draw Poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an Ante. The rule governing the placement of an Ante and the amount of the Ante, if any, shall be specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:

(1) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall be required or have the option to bet.

(2) At the commencement of play, the button shall be placed in front of either:

(i) The first player to the right of the dealer.

(ii) The player randomly determined by rank of a single card dealt.

(3) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the Poker table, the dealer shall deal five rounds of cards face down to each player with the player with the button being the last player to receive a card each time.

(e) After each player has been dealt five cards face down, the player to the immediate left of the button shall be required to initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately subsequent to the initial Blind Bet. The amount and number of all Blind Bets required by the certificate holder shall be specified in the certificate holder's Rules Submission under § 521.2 and posted on a sign at the table.

(f) Following the placement of the required Blind Bets, each player, starting with the player to the left of the player or players who were required to place a Blind Bet shall in turn, in a clockwise rotation around the Poker table, either fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(g) After completion of the initial betting round, each player remaining in the round of play, starting with the player to the immediate left of the button and continuing in a clockwise rotation around the Poker table, shall have an opportunity to draw new cards. This process shall be accomplished one player at a time. Each player may keep his original hand or discard as many cards as he chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck as follows:

(1) Prior to the first player receiving any new cards, the dealer shall burn the top card of the deck.

(2) If insufficient cards remain in the deck for each player remaining in the round of play to draw new cards, the discard pile shall be reshuffled and used for this purpose; provided, however, that the cards to be discarded by a player who has not yet requested new cards shall not be included as part of the reshuffled cards.

(h) The final betting round shall then commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The final betting round shall be considered complete when the last player has responded to the most recent bet.

(i) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be:

(1) In Five-card High Poker, the player with the highest ranking five-card high hand.

(2) In Five-card Low-hand Poker, the player with the highest ranking five-card low-hand.

§ 553.14. Five-card Stud Poker; procedures for dealing of cards; completion of each round of play.

(a) A certificate holder that offers the game of Five-card Stud Poker shall be required to observe the procedures in this section. Five-card Stud Poker shall be played to determine a winning high hand only.

(b) A Five-card Stud Poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an Ante. The rule governing the placement of an Ante and the amount of the Ante, if any, shall be specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) and posted on a sign at each Five-card Stud Poker table.

(c) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the Poker table, the dealer shall deal one round of cards face down and one round of cards face up to each player.

(d) Once each player has received two cards in accordance with subsection (c), the first betting round shall commence by comparing the up-card of each player. The player with the lowest ranked up-card shall be required to make a Forced Bet. For the purposes of this subsection, in the event that two or more up-cards are of the same rank, the up-cards shall then be ranked by suit, with the highest to lowest ranked suits in order as follow: spades, hearts, diamonds, clubs. The rule governing the placement of the Forced Bet and the amount of the Forced Bet shall be specified in the certificate holder's Rules Submission under § 521.2 and posted on a sign at each Five-card Stud Poker table.

(e) Following the Forced Bet, each subsequent player may, proceeding in a clockwise rotation from the player who placed the Forced Bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then deal another round of cards face up to each player who made or called the last wager. The next betting round shall be commenced by the player with the highest ranking high Poker hand showing. If two or more hands are of equal rank, the player closest to the left of the dealer shall be required to bet. The player who is required to place the first bet, may fold, check or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(g) The dealer shall then deal two additional rounds of cards face up to each player who made or called the last wager, with each round followed by a betting round conducted in accordance with the provisions of subsection (f). Prior to each round of cards being dealt, the dealer shall burn the top card of the deck.

(h) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be the player with the highest ranking five-card high Poker hand.

§ 553.15. Poker revenue.

(a) A certificate holder shall derive its Poker revenue at all Poker tables by extracting a rake. Each certificate holder shall submit as part of its Rules Submission under § 521.2 (relating to table games Rules Submissions):

- (1) The types of rake utilized.
- (2) The methodology used for calculating the rake.
- (3) The amount of maximum permissible rake.

(b) A certificate holder may use one or more of the following procedures in determining and extracting the rake:

- (1) A percentage rake, not to exceed 10% which:
 - (i) Shall be calculated and extracted from the pot and any side pots after the conclusion of a betting round and placed into the designated rake area required under § 553.2(b)(2) (relating to poker table physical characteristics) as play progresses.
 - (ii) Shall be calculated and extracted from the pot and any side pots upon completion of a round of play and immediately placed by the dealer into the drop box.

(2) A rake which shall be taken in incremental amounts, as certain predetermined dollar levels have been achieved which:

(i) Upon collection shall be placed into the designated rake area required under § 553.2(b)(2).

(ii) Upon completion of a round of play, shall be immediately placed by the dealer into the drop box.

(3) A rake based on time charges which:

(i) May be imposed on a per-player basis or on a per-table basis. If taken on a per-player basis, inactive players seated at the table shall also be assessed.

(ii) Shall be expressed as an hourly fee based on the minimum and maximum wagering limits at a game.

(iii) May be assessed fractionally every 20 or 30 minutes as determined by the certificate holder.

(iv) Once assessed, shall be placed by the dealer into the designated rake area required under § 553.2.

(v) Upon verification by a floorperson or above of the time charges collected, shall be immediately placed by the dealer into the drop box.

(c) A sign describing the type and amount of rake to be collected under subsection (b) shall be posted at each Poker table.

(d) An uncalled final bet may not be considered part of the pot for purposes of calculating the amount of rake under subsection (b)(1) and (2).

(e) Once the dealer has extracted the rake, and the pot and any side pots have been collected by the winning player or players, no additional rake may be taken by the certificate holder.

§ 553.16. General operating rules for all types of Poker; handling of irregularities.

(a) It shall be the responsibility of each player to ensure that the player's hand has lost to the other hands at the table before discarding the hand.

(b) In all disputes in which a ruling, interpretation, clarification or intervention is required, the decision of the Poker shift supervisor shall be final.

(c) Each player shall be required to keep all cards dealt to the player in full view of the dealer at all times. The dealer shall ensure compliance with this requirement.

(d) At the showdown, a winning hand must be clearly displayed in its entirety and properly identified. The player initiating the final wager shall be the first player to show his hand at the showdown; all other players who have not folded shall then reveal their hands in a clockwise rotation. Any player holding a losing hand may concede his rights to the pot and discard the hand without revealing the player's cards unless the certificate holder, in its Rules Submission under § 521.2 (relating to table games Rules Submissions), requires the disclosure of all discarded hands.

(e) Misdeals shall cause all the cards to be returned to the dealer for a reshuffle. The following errors shall be cause for a misdeal:

(1) Failure to shuffle and cut the cards in accordance with § 553.6 (relating to shuffle and cut of the cards).

(2) Dealing to an incorrect starting position if the error has been detected prior to two players voluntarily placing wagers into the pot.

(3) If more than one card is found face-up in the deck.

(4) Failure to deal to an eligible seated player, if the error has been detected prior to two or more players voluntarily placing wagers into the pot.

(f) If one or more cards are mistakenly dealt to an ineligible player, the cards dealt to that player shall be discarded and the round of play shall continue.

(g) If at any time during a round of play, missing cards are discovered or additional cards are found, the round of play shall be voided, all gaming chips and gaming plaques in the pot shall be returned to the appropriate player and the deck shall be replaced.

(h) A card found face upwards in the deck shall not be used in the game and shall be placed with the pile of discarded cards.

(i) A player who fails to take reasonable means to protect his hand shall have no redress if his hand becomes a fouled hand or the dealer accidentally collects the hand.

(1) Hole cards in a game of Stud Poker shall be considered protected for purposes of fouling a hand.

(2) If a protected hand comes into contact with discarded cards, every effort shall be made to reconstruct the hand and complete the round of play.

(3) A player who has a protected hand collected by the dealer or fouled by discarded cards shall be entitled to a refund from the pot of all monies that the player put in the pot if the player has been a victim of and not a contributor to the error.

(4) A player who leaves the table without comment and has an unprotected hand shall be assumed to have no interest in the pot, and his cards shall be collected and discarded.

(j) Verbal statements which are clearly audible by and directed to the dealer shall always have precedence over actions and gestures and are considered binding on the player whose turn it is to act.

(1) A player shall be deemed to have folded if, when faced with making or calling a wager, the player:

(i) Discards his hand face-down towards the pile of discarded cards or the pot.

(ii) Turns face-down his up-cards in a game of Stud Poker.

(2) If a player is obligated to place a wager as a Blind Bet, Forced Bet or by virtue of a verbal statement, throwing away his cards does not relieve the player of that obligation.

(k) In Seven-card Stud, if a player's first or second hole card is accidentally turned face-up in the dealing process, the third card shall be dealt face-down. If both hole cards are accidentally turned face-up, the dealer shall collect the two cards, call the player's hand void and return the player's Ante, if applicable. If a player's third hole card is accidentally turned face-up in the dealing process, the player shall be afforded the option to either:

(1) End his obligation to make additional wagers and contend only for that part of the pot formed prior to any additional wagering.

(2) Continue to contend for the entire pot.

(1) In Five-card Stud, if a player's hole card is accidentally turned face-up in the dealing process, the second card shall be dealt face-down.

(m) If a card is accidentally dealt off the table, it may not be used in that round of play and shall be placed with the pile of discarded cards after a thorough examination by the dealer.

(n) In the games of Hold'em and Omaha, if any of the cards that are required to be dealt face down to a player are accidentally dealt face up, the dealer shall exchange the exposed card with a card from the top of the deck and place the exposed card face down with the pile of discarded cards.

(o) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(p) Any automated card shuffling device shall be removed from a gaming table before another method of shuffling may be utilized at that table.

(q) A certificate holder may clarify and supplement the procedures related to irregularities in this section in the certificate holder's Rules Submission under § 521.2.

§ 553.17. Conduct of players.

(a) Each player in a Poker game shall play the game solely to improve the player's chance of winning and shall take no action to improve another player's chance of winning. A player may not communicate any information to another player which could assist the other player in any manner respecting the outcome of a Poker game.

(b) A certificate holder which has reasonable cause to believe that a player has acted or is acting in violation of subsection (a) may require the player to leave the game and shall notify a casino compliance representative as expeditiously as possible.

§ 553.18. Minimum and maximum wagers.

Each certificate holder shall post a sign stating the minimum and maximum wagers in effect at each Poker table, except that, if all patrons at a Poker table agree to increase the minimum wager at the table, the minimum wager posted at the table need not be followed. The certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) must include provisions specifying the maximum amount that the minimum wager can be increased and how the dealer will determine that all of the patrons have agreed to the increased minimum wager amount. The certificate holder's Rules Submission under § 521.2 and the sign required by this section must also include any restrictions with regard to the maximum number of raises that may be permitted for any round of betting.

§ 553.19. Announcement of available games and seats.

A certificate holder may announce, in the areas where Poker tables are located, the particular types of available Poker games, the minimum/maximum wagers that are being offered and the availability of any vacant seats at particular Poker tables.

§ 553.20. Bad Beat payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.

(a) A certificate holder may include in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) provisions for a payout for one or more Bad Beat Poker hands. A Bad Beat payout shall be made from a separate fund created from pot contributions required at tables where a Bad Beat

payout is offered and shall be paid in accordance with the procedures established under this section.

(b) A certificate holder shall post, at each Poker table that offers a Bad Beat payout, a notice advising patrons of eligibility for the Bad Beat payout. In addition to displaying the current amount of the Bad Beat payout, a certificate holder that offers a Bad Beat payout shall post its Bad Beat payout rules in a conspicuous location within its Poker room which, at a minimum, must address:

(1) The maximum amount that can be contributed from each pot and the method of calculation for any contributed amount.

(2) The minimum pot amount required for a contribution to a Bad Beat payout.

(3) Qualifying Bad Beat requirements and payouts.

(c) A certificate holder shall extract from each pot at a Poker table designated for participation in a Bad Beat payout a prescribed contribution to the Bad Beat payout, which amount shall be collected in accordance with the certificate holder's Bad Beat payout rules specified in the certificate holder's Rules Submission under § 521.2. Prior to distributing the pot to a winning patron and after the dealer has extracted the rake, the amount from each pot to be contributed to a Bad Beat payout shall be determined, segregated from the pot, and deposited into the Bad Beat payout box. Notwithstanding the foregoing and subject to subsection (i), a certificate holder may, upon amending its Bad Beat payout rules, terminate collection of Bad Beat contributions at any time.

(d) At least once each gaming day and upon notice to a casino compliance representative, a certificate holder shall count the accumulated contents of each Bad Beat payout box and the contents shall be transferred to the cashiers' cage or a satellite cage. The counting shall occur at a closed Poker table, the cashiers' cage or a satellite cage in accordance with Board approved internal controls.

(1) If the counting of the contents of a Bad Beat payout box occurs at a closed Poker table, the counting shall be performed by a Poker dealer in the presence of a floorperson or higher, and it shall be recorded by the surveillance department. Documentation of the count shall be prepared and signed by both the dealer and the floorperson or higher. The contents of the Bad Beat payout box shall then be placed in a locked container along with documentation of the count and transported to the cashiers' cage or satellite cage by a security department employee.

(2) If the counting of the contents of a Bad Beat payout box occurs in the cashiers' cage or a satellite cage, a floorperson or above shall account for all locked Bad Beat payout boxes transported from the Poker tables to the cage. A security department employee shall transport the Bad Beat boxes to the cashiers' cage or satellite cage for counting by cage cashiers.

(e) Once each Bad Beat payout box or a container containing the contents of the Bad Beat payout boxes is delivered to the cashiers' cage or satellite cage, a cashier shall count the contents of each box or, if the contents of the boxes were previously counted by Poker room personnel and combined in a locked container for transport, verify the aggregate count. The official record of the amount of daily contributions to the Bad Beat payouts shall be maintained by the finance department.

(f) Each Bad Beat Poker hand shall be verified by the Poker shift supervisor prior to awarding the Bad Beat payout. Upon verification, the Poker shift supervisor shall:

(1) Post a sign or otherwise provide visible notice that the applicable Bad Beat payout display amount is pending adjustment due to a Bad Beat payout.

(2) Notify a representative from the security department or finance department to deliver to the Poker table the applicable amount of the Bad Beat payout.

(g) The finance department shall prepare a Bad Beat payout distribution in cash, a recognized cash equivalent or gaming chips in accordance with the certificate holder's Board approved internal controls. Notwithstanding subsection (f)(2), a certificate holder may elect to pay a Bad Beat payout at the cashiers' cage.

(h) No less than once a day and immediately upon notification of a Bad Beat verification by the Poker shift supervisor, a finance department representative shall:

(1) In the presence of a floorperson or above, adjust each Bad Beat payout amount displayed in the Poker area to reflect the current Bad Beat payout amount.

(2) Verify that the amount of any Bad Beat payout maintained by the finance department corresponds to the amount being displayed to patrons.

(i) No Bad Beat payout may be offered at a Poker table until a certificate holder has submitted to the Board and the Board has approved procedures for discontinuing any Bad Beat payout. The procedures must address the method by which pot contributions shall be terminated or for transferring Bad Beat payout amounts to other Bad Beat payouts, or both, to ensure that all payout amounts are paid to Poker patrons.

CHAPTER 555. CARIBBEAN STUD POKER

Sec.	
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§ 555.1. Definitions.

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

Bet Wager—An additional wager made by a player, in an amount double the player's Ante Wager, after all cards for the round of play have been dealt but before the dealer's hole cards are exposed.

Fold—The withdrawal of a player from a round of play by discarding his hand after all cards have been dealt and prior to placing a Bet Wager.

Hand—The five-card hand dealt to each player and the dealer.

Hole card—Any of the four cards which are dealt face down to the dealer.

Progressive payout hand—A flush, full house, four-of-a-kind, straight flush or royal flush, as defined in §§ 555.6 and 555.12 (relating to Caribbean Stud Poker rankings; and progressive payout).

Qualifying hand—A dealer's hand with a rank of ace, king, four, three and two or better.

Rank or ranking—The relative position of a card or group of cards as set forth in § 555.6.

Round of play or round—One complete cycle of play during which all players then playing at the table have been dealt a hand, have folded or wagered upon the hand, and have had their wagers paid off or collected in accordance with the rules of this chapter.

§ 555.2. Caribbean Stud Poker table physical characteristics.

(a) Caribbean Stud Poker shall be played on a table having betting positions for up to seven players on one side of the table and a place for the dealer on the opposite side.

(b) The layout for a Caribbean Stud Poker table shall be approved by the Bureau of Gaming Operations and must, at a minimum, contain:

(1) The name or logo of the certificate holder offering the game.

(2) A separate designated betting area at each betting position for the placement of Ante Wagers.

(3) A separate designated betting area located immediately behind each Ante betting area for the placement of Bet wagers.

(4) The inscription "Bet Wager Void Unless Dealer has Ace/King or Better."

(5) An inscription identifying the payout odds for all authorized wagers unless the payout odds are posted as required by subsection (c).

(c) If the payout odds are not inscribed on the layout as required by subsection (b)(5), a sign identifying the payout odds for all authorized wagers shall be posted at each Caribbean Stud Poker table.

(d) Each Caribbean Stud Poker table must have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

(e) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

(f) Each Caribbean Stud Poker table must also have a table game progressive payout wager system approved by the Bureau of Gaming Laboratory Operations for the placement of progressive wagers. A table game progressive payout wager system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A control device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced "no more bets."

§ 555.3. Cards; number of decks.

(a) Except as provided in subsection (b), Caribbean Stud Poker shall be played with one deck of cards with backs of the same color and design and one cover card to be used in accordance with § 555.5 (relating to shuffle and cut of the cards.)

(b) If an automated card shuffling device is used, a certificate holder shall be permitted to use a second deck of cards to play the game, provided that:

(1) Each deck of cards complies with the requirements of subsection (a).

(2) The backs of the cards in the two decks are different colors.

(3) One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game.

(4) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(5) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Caribbean Stud Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 555.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be laid out according to suit and in sequence.

(c) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 555.5 (relating to shuffle and cut of the cards.)

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 555.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, laid out, inspected, mixed, stacked and washed in accordance with subsections (a), (b) and (c).

§ 555.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were reshuffled, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing herein prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with the procedures in § 555.8, § 555.9 or § 555.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with the procedures in § 555.8, § 555.9 or § 555.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Caribbean Stud Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures in § 555.4(c) (relating to opening of the table for gaming) and this section shall be completed.

§ 555.6. Caribbean Stud Poker rankings.

(a) The rank of the cards used in Caribbean Stud Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5.

(b) The permissible poker hands at the game of Caribbean Stud Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and nine being the highest ranking straight flush and a five, four, three, two and ace being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight and a 5, 4, 3, 2 and ace being the lowest ranking straight. An ace may not be combined with any other sequence of cards for purposes of forming a straight (for example, queen, king, ace, two, three).

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind.

(8) A two pairs, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair.

(9) A one pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) When comparing two hands which are of identical poker hand rank under subsection (b) or which contain none of the hands listed in subsection (b), the hand which contains the highest ranking card under subsection (a) which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 555.7. Wagers.

(a) All wagers at Caribbean Stud Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(b) All Ante Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 555.8, § 555.9 or § 555.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). No wager may be made, increased, or withdrawn after the dealer has announced "no more bets."

(c) Upon placing an Ante Wager, a player may, at the player's discretion, place a progressive payout wager by placing a \$1 gaming chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective progressive payout wager has been accepted.

(d) A Bet Wager shall be made in accordance with § 555.11 (relating to Bet Wagers; procedure for completion of each round of play; collection and payment of wagers).

(e) A player may not be permitted to play more than one hand per round of play.

(f) Only players who are seated at the Caribbean Stud Poker table may place a wager at the game. Once a

player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

§ 555.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe shall be located on the table in a location approved by the Bureau of Gaming Operations. Once the procedures required under § 555.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automatic shuffling device.

(b) Prior to dealing the cards and after all Ante and progressive payout wagers have been placed, the dealer shall announce "no more bets" and use the table game progressive payout wager system to prevent the placement of any additional progressive payout wagers. The dealer shall then collect any progressive payout wagers and, on the layout in front of the table inventory container, verify that the number of gaming chips wagered equals the number of progressive payout wagers accepted by the table game progressive payout wager system. The dealer shall then place the gaming chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards to each player who has placed a wager in accordance with § 555.7 (relating to wagers) as follows:

(1) One card face down to each player who has placed an Ante Wager.

(2) One card face up to an area directly in front of the table inventory container designated for the dealer's hand.

(3) A second card face down to each player directly on top of that player's first card.

(4) A second card face down to the dealer to the right of the dealer's first card dealt face up.

(5) A third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card dealt face down.

(e) After five cards have been dealt to each player and the area designated for the hand of the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than five cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 555.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 555.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

(i) After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall then announce "no more bets" and use the table game progressive payout wager system to prevent the placement of any additional progressive payout wagers prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it on the appropriate area of the layout as required under subsection (b).

(b) The dealer shall, starting with the player farthest to his left and continuing around the table in a clockwise manner, deal the cards to each player who has placed a wager in accordance with § 555.7 (relating to wagers) as follows:

(1) One card face down to each player who has placed an Ante Wager.

(2) One card face up to an area directly in front of the table inventory container designated for the dealer's hand.

(3) A second card face down to each player directly on top of that player's first card.

(4) A second card face down to the dealer to the right of the dealer's first card dealt face up.

(5) A third, fourth and fifth card face down to each player and the dealer, in succession, directly on top of the preceding card dealt face down.

(c) After five cards have been dealt to each player and the area designated for the placement of the dealer's hand, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The

dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than five cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 555.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 555.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" and use the table game progressive payout wager system to prevent the placement of any additional progressive payout wagers.

(b) The dealer shall then deal the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 555.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 555.7. The dealer shall then deliver a stack of five cards face down to the area designated for the dealer's hand.

(c) After each stack of five cards has been dispensed and delivered in accordance with this section, the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than five cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) The stack of five cards comprising the dealer's hand shall then be spread in a row directly in front of the table

inventory container with the top card to the dealer's right and the bottom card to the dealer's left. The dealer shall then expose the bottom card of the dealer's hand, the card farthest to the dealer's left, and the round of play shall proceed in accordance with § 555.11 (relating to Bet Wagers; procedure for completion of each round of play; collection and payment of wagers).

§ 555.11. Bet Wagers; procedure for completion of each round of play; collection and payment of wagers.

(a) After the dealing procedures required under § 555.8, § 555.9 or § 555.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed but before the dealer exposes the hole cards, each player shall, after examining his cards, either place a Bet Wager in the designated betting area or fold and forfeit the Ante Wager. If a player folds, the entire Ante Wager shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be immediately collected by the dealer and placed in the discard rack.

(b) Each player who makes a Bet Wager shall be responsible for his own hand and no other person other than the dealer may touch the cards of that player. Each player shall be required to keep the five cards in full view of the dealer at all times. Once each player has examined his cards and placed the five cards face down on the appropriate area of the layout, the player may not touch the cards again.

(c) A player may not exchange or communicate information regarding his hand prior to the dealer revealing the hole cards. Any violation shall result in a forfeiture of all wagers on that round by the players communicating.

(d) After all players have either placed a Bet Wager or folded, the dealer shall turn over and reveal the dealer's four hole cards and set the highest ranking poker hand.

(e) After the hole cards are revealed, the dealer shall, starting with the player farthest to the dealer's right, turn over the player's cards and if the dealer has a qualifying hand:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container. All losing hands shall then be immediately collected by the dealer and placed in the discard rack. Ante and Bet Wagers made by a player shall lose if the qualifying hand of the dealer has a hand rank which is higher than the hand of that player.

(2) If the hand of the player ties with that of the dealer's qualifying hand, the hand of the player shall be a tie. The dealer shall return the player's wagers to the player, and immediately collect the cards of that player after all losing wagers and hands have been collected.

(3) After all losing wagers and ties have been settled, all winning wagers shall be paid. All winning hands shall remain face up on the layout until all winning Ante, Bet Wagers and, if applicable, progressive payout wagers are paid. Winning wagers shall be paid in accordance with the payout odds in § 555.13 (relating to payout odds; rate of progression; payout limitation.) The dealer shall pay all winning wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. Any wager made by a player shall win if the hand of the player has a hand rank higher than that of the dealer's qualifying hand. After paying all

winning Ante and Bet Wagers, the dealer shall immediately collect the cards of all winning players and place them in the discard rack; provided however, if a player has won a progressive payout which is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(f) After the hole cards are revealed, if the dealer does not have a qualifying hand:

(1) The dealer shall be required to turn over the cards of any player who has made a progressive wager in accordance with § 555.7(c) (relating to wagers) and shall pay all winning progressive wagers in accordance with § 555.12 (relating to progressive payout).

(2) The dealer shall immediately announce "no hand" and pay all Ante Wagers at payouts odds of 1 to 1. The dealer shall pay all Ante Wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table.

(3) All Bet Wagers shall be considered void and the dealer shall return the Bet Wagers to the players.

(4) After paying all Ante Wagers, the dealer shall immediately collect the cards of all players and place them in the discard rack; provided however, if a player has won a progressive payout which is not being paid from the table inventory container, the cards of that player shall not be collected until the necessary documentation has been completed.

(g) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

§ 555.12. Progressive payout.

(a) A progressive payout wager shall be paid in accordance with the payout table in § 555.13 (relating to payout odds; rate of progression; payout limitation) prior to the collection of the winning player's cards by the dealer.

(b) Prior to paying a progressive payout hand, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the acceptor device has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with approved internal control procedures.

(c) Any winning progressive payout wager shall be paid irrespective of the rank of the hand of the dealer or even if the dealer does not have a qualifying hand or has a higher ranking hand.

§ 555.13. Payout odds; rate of progression; payout limitation.

(a) The payout odds for winning wagers at Caribbean Stud Poker printed on any layout or in any brochure or other publication distributed by a certificate holder shall be stated through the use of the word "to" and no odds shall be stated through the use of the word "for."

(b) A certificate holder shall pay out winning Ante Wagers at payout odds of 1 to 1.

(c) A certificate holder shall pay off each winning Bet Wager at the game of Caribbean Stud Poker at the odds contained in the certificate holder's Rules Submission filed in accordance with § 521.2 (relating to table games Rules Submissions) which shall be no less than the following odds:

<i>Wager</i>	<i>Payout Odds</i>
Royal Flush	100 to 1
Straight Flush	50 to 1
Four-of-a-kind	20 to 1
Full House	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two Pair	2 to 1
One Pair or less	1 to 1

(d) A certificate holder shall pay out winning progressive payouts at the odds contained in the certificate holder's Rules Submission filed in accordance with § 521.2 which shall be no less than the following amounts:

<i>Hand</i>	<i>Payout</i>
Royal Flush	100% of the progressive jackpot
Straight Flush	Either 10% of the progressive jackpot or \$5,000, as designated in the certificate holder's approved system of internal controls
Four-of-a-kind	\$500
Full House	\$100
Flush	\$50

(e) The rate of progression for the progressive meter used for the progressive payouts in subsection (d) shall be contained in the certificate holder's Rules Submission filed in accordance with § 521.2 and shall be no less than 70%. The initial and reset amount shall also be contained in the certificate holder's Rules Submission.

(f) Winning progressive payout hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 555.12 (related to progressive payout) provided, however, if more than one player at a table has a royal flush progressive payout hand, each player shall share equally in the amount on the progressive meter and shall be paid when the first player with a royal flush is paid.

§ 555.14. Irregularities.

(a) If a hole card is exposed prior to the dealer announcing "no more bets," all hands shall be void, all wagers being returned to the players and the cards shall be reshuffled.

(b) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers being returned to the players and the cards shall be reshuffled.

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player is dealt an incorrect number of cards, that player's hand shall be void. If the dealer is dealt four cards of the five card hand, the dealer shall deal an additional card to complete the hand. Any other misdeal to the dealer shall result in all hands being void, all wagers being returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, all wagers being returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) An automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 557. FOUR CARD POKER

<i>Sec.</i>	<i>Definitions.</i>
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557.11.	Play Wagers; procedures for completion of each round of play.
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§ 557.1. Definitions.

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

Aces Up Wager—An optional wager that a player may make prior to any cards being dealt that the player's best Four Card Poker hand will be a pair of aces or better.

Hand—The best Four Card Poker hand that can be formed by each player and the dealer from the cards they are dealt.

Play Wager—An additional wager that a player is required to make if the player opts to remain in competition against the dealer.

Round of play—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

§ 557.2. Four Card Poker table physical characteristics.

(a) Four Card Poker shall be played on a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side.

(b) The layout for a Four Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder offering the game.
- (2) A separate designated betting area at each betting position for the placement of the Ante Wager.
- (3) A separate designated betting area at each betting position for the placement of the Play Wager.
- (4) A separate designated betting area at each betting position for the placement of the Aces Up Wager.

(5) An inscription identifying the payout odds for all authorized wagers unless the payout odds are posted as required by subsection (c).

(c) If payout odds are not inscribed on the layout as required under subsection (b)(5), a sign identifying the payout odds for all authorized wagers shall be posted at each Four Card Poker table.

(d) Each Four Card Poker table must have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer, in locations approved by the Bureau of Gaming Operations.

(e) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

§ 557.3. Cards; number of decks.

(a) Except as provided in subsection (b), Four Card Poker shall be played with one deck of cards with backs of the same color and design and one additional cover card to be used in accordance with § 557.5 (relating to shuffle and cut of the cards).

(b) If an automated card shuffling device is used, a certificate holder may be permitted to use a second deck of cards to play the game, provided that:

(1) Each deck of cards complies with the requirements of subsection (a).

(2) The backs of the cards in the two decks are different colors.

(3) One deck is being shuffled by the automated card shuffling device while the other deck is being used to play the game.

(4) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(5) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Four Card Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 557.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 557.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 557.3(b) (relating to cards; number of decks), each deck of cards

shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with subsections (a), (b) and (c).

§ 557.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were reshuffled, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with the procedures in § 557.8, § 557.9 or § 557.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with the procedures in § 557.8, § 557.9 or § 557.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 557.4(c) (relating to opening of the table for gaming) and this section shall be completed.

§ 557.6. Four Card Poker rankings.

(a) The rank of the cards used in Four Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. All suits shall be

considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4.

(b) The permissible poker hands in the game of Four Card Poker, in order of highest to lowest rank, shall be:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2's being the lowest ranking four-of-a-kind.

(2) A straight flush, which is a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest ranking straight flush and a 4, 3, 2 and ace being the lowest ranking straight flush.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2's being the lowest ranking three-of-a-kind.

(4) A flush, which is a hand consisting of four cards of the same suit, regardless of rank.

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and 4, 3, 2 and ace being the lowest ranking straight; provided however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, king, ace, 2 and 3).

(6) A two pair, which is a hand consisting of two pairs with two aces and two kings being the highest ranking two pair and two 3's and two 2's being the lowest ranking two pair.

(7) A pair, which is a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two 2's being the lowest ranking pair.

(c) When comparing two hands that are of equal rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a) that is not contained in the other hand shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

§ 557.7. Wagers.

(a) The following wagers may be placed in the game of Four Card Poker:

(1) A player may compete solely against the dealer by placing an Ante Wager in an amount within the posted minimum and maximum wagers posted at the table and then placing a Play Wager in an amount from one to three times the amount of the Ante Wager.

(2) A player may compete solely against a posted payout table by placing an Aces Up Wager in any amount within the minimum and maximum wagers posted at the table.

(3) A player may compete against both the dealer and the posted payout table by placing wagers in accordance with the requirements in paragraphs (1) and (2).

(b) All wagers at Four Card Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(c) Only players who are seated at a Four Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(d) Ante Wagers and Aces Up Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 557.8, § 557.9 or § 557.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except for Play Wagers, a wager may not be made, increased, or withdrawn after the dealer has announced "no more bets." All Play Wagers shall be placed in accordance with § 557.11(b) (relating to Play Wagers procedures for completion of each round of play).

(e) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), permit a player to simultaneously play and place wagers at two adjacent betting positions during a round of play.

§ 557.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe shall be located on the table in a location approved by the Bureau of Gaming Operations. Once the procedures required under § 557.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing the cards and after all Ante Wagers and Aces Up Wagers are placed, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed an Ante Wager or an Aces Up Wager and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The dealer's sixth card shall be dealt face up. The dealer's fifth and sixth cards shall be dealt consecutively.

(e) After five cards have been dealt to each player and six to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player has more or less than five cards or the dealer has more or less than six cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 557.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 557.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

(i) After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall then announce "no more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed an Ante Wager or an Aces Up Wager and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The sixth card dealt to the dealer shall be dealt face up. The dealer's fifth and sixth cards shall be dealt consecutively.

(c) After five cards have been dealt to each player and six cards have been dealt to the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall be required to count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player has more or less than five cards or the dealer has more or less than six cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all

wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 557.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed.

(1) After the procedures required under § 557.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" prior to the shoe dispensing any stacks of cards.

(b) The dealer shall deal the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager or Aces Up Wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deal a stack face down to each of the other players who has placed an Ante Wager or Aces Up Wager. The dealer shall then deal a stack of five cards face down to himself. When the automated dealing shoe dispenses the next stack of five cards, the dealer shall remove the stack from the shoe and place the stack on the layout next to his hand. The dealer shall spread the cards in the stack face down, with the bottom card of the stack to the dealer's far left and the top card of the stack to the dealer's far right. The dealer shall turn the bottom card of the stack (the card on the dealer's far left) face up on the dealer's hand. The dealer shall collect the remaining four cards of that stack and place the cards in the discard rack without revealing the cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with this section, the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall be required to count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player has more or less than five cards or the dealer has more or less than six cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 557.11. Play Wagers; Procedures for completion of each round of play.

(a) After the dealing procedures required under § 557.8, § 557.9 or § 557.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for

dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards.

(b) Each player who wagers at Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(c) The dealer shall, starting with the player farthest to the left of the dealer and continuing clockwise around the table, offer each player who has placed an Ante Wager the option to either make a Play Wager or forfeit his Ante Wager. A Play Wager shall be made in an amount from one to three times the amount of the player's Ante Wager. If a player has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but does not forfeit the Aces Up Wager.

(d) After each player has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager, the dealer shall collect all forfeited Ante Wagers. The dealer shall collect the cards of any player who forfeited his Ante Wager and also did not make an Aces Up Wager, and place the cards in the discard rack.

(e) The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking hand. The dealer shall then, starting with the player farthest to the dealer's right whose hand is still active and continuing counterclockwise around the table, reveal the cards of each player and select the four cards that form the highest possible ranking hand for each player. The dealer shall then collect all losing Ante, Play and Aces Up Wagers.

(f) The dealer shall then settle the winning wagers remaining on the table, in accordance with the payout odds in § 557.12 (relating to payout odds).

(g) After all winning wagers have been settled, the remaining cards shall be collected by the dealer and placed in the discard rack in such a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

§ 557.12. Payout odds.

(a) The three payout types are:

(1) A player in competition against the dealer shall be paid 1 to 1 on both the Ante Wager and the Play Wager if the player's hand is either ranked higher than the dealer hand's or is of equal rank with the dealer's hand.

(2) A player placing an Ante Wager and a Play Wager who has a three-of-a-kind or better shall be paid a bonus on the Ante Wager, regardless of whether the player's hand outranks the dealer's hand, at the odds preselected by the certificate holder in it Rules Submission under § 521.2 (relating to table games Rules Submissions), which are no less than the following:

<i>Hand-Type</i>	<i>Payout Odds</i>
Four-of-a-kind	25 to 1
Straight flush	20 to 1
Three-of-a-kind	2 to 1

(3) A player shall be paid for an Aces Up Wager if the player's best Four Card Poker hand is one of the hand types in the table below, regardless of whether the player's hand outranks the dealer's hand, at the odds preselected by the certificate holder in it Rules Submission under § 521.2, in one of the following payout tables:

<i>Hand Type</i>	<i>Table I</i>	<i>Table II</i>	<i>Table III</i>	<i>Table IV</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	30 to 1	30 to 1
Three-of-a-kind	9 to 1	7 to 1	9 to 1	7 to 1
Flush	6 to 1	6 to 1	6 to 1	6 to 1
Straight	4 to 1	5 to 1	4 to 1	5 to 1
Two pair	2 to 1	2 to 1	2 to 1	2 to 1
Pair of aces	1 to 1	1 to 1	1 to 1	1 to 1

<i>Hand Type</i>	<i>Table V</i>	<i>Table VI</i>	<i>Table VII</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Flush	5 to 1	6 to 1	5 to 1
Straight	4 to 1	4 to 1	4 to 1
Two pair	3 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

§ 557.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance with § 557.11(e) (relating to play wagers; procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) An automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 559. LET IT RIDE POKER

Sec.	Definitions.
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- 559.9. Three Card Bonus Wager.
- 559.10. Procedure for dealing the cards from a manual dealing shoe.
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- 559.13. Procedures for completion of each round of play.
- 559.14. Payout odds; payout limitation.
- 559.15. Irregularities.

§ 559.1. Definitions.

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

Community card—A card which is initially dealt face down to a designated area in front of the table inventory container and which is used by all players to form a five-card poker hand.

Hand—The five-card poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

Let It Ride—When a player chooses not to take back a wager that may be withdrawn in accordance with § 559.13 (relating to procedures for completion of each round of play).

Round of play—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been paid off or collected in accordance with the rules of this chapter.

§ 559.2. Let It Ride Poker table physical characteristics.

(a) Let It Ride Poker shall be played on a table having betting positions for seven players on one side of the table and a place for the dealer on the opposite side.

(b) The layout for a Let It Ride Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Three separate designated betting areas at each betting position for the placement of wagers in accordance with § 559.7 (relating to wagers).
- (3) A separate designated area at each betting position for the placement of the cards of each player.
- (4) A separate designated area located directly in front of the table inventory container for the placement of the community cards.
- (5) The payout odds for all authorized wagers, including the Let It Ride Bonus Wager authorized under § 559.8 (relating to Let It Ride Bonus Wager) and the Three Card Bonus Wager authorized under § 559.9 (relating to Three Card Bonus Wager), if the certificate holder offers either optional wager.
- (6) The inscription indicating the payout limit per hand established by the certificate holder under § 559.14 (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit.

(7) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 559.9, a separate designated area at each betting position for the placement of the Three Card Bonus Wager.

(c) If payout odds are not inscribed on the layout as required under subsection (b)(5), a sign indicating the payout odds for all authorized wagers shall be posted at each Let It Ride Poker table. The sign must also include

the details of the payout limit authorized under § 559.14 in a manner approved by the Bureau of Gaming Operations.

(d) Each Let It Ride Poker table must have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

(e) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

(f) If a certificate holder offers the Let It Ride Bonus Wager authorized under § 559.8, the Let It Ride Poker table must also include the following equipment or devices, which shall be approved by the Bureau of Gaming Laboratory Operations:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Let It Ride Bonus Wager.

(2) A control device that controls or monitors the placement of Let It Ride Bonus Wagers at the gaming table, including a mechanism that prevents the recognition of any Let It Ride Bonus Wager that a player attempts to place after the dealer has announced "no more bets."

§ 559.3. Cards; number of decks.

(a) Except as provided in subsection (b), Let It Ride Poker shall be played with one deck of cards with backs of the same color and design and one additional cover card to be used in accordance with § 559.5 (relating to shuffle and cut of the cards).

(b) If an automated card shuffling device is used, a certificate holder shall be permitted to use a second deck of cards to play the game, provided that:

- (1) Each deck of cards complies with the requirements of subsection (a).
- (2) The backs of the cards in the two decks are different colors.
- (3) One deck is being shuffled by the automated card shuffling device while the other deck is being used to play the game.
- (4) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.
- (5) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Let It Ride Poker shall be changed:

- (1) At least every 4 hours if the cards are dealt by hand.
- (2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 559.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 559.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 559.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of subsections (a), (b) and (c).

§ 559.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were preshuffled, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated card shuffling device shall place the deck of cards in a single stack; provided, however, that nothing herein prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 559.10, § 559.11 or § 559.12 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on top of the cover card.

(2) Deal the cards in accordance with § 559.10, § 559.11 or § 559.12.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Let It Ride Poker table which is open for gaming, the cards shall be spread out on the table either face up or face

down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 559.4(c) (relating to opening of the table for gaming) shall be completed.

§ 559.6. Let It Ride Poker rankings.

(a) The rank of the cards used in Let It Ride Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5. All suits shall be considered equal in rank.

(b) The permissible poker hands at the game of Let It Ride Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2's being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2's and two 3's being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, 2, 3).

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2's being the lowest ranking three-of-a-kind.

(8) A two pair, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3's and two 2's being the lowest ranking two pair.

(9) A pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two 2's being the lowest ranking pair.

(c) For purposes of the optional Three Card Bonus Wager defined in § 559.9 (relating to Three Card Bonus Wager), the permissible Three Card Bonus Wager hands eligible for a payout in accordance with § 559.14(e) (relating to payout odds; payout limitation) shall be:

(1) A mini-royal, which is a hand consisting of an ace, king and queen, all of the same suit.

(2) A straight flush, which is a hand, other than a mini-royal, consisting of three cards of the same suit in consecutive ranking.

(3) A flush, which is a hand consisting of three cards of the same suit, not in consecutive order.

(4) A straight, which is a hand consisting of three cards of consecutive rank, including an ace, two and three; provided, however, that an ace may not be combined with a king and a two.

(5) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(6) A pair, which is a hand consisting of two cards of the same rank.

§ 559.7. Wagers.

(a) All wagers at Let It Ride Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(b) Only players who are seated at a Let It Ride Poker table may wager at the game. Once a player has placed his wagers and received cards, that player must remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 559.10, § 559.11 or § 559.12 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in subsection (d), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) At the beginning of each round of play, each player shall be required to place three equal but separate wagers. The wagers shall be identified as Bet Number 1, Bet Number 2 and Bet Number 3. Bet Number 1 and Bet Number 2 may subsequently be removed by the player in accordance with § 559.13 (relating to procedures for completion of each round of play).

(e) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), permit a player to simultaneously play and place wagers at an adjacent betting position during a round of play.

§ 559.8. Let It Ride Bonus Wager.

(a) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), offer to each player at a Let It Ride Poker table the option to make an additional Let It Ride Bonus Wager that the player will receive a poker hand with a rank of three-of-a-kind or better.

(b) If the Let It Ride Bonus Wager is offered, each player who has placed the three wagers required under § 559.7 (relating to wagers) may make an additional Let It Ride Bonus Wager by placing a \$1 gaming chip on the approved wagering location designated for that wager prior to the dealer announcing "no more bets."

(c) All winning Let It Ride Bonus Wagers shall be paid in accordance with the payout schedule in § 559.14(d) (relating to payout odds; payout limitation).

(d) A Let It Ride Bonus Wager shall be independent of any other wager made by a player at the game of Let It Ride Poker.

§ 559.9. Three Card Bonus Wager.

(a) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), offer to each player at a Let It Ride Poker table the option to make an additional Three Card Bonus Wager that the three cards dealt to the player will have a rank of pair or better.

(b) If the Three Card Bonus Wager is offered, each player who has placed the three wagers required under § 559.7 (relating to wagers) may make an additional Three Card Bonus Wager by placing a wager on the approved wagering area designated for that wager prior to the dealer announcing "no more bets."

(c) All winning Three Card Bonus Wagers shall be paid in accordance with the payout table in § 559.14(e) (relating to payout odds; payout limitation) preselected by the certificate holder in the certificate holder's Rules Submission under § 521.2.

(d) A Three Card Bonus Wager shall be independent of any other wager made by a player at the game of Let It Ride Poker.

§ 559.10. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe shall be located on the table in a location as approved by the Bureau of Gaming Operations. Once the procedures required under § 559.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) The dealer shall announce "no more bets" prior to dealing any cards. If any Let It Ride Bonus Wagers have been made, the dealer shall also collect these wagers from the approved wagering devices and shall then verify, on the layout in front of the table inventory container, that the number of gaming chips wagered equals the number of wagers acknowledged or accepted by the wagering devices. The dealer shall then place the gaming chips into the table inventory container.

(c) In dealing the cards, each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed three wagers in accordance with § 559.7 (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed three wagers in accordance with § 559.7.

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed three wagers in accordance with § 559.7.

(e) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designated for the placement of the community cards has more or less than three or two cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 559.11. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 559.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

(i) After the dealer has chosen the hand in which he will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall announce "no more bets" prior to dealing any cards. If any Let It Ride Bonus Wagers have been made, the dealer shall also collect these wagers from the approved wagering devices and then verify, on the layout in front of the table inventory container, that the number of gaming chips wagered equals the number of wagers acknowledged or accepted by the wagering devices. The dealer shall then place the gaming chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed three wagers in accordance with § 559.7 (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed three wagers in accordance with § 559.7.

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed three wagers in accordance with § 559.7.

(c) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designated for the placement of the community cards has more or less than three or two cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 559.12. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required by § 559.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall then announce "no more bets." If any Let It Ride Bonus Wagers have been made, the dealer shall also collect these wagers from the approved wagering devices and shall then verify, on the layout in front of the table inventory container, that the number of gaming chips wagered equals the number of wagers acknowledged or accepted by the wagering devices. The dealer shall then place the gaming chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to his left who has placed three wagers in accordance with § 559.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed three wagers in accordance with § 559.7. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards, and spread the stack within the designated area so that the top card is to the dealer's right, the middle card is directly in front of the dealer, and the bottom card is to the dealer's left. The dealer shall then remove the community card that is to his left, and place that card in the discard rack face down.

(c) After each stack of three cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the stub from the automated dealing

shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than three or two cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 559.13. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 559.10, § 559.11 or § 559.12 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer may touch the cards of that player.

(2) Each player shall be required to keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required by subsection (e), the player's cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride.

(1) If a player chooses to let Bet Number 1 ride, that bet shall remain on the appropriate betting area of the layout until the end of the round of play.

(2) If a player chooses to withdraw Bet Number 1, the dealer shall move the gaming chips on the betting area designated for Bet Number 1 toward the player who shall then immediately remove the gaming chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it on top of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or

Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1.

(1) If a player chooses to let Bet Number 2 ride, that bet shall remain on the appropriate betting area of the layout until the end of the round of play.

(2) If a player chooses to withdraw Bet Number 2, the dealer shall move the gaming chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the gaming chips from the betting area.

(e) The dealer shall then move the first community card to the right of the card that remains face down in the community card area. The face down card shall be turned face up by the dealer and become the second community card.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up. The two community cards and the three cards dealt to the player shall form the five-card poker hand of that player.

(2) The dealer shall examine the cards of the player to determine if the player's hand qualifies for a payout under § 559.14 (relating to payout odds; payout limitation). A Let It Ride Poker wager under § 559.7 (relating to wagers) on a hand which has a rank that is lower than a pair of tens shall be a losing wager.

(3) The dealer shall then settle all wagers of that player, including any bonus wagers. All losing wagers by the player shall be immediately collected by the dealer and placed in the table inventory container. After all losing wagers have been collected, all winning wagers shall be paid in accordance with the payout odds in § 559.14.

(4) All hands shall remain face up on the layout until all wagers have been settled by the dealer.

(h) After settling all wagers, the dealer shall immediately collect the cards of all players starting with the player to the dealer's right and then the community cards and place the cards in the discard rack.

§ 559.14. Payout odds; payout limitation.

(a) The payout odds for winning wagers at Let It Ride Poker printed on the table layout or in any brochure or other publication distributed by a certificate holder shall be stated through the use of the word "to" and no odds shall be stated through the use of the word "for."

(b) Subject to the payout limitation in subsection (c), a certificate holder shall pay off each winning wager at the game of Let It Ride Poker under § 559.7 (relating to wagers) at the odds specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), which shall be no less than the following odds:

<i>Wager</i>	<i>Payout Odds</i>
Royal Flush	1000 to 1
Straight Flush	200 to 1
Four-of-a-kind	50 to 1
Full House	11 to 1
Flush	8 to 1

<i>Wager</i>	<i>Payout Odds</i>
Straight	5 to 1
Three-of-a-kind	3 to 1
Two Pair	2 to 1
Pair of Tens, Jacks, Queens, Kings or Aces	1 to 1

(c) Notwithstanding the minimum payout odds required in subsection (b), a certificate holder may, in the certificate holder's Rules Submission under § 521.2 establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. If the established maximum payout limit is not included on the layout, the certificate holder shall provide notice of the maximum payout limit by posting the maximum payout limit on a sign at the Let It Ride table. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker wagers placed under § 559.7 (relating to wagers) and does not apply to payouts of Let It Ride Bonus Wagers placed under § 559.8 (relating to Let It Ride Bonus Wager) or Three Card Bonus Wagers placed under § 559.9 (relating to Three Card Bonus Wager).

(d) A certificate holder shall pay off each winning Let It Ride Bonus Wager in the monetary amounts specified in the certificate holder's Rules Submission under § 521.2, which shall be no less than the following monetary amounts:

<i>Wager</i>	<i>Payout</i>
Royal Flush	\$25,000
Straight Flush	\$2,500
Four-of-a-kind	\$400
Full House	\$200
Flush	\$50
Straight	\$25
Three-of-a-kind	\$5

(e) A certificate holder shall pay off each winning Three Card Bonus Wager at the odds specified in the certificate holder's Rules Submission under § 521.2, which shall be no less than the odds in one of the following alternative pay tables:

<i>Hand Type</i>	<i>Table A</i>	<i>Table B</i>	<i>Table C</i>
Mini-royal	N/A	N/A	N/A
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

<i>Hand Type</i>	<i>Table D</i>	<i>Table E</i>	<i>Table F</i>
Mini-royal	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

§ 559.15. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(f) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 561. PAI GOW POKER

<i>Sec.</i>	<i>Definitions.</i>
561.1.	Definitions.
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561.3.	Cards; number of decks.
561.4.	Opening of the table for gaming.
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561.6.	Pai Gow Poker rankings; cards; poker hands.
561.7.	Wagers.
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561.9.	Procedures for dealing the cards from a manual dealing shoe.
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561.13.	Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.
561.14.	Irregularities; invalid roll of dice.

§ 561.1. Definitions.

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

High hand—The five-card hand which is formed from the seven cards dealt at the game of Pai Gow Poker so as to rank equal to or higher than the two-card Low hand.

Low hand—The two-card hand which is formed from the seven cards dealt at the game of Pai Gow Poker so as to rank equal to or lower than the five-card High hand.

Rank or ranking—The relative position of a card or group of cards as set forth in § 561.6 (relating to Pai Gow Poker rankings; cards; poker hands)

Set or setting the hands—The process of forming a High hand and Low hand from the seven cards dealt.

§ 561.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.

(a) Pai Gow Poker shall be played at a table having on one side places for six players and on the opposite side a place for the dealer.

(b) The layout for a Pai Gow Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum, the following:

(1) Six separate designated betting areas for the players at the table with each area being numbered one through six.

(2) Two separate areas located below each betting area which shall be designated for the placement of the High and Low hands of that player.

(3) Two separate areas designated for the placement of the High and Low hands of the dealer.

(4) The name or logo of the certificate holder offering the game.

(c) Each Pai Gow Poker table must have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, and in locations approved by the Bureau of Gaming Operations.

(d) Each Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

(e) Under § 561.8 (relating to Pai Gow Poker shaker and dice; computerized random number generator; button), Pai Gow Poker may be played with a container, to be known as a Pai Gow shaker, which shall be used to shake three dice before each hand of Pai Gow Poker is dealt to determine the starting position for the dealing or delivery of the cards. The Pai Gow shaker shall be designed and constructed to contain any feature the Bureau of Gaming Operations may require to maintain the integrity of the game and must, at a minimum, adhere to the following specifications:

(1) The Pai Gow Poker shaker must be capable of housing three dice and be designed to prevent the dice from being seen while the dealer is shaking it.

(2) The Pai Gow Poker shaker must have the name or identifying logo of the certificate holder imprinted or impressed thereon.

(f) If a certificate holder elects to use a computerized random number generator as permitted under § 561.8, the random number generator shall be approved by the Bureau of Gaming Laboratory Operations prior to its use.

§ 561.3. Cards; number of decks.

(a) Except as provided in subsection (b), Pai Gow Poker shall be played with one deck of cards with backs of the same color and design and two cover cards. The deck of cards used to play Pai Gow Poker must include one joker. Nothing in this section prohibits a certificate holder from using decks which are manufactured with two jokers provided that only one joker is used for gaming at Pai Gow Poker.

(b) If an automated card shuffling device is used for Pai Gow Poker, a certificate holder may use a second deck of cards to play the game, provided that:

(1) Each deck of cards complies with the requirements of subsection (a).

(2) The backs of the cards of the two decks are of a different color.

(3) One deck is being shuffled by the automated card shuffling device while the other deck is being used to play the game.

(4) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(5) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Pai Gow Ride Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 561.4. Opening of the table for gaming.

(a) After receiving a deck of cards at the table, the dealer shall inspect the cards for any defects.

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 561.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game of Pai Gow Poker and two decks of cards are received at the table as permitted under § 561.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, mixed, stacked and shuffled in accordance with subsections (a)—(c).

§ 561.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were preshuffled, and after each round of play has been completed, the dealer shall shuffle the cards either manually or by use of an automated card shuffling device so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing herein prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the cards directly into an automated or manual dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. The dealer shall offer the stack of cards to be cut, with the backs facing up, to the player determined under subsection (d). If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(e) The player or dealer making the cut shall place the second cover card in the stack at least 10 cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then deal the cards in accordance with in § 561.9, § 561.10 or § 561.11.

(f) After the cards have been cut and before any cards have been dealt, a floorperson or higher may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (d).

(g) Whenever there is no gaming activity at a Pai Gow Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the table may be opened and the cards shuffled and cut in accordance with § 561.4 (relating to opening of the table for gaming) and this section.

§ 561.6. Pai Gow Poker rankings; cards; poker hands.

(a) The rank of the cards used in Pai Gow Poker, in order of highest to lowest, are ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5. Except as otherwise provided in subsection (c), the joker shall be used and ranked as an ace.

(b) The permissible poker hands at the game of Pai Gow Poker, in order of highest to lowest rank, are:

(1) Five aces, which is a High hand consisting of four aces and a joker.

(2) A royal flush, which is a High hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(3) A straight flush, which is a High hand consisting of five cards of the same suit in consecutive ranking, with ace, 2, 3, 4 and 5 being the highest ranking straight flush; king, queen, jack, 10, and 9 being the second

highest ranking straight flush, and 6, 5, 4, 3 and 2 being the lowest ranking straight flush.

(4) A four-of-a-kind, which is a High hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2's being the lowest ranking four-of-a-kind.

(5) A full house, which is a High hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2's and two 3's being the lowest ranking full house.

(6) A flush, which is a High hand consisting of five cards of the same suit. When comparing two flushes, the hand which contains the highest ranking card as provided in subsection (a) which is not contained in the other hand shall be considered the higher ranking hand.

(7) A straight, which is a High hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight; an ace, 2, 3, 4 and 5 being the second highest ranking straight, and a 6, 5, 4, 3 and 2 being the lowest ranking straight.

(8) A three-of-a-kind, which is a High hand containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2's being the lowest ranking three-of-a-kind.

(9) Two pair, which is a High hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3's and two 2's being the lowest ranking two pair hand.

(10) A pair, which is either a High hand or a Low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2's being the lowest ranking pair.

(c) For purposes of setting the hands, a joker may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(d) When comparing two High hands or two Low hands which are of identical poker hand rank under this section, or which contain none of the poker hands authorized in this section, the hand which contains the highest ranking card as provided in subsection (a) which is not contained in the other hand shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this subsection, the hands shall be considered a tie hand.

§ 561.7. Wagers.

(a) All wagers at Pai Gow Poker shall be made by placing gaming chips or plaques on the appropriate betting area of the Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted at the game of Pai Gow Poker.

(b) Only players who are seated at the Pai Gow Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe). No wager at Pai Gow Poker

may be made, increased or withdrawn after the dealer has announced "no more bets."

(d) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), permit a player to simultaneously play and wager on two adjacent betting areas at a Pai Gow Poker table.

(e) If a certificate holder permits a player to simultaneously play and wager on two adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall be required to rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked and set and placed face down on the appropriate area of the layout, the hand may not be changed.

§ 561.8. Pai Gow Poker shaker and dice; computerized random number generator; button.

(a) The starting position for the deal of cards in Pai Gow Poker shall be determined by using one of the following methods:

(1) Three dice and a Pai Gow Poker shaker, which shall be used in accordance with § 561.12 (relating to procedure for determining the starting position for dealing cards or delivering stacks of cards). When dice and a Pai Gow Poker shaker are used, the following apply:

(i) The three dice, when not being rolled, shall be maintained at all times within the Pai Gow Poker shaker.

(ii) The Pai Gow Poker shaker and the dice contained therein shall be the responsibility of the dealer and may never be left unattended while at the table.

(iii) No dice that have been placed in a Pai Gow Poker shaker for use in gaming may remain on a table for more than 24 hours.

(2) A computerized random number generator that, in accordance with § 561.12(c) automatically selects and displays a number from 1—7 inclusive.

(3) If an automated card shuffling device and dealing shoe is used under § 561.11 (relating to procedures for dealing the cards from an automated dealing shoe) and § 561.12(d), a button that is moved by the dealer clockwise around the table after each round of play is completed.

§ 561.9. Procedures for dealing the cards from a manual dealing shoe.

(a) If a certificate holder chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall be located on the table in a location approved by the Bureau of Gaming Operations. Once the procedures required under § 561.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the manual dealing shoe either by the dealer or by an automated card shuffling device. The dealer shall then announce "no more bets."

(b) The dealer shall then, using one of the procedures authorized under § 561.12 (relating to procedure for determining the starting position for dealing cards or delivering stacks of cards), determine the starting position for dealing the cards.

(c) After the starting position for dealing the cards has been determined, each card shall be removed from the dealing shoe with the left hand of the dealer and placed face down on the appropriate area of the layout with the right hand of the dealer. The dealer shall deal the first card to the starting position as determined in subsection (b) and, moving clockwise around the table, deal a card to all other positions, including the dealer, regardless of whether there is a wager at the position. The dealer shall then return to the starting position and deal a second card and continue dealing in a clockwise rotation until each position, including the dealer, has seven cards.

(d) After seven cards have been dealt to each position, including the dealer, the dealer shall remove the remaining cards from the shoe and determine whether exactly four cards are left by spreading them face down on the layout.

(e) If four cards remain, the four cards may not be exposed to anyone and shall be placed in the discard rack. The dealer shall then collect any cards dealt to a position where there is no wager and place them in the discard rack without exposing the cards.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt and a player or the dealer has more or less than seven cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there is no wager and place them in the discard rack without exposing the cards.

§ 561.10. Procedures for dealing the cards by hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 561.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the deck of cards in either hand.

(i) Once the dealer has chosen the hand in which he will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall then announce "no more bets" prior to dealing seven stacks of seven cards each to the area in front of the table inventory container. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall then, using one of the procedures authorized under § 561.12 (relating to procedure for determining the starting position for dealing cards or delivering stacks of cards), determine the starting position for dealing the cards.

(c) After the starting position for dealing the cards has been determined, the dealer shall deal the first of the seven cards moving from left to right and the second of

the seven cards moving from right to left and continue alternating in this manner until there are seven stacks of seven cards.

(d) After seven stacks of seven cards have been dealt, the dealer shall determine whether exactly four cards are left by spreading the remaining cards face down on the layout.

(e) If four cards remain, the four cards shall be placed in the discard rack without being exposed to anyone at the table.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt and a stack has more or less than seven cards, the round of play shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. If the cards have not been misdealt, the round of play shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there is no wager and place them in the discard rack without exposing the cards.

§ 561.11. Procedures for dealing the cards from an automated dealing shoe.

(a) If a certificate holder chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 561.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall announce “no more bets” prior to the shoe dispensing any stacks of cards.

(b) The dealer shall then, using one of the procedures under § 561.12 (relating to procedure for determining the starting position for dealing cards or delivering stacks of cards), determine the starting position for delivering the stacks of cards.

(c) Once the starting position has been determined in accordance with subsection (b), the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall deliver a stack in turn to each of the other positions, including the dealer, moving clockwise around the table, whether or not there is a wager at the position. The dealer shall deliver each stack face down.

(d) After the seven stacks of seven cards have been dispensed and delivered to each position, including the dealer, the dealer shall remove the remaining cards from the shoe and determine whether exactly four cards are left by spreading them face down on the layout.

(e) If four cards remain, the cards shall be placed in the discard rack without being exposed to anyone at the table.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt and a stack has more or less than seven cards, the round of play shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. If the cards have not been misdealt, the round of play shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there is no wager and place them in the discard rack without exposing the cards.

§ 561.12. Procedure for determining the starting position for dealing cards or delivering stacks of cards.

(a) To determine the starting position for the dealing of cards or the delivery of stacks of cards for the game of Pai Gow Poker, a certificate holder shall use one of the procedures authorized in subsection (b), (c) or (d).

(b) The dealer shall shake the shaker and dice described in § 561.8 (relating to Pai Gow Poker shaker and dice; computerized random number generator; button) at least three times so as to cause a random mixture of the dice. The dealer shall then remove the lid covering the Pai Gow Poker shaker, total the dice and announce the total. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the total of the three dice. After the dealing or delivery of the cards has been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(c) The dealer may use a computerized random number generator to select and display a number from 1—7 inclusive, and verbally announce the number. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the number displayed by the random number generator.

(d) If an automated card shuffling device and dealing shoe is used under § 561.11 (relating to procedures for dealing the cards from an automated dealing shoe), the dealer may use a flat button approved by the Bureau of Gaming Operations to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(e) After the starting position for a round of play has been determined, a certificate holder may mark that position by the use of an additional cut card or similar object approved by the Bureau of Gaming Operations.

§ 561.13. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.

(a) After the cards have been dealt, each player shall set his hands by arranging the cards into a High hand and a Low hand. When setting the two hands, the five-card High hand must be equal to or higher in rank than the two-card Low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(b) Each player at the table shall be responsible for setting his own hands and no other person except the dealer may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer

shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with its Rules of the Games Submission under § 521.2 (relating to table games Rules Submissions). Each player shall be required to keep the seven cards in full view of the dealer at all times. Once each player has set a High and Low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a High and Low hand. The dealer shall then place the two hands face up on the appropriate area of the layout.

(d) Each certificate holder shall submit to the Bureau of Gaming Operations in its Rules Submission under § 521.2, the manner in which it will require the hands of the dealer to be set.

(e) A player may announce that he wishes to surrender his wager prior to the dealer exposing either of the two hands of that player as required under subsection (f). Once the player has announced his intention to surrender, the dealer shall immediately collect the wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(f) After the dealer has set a High hand and a Low hand, the dealer shall expose both hands of each player, starting from the right and proceeding counterclockwise around the table. The dealer shall compare the High and Low hand of each player to the High and Low hand of the dealer and shall announce if the Pai Gow Poker wager of that player wins, loses or is a tie.

(g) A Pai Gow Poker wager loses if:

(1) The High hand of the player is lower in rank than the High hand of the dealer and the Low hand of the player is lower in rank than the Low hand of the dealer.

(2) The High hand of the player is identical in rank to the High hand of the dealer or the Low hand of the player is identical in rank to the Low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(3) The High hand of the player was not set so as to rank equal to or higher than the Low hand of that player.

(4) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(h) All losing Pai Gow Poker wagers shall be immediately collected by the dealer and put in the table inventory container. All losing Pai Gow Poker hands shall also be collected.

(i) A Pai Gow Poker wager is a tie if:

(1) The High hand of the player is higher in rank than the High hand of the dealer, but the Low hand of the player is identical in rank to the Low hand of the dealer or lower in rank than the Low hand of the dealer.

(2) The High hand of the player is identical in rank to the High hand of the dealer or lower in rank than the High hand of the dealer, but the Low hand of the player is higher in rank than the Low hand of the dealer.

(j) If a Pai Gow Poker wager is a tie the dealer shall return the Pai Gow Poker wager to the player. All tie Pai Gow Poker hands shall also be collected.

(k) A Pai Gow Poker wager wins if the High hand of the player is higher in rank than the High hand of the dealer and the Low hand of the player is higher in rank than the Low hand of the dealer.

(l) All hands that resulted in a winning Pai Gow Poker wager shall remain face up on the layout. Winning wagers shall be paid after all hands are exposed. The dealer shall pay winning wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table.

(m) A winning Pai Gow Poker wager shall be paid off by a certificate holder at odds of 1 to 1, except that the certificate holder shall extract a vigorish, from the winning player in an amount equal to 5% of the amount won; provided, however, that when collecting the vigorish, the certificate holder may round off the vigorish to 25 cents or the next highest multiple of 25 cents. A certificate holder shall collect the vigorish from a player at the time the winning payout is made. The dealer shall then collect the cards from that player.

(n) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in case of a question or dispute.

§ 561.14. Irregularities; invalid roll of dice.

(a) If the dealer uncovers the Pai Gow Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Pai Gow Poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card or delivers the first stack to the wrong position, all hands shall be void, all wagers shall be returned to the players and the dealer shall reshuffle the cards.

(d) If the dealer exposes any of the cards dealt to a player, the player shall have the option of voiding the hand. Without looking at the unexposed cards, the player shall make the decision either to play out the hand or to void the hand.

(e) If a card or cards in the hand of the dealer are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) A card found turned face up in the deck or the shoe shall not be used in the game and shall be placed in the discard rack. If more than one card is found turned face up in a deck or the shoe, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(g) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards reshuffled.

(i) If the dealer does not set his hands in the manner submitted to the Bureau of Gaming Operations under § 521.2 (relating to table games Rules Submissions), the hands shall be reset in accordance with the Rules Submission and the round of play completed.

(j) If a card is exposed while the dealer is dealing the seven stacks in accordance with § 561.10 (relating to

procedures for dealing the cards by hand), all wagers shall be returned to the players and the cards shall be reshuffled and redealt.

(k) If cards are being dealt by hand and the dealer fails to deal the seven stacks in accordance with § 561.10(c), all wagers shall be returned to the players and the cards shall be reshuffled.

(l) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(m) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(n) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 563. Texas Hold 'Em Bonus Poker

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§ 563.1. Definitions.

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

Bonus wager—An optional, supplemental wager on the two cards dealt to a player.

Burn—To remove the top or next card from the deck and place it face down in the discard rack without revealing it to anyone.

Community cards—Any of the five cards dealt face up in the center of the table that are used by each player and the dealer with their own two cards to form the best possible five-card poker hand.

Flop—The first three community cards dealt face up to the area designated for the placement of the community cards.

Flop wager—The second wager that is required to be made prior to the Flop being dealt in order to continue participation in the round of play.

Fold—The withdrawal of a player from a round of play by discarding his two cards prior to placing a Flop wager.

Hand—The highest ranking five-card hand that can be formed from the five community cards and the two cards dealt to the dealer or a player.

Rank or ranking—The relative position of a card or group of cards as set forth in § 563.6 (relating to Texas Hold 'Em Bonus Poker hand rankings).

River or River card—The fifth and final community card dealt face up to the designated area of the layout.

River wager—The fourth wager that the player may place prior to the River card being dealt.

Round of play or round—One complete cycle of play during which all players playing at the table have been dealt a hand, have folded or wagered upon their hand, and have had their wagers paid or collected in accordance with the rules of this chapter.

Turn or Turn card—The fourth community card dealt face up to the designated area of the layout.

Turn wager—The third wager that a player may place prior to the Turn card being dealt.

§ 563.2 Texas Hold 'Em Bonus Poker table physical characteristics.

(a) Texas Hold 'Em Bonus Poker shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side.

(b) The layout for a Texas Hold 'Em Bonus Poker table shall be approved by the Bureau of Gaming Operations and must contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate designated betting area at each player position for the placement of Ante Wagers.
- (3) Three separate designated areas at each player position for the placement of Flop, Turn and River Wagers, located immediately above the Ante Wager betting area as viewed by a player.
- (4) A separate designated area at each player position for the placement of an optional Bonus Wager, located immediately above and to the right of the Flop wager betting area as viewed by a player.
- (5) A separate designated area for the placement of the five community cards, located in the center of the table between the table inventory container and the player betting areas.
- (6) A separate designated area for the placement of the dealer's two cards, located between the table inventory container and the designated area for the community cards described in paragraph (5).
- (7) An inscription indicating that an Ante Wager shall receive a payout if a winning hand has a qualifying rank, preselected by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), of straight or higher or flush or higher.

(c) Each Texas Hold 'Em Bonus Poker table must have a sign that lists the payout odds for all authorized wagers.

(d) Each Texas Hold 'Em Bonus Poker table must have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer, in locations approved by the Bureau of Gaming Operations.

(e) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

(f) Each Texas Hold 'Em Bonus Poker table must have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer, in locations approved by the Bureau of Gaming Operations.

(g) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

§ 563.3 Cards; number of decks.

(a) Except as provided in subsection (b), the game of Texas Hold 'Em Bonus Poker shall be played with one deck of cards and two additional cover cards.

(b) If an automated card shuffling device is used, a certificate holder may use a second deck of cards to play the game, provided that:

- (1) Each deck of cards complies with subsection (a).
 - (2) The backs of the cards in the two decks are different colors.
 - (3) One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game.
 - (4) Both decks are continually alternated in and out of play, with each deck being used for every other round of play.
 - (5) The cards from only one deck shall be placed in the discard rack at any given time.
- (c) The decks of cards used in Texas Hold 'Em Bonus Poker shall be changed:
- (1) At least every 4 hours if the cards are dealt by hand.
 - (2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 563.4. Opening of the table for gaming.

- (a) After receiving the cards at the table, the dealer shall inspect the cards for any defects.
- (b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out by deck according to suit and in sequence.
- (c) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 563.5 (relating to shuffle and cut of the cards).
- (d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 563.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with subsections (a), (b) and (c).

§ 563.5. Shuffle and cut of the cards.

- (a) Immediately prior to commencement of play, unless the cards were preshuffled, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.
- (b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.
- (c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures in § 563.8, § 563.9 or § 563.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

- (2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with subsection (d).
- (d) If a cut of the cards is required, the dealer shall:
- (1) Cut the deck, using one hand, by:
 - (i) Placing a cover card on the table in front of the deck of cards.
 - (ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.
 - (iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.
 - (2) Deal the cards in accordance with § 563.8, § 563.9 or § 563.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or higher may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Texas Hold 'Em Bonus Poker table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 563.4(c) (relating to opening of the table for gaming) and this section shall be completed.

§ 563.6. Texas Hold 'Em Bonus Poker hand rankings.

- (a) The rank of the cards used in Texas Hold 'Em Bonus Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5.
- (b) The permissible five-card poker hands at the game of Texas Hold 'Em Bonus Poker, in order of highest to lowest rank, shall be:
- (1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.
 - (2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.
 - (3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2's being the lowest ranking four-of-a-kind.
 - (4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2's and two 3's being the lowest ranking full house.
 - (5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king,

queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack, and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight; provided however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, 2 and 3).

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2's being the lowest ranking three-of-a-kind.

(8) Two pair, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3's and two 2's being the lowest ranking two pair.

(9) One pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2's being the lowest ranking pair.

(c) When comparing two hands that are of identical poker rank under subsection (b), or that contain none of the poker hands in subsection (b), the hand which contains the highest ranking card under subsection (a) which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 563.7. Wagers.

(a) All wagers at Texas Hold 'Em Bonus Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(b) All Ante and Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 563.8, § 563.9 or § 563.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 563.11 (relating to procedure for completion of each round of play; collection and payment of wagers), no wager may be made, increased or withdrawn after the dealer has announced "no more bets."

(c) After placing an Ante Wager, a player may also place a Bonus wager by placing, at a minimum, a \$1 gaming chip on the designated betting area of the layout. The outcome of the Bonus wager shall have no bearing on any other wager made by the player at the game of Texas Hold 'Em Bonus Poker.

(d) Flop, Turn and River Wagers shall be made in accordance with § 563.11.

(e) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of player, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(f) A player may not be permitted to simultaneously play and wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

§ 563.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe shall be located on the table in a location as approved by the Bureau of Gaming Operations. Once the procedures required under § 563.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Bonus Wagers are placed, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his left who has placed an Ante Wager and continuing around the table in a clockwise manner, deal the cards as follows:

- (1) One card face down to each player.
- (2) One card face down to the area designated for the dealer's hand under a cover card.
- (3) A second card face down to each player.
- (4) A second card face down to the area designated for the dealer's hand under a cover card.

(e) After two cards have been dealt to each player and to the area designated for the hand of the dealer, and after all community cards have been dealt in accordance with § 563.11 (relating to procedure for completion of each round of play; collection and payment of wagers), the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 563.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

- (1) An automated shuffling device shall be used to shuffle the cards.
- (2) After the procedures required under § 563.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

(i) After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall announce "no more bets" and then deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall, starting with the player farthest to his left who has placed an Ante Wager and continuing around the table in a clockwise manner, deal the cards as follows:

- (1) One card face down to each player.
- (2) One card face down to the area designated for the dealer's hand under a cover card.
- (3) A second card face down to each player.
- (4) A second card face down to the area designated for the dealer's hand under a cover card.

(c) After two cards have been dealt to each player and to the area designated for the hand of the dealer and after all community cards have been dealt in accordance with § 563.11 (relating to procedure for completion of each round of play; collection and payment of wagers), the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 563.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 563.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" prior to dispensing any stacks of cards.

(b) The dealer shall deal the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall,

moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's hand.

(c) After each stack of two cards has been dispensed and delivered in accordance with this section, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 563.9(a)(2) and (3) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 563.11 (relating to procedure for completion of each round of play; collection and payment of wagers). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 563.11. Procedure for completion of each round of play; collection and payment of wagers.

(a) After the dealing procedures required under § 563.8, § 563.9 or § 563.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards without exposing them to any person, replace the cards face down on the layout and either place a Flop Wager equal to twice the amount of the player's Ante Wager or fold and forfeit the Ante Wager.

(1) If a player chooses to place a Flop Wager, the wager shall be placed in the designated Flop betting area.

(2) If a player folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container.

(i) If the player has also placed a Bonus Wager, the player's cards shall remain on the table pending resolution of the Bonus Wager at the conclusion of the round of play.

(ii) If the player has not placed a Bonus wager, the dealer shall immediately spread the cards of the folded hand face down, collect the cards and place them in the discard rack.

(b) Once all players have either placed a Flop Wager or folded, the dealer shall burn the next card face down. The

dealer shall then turn face up the next three cards in the deck (the Flop) and place them in the designated area for the community cards.

(c) Prior to dealing and revealing the Turn card, the dealer shall, starting with the player farthest to the dealer's left who has placed a Flop Wager and proceeding around the table in a clockwise manner, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager equal to the amount of the player's Ante Wager or check (not place a Turn wager). If a player wishes to place a Turn Wager, the wager shall be placed in the designated Turn betting area.

(d) Once all remaining players have either placed a Turn wager or checked, the dealer shall burn the next card face down. The dealer shall then turn face up the next card in the deck (the Turn) and place it in the designated area for the community cards.

(e) Prior to dealing and revealing the River card, the dealer shall, starting with the player farthest to the dealer's left who has placed a Flop Wager and proceeding around the table in a clockwise manner, ask each player if he desires to place a River Wager equal to the amount of the player's Ante Wager or check (not place a River wager). If a player wishes to place a River Wager, the wager shall be placed in the designated River betting area.

(f) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then turn the next card in the deck (the River) face up and place it in the designated area for the community cards.

(g) The dealer shall remove the cover card on top of the dealer's cards and place it on the table layout. The dealer shall then turn the dealer's two cards face up, and announce and place the cards to indicate the best possible five-card poker hand that can be formed using the dealer's two cards and the five community cards.

(h) Starting with the player farthest to the dealer's right who has placed a Flop wager and proceeding in a counterclockwise manner around the table, the dealer shall turn face up the two cards of each player who has placed a Flop wager and announce the best possible five-card poker hand that can be formed using the two player cards and the five community cards. The wagers of each player shall be resolved one player at a time regardless of outcome. Unless a player has placed a Bonus Wager, after each player's other wagers have been resolved, the hand of the player shall then be collected by the dealer and placed in the discard rack.

(1) If the player's five-card poker hand has a lower rank than the dealer's five-card poker hand, the player shall lose and the dealer shall immediately collect any Ante, Flop, Turn and River Wagers made by the player and place the wagers in the table inventory container.

(2) If the player's five-card poker hand has a higher rank than the dealer's five-card poker hand, the player shall win and the dealer shall pay any Ante, Flop, Turn and River Wagers made by the player in accordance with the payout odds in § 563.12 (relating to payout odds), provided, however, that the Ante Wager may not be paid unless the player's winning hand has a rank of straight or higher or flush or higher as specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions).

(3) If the player's five-card poker hand and the dealer's five-card poker hand are of equal rank, the player's hand

shall be a tie and the dealer shall return any Ante, Flop, Turn and River Wagers placed by the player.

(4) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 563.12(c). A winning Bonus wager shall be paid without regard to the outcome of any other wager made by the player. After the Bonus wager of the player is settled, the dealer shall immediately collect the cards of that player and place them in the discard rack.

(i) All cards collected by the dealer shall be picked up in order and placed in the discard rack in a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

§ 563.12. Payout odds.

(a) The payout odds for winning wagers at Texas Hold 'Em Bonus Poker printed on the table layout, on any sign or in any brochure or other publication distributed by a certificate holder shall be stated through the use of the word "to" and no odds may be stated through the use of the word "for."

(b) A certificate holder shall pay each winning Ante, Flop, Turn and River Wager at odds of 1 to 1.

(c) A certificate holder shall pay each winning Bonus Wager at the game of Texas Hold 'Em Bonus Poker at the odds preselected by the certificate holder in its Rules Submission under § 521.2 (relating to table games Rules Submissions), which shall be no less than the following odds:

<i>Player's Two Cards</i>	<i>Payout Odds</i>
Ace-ace	30 to 1
Ace-king (same suit)	25 to 1
Ace-queen or ace-jack (same suit)	20 to 1
Ace-king (different suits)	15 to 1
King-king, queen-queen or jack-jack	10 to 1
Ace-queen or ace-jack (different suits)	5 to 1
A pair of 10-10 through two-two	3 to 1

(d) A certificate holder may, in the certificate holder's Rules Submission under § 521.2, supplement the pay table in subsection (c) to include a payout for when both a player and the dealer have a pair of aces. If the certificate holder elects to offer this bonus, the player shall be paid at the odds specified in the certificate holder's Rules Submission under § 521.2 which shall be of no less than 1000 to 1.

(e) Notwithstanding the payout odds in subsections (b)—(d), the maximum aggregate payout limit on all winning Ante, Flop, Turn, River and Bonus Wagers for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

§ 563.13. Irregularities.

(a) If any card dealt to the dealer in Texas Hold 'Em Bonus Poker is exposed prior to each player having either folded or placed a Flop, Turn or River Wager as provided for under § 563.11 (relating to procedure for completion of each round of play; collection and payment of wagers),

all hands shall be void and all Ante, Flop, Turn and River Wagers shall be returned to the players. If a player has placed a Bonus wager, the Bonus wager shall be settled in accordance with the payout odds in § 563.12(c) (relating to payout odds).

(b) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer have received their initial two cards, any Bonus Wager shall be settled in accordance with the payout odds in § 563.12(c).

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player or the dealer is dealt an incorrect number of cards, the round of play shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 565. THREE CARD POKER

Sec.	
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§ 565.1. Definitions.

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

Hand—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

Pair Plus Wager—The wager that a player is required to make prior to any cards being dealt in order to compete against a posted scale of payouts, regardless of the outcome of the player's hand against the dealer's hand.

Play Wager—An additional wager that a player must make if the player opts to remain in competition against the dealer after the player reviews his hand.

Round of play—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been paid off or collected in accordance with the rules of this chapter.

§ 565.2. Three Card Poker table physical characteristics.

(a) Three Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side.

(b) The layout for a Three Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder offering the game.

(2) A separate designated betting area at each betting position for the placement of an Ante Wager.

(3) A separate designated betting area located immediately in front of each Ante Wager betting area for the placement of a Play Wager.

(4) A separate designated betting area located immediately behind each Ante Wager betting area for the placement of a Pair Plus Wager.

(5) Inscriptions that advise patrons of the payout odds for Ante and Play Wagers, Pair Plus Wagers and Ante bonuses and the phrase "Dealer Plays with Queen High or Better."

(c) If payout odds are not inscribed on the layout as required under subsection (b)(5), a sign identifying the payout odds for all authorized wagers shall be posted at each Four Card Poker table.

(d) Each Three Card Poker table must have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

(e) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

§ 565.3. Cards; number of decks.

(a) Except as provided in subsection (b), Three Card Poker shall be played with one deck of cards with backs of the same color and design and one cover card to used in accordance with §§ 565.5 and 565.10(b) (relating to shuffle and cut of the cards; and procedures for dealing the cards from an automated dealing shoe).

(b) If an automated card shuffling device is used, a certificate holder may use a second deck of cards to play the game, provided that:

(1) Each deck of cards complies with the requirements of subsection (a).

(2) The backs of the cards in the two decks are different colors.

(3) One deck is being shuffled by the automated card shuffling device while the other deck is being used to play the game.

(4) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(5) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Three Card Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 565.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 565.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 565.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the subsections (a), (b) and (c).

§ 565.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were reshuffled and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 565.8, § 565.9 or § 565.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with § 565.8, § 565.9 or § 565.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Three Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 565.4(c) (relating to opening of the table for gaming) and this section shall be completed.

§ 565.6. Three Card Poker rankings.

(a) The rank of the cards used in Three Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. All suits shall be equal in rank. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a two and three.

(b) The permissible poker hands in the game of Three Card Poker, in order of highest to lowest rank, shall be:

(1) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking, with an ace, king and queen being the highest ranking straight flush and a three, two and ace being the lowest ranking straight flush.

(2) A three-of-a-kind, which is a hand consisting of three cards of the same rank with three aces being the highest ranking three-of-a-kind and three 2's being the lowest ranking three-of-a-kind.

(3) A straight, which is a hand consisting of three cards of more than one suit and of consecutive rank, with an ace, king and queen being the highest ranking straight and a three, two and ace being the lowest ranking straight; provided however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, king, ace and 2).

(4) A flush, which is a hand consisting of three cards of the same suit, regardless of rank.

(5) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2's being the lowest ranking pair.

(c) When comparing two hands that are of identical poker hand rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a) that is not contained in the other hand shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

§ 565.7. Wagers.

(a) The following wagers may be placed in the game of Three Card Poker:

(1) A player may compete solely against the dealer by placing an Ante Wager in an amount within the minimum and maximum wagers posted at the table and then placing a Play Wager in an equal amount.

(2) A player may compete solely against a posted payout table by placing a Pair Plus Wager, which wager may be in any amount within the minimum and maximum wagers posted at the table.

(3) A player may compete against both the dealer and the posted payout table by placing wagers in accordance with paragraphs (1) and (2).

(b) All wagers at Three Card Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(c) Only players who are seated at a Three Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(d) Ante Wagers and Pair Plus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 565.8, § 565.9 or § 565.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except for Play Wagers, no wager shall be made, increased or withdrawn after the dealer has announced "no more bets." All Play Wagers shall be placed in accordance with § 565.11(b) (relating to procedures for completion of each round of play).

(e) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), permit a player to simultaneously play and place wagers at two adjacent betting positions during a round of play.

(f) Notwithstanding subsection (a), a certificate holder may offer a version of the game of Three Card Poker requiring:

(1) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount at least equal to the Pair Plus Wager.

(2) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount at least equal to one-half the Pair Plus Wager.

(3) The compulsory placement of an Ante Wager and a Pair Plus Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

§ 565.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe shall be located on the table in a location approved by the Bureau of Gaming Operations. Once the procedures required under § 565.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Pair Plus Wagers are placed, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 565.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(e) After three cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the dealer has more or less than three cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 565.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 565.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

(i) After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall then announce "no more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 565.7 (relating to wagers) and to the dealer until each player

who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(c) After three cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the dealer has more or less than three cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 565.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 565.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce “no more bets” prior to the shoe dispensing any stacks of cards.

(b) The dealer shall deal the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed a wager in accordance with § 565.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deal a stack face down to each of the other players who has placed a wager in accordance with § 565.7. The dealer shall then place a cover card on top of the dealer’s stack of three cards in the automated dealing shoe and deal the stack face down with the cover card on top to the area designated for the placement of the dealer’s cards.

(c) After each stack of three cards has been dispensed and dealt in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every five rounds of play to determine that the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the dealer has more or less than three cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 565.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 565.8, § 565.9 or § 565.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards. Each player who wagers at Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(b) After examination of his cards, each player who has placed an Ante Wager shall have the option to either make a Play Wager in an amount equal to the player’s Ante Wager or forfeit the Ante Wager and end his participation in the round of play. The dealer shall offer this option to each player, starting with the player farthest to the left of the dealer and moving clockwise around the table in order. If a player has placed an Ante Wager and a Pair Plus Wager as required under § 565.7(f) (relating to wagers) but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(c) After each player has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer’s cards and place the cards so as to form the highest possible ranking hand. If an automated dealing shoe is used to deal the cards, the cover card shall be removed from the dealer’s hand and placed on the table layout immediately next to the automated dealing shoe.

(d) The dealer shall then settle the wagers remaining on the table, starting with the player farthest to the dealer’s right and continuing counterclockwise around the table until the following procedure has been completed for all of the remaining players:

(1) Reveal the three card hand of all of the remaining players.

(2) Collect all losing wagers.

(3) Pay all winning wagers in accordance with the payout odds listed in § 565.12 (relating to payout odds).

(e) After all wagers have been settled, the cards shall be collected by the dealer and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

§ 565.12. Payout odds.

(a) If the dealer does not hold a hand with a queen high or better rank, the Ante Wager shall automatically be paid 1 to 1 and the Play Wager shall be returned to the player.

(b) If the dealer holds a hand with a queen high or better rank, a player in competition against the dealer shall be paid 1 to 1 on both the Ante Wager and the Play Wager if the player's hand is ranked higher than the dealer's hand.

(c) If the dealer holds a hand with a queen high or better rank and a player holds a hand with a rank equal to the dealer's hand, the hand will be a tie and the player's Ante Wager and Play Wager shall be returned to the player.

(d) A player placing a Pair Plus Wager, shall be paid in accordance with a posted pay table, regardless of whether the player's hand outranks the dealer's hand, which contains the odds preselected by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), which are no less than the following:

Pair	1 to 1
Flush	3 to 1
Straight	5 to 1
Three-of-a-kind	25 to 1
Straight flush	35 to 1
Mini royal flush (ace, king, queen)	35 to 1

(e) A player placing an Ante Wager and a Play Wager shall be paid a bonus, regardless of whether the player's hand outranks the dealer's hand, if the player's hand consists of the following:

Straight	Pays 1 to 1
Three-of-a-kind	Pays 4 to 1
Straight flush	Pays 5 to 1

(f) If a certificate holder offers a version of Three Card Poker under § 565.7(f), a player placing an Ante Wager and Play Wager shall be paid an Ante Bonus, regardless of whether the player's hand outranks the dealer's hand, in accordance with one of the following pay tables preselected by the certificate holder in its Rules Submission under § 521.2:

	A	B	C
Straight	1 to 1		
Three-of-a-kind	3 to 1	6 to 1	3 to 1
Straight flush	4 to 1	8 to 1	4 to 1
Mini royal flush (ace, king, queen)	5 to 1	50 to 1	10 to 1
Mini royal flush of spades (ace, king, queen)	50 to 1		50 to 1

§ 565.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards as prescribed in § 565.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) An automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 10-390. Filed for public inspection March 5, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

Proposed Rulemaking to Amend Schedule of Water Charges

Summary

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to the Administrative Manual—Part III—Basin Regulations—Water Supply Charges to revise the schedule of water charges.

Dates

The Commission will hold a public hearing on Tuesday, April 13, 2010, beginning at 1:30 p.m. The hearing will continue until 3:30 p.m. or a time when all those who wish to testify have been afforded an opportunity to do so. Written comments will be accepted until 5 p.m. on Friday, April 16.

Addresses

The hearing will take place in the Goddard Room at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ. Driving directions are available on the Commission's web site www.drbc.net. Do not rely on Internet mapping services as they may not provide accurate directions to the Commission.

Written comments may be submitted at the hearing and may also be sent as follows by e-mail to Paula.Schmitt@drbc.state.nj.us; otherwise, to the attention of the Commission Secretary, DRBC, either by fax (609) 883-9522; U.S. Mail to P. O. Box 7360, West Trenton, NJ 08628-0360; or delivery service to 25 State Police Drive, West Trenton, NJ 08628-0360. Regardless of the method of submission, written comments should include the name, affiliation (if any) and address of the commentator and the subject line "Schedule of Water Charges."

For further information contact

Contact Paula Schmitt at (609) 477-7224 or Katharine O'Hara at (609) 477-7205 with questions about the public hearing.

Supplementary Information

Background

In response to the need to fund certain water supply storage facility projects, the Commission between 1964 and 1974 established a system of water supply charges pursuant to section 3.7 of the Delaware River Basin Compact. In December of 1964, it adopted Resolution 64-16A, "A Resolution to establish policy concerning water supply in Federal projects authorized in the Comprehensive Plan." This resolution established a revenue stream to repay the obligations the Commission eventually assumed to purchase capacity at the Federal government's Beltzville and Blue Marsh water storage facilities. The resolution specifically provided that the debt for the Commission's share of storage in these facilities would be repaid through the sale of water (or other products and services) and through an apportionment of the costs to the states benefiting from those projects. See Resolution No. 64-16A, adopted December 29, 1964 (adding to the

Comprehensive Plan a "Section IX—Water Supply Policy," par. 3.a. and b. of which establish the described debt repayment mechanisms).

The Commission subsequently adopted Resolution No. 71-4, "A Resolution to amend and supplement the Comprehensive Plan by the addition of a new article on policy for water supply charges." This resolution established a schedule of rates for basin water withdrawals and provided that the "charges for water supplied will include all costs associated with making basin water supply available and maintaining its continued availability in adequate quantity and quality over time." Res. No. 71-4, adopted April 7, 1971, par. A.2. Resolution No. 71-4 requires the Commission to collect sufficient annual revenue to meet all annual project costs, "including debt service, operation, maintenance, replacement, reserves, and associated administrative costs." Res. No. 71-4, par. A.2.b. The Commission recognized that the waters of the basin formed a "unitary system" and thus applied the charges to water withdrawals made throughout the basin, including up-stream of Commission facilities. See Res. No. 71-4, preamble. The unitary system is sometimes referred to as the "pooled water" theory. See, for example, *Delaware River Basin Commission v. Bucks County Water & Sewer Authority*, 641 F.2d 1087, 1094 (3rd Cir. 1982) (citing *Borough of Morrisville v. Delaware River Basin Comm'n*, 399 F.Supp. 469, 471 (E.D. Pa. 1975), *aff'd per curiam*, 532 F.2d 745 (3d Cir. 1976)). Resolution No. 71-4 imposed charges only on withdrawals from surface waters of the basin. In accordance with section 15.1(b) of the Compact, it limited charges to the amounts of water withdrawn in excess of those "that could lawfully have been made without charge on the effective date of the Compact." Compact § 15.1(b).

The Commission has historically placed the revenues generated through the sale of water in an account called the "Water Supply Storage Facilities Fund" (Storage Fund). The Storage Fund holds funds dedicated to pay the costs of project construction, operation, maintenance and replacement, as well as associated administrative costs. See Res. No. 71-4, par. A.2. The estimated balance in the Storage Fund as of June 30, 2009 was \$12.1 million. A snapshot of the Storage Fund at the close of fiscal year ending July 31, 2009, shows the following: the Storage Fund received approximately \$2.6 million in water sale revenue. It disbursed or incurred approximately \$2.2 million in expenses, consisting of approximately \$483,000 in interest paid to the United States Treasury, \$423,000 in asset depreciation, \$310,000 for operations and maintenance of the Blue Marsh and Beltzville projects, \$86,000 for contractual services from the United States Geological Survey for operation and maintenance of stream gauges, and \$933,000 associated with Commission administration. The fund lost \$153,000 on investments (the sole Storage Fund investment loss in 35 years). The approximately \$204,000 difference between the annual costs and revenue is retained in the Storage Fund as a reserve against the future costs of expected significant repair to the facilities.

Historically, the Commission has not charged its full administrative cost against the Storage Fund. Periodic reviews of the charges have shown that the costs involved in Commission activities properly chargeable to the Storage Fund have exceeded the amounts actually charged for many years. To the extent that the Storage Fund has not been charged its full allocable costs, contributions by the

signatory parties of the Delaware River Basin Compact (the states of Delaware, New Jersey, New York, Pennsylvania and the Federal government) have made up the difference. In extremely challenging economic times, however, the signatories find themselves less capable of assuming this burden. In Fiscal Year (FY) 2010, an adjustment was made to better align charges to the Storage Fund with actual costs. Even absent this adjustment, the trend evident since 2008 is that retained Storage Fund earnings have leveled off. Recent plant closures in the basin are expected to result in reductions of approximately \$500,000 annually (about 20%) in water sale revenues, while the costs of reservoir maintenance and operations, contractual services and administration continue to rise.

DRBC's Current Schedule of Water Charges. Resolution No. 71-4 provided that water rates would consist of "the weighted-average unit cost of all water stored by or on behalf of the Commission" and specified that the unit cost of all water would be determined "by dividing all of the commission's annual project cost by the net yield of the water supply in federal reservoirs authorized in the commission's Comprehensive Plan." Res. No. 71-4, par. A.2.a. *Also see* Res. No. 78-14, preamble.

In accordance with this formula, the current schedule of water charges was established by Resolution No. 78-14 in October of 1978, based on the unit cost of water stored by the Commission in the Beltzville and Blue Marsh reservoirs. It was codified at section 5.3.1 of the Commission's Administrative Manual—Part III—Basin Regulations—Water Supply Charges (WSC). Section 5.3.1 provides that the Commission "will from time to time, after public notice and hearing, make, amend and revise a schedule of water charges" and that until changed, the charges for water shall be \$.06 per thousand gallons for consumptive use (\$60 per million gallons) and six-tenths of a mill per thousand gallons (\$.60 per million gallons) for nonconsumptive use. (WSC § 5.3.1). These rates which remained unchanged for more than 30 years, lag far behind the rates charged for raw (untreated) water by the Commission's sister agency the Susquehanna River Basin Commission (SRBC) and by the New Jersey Water Supply Authority (NJWSA) for raw water from its Raritan System.

The consumptive use rate established by SRBC in May of 1992, effective January 1, 1993, was \$140 per million gallons, nearly two-and-a-half times the current rate charged by the Commission. In June of 2008, SRBC approved a two-step increase to \$210 per million gallons effective January 1, 2009 and \$280 per million gallons (more than four-and-a-half times the Commission's current rate) effective January 1, 2010. NJWSA charged \$216 per million gallons as of July 1, 2010 and will charge \$220 per million gallons (more than three-and-a-half times the Commission's current rate) as of July 1, 2011 for raw water from its Raritan System. The Commission's proposed 2010 and 2011 rates for consumptively used water remain well below those of its counterparts.

Proposed Rate Increase. Resolution No. 71-4 provided that "[c]osts, rates and charges will be recomputed . . . as often as necessary to reflect relevant changes in any cost components associated with sustaining specific base flows." Res. No. 71-4, par. A.2.a. At this time, to maintain net income to the Storage Fund and ensure financial stability to address future operating and maintenance costs, the Commission is proposing its first water charging rate increase in 32 years. Because many people find the expression of the rates confusing, the Commission

also is proposing that the new rates be established per million gallons rather than per thousand.

In light of the difficult economic climate, the rate change is proposed in two stages. The proposed rates, calculated using the formula established by Resolution No. 71-4 and set forth previously, are as follows: The consumptive use rate is proposed to be increased from \$60 to \$90 per million gallons effective on January 1, 2011, and from \$90 to \$120 per million gallons effective on January 1, 2012. The nonconsumptive use rate is proposed to be increased from \$.60 to \$.90 per million gallons effective on January 1, 2011, and from \$.90 to \$1.20 per million gallons effective on January 1, 2012.

Even with the proposed increases, Delaware Basin water will remain inexpensive when compared to raw water in neighboring jurisdictions. Notably, the proposed 2012 rate of \$120 per million gallons for raw water consumptively used in the Delaware Basin is less than half the rate of \$280 currently in effect in the Susquehanna Basin and only a little more than half the rate of \$216 currently charged by the NJWSA for its Raritan System water, which rate will increase to \$220 effective January 1, 2011. The Commission's proposed 2012 rate is below the current (2010) rate of \$60 per million if adjusted for inflation, which would be approximately \$200 per million gallons.

No Change to Exempt Uses. No change to the list of uses exempt from charges, as set forth at WSC § 5.3.3 is proposed. The following categories of uses are currently exempt from water charges: nonconsumptive uses of less than 1,000 gallons a day and less than 100,000 gallons during any quarter (§ 5.3.3 A.); ballast water used for shipping purposes (§ 5.3.3 B.); water taken, withdrawn or diverted from streams tributary to the River Master's gauging station at Montague, NJ (§ 5.3.3 C.); and water taken, diverted or withdrawn below the mouth of the Cohansey River) and such proportion of water withdrawn above that point and below the mouth of the Schuylkill River as the Executive Director may determine would have no discernable effect upon the maintenance of the salt front below the mouth of the Schuylkill River (§ 5.3.3 D.).

PAMELA M. BUSH, ESQ.,
Commission Secretary

Fiscal Note: 68-54. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART V. DELAWARE RIVER BASIN COMMISSION

CHAPTER 901. GENERAL PROVISIONS

§ 901.3. Water supply charges.

The Basin Regulations—Water Supply Charges as set forth in 18 CFR Part 420 [(1994)] (2010) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 10-391. Filed for public inspection March 5, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 57, 59, 65 AND 67]

[L-2009-2104274 / 57-271]

Utilities' Service Outage Response and Restoration Practices

The Pennsylvania Public Utility Commission (Commission) on November 6, 2009, adopted a proposed rulemaking order which establishes a more uniform approach for reporting standards among the gas, water/wastewater and electric industries in the event of utility service outages.

Executive Summary

Prompted by 450,000 electric outages caused by Hurricane Ike in September, 2008, the Commission initiated an investigation into electric utility service storm response, service restoration and customer communication practices. The Commission publicly adopted a staff report entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report*, Docket No. M-2008-2065532, and initiated a rulemaking proceeding on April 30, 1999, to revise its regulations regarding service outages in Chapter 67 (relating to service outages) and reportable incidents in §§ 57.11, 59.11 and 65.2 (relating to accidents).

The instant Proposed Rulemaking Order entered on November 10, 2009, at Docket No. L-2009-2104274 proposes to amend regulations regarding service outage and restoration in the electric, gas and water industries. A companion Proposed Policy Statement was also entered on November 10, 2009, at Docket No. M-2008-2065532.

This Proposed Rulemaking Order seeks to benefit millions of consumers in this Commonwealth by implementing revisions to the Commission's regulations for service outages and reportable accidents involving utility facilities including:

- Amendments to Chapter 57 to broaden the scope of reportable accidents involving electric utility service, establish a uniform reporting period and require the filing of the utility's internal investigation report.
- Amendments to Chapter 59 to broaden the scope of reportable accidents involving gas utility service, establish a uniform reporting period and require the filing of the utility's internal investigation report.
- Amendments to Chapter 65 to broaden the scope of reportable accidents involving water utility service, establish a uniform reporting period and require the filing of the utility's internal investigation report.
- Amendments to Chapter 67 to require that fixed utilities provide a greater level of detail to the Commission regarding outage events.

The Commission will benefit from a more uniform approach to reporting standards among the gas, water/wastewater and electric industries as information will be better organized, more consistent, and better distributed using modern technology from the industries when there are significant outages. The industries affected by the regulations will benefit from the regulations as they will know what is expected of them regarding the reporting during outages as well as clear guidelines regarding restoration practices. The regulations are designed to help

the utilities bolster their goodwill with their customers while at the same time the regulations are not financially or unduly burdensome upon the industries.

Public Meeting held
November 6, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Joint Statement; Kim Pizzingrilli, Joint Statement; Wayne E. Gardner, Absent; Robert F. Powelson

Proposed Rulemaking for Revision of 52 Pa. Code Chapters 57, 59, 65 and 67; amending Utilities' Service Outage Response and Restoration Practices;
Doc. No. L-2009-2104274

Proposed Rulemaking Order

By the Commission:

Procedural History

On September 14 and 15, 2008, Hurricane Ike swept through this Commonwealth interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, a Joint Motion of Vice Chairperson Tyrone J. Christy and Commissioner Kim Pizzingrilli was issued at Docket No. M-2008-2065532, directing Law Bureau to prepare a Secretarial Letter seeking information from all jurisdictional electric distribution companies (EDCs) operating in this Commonwealth regarding their service restoration and public notice practices. On the same date, a Secretarial Letter was issued and an investigation was initiated into EDCs' service outage responses and restoration practices with the same information requested. Responses were filed by the EDCs. As part of this investigation, the Commission also held two public input hearings in western Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April, 2009, the Commission's Bureau of Conservation, Economics and Energy Planning and Office of Communications submitted a report to the Commission entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report* (Report). This Report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of Vice Chairperson Tyrone J. Christy and Commissioner Kim Pizzingrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages in 52 Pa. Code Chapter 67 and reportable incidents in 52 Pa. Code §§ 57.11, 59.11 and 65.2. The Joint Motion also directed a Policy Statement be issued, which we will address in a separate Proposed Policy Statement.

Summary of Recommendations

The Report summarized the findings of the investigation and recommended the following future actions:

- Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:

1. Development of written crisis communication plans consistent with national NIMS standards.

2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

- Utility personnel should communicate with the news media and public in a consistent fashion. Common talking

points should be distributed to all utility employees who may be in contact with the public and news media.

- During incident management, utilities should establish a schedule for the regular release of information to the news media.

- Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.

- Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa. Code § 67.1(b) (relating to general provisions), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.

- The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

Discussion

We invite comment regarding proposed amendments to our current regulations regarding service outages in 52 Pa. Code Chapter 67 and reportable accidents in 52 Pa. Code §§ 57.11, 59.11 and 65.2 (relating to accidents). Our goal is to have even more effective responses to future unscheduled service outages.

In general, under §§ 57.11, 59.11 and 65.2, we propose to expand our regulations to capture more reportable events, such as cyber security attacks, and events that involve damages to a utility company by another utility company. We further propose establishing deadlines for reporting accidents.

Under § 67.1, we propose to expand our general provisions regarding service outages such that rather than just an approximate number of customers involved in a single incident is reported, the total number of sustained outages during the event are reported. As utilities employ better technology to more accurately count their sustained outages, this information is reportable to the Commission and we should be made aware of it. Other proposed changes to § 67.1 include reporting the number of not only utility workers, but also contract workers specifically assigned to the repair work and mutual aid workers.

Proposed Amendments to Regulations

52 Pa. Code § 57.11 Accidents. (Electric Industry)

We propose amending § 57.11(b) such that a reportable accident would include injury to a person when the injured person requires professional medical attention or requires hospitalization. We removed the employee requirement from paragraph (2) because an injury to a person includes the class of employee or nonemployee alike. It is all encompassing.

We further propose deleting existing paragraph (3) and adding a new paragraph (4) such that an occurrence of an unusual nature involving suspected acts of sabotage, including cyber security attacks, are reported. Thus, for example, a physical break-in to a substation or a cyber security attack against an electric utility is reportable even though no one is injured as a result.

We propose adding language to create a new paragraph (5) "Substantial damage to another utility company's facility or property." We propose that companies should report when they hit any part of other utilities' facilities, including poles, lines, cables, and the like, when the

damage is substantial. We invite comment on what should be meant by substantial.

Additionally, we propose adding exceptions to the regulation under a new subsection (c). We seek to exclude those injuries that are suffered as a result of a motor vehicle accident with electric utility facilities, such as a car crashing into a pole, while still including any motor vehicle accident that results in injuries as a result of contact with electrified utility facilities, or motor vehicle accidents involving utility-owned vehicles or vehicles driven by a utility employee while on duty.

We further propose amendments to original subsection (c) Telegraphic reports. The term "or telegraph" shall be stricken as it is an outdated means of communication. We propose adding the requirement that a report by telephone must be made within 24 hours of the time a reportable event occurred under section (b)(2) or (5).

We propose amending original subsection (d) Written reports such that we strike the phrase "immediately following" and change it to "within 5 days of the occurrence." We believe this is a more objective standard. We invite comment on the reasonableness of the time frame.

We propose adding subsection (f) relating to internal investigation reports. We propose requiring the utility to submit a copy of its final internal investigation report when it is completed for all reportable accidents under section (b)(1), (2) and (4). If the report is not expected to be completed within 1 year of the date of occurrence, the utility should notify the Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report. We invite comment on this proposed addition.

52 Pa. Code § 59.11 Accidents. (Gas Industry)

We propose amending § 59.11(b) such that reportable accidents are redefined to include the death of a person or injury to a person sufficient that the person requires professional medical attention or hospitalization. We believe a threshold test for severity of injuries is warranted.

We propose amending original paragraph (1) such that it is now paragraph (3) and it qualifies an event involving a release of gas from a pipeline, or of LNG or gas from an LNG facility such that there must be an estimated property damage, including the cost of gas lost of the operator or others, of at least \$50,000 in market value. We intend for propane air systems to be included under the term "natural gas" because the Federal definition of natural gas includes propane and the PUC has adopted the Federal regulations. Therefore, when the regulations call for "an event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility," propane is covered. The LNG items and property damage minimums are in § 59.11 to be consistent with Federal Department of Transportation reporting regulations. This should make it easier for pipeline utilities to determine what is reportable and what is not.

Further, we propose adding language to address sabotage in new paragraph (5). We also propose adding paragraph (6) because companies should report when they hit any part of other utilities' facilities, including poles, lines, cables, and the like, when the damage is substantial. We invite comment on what should be meant by substantial. Subsection (c) regarding Telegraphic reports should be amended such that "telegraphic" and "or telegraph" should be stricken since these are outdated means of notifying the Commission.

We did not propose an exception for injuries suffered as a result of a motor vehicle accident with utility facilities

language in the gas service regulations as there are in the electric service regulations because gas meter hits are not reportable unless they meet the threshold established in the regulations. However, the counties usually call in meter hits into the 911 system which get passed through PEMA's network and then the Commission is notified of the meter hits. Gas meter hits rarely happen when compared to vehicles hitting electric facilities including poles. Thus, we propose allowing an exception for electric utility pole hits that happen frequently, but we require those hits that present a danger of serious bodily injury and/or increase our ability to direct safe utility service to be reported.

Regarding subsection (d) (relating to written reports), we propose changing the language from "immediately" to "within 5 days" of the occurrence. This provides a more definite deadline. Finally, we propose adding subsection (e), Internal investigation reports, such that the utility shall be required to submit a copy of its final Internal investigation report when it is completed for all reportable accidents. If the report is not expected to be completed within 1 year of the date of occurrence of the reportable accident, then the utility shall notify the Bureau of Transportation and Safety's Gas Safety Division, which may require quarterly status updates until completion of the report.

52 Pa. Code § 65.2 Accidents. (Water/Wastewater Industry)

We propose adding subsection (b)(2) to § 65.2 because we think qualifying the injury is important. There ought to be a threshold test for serious injuries. The new language would state as follows:

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

We further propose amending this section to include:

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code Chapter 101 (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

We propose adding paragraph (5) because the Commission wants to be notified of a utility causing substantial damage to another utility's facility or property. While there is not as urgent a need to be notified immediately, the Commission believes that within a 24 hour time frame is reasonable and sufficient.

We further propose changes to subsection (c) for similar reasons as stated previously. Telegraphic reports are outdated and we would like a 24 hour deadline for certain reportable accidents.

We propose changing the deadline for filing a Form UCTA-8 from "immediately following" to "within 5 days" of the occurrence of a reportable accident.

We propose adding subsection (e), Internal investigation reports. We believe the utility should submit a copy of its final internal investigation report when it is complete for all reportable accidents. If the report is not expected to be completed within 1 year of the date of occurrence, the utility should notify the Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report. We invite comment regarding these proposals.

52 Pa. Code § 67.1(b) General Provisions. Service Outages.

As discussed previously, 52 Pa. Code § 67.1 should be opened for review, specifically the written notification § 67.1(b). Additional required information should be considered in that section, which is typically requested by our Bureau of Fixed Utility Services (FUS) for major events and is already reported to FUS on a consistent basis in the outage reports filed by certain electric utilities, although voluntarily. Additional required information should include: the utilities' weather reports, outlooks or scenarios and forecasts for the day before, and day of the interruption of service if the outage was caused by a weather event; the total number of outage cases and trouble cases (non-outage) by county; the number of utility and contractor crews and personnel received as mutual aid; a description of damage to equipment (replaced transformers, poles, spans of wire, pipes or valves for water and gas utilities, electronic equipment for telephone utilities); a historical ranking of the outage in terms of the number and duration of outages and examples of two comparable storms or events and the outage number and duration of those storms or events.

This information is available to the EDCs and certain electric utilities already report this information voluntarily to our Bureau of Fixed Utility Services. We do however, recognize that 52 Pa. Code § 67.1 applies, not only to electric, but to gas, water and telephone utilities holding certificates of public convenience. We believe the additional information requested may be of use in reviewing the outage response of telephone, gas or water/wastewater utilities. The issue of whether the additional reporting requirements would be limited to electric utilities can be addressed during the review procedure.

We propose changing the term "incident" to "event" in § 67.1(b) to avoid confusion as to what constitutes the reportable level of outages. "Single incident" could be construed to mean a single outage order, which rarely would rise to the customer level of 2,500 or 5%, whichever is less. Also, "single incident" could be construed to mean an outage incident in a specific area of the service territory. The intent of the Code, as has been borne out in the past practice of the outage reports filed by utilities, is that the "incident" is the cause of the outages that will result in at least 2,500 or 5%, whichever is less, of customers experiencing an outage of 6 or more consecutive hours. That may be from one outage order, or multiple outage orders spread over the service territory. The "incident" has been interpreted to mean the event that caused the outages. So, if it is a storm that brings high winds and rain, then the outage report would include all outages stemming from that storm, assuming that at least 2,500 or 5%, whichever is less, of customers experience an outage of 6 or more consecutive hours and thus trigger the reporting requirement. We seek comment on whether the change in term from "incident" to "event" is necessary, or if sufficient precedent has been established and the term "incident" as it is used in § 67.1(b) is clear. We are also proposing adding an additional requirement on the Commission of posting blank outage reporting forms on the Commission's web site for utilities to download and use.

We believe the proposed changes to § 67.1 are in compliance with our Final Rulemaking Order of August 21, 2006, *In re: Rulemaking Re: PUC Filing and Reporting Requirements on Local Exchange Carriers*, L-00050176. The Commission held that Service Outage Reports met the standards prescribed in 66 Pa.C.S.

§ 3015(f) and therefore required the continuation of filing these reports. We held that the Service Outage Report was necessary to ensure that the local exchange carriers (LECs) are charging just and reasonable rates in compliance with Chapter 30. Quality of service is directly related to just and reasonable rates. Since Service Outage Reports bear an impact on service quality, they are crucial to ensuring that the rates the LECs are charging are just and reasonable within the meaning of 66 Pa.C.S. § 1301.

However, regarding the telephone industry, this Commission also found that Accident Reports under 52 Pa. Code § 63.11 did not meet the exceptions for report filing under 66 Pa.C.S. § 3015(f)(1). We held that the Accident Reports did not have direct nexus to the rates charged by LECs in accordance with Chapter 30 and the alternative forms of rate regulation sufficient to satisfy the exceptions set forth in section 3015(f)(1)(i). Therefore, we eliminated the accident report requirement and § 63.11 was reserved. As the industries of gas, water/wastewater, and electric still have an Accident Report requirement, we propose changes to those current requirements in accordance with staff's report.

We propose changing the reporting requirement under original subsection (b)(1) of "the approximate number of customers involved in a single incident" to "total number of sustained outages during the event. Sustained outages are of a duration of 5 minutes or greater." We believe with technological advances, that generally utility companies have better software systems capable of calculating sustained outages more accurately, and thus, the Commission seeks this information as part of a § 67.1 report.

We propose amending original subsection (b)(2) such that the phrase, "the geographic area affected, in terms of the county and local political subdivision" is deleted and replaced with "the approximate number of outage cases and trouble cases for each county affected during the event. Trouble cases are non-outage cases such as line-down calls and emergency calls." We would like the information divided by county as we believe the utilities have the technological ability to track and report this information to the Commission.

New subsection (b)(3) requires the report contain, "the approximate number of sustained outages for each county affected during the event." This is merely the information already reportable under subsection (b)(1) broken down into counties.

New subsection (b)(4) adds "the number of outage cases exceeding 6 or more hours in duration." We believe these are the more serious outages, and if the companies can track this information, the Commission should be apprised of it in a timely manner.

Subsection (b)(5) adds a requirement that the outage cases exceeding six hours in duration be listed along with the following factors: 1) geographic location; 2) total number of customers affected; 3) duration of the outage; 4) initial date and time; and 5) restoration date and time of each outage.

As utilities rely upon mutual aid workers and contractors to complete their repair work in addition to their own utility workers, we believe the listing of the number of utility, contract, and mutual aid workers assigned to repair work should be provided to the Commission as part of a § 67.1 report. This is reflected in subsection (b)(9). We invite comment regarding this proposal.

Subsection (b)(14) requires listing a general description of the physical damage sustained by the utility facilities

as a result of the event. This shall include facilities replaced due to damage, that is listing the number of poles, transformers, spans of wire, pipes or valves replaced. This is not an exhaustive list. We believe the information is pertinent to the event and related outages and the Commission would like said information.

Subsection (b)(16) requires reporting all interruption events that caused outages to more than 10% of customers in the utility's service territory, and to the best of the utility's ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events. This information will give the Commission perspective of how the event ranks in relation to historical events.

In subsection (c), we propose adding a final sentence as follows. "Blank outage reporting forms shall be posted on the Commission's web site and shall be available for download." This binds the Commission to doing its part in facilitating ease in reporting service outages.

Finally, in subsection (e), we add a requirement that all utilities shall list on their web sites, a phone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations. We believe this requirement will better assist customers and reflects modern technological ways of communication.

Thus, in conclusion, we propose a more uniform approach to reporting standards among the gas, water/wastewater and electric industries. Accordingly, under 66 Pa.C.S. § 501, § 1501 and §§ 2801—2815 and the regulations promulgated thereunder in §§ 57.191—57.197; and 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 in 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)); section 5 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder in 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed amendments set forth in Annex A; *therefore*,

It Is Ordered That:

1. This proposed rulemaking docket be opened to consider the regulations as set forth in Annex A.
2. The Secretary submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.
4. The Secretary certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Interested parties shall have 30 days from the date of publication in the *Pennsylvania Bulletin* of the proposed rulemaking order and Annex A to file an original and 15 written comments to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265.
6. An electronic copy of the comments should be electronically mailed to Elizabeth Barnes, Assistant Counsel,

at ebarnes@state.pa.us, and these comments in turn will be placed on the Commission's web site for public viewing at www.puc.state.pa.us.

7. Comments should, where appropriate, address the issues identified in this order and should include, where applicable, a numerical reference to the attached Annex A which the comments address, proposed language for revision, and a clear explanation for the recommendation.

8. A copy of this order and Annex A be filed at Docket No. M-2008-2065532 and Docket No. L-2009-2104274.

9. A copy of this order and Annex A be served upon all EDCs operating in this Commonwealth, all jurisdictional water and wastewater companies, all natural gas distribution companies, all jurisdictional telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, and the Director of the Pennsylvania Emergency Management Agency (PEMA).

10. The contact persons for this rulemaking are Daniel Searfoorce, Bureau of Fixed Utility Services, (717) 783-6159 (technical) and Elizabeth Barnes, Law Bureau, (717) 772-5408 (legal).

By the Commission,

JAMES J. McNULTY,
Secretary

(Editor's Note: For a proposed statement of policy relating to this proposed rulemaking, see 40 Pa.B. 1210 (March 6, 2010).)

Fiscal Note: 57-271. No fiscal impact; (8) recommends adoption.

Joint Statement of Commissioner Kim Pizzingrilli and Vice Chairperson Tyrone J. Christy

Pennsylvania experienced widespread electric distribution service outages as a consequence of Hurricane Ike in September of 2008. On September 25, 2008, the Commission initiated an investigation to evaluate current electric utility service storm response, service restoration, and customer communication practices. The Commission released a report on April 30, 2009 that summarized the findings of this investigation and recommended revisions to existing regulations and the adoption of a new policy statement.

This proposed rulemaking will implement the recommended revisions to the Commission's regulations for service outages and reportable accidents involving utility facilities including:

- Amendments to Chapter 57 to broaden the scope of reportable accidents involving electric utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 59 to broaden the scope of reportable accidents involving gas utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 65 to broaden the scope of reportable accidents involving water utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 67 to require that fixed utilities provide a greater level of detail to the Commission regarding outage events.

We would like to thank our staff for their comprehensive review of utility practices, the Commission's regulations, and the development of these recommendations. The proposed amendments are intended to enhance service outage response, reporting and restoration practices. We encourage all affected utilities and interested parties to review these proposed revisions and provide comments.

KIM PIZZINGRILLI,
Commissioner
TYRONE J. CHRISTY,
Vice Chairperson

Annex A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 57. ELECTRIC SERVICE
Subchapter B. SERVICE AND FACILITIES

§ 57.11. Accidents.

* * * * *

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

* * * * *

(2) Injury to [**an employe on duty sufficient to incapacitate him from performing his ordinary duties for a period longer than 3 days**] a person sufficient that the injured person requires professional medical attention or hospitalization.

(3) [**Injury to a person other than an employe on duty sufficient to incapacitate the injured person from following his customary vocation, or mode of life, for a period of more than 1 day.**

(4)] An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service.

(4) **An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in Chapter 101 (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.**

(5) **Substantial damage to another utility company's facility or property.**

(c) *Exceptions.* Injuries may not include those suffered as a result of a motor vehicle accident with utility facilities unless one or more of the following circumstances apply:

(1) **A vehicle involved in the accident is owned by the utility or driven by a utility employee while on duty.**

(2) **Some or all of the injuries were as a result of contact with electrified facilities.**

(d) [*Telegraphic*] *Telephone reports.* A report by telephone [**or telegraph**] shall be made at once in the event of the occurrence of a reportable accident [**resulting in the death of a person or in an occurrence of an unusual nature**] under subsection (b)(1), (3) and

(4). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b)(2) and (5).

[(d)] (e) *Written reports.* A written report shall be made on Form UCTA-8 [**immediately following**] within 5 days of the occurrence of a reportable accident. Accidents reportable on forms required by the Bureau of [**Workmen's**] Workers' Compensation, [**Pennsylvania**] Department of Labor and Industry, may be reported [**by transmitting**] to the Commission by filing a copy of [**such reports**] the forms in lieu of a report on Form UCTA-8. The Commission will place blank UCTA-8 forms available for download on the Commission's web site.

(f) *Internal investigation reports.* The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b)(1), (2) and (4). The final internal investigation report shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents). If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

CHAPTER 59. GAS SERVICE

SERVICE AND FACILITIES

§ 59.11. Accidents.

* * * * *

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

- (1) The death of a person.
- (2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.
- (3) An event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility, [**and one of the following:**] which results in estimated property damage, including the cost of gas lost of the operator or others, of at least \$50,000 in market value.

[(i) A death, or personal injury necessitating inpatient hospitalization.

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.

(2)] (4) An event that results in an emergency shutdown of an LNG facility.

[(3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2).]

(5) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in Chapter 101 (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(6) Substantial damage to another utility company's facility or property.

(c) [*Telegraphic*] *Telephone reports.* A report by telephone [**or telegraph**] shall be made at once in the event of the occurrence of a reportable accident [**resulting in the death of a person or in an occurrence of unusual nature**] under subsection (b)(1), (3), (4) and (5). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b)(2) and (6).

(d) *Written reports.* A written report shall be made on Form UCTA-8 [**immediately following**] within 5 days of the occurrence of a reportable accident [**as defined in subsection (b)**]. Accidents reportable [**to the Commission which reports are also**] on forms required by the Bureau of [**Workmen's**] Workers' Compensation, Department of Labor and Industry, may be reported [**by transmitting**] to the Commission by filing a copy of the [**reports**] forms in lieu of a report on Form UCTA-8. The Commission will place blank UCTA-8 forms available for download on the Commission's web site.

(e) *Internal investigation reports.* The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b)(1), (2) and (5). The final internal investigation report shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to the reports of accidents.) If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

CHAPTER 65. WATER SERVICE

§ 65.2. Accidents.

* * * * *

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

- (1) The death [**or injury**] of a person.
- (2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

(3) An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service [**of more than 3 days**].

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in Chapter 101 (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(5) Substantial damage to another utility company's facility or property.

(c) [*Telegraphic*] *Telephone reports.* A report by telephone [**or telegraph**] shall be made [**within 24 hours**] in the event of the occurrence of a reportable accident [**resulting in death of a person, or in the event of an occurrence of an unusual nature**] under subsection (b)(1), (3) and (4). A report by

telephone shall be made within 24 hours of a reportable accident under subsection (b)(2) and (5).

(d) *Written reports.* A written report shall be made on Form UCTA-8 within 5 days of the occurrence of a reportable accident. Accidents [which are also] reportable [to the] on forms required by the Bureau of [Workmen's] Workers' Compensation, Department of Labor and Industry, may be reported to the Commission by filing a copy of the [report submitted to that Bureau] forms in [place of] lieu of a report on Form [UCTA-8.19] UCTA-8. The Commission will place blank UCTA-8 forms available for download on the Commission's web site.

(e) *Internal investigation reports.* The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b)(1), (2) and (4). The final internal investigation report shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to the reports of accidents.) If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

CHAPTER 67. SERVICE OUTAGES

§ 67.1. General provisions.

* * * * *

(b) All electric, gas, water [,] and telephone utilities shall notify the Commission when 2,500 or 5.0%, whichever is less, of their total customers have an unscheduled service interruption in a single [incident] event for [six] 6 or more projected consecutive hours. Written notification shall be filed with the Commission within [five] 5 working days after the total restoration of service. Where storm conditions cause multiple reportable interruptions as defined by this section, a single composite report shall be filed for the event. Each report [shall] must contain the following information:

(1) The [approximate number of customers involved in a single incident] total number of sustained outages during the event. Sustained outages are of a duration of 5 minutes or greater.

(2) [The geographic area affected, in terms of the county and local political subdivision] The approximate number of outage cases and trouble cases for each county affected during the event. Trouble cases are nonoutage cases such as line-down calls and emergency calls.

(3) The approximate number of sustained outages for each county affected during the event.

(4) The number of outage cases exceeding 6 or more hours in duration.

(5) A listing of each outage case exceeding 6 or more hours in duration, including the following:

- (i) Geographic location (municipality or township).
 - (ii) Total number of customers affected.
 - (iii) Duration of the outage.
 - (iv) Initial date and time of the outage.
 - (v) Restoration time and date.
- (6) The reason for the interruption.

[(4)] (7) The projected time for service restoration of the event.

[(5) The] (8) A listing of the number of utility workers [and others] assigned specifically to the repair work by general function, that is linemen, troublemen, tree crew, and the like.

(9) A listing of the number of contract workers assigned specifically to the repair work by company and by general function, that is linemen, troublemen, tree crew, and the like.

(10) A listing of the number of workers received as mutual aid by company and by general function, that is linemen, troublemen, tree crew, and the like.

[(6)] (11) The date and time of the first information of a service interruption.

[(7)] (12) The date and time that repair crews were assembled.

[(8) The date and time that the supervisor made the first call.

(9) The approximate time that repair work was started.

(10)] (13) The actual time that service was restored to the last affected customer.

(14) A general description of the physical damage sustained by the utility facilities as a result of the event. The description must include facilities replaced due to damage, and a listing of the number of poles, transformers, spans of wire, pipes or valves replaced.

(15) For weather-related events, the utility's weather reports, outlooks or scenarios for the day before and the day of the interruption event.

(16) For all interruption events that caused outages to more than 10% of customers in the utility's service territory, and to the best of the utility's ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events

(c) In addition to the requirements of subsection (b), the utility shall notify the Commission by telephone within [one] 1 hour after preliminary assessment of conditions reasonably indicates that the criteria listed in subsection (b) may be applicable. [The first four items] Subsection (b)(1), (2), (3), (6) and (7) shall be used as guidelines for the telephone report. The Commission will maintain telephone lines for this purpose and will notify each utility of the numbers to be called. Blank outage reporting forms will be posted on the Commission's web site and will be available for download.

* * * * *

(e) All electric, gas, water and telephone utilities shall list in the local telephone directories of their service areas, and on their web sites, a telephone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations.

[Pa.B. Doc. No. 10-392. Filed for public inspection March 5, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-2008-2065532 / 57-270]

Utility Service Outage Public Notification Guidelines—Proposed Statement of Policy

The Pennsylvania Public Utility Commission (Commission) on November 6, 2009, adopted a proposed policy statement which establishes acceptable methods of public notification in the event of service interruptions.

Public Meeting held
November 6, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Joint Statement; Kim Pizzingrilli, Joint Statement; Wayne E. Gardner, Absent; Robert F. Powelson

*Proposed Policy Statement Regarding Utility Service Outage Public Notification Guidelines;
Doc. No. M-2008-2065532*

Proposed Policy Statement

By the Commission:

Procedural History

On September 14 and 15, 2008, Hurricane Ike swept through this Commonwealth interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, the Commission issued a Secretarial Letter to all electric distribution companies (EDCs) operating in this Commonwealth seeking information regarding their service and public notice practices. On the same date, an investigation was initiated into EDCs' service outage responses and restoration practices with the same information requested. Responses were filed by the EDCs. As part of this investigation, the Commission also held two public input hearings in western Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April 2009, the Commission's Bureau of Conservation, Economics and Energy Planning and Office of Communications submitted a report to the Commission entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report* (Report). This Report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of Vice Chairperson Tyrone J. Christy and Commissioner Kim Pizzingrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages in 52 Pa. Code § 67.1 (relating to service outages), and reportable incidents in 52 Pa. Code §§ 57.11, 59.11 and 65.2 (relating to accidents). The Joint Motion also directed that a Policy Statement be issued.

Summary of Recommendations

The Report summarized the findings of the investigation and recommended the following future actions:

- Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:

1. Development of written crisis communication plans consistent with national NIMS standards.

2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

- Utility personnel should communicate with the news media and public in a consistent fashion. Common talking points should be distributed to all utility employees who may be in contact with the public and news media.

- During incident management, utilities should establish a schedule for the regular release of information to the news media.

- Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.

- Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa. Code § 67.1(b) (relating to general provisions), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.

- The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

Discussion

Based on the public's response during and immediately following the outages we acknowledge that many residents of the Commonwealth were frustrated during their electric outages with a lack of answers from their utilities regarding service restoration or that they received conflicting information. The Commission understands that it takes time to restore power after a severe unexpected storm. However, keeping an open, predictable line of communication with consumers eases their frustrations with the situation.

Utilities should send consistent messages to consumers, using one spokesperson for an information release, and providing predictability to the release of updated information. The EDCs should consider utilizing a Joint Information System/Joint Information Center that organizes all of the information throughout the utility into one unified message with one person to deliver that message at predictable time frames to the public, media and others.

We understand that customer service representatives will be dealing with the public during outage situations. Also, linepersons and other people working in the field will encounter customers with questions about restoration of service. The message to the public and media should be the same no matter which public service representative or department of the utility residents contact. During the September incident, the Commission found that different information was being given from different segments of the utility (consumer services representatives, linepersons, field staff and media contacts). This caused confusion among consumers, media and the Commission.

A single set of talking points or informational sheets with a uniform message should be distributed to all within the EDC who may have contact with the public in any capacity. The uniform message should be updated

regularly at predictable/scheduled times. Media releases, talking points and other information should be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and the County Emergency Management Agencies.

Also, specific times should be established for release of information to the media with an opportunity for open dialogue and questions—possibly through an in-person media availability conducted by the EDC spokesperson. The Commission has established such protocols for receiving updates for outage information from the EDCs. The Commission's Office of Communications then uses those predictable times to share with the media when the next update on the number of people without service will be available. The same should be done by the EDCs in communicating with the public. Establishing a regular schedule for information updates allows the public and the media to know specifically when new, updated information will be available. Again, adherence to the NIMS standards for release of public information would alleviate these concerns.

Beyond a consistent message from the EDCs, we see a benefit to working across jurisdictional boundaries. The NIMS-based Joint Information System/Joint Information Center would apply to efforts to work with other utilities in coordinating a message. According to the NIMS standard, those contributing to joint public information management “do not lose their individual identities or responsibilities. Rather, each entity will contribute to the overall unified message.”

We also believe that modern technology is being underutilized by the EDCs. Automated dialing systems, e-mail or text messaging would prove an effective communication tools for customers. Customers could opt to provide cellular telephone or home telephone numbers for calling or the other types of communication. Customers who opt to participate in such a program would then know that they can receive updated information at a set interval or if their estimated restoration time has changed by more than 2 hours.

We understand that the success of the use of modern technologies such as e-mail and text messaging depends upon the consumers' willingness to provide that secondary-contact information. However, we believe sufficient customer interest in receiving timely information during an outage exists, leading to willingness by those customers to voluntarily provide secondary-contact information such as e-mail and text messaging addresses to the EDC.

Another potentially beneficial use of technology would be the EDCs creating and maintaining a section of their web site specifically dedicated to outages. While it is admirable that some of the EDCs are able to provide real-time, customer-specific outage-related data on their web sites, the Commission understands that type of specificity is too cumbersome for certain utilities. However, at minimum, the Commission would like to have a section of the EDC's web site dedicated to presenting outage information whereby customers could get regular updates regarding the number of customers without service by geographic area and estimated restoration times.

The Commission hereby invites comments on the adoption of a proposed policy statement regarding service outage public notification guidelines. This proposed policy statement, coupled with a proposed rulemaking order which proposes amendments to regulations in Chapters

57, 59, 65 and 67 represents a comprehensive strategy for addressing electric service outage restoration practices. The Commission recommends that all interested persons review this order as well as the companion Proposed Rulemaking Order at L-2009-2104274, and submit comments to the Commission.

Proposed Policy Statement

On November 9, 2006, the Commission finalized a policy statement relating to unscheduled water service interruptions and associated actions (§ 69.1602 adopted December 15, 2006, effective December 16, 2006, 36 Pa.B. 7624). The document and its advice applied only to jurisdictional water and wastewater utilities, but the information contained within the policy statement provided solid guidance for all jurisdictional utilities. While the information found during the investigation leading up to the policy statement was served on all jurisdictional utilities including the EDCs, the final policy statement was not. Given the communication methods and reaction of consumers from the September 2008 electric outages, we propose that a policy statement similar to the one adopted on November 9, 2006, for the jurisdictional water utilities be adopted for the EDCs.

The policy statement is intended to provide guidance to the industry regarding the types of public notice necessary to meet the reasonableness standard in the Public Utility Code at 66 Pa.C.S. § 1501 (relating to character of service and facilities). The purpose of this proposed policy statement is to help ensure that actual, timely notice to customers is provided by EDCs whenever any event disrupts service or potentially endangers public safety. Our proposed policy statement, therefore, will include a series of acceptable methods for improving the timeliness and effectiveness of notice to electric customers during an outage. In addition, the proposed policy statement will propose guidelines for public notice templates and notice to Commission personnel.

The Commission invites comment regarding whether this proposed policy statement should be applied across other utilities. While a similar policy statement already exists for the water industry, the Commission invites comment on whether this should apply to natural gas as well as electric companies.

Further, the Commission invites comments on the cost/benefit analysis regarding what benefits versus what costs the EDCs and potentially other industries may incur with implementation of the policy statement. In particular, the Commission invites comments regarding the associated costs in implementing an autodialer system.

§ 69.1901. Statement of scope.

Section 69.1901 identifies the Commission's objective for this policy statement to apply to the electric distribution market. The Commission invites comments whether the policy statement should apply to all utilities in the telephone, electric, gas, water/wastewater industries as well.

§ 69.1902. Notification guidelines.

Section 69.1902(a) sets forth the acceptable methods of public notification in the event of a service interruption. The utility is encouraged to use the following methods as appropriate including: (1) facsimile/electronic mail; (2) web sites, emergency phone lines and integrated voice response system; (3) an automated dialer system; (4) doorknob flyers; (5) text messaging; and (6) the emergency alert system. The Commission encourages the

utility companies to use the methods most appropriate for their situations. The Commission recognizes that not all customers, but some will want the text messaging service with updates, and the Commission believes the utilities should use advanced technology to keep the media and customers better informed about service restoration. The Commission is considering developing a page on the Commission's web site whereby EDCs would upload outage information twice a day (that is, at 6 a.m. and 6 p.m.). The public could then go to the Commission's web site and open a workbook to see outage status. This format would only be activated for long-term outages. The Commission is seeking comment on the feasibility of this proposal as well as a definition for "long term outage" and "number of customers affected" threshold tests before the update would be required.

Section 69.1902(b) states that utilities should strive to adopt National Incident Management System (NIMS) and its Public Information System that strives to organize all information throughout the utility into one, unified message. This would avoid confusion between personnel within the utility giving conflicting messages to customers and media regarding expected restoration times, and the like.

Subsection (b)(1) states that EDC crisis communications plans should be in writing and every attempt should be made to be consistent with the Nationally-approved NIMS standards. This is in keeping with our attempt to organize information uniformly.

Subsection (b)(2) states that if more than one EDC is affected in the same geographic region, strong consideration should be given to implementing the NIMS-based Joint Information System/Joint Information Center. This would allow for coordination and integration of information across jurisdictions, especially on universal messages such as actions residents should take to ensure safety.

Subsection (b)(3) states that the EDCs should have public notice templates prepared in advance to be available when needed to avoid wasting critical time developing materials when confronted with an emergency situation. The notices should cover many possible scenarios from safety and shelter information, estimated restoration times and times when updated information will be provided. This will benefit the consumers.

Subsection (c) states that utilities should consider having a knowledgeable contact person stationed in the area of the outage during the emergency to communicate to the public and media on behalf of the company. Regular media updates should be scheduled at predictable times. Having one contact person will probably avoid mixed messages going out to the public.

Further, Subsection (c)(1) states that a single point of contact should be established as the sole media spokesperson for the utility for that time period. During extended outages, a secondary-media spokesperson could be utilized as the sole contact for a specific period of time.

To further maintain consistency in communication, Subsection (c)(2) states that talking points or informational sheets should be provided to customer service representatives, linepersons and others who may come in contact with the public during the course of the outage to strive toward consistency of message. This information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and the County Emergency Management Agencies.

Conclusion

The Commission welcomes comments on all aspects of this proposed policy statement. It must be observed that this policy statement is closely related to the final outcome of the electric service outage rulemaking process. A final policy statement will be promulgated for publication in the *Pennsylvania Bulletin* before the Commission issues its Final Rulemaking Order. If the Independent Regulatory Review Commission or an other entity requires changes to the final-form version of the rule, this policy statement may need to be revised for consistency. *Therefore,*

It Is Ordered That:

1. The proposed statement of policy, in §§ 69.1901 and 69.1902 as set forth in Annex A, is issued for comment.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. Interested parties shall have 30 days from the date of publication in the *Pennsylvania Bulletin* of the proposed policy statement in Annex A to file an original and 15 written comments to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265. Reply comments shall be due in 45 days.

6. An electronic copy of the comments should be electronically mailed to Elizabeth Barnes, Assistant Counsel, at ebarnes@state.pa.us, and these comments in turn will be placed on the Commission's web site for public viewing at www.puc.state.pa.us. Attachments may not exceed three megabytes.

7. Comments should, where appropriate, address the issues identified in this order and include, where applicable, a numerical reference to the attached Annex A which the comments address, proposed language for revision, and a clear explanation for the recommendation.

8. A copy of this order and Annex A be filed at Doc. No. M-2008-2065532 and Doc. No. L-2009-2104274.

9. A copy of this order and Annex A be served upon all electric distribution companies operating in this Commonwealth, all jurisdictional water and wastewater companies, all natural gas distribution companies, all jurisdictional telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, the Pennsylvania Telephone Association (PTA) and the Director of the Pennsylvania Emergency Management Agency (PEMA).

10. The contact person for this is Elizabeth Barnes, Law Bureau, (717) 772-5408, ebarnes@state.pa.us.

By the Commission

JAMES J. McNULTY,
Secretary

*Joint Statement of Commissioner Kim Pizzingrilli and
Vice Chairperson Tyrone J. Christy*

Pennsylvania experienced widespread electric distribution service outages as a consequence of Hurricane Ike in September of 2008. On September 25, 2008, the Commission initiated an investigation to evaluate current electric utility service storm response, service restoration, and

customer communication practices. The Commission released a report on April 30, 2009 that summarized the findings of this investigation and recommended revisions to existing regulations and the adoption of a new policy statement.

The proposed policy statement will implement the report's recommendation that the Commission adopt a uniform policy for incident management and communications with customers during significant electric service outages. The policy statement recommends that electric distribution companies:

- Adopt the principles of the National Incident Management System (NIMS), its Incident Command System, and its Public Information System including the development of a written crisis communication plan and establishment of a Joint Information System/Center to coordinate responses when multiple utilities in the same region are affected by an incident.
- Communicate with their customers and the news media in a consistent fashion during widespread service outages.
- Establish a schedule for the regular release of information to the news media through a single point of contact.
- Utilize the best available technology to facilitate the distribution of information to customers and the news media.

The policy statement is intended to provide guidance and help ensure that timely notice is provided whenever an event disrupts service or potentially endangers public safety. The Commission invites comment on whether this policy statement should be applied across all jurisdictional utilities. We would encourage utilities to pay particular attention to our focus on NIMS and its components. This represents the best practice for emergency preparedness and incident management. It has been adopted by Federal agencies, and agencies of the Commonwealth, including this Commission. We further invite an analysis regarding the benefits versus costs that may be incurred with the implementation of this policy statement.

We would like to thank our staff for their comprehensive review of utility practices and the development of these recommendations. We encourage all affected utilities to review this proposed policy statement and provide comments.

Fiscal Note: 57-270. No fiscal impact; (8) recommends adoption.

(Editor's Note: For a proposed rulemaking relating to this proposed Statement of Policy, see 40 Pa.B. 1203 (March 6, 2010).)

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

UTILITY SERVICE OUTAGE PUBLIC NOTIFICATION GUIDELINES

§ 69.1901. Scope.

This section and § 69.1902 (relating to utility service outage public notification guidelines) statement provide

guidelines to the electric distribution market regarding the restoration practices of service.

§ 69.1902. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Facsimile/electronic mail.* Facsimile/e-mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Emergency Preparedness Coordinator should also receive these notifications

(2) *Web site.* Use of the utility's own Internet web site, emergency phone line and integrated voice response system to provide relevant information about the event, such as the affected locations, its potential impact and estimated duration, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. A section of the company's web site shall be dedicated to presenting outage information where regular updates of the number of customers without service by geographic area and estimated restoration times are available. Depending on electric distribution company (EDC)-system limitations, this could be as simple as a PDF or spreadsheet file of information that is updated at regular intervals.

(3) *Automated dialer system.* Automated dialer system (outbound dialing) notification to affected ratepayers/occupants' landline or wireless phones. Updates should be provided at regular intervals or if the estimated restoration time should change by more than 2 hours.

(4) *Miscellaneous.* Other types of direct or actual notice, such as doorknob flyers distributed to affected ratepayers/occupants with actions affected ratepayers/occupants should take to ensure their safety, when feasible.

(5) *Electronic mail and text messaging.* E-mail and text message notification to affected customers who have opted to receive notice through use of these methods.

(6) *Emergency alert system.* Coordination with State and local emergency management agencies as needed to use the emergency alert system for qualifying situations.

(b) *NIMS standards.* Utilities should strive to adopt National Incident Management System (NIMS) and its Public Information System that strives to organize all information throughout the utility into one, unified message.

(1) *Crisis communication plans.* EDC crisis communications plans should be in writing and every attempt should be made to be consistent with the Nationally-approved NIMS standards.

(2) *Coordination.* If more than one EDC is affected in the same geographic region, strong consideration should be given to implementing the NIMS-based Joint Information System/Joint Information Center. This would allow for coordination and integration of information across

jurisdictions, especially on universal messages such as actions residents should take to ensure safety.

(3) *Public notice templates.* The EDCs should have public notice templates prepared in advance to be available when needed to avoid wasting critical time developing materials when confronted with an emergency situation. The notices should cover many possible scenarios from safety and shelter information, estimated restoration times and times when updated information will be provided.

(c) *Contact information.* To ensure that the public is informed, if possible, utilities should consider having a knowledgeable contact person stationed in the area of the outage during the emergency to communicate to the public and media on behalf of the company. Regular media updates should be scheduled at predictable times.

(1) *Spokesperson.* A single point of contact should be established as the sole media spokesperson for the utility for that time period. During extended outages, a secondary-media spokesperson could be utilized as the sole contact for a specific period of time.

(2) *Talking points and informational sheets.* Talking points or informational sheets should be provided to customer service representatives, linepersons and others who may come in contact with the public during the course of the outage to strive toward consistency of message. This information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and the county emergency management agencies.

[Pa.B. Doc. No. 10-393. Filed for public inspection March 5, 2010, 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 February 16, 2010.

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

No activity.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-394. Filed for public inspection March 5, 2010, 9:00 a.m.]

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 February 23, 2010.

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

Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2010	Bryn Mawr Interim Bank Bryn Mawr Montgomery County	Filed
	The purpose of Bryn Mawr Interim Bank, Bryn Mawr, is to facilitate the proposed merger of First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr.	

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2010	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County	Filed

Application for approval to acquire 100% of First Keystone Financial, Inc., Media, and thereby indirectly acquire 100% of First Keystone Bank, Media.

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-23-2010	Drexel Morgan & Co. Holdings Radnor Delaware County	Filed

Application for approval to acquire 100% of The Haverford Trust Company, Radnor.

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2010	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	Filed

Application for approval to merge First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr.

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-17-2010	York Traditions Bank York York County	2170 White Street York York County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-18-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	9910 Frankford Avenue Philadelphia Philadelphia County	Approved
2-18-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2 Scott Street and Pavilion Avenue Riverside Burlington County, NJ	Approved
2-23-2010	S & T Bank Indiana Indiana County	2000 Penny Lane Jeannette Westmoreland County	Approved
2-23-2010	S & T Bank Indiana Indiana County	2001 Lincoln Way White Oak Allegheny County	Approved

SAVINGS INSTITUTIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-18-2010	ESSA Bank & Trust Stroudsburg Monroe County	1500 North Cedar Crest Boulevard Allentown Lehigh County	Approved

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Action Plan for the Distribution and use of Community Development Block Grant—Recovery Funds

The Department of Community and Economic Development (Department) is proposing a minor amendment to the Commonwealth's Action Plan for Federal Fiscal Year 2008 (FFY) and the Program year that began on January 1, 2008. The 2008 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2004-2008. Due to revised activities for a small number of grantees, this minor amendment contains a revised Action Plan for the distribution and use of Community Development Block Grant—Recovery (CDBG-R) funds.

The United States Department of Housing and Urban Development (HUD) awarded the Commonwealth an allocation of \$12,434,921 in CDBG-R funds, as authorized by the American Recovery and Reinvestment Act of 2009 (42 U.S.C.A. § 5301).

The purpose of CDBG-R funds is to provide expedited funding for community development projects that will stimulate the economy and provide job creation and job retention benefits. The Department will award CDBG-R funds on a formula basis to local governments, which includes 13% of the funds for competitive/discretionary projects. The eligible activities include many of the regular activities eligible under the CDBG Program with several exceptions.

The Action Plan also includes the list of projects that grantees will undertake using CDBG-R funds and local government contact information about those projects. This minor amendment to the Action Plan will be submitted to HUD on or before March 19, 2010. Copies of the Action Plan and a list of projects can be obtained at: <http://www.newpa.com/strengthen-your-community/technical-assistance/index.aspx>.

Persons who would like additional information about this amendment should contact Jody Michael, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120.

GEORGE E. CORNELIUS,
Secretary

[Pa.B. Doc. No. 10-396. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Jennifer J. Thimons, a/k/a Jennifer J. Steward, a/k/a Jennifer J. Stewart, a/k/a Jennifer J. Macsurak, a/k/a Jennifer J. Kowalski for Reinstatement of Teaching Certificates; Doc. No. RE-09-06

Notice of Opportunity for Hearing and Invitation to Protest

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Jennifer J. Thimons for reinstatement of her teaching certificates.

On or about November 16, 2009, Jennifer J. Thimons filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and the former 22 Pa. Code § 233.14 (relating to reinvestment). Under section 16 of the act, the Department of Education on February 22, 2010, does not support the reinstatement.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.14(d) (relating to waiver of hearing), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 10-397. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

general permit. The applications concern, but are not limited to, discharges related to 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 (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 a tentative determination 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 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 an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional 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. Comments 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 a public hearing 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0058297 (Sewage)	Wolanin SRSTP 331 Echo Valley Lane Newtown Square, PA 19073	Delaware County Newtown Township	Lewis Run 3G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082864 (Sew)	Jesus Ministries, Inc. Agape Farm Campground R. R. 1 Box 58-B Shirleysburg, PA 17260	Huntingdon County Cromwell Township	Browns Gap Run 12-C	Y
PA0032000 (Sew)	Department of Conservation and Natural Resources Bureau of State Parks Gifford Pinchot 200 Rosstown Road Lewisberry, PA 17739-9787	York County Warrington Township	Conewago Creek 7-F	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228192 (Sewage)	Wallaceton Boggs Municipal Authority Sewage Treatment Facility P. O. Box 97 West Decatur, PA 16878	Boggs Township Clearfield County	Laurel Run 8D	Y
PA0009032 (IW)	Former GTE Products Corporation Facility Old Route 220 Muncy, PA 17756	Lycoming County Muncy Township	West Branch Susquehanna River	Y
PA0024627 (Sewage) Public	McClure Municipal Authority P. O. Box 138 McClure, PA 17841	Snyder County McClure Borough	South Branch Middle Creek SWP 6A	Y
PA0209236 (Sewage) Public	Tioga Borough Wastewater Treatment Plant P. O. Box 158 Tioga, PA 16946	Tioga County Tioga Borough	Tioga River SWP 4A	Y
PA0113751 (IW)	Former TRW Danville Valve Plant 601 East Market Street Danville, PA 17821	Montour County Danville Borough	Susquehanna River 5E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239445 (Sewage)	Sugar Grove Area STP 193 Creek Road Sugar Grove, PA 16350	Warren County Sugar Grove Borough	Stillwater Creek 16-B	Y
PA0100676	Temple Grove Campground 347 Hamburg Road Transfer, PA 16154	Mercer County Delaware Township	Shenango River 20-A	Y
PA0101851	Villa Maria Community Center P. O. Box 906 288 Villa Drive Villa Maria, PA 16155	Lawrence County Pulaski Township	Unnamed tributary to Coffee Run 20-B	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

PA0244236, Amendment 1, Sewage, SIC 4952, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge 55,550 gpd of treated sewage into Hough's Creek.

The receiving stream, Hough's Creek, is in the State Water Plan watershed 2E and is classified for: warm water fishery. The nearest downstream public water supply intake for the Pennsylvania American Water Company is located on the Delaware River and is 3.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 55,550 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			10		20
Total Suspended Solids			10		20
Ammonia as N					
(05/01 to 10/31)			1.5		3.0
(11/01 to 04/30)			3.0		6.0
Total Phosphorus			0.1		0.2

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Nitrogen			10		20
Dissolved Oxygen			6.0 min.		
Fecal Coliform			50 #/100 ml		1,000 #/100 ml
pH			6.0 min.		9.0
Total Residual Chlorine			0.01		0.025
Total Dissolved Solids			1,000		2,000

In addition to the effluent limits, the permit contains the following major special conditions:

1. Responsible Operator.
2. Abandon Sewer Treatment Plant (STP).
3. Remedial Measures.
4. No Stormwater.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. TRC Minimization.
9. Sewage Sludge Disposal.
10. I-Max Limits.
11. DMR with No Discharge.
12. 2/Month Monitoring.
13. Lab. Certification.
14. Discharge to Special Protection Waters.
15. I-Max Reporting for Fecal Coliform.

PA0058963, Industrial Waste, SIC Code 3273, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006-1111. The facility is located in Telford Borough, **Bucks County**. The application is for a renewal of an NPDES permit for discharge of industrial stormwater from the Telford Batch Plant.

The receiving stream(s), an unnamed tributary to Mill Creek, is located in State Water Plan watershed 3-E 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, based on a 10-year 24-hour storm event, are as follows:

<i>Parameter</i>	<i>Effluent Limitations (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		50	100	100
pH(STD)	6.0			9.0
Oil and Grease		Monitor/Report		Monitor/Report

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

1. Stormwater Best Management Practices.
2. EPA waiver is in Effect.

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

Application No. PA 0024384, Amendment No. 1, Sewage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185. This facility is located in North Middleton Township, **Cumberland County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water is located on the Conodoguinet Creek, approximately 14.7 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

The amendment revises the Chesapeake Bay Strategy Implementation final Net Total Nitrogen cap load to 22,120 pounds/year.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0024431, Sewage, **Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17109. This facility is located in Carroll Township, **York County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Dogwood Run, is in Watershed 7-E, and classified for cold water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Yellow Breeches Creek, approximately 18.2 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0086142, Sewage, **Washington Township Municipal Authority**, P. O. Box 156, Bally, PA 19503-0421. This facility is located in Washington Township, **Berks County**.

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

The receiving stream, west branch of the Perkiomen Creek, is in Watershed 3-E, and classified for cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on the Tulpehocken Creek, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.25 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	7.5		15
(11-1 to 4-30)	20		40
Total Phosphorus	1.0		2.0
Total Residual Chlorine	1.0		2.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.25 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	7.5		15
(11-1 to 4-30)	20		40
Total Phosphorus	0.5		1.0
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Greenlane Reservoir TMDL Requirements

	<i>Concentration (mg/L)</i>	<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>
Total Phosphorus	0.5	1.04

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0082635, Industrial Waste, SIC Code 4952, **ELS Sun Valley, LP**, Two North Riverside Plaza, Suite 800, Chicago, IL 60606. This facility is located in Brecknock Township, **Lancaster County**.

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

The receiving stream, an unnamed tributary to Rock Run, is in Watershed 7-J, and classified for high quality cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Lancaster Municipal Authority located on the Conestoga Creek, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 based on a design flow of 0.02 MGD are:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Residual Chlorine	1.5		2.5
Total Phosphorus	2		4
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 based on a design flow of 0.02 MGD are:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Residual Chlorine	2		4
Total Phosphorus	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0260274, Concentrated Animal Feeding Operation (CAFO), **Hillside Poultry Farms**, 1849 Letterkenny Road, Chambersburg, PA 17201.

Hillside Poultry Farms, Inc. has submitted an NPDES permit application for the Hillside Poultry Farm, a poultry layer operation located in Hamilton and Greene Townships, **Franklin County**. The CAFO is situated near unnamed tributaries to Conococheague Creek and Rowe Run (Watershed 13-C), the streams are classified as warm water and cold water fisheries, respectively. The CAFO has a target animal population of approximately 1,300 animal equivalent units (AEUs) consisting of 400,000 laying hens. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year/24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

You may make an appointment to review the Department's files by calling the File Review Coordinator at 717-705-4732.

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

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0228982, CAFO, SIC 0213, **Kurtz Family Farm**, 1070 Grande Valley Road, Mifflinburg, PA 17844-7960. This proposed facility is located in West Buffalo Township, **Union County**.

Description of Proposed Activity: This existing CAFO has requested an amendment to NPDES Permit No. PA0228982 to convert its existing barns from a wet duck operation to a swine finishing operation.

The receiving stream, an unnamed tributaries of Buffalo Creek/Coal Run, is in the State Water Plan Buffalo Creek watershed 10C, and is classified for: Cold Water Fishery/High Quality-Cold Water Fishery, respectively.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO individual permit is a nondischarge NPDES permit.

Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

In addition to the effluent limits, the permit contains the following major special conditions.

1. Compliance with the farm’s Nutrient Management Plan.
2. Compliance with the farm’s Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm’s Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.
9. The permittee shall not export manure to the Mike Ebersole farm fields either directly, or through a manure importer, until an Erosion and Sedimentation Plan has been developed and implemented for the Mike Ebersole farm in accordance with 25 Pa. Code § 102.4. A written plan, meeting the requirements in § 102.4, shall be provided to the Union County Conservation District. Upon written confirmation from the District to the Department of Environmental Protection and permittee, that an Erosion and Sedimentation Plan is in effect at the Mike Ebersole farm, this importer site may be utilized for land application of manure.

The EPA waiver will not be in effect.

PAS214802, Industrial Waste, SIC 3271, **Beavertown Block Company, Inc.**, P. O. Box 337, 3612 Paxtonville Road, Middleburg, PA 17842-0337. This proposed facility is located in Franklin Township, **Snyder County**.

Description of Proposed Activity: The applicant is seeking coverage under an individual stormwater permit. A general stormwater permit was previously issued, but a recent discovery that the stream was being impaired due to their stormwater discharge has eliminated that option.

The receiving stream, Unnamed Tributary to Middle Creek, is in the State Water Plan watershed 6A and is classified for: CWF, MF. The nearest downstream public water supply intake for United Water Pennsylvania is located on Susquehanna River and is 57.6 miles below the point of discharge.

There are no effluent limits in an individual stormwater permit.

PA0010031, Industrial Waste, SIC 4911, **RRI Energy Mid Atlantic Power Holdings, LLC**, 121 Champion Way, Canonsburg, PA 15317-5817. This existing facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for existing discharges of noncontact cooling water, stormwater, stormwater induced overflows, treated sewage effluent and treated industrial wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 8C and classified for: Warm Water Fishes, Migratory Fishes (WWF, MF). The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River is 150 miles below the point of discharge.

The proposed effluent limits for stormwater Outfalls 001—003, 010 and 012 based on a design flow of N/A MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH					Report	
TSS					Report	
Total Copper					Report	
Total Nickel					Report	
Total Zinc					Report	
Dissolved Iron					Report	
Oil and Grease					Report	

The proposed effluent limits for coal pile runoff from greater than or equal to 10-year 24-hour storm event Outfall 009 based on a design flow of N/A MGD.

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Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS					Report	
Total Copper					Report	
Total Nickel					Report	
Total Zinc					Report	
Dissolved Iron					Report	
Oil and Grease					Report	

The proposed effluent limits for stormwater induced overflows Outfalls 101, 102 and 201 based on a design flow of N/A MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow	Report	Report				
pH			Report			Report
TSS				Report	Report	
Total Iron				Report	Report	
Total Manganese				Report	Report	
Total Aluminum				Report	Report	
Total Zinc				Report	Report	

The proposed effluent limits for treated sewage effluent Outfall 205 based on a design flow of 0.0009 MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
CBOD ₅	1.9			25		50
TSS	2.3			30		60
Fecal Coliforms (5/1 - 9/30)				200		
(10/1 - 4/30)				2,000		
Total Residual Chlorine				1.0		3.3

The proposed effluent limits for treated industrial wastewater effluent Outfall 405 based on a design flow of 1.3 MGD.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS	325			30		50
Oil and Grease	163	217		15	20	30
Total Iron	20	39		1.8	3.6	4.5
Total Manganese	23	46		2.1	4.2	5.3
Total Aluminum	40	80		3.7	7.4	9.3

The proposed effluent limits for noncontact cooling water Outfall 008 based on a design flow of 426 MGD permit effective date to permit effective date plus 3 years.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Residual Chlorine						0.2
Temperature Intake				Report	Report	
Temperature Discharge				Report	Report	
Heat mmBtu/day*		Report				

The proposed effluent limits for noncontact cooling water Outfall 008 based on a design flow of 426 MGD permit effective date plus 3 years through permit expiration.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Residual Chlorine						0.2
Temperature Intake				Report	Report	
Temperature Discharge				Report	Report	

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Heat mmBtu/day* 1/1 - 1/31		11,039				
Heat mmBtu/day* 2/1 - 2/29		12,074				
Heat mmBtu/day* 3/1 - 3/31		28,977				
Heat mmBtu/day* 4/1 - 4/30		32,081				
Heat mmBtu/day* 5/1 - 5/15		21,112				
Heat mmBtu/day* 5/16 - 5/30		35,186				
Heat mmBtu/day* 6/1 - 6/30		26,907				
Heat mmBtu/day* 7/1 - 7/31		14,074				
Heat mmBtu/day* 8/1 - 8/31		12,557				
Heat mmBtu/day* 9/1 - 9/30		9,866				
Heat mmBtu/day* 10/1 - 10/31		9,935				
Heat mmBtu/day* 11/1 - 11/15		11,039				
Heat mmBtu/day* 11/16 - 11/30		8,831				
Heat mmBtu/day* 12/1 - 12/31		8,279				

Part C Other Requirements:

I. Implementation Schedule for compliance with effluent limits and heated discharge limits: Million British Thermal Units per day (mmBtu/day), Maximum 110° F and the heated discharge can not raise the stream temperature 2° F in any 2 hour period.

II. Requires installation of closed cycle recirculating cooling or perform 316(b) intake physical and biological monitoring.

III. Defines stormwater outfalls.

IV. Regulates outfalls 004 and 010 and internal monitoring point 505 as spills.

V. Requires debris collected at the intake not to be returned to the waterways.

VI. Imposes no limitations for outfall 005.

VII. Requires no discharge of PCB.

VIII. Requires Department of Environmental Protection approval of chemical additives.

IX. Limits chlorination for 2 hour in any 24 hour period.

X. Stormwater requirements.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. WQG02151005, Sewerage, **Phoenixville Borough**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. WQG02231006, Sewerage, **Calvary Chapel of Delaware County Incorporated**, 708 South Middletown Road, Media, PA 19063-5024. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

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

WQM Permit No. 3801401, Amendment 10-1, Sewerage, **Department of Military and Veteran's Affairs**, Fort Indiantown Gap, Building 0-11, Annville, PA 17003. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Installation/Operation of a sludge press at the Fort Indiantown Gap Waste Water Treatment Plant.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 5610401, Sewerage, **Lincoln Township Municipal Authority**, P. O. Box 162, Sipesville, PA 15561-0162. This proposed facility is located in Lincoln Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (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.

Wayne County Conservation District: Agricultural Service Center, 648 Park Street, Honesdale, PA 18431, 570-253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410001	Hawley Silk Mill, LLC P. O. Box 459 Hawley, PA 18428	Wayne	Hawley Borough	Wallenpaupack Creek HQ-WWF, MF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI034410002	Valley View Haven, d/b/a Malta Home Retirement Community 2105 East Main Street P. O. Box 9299 Belleville, PA 17004-9299	Mifflin	Granville Township	Minehart Run HQ-CWF-MF

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041710001	City of DuBois P. O. Box 408 16 W. Scribner Avenue Dubois, PA 15801-0408	Clearfield	Sandy and Union Townships	Laborde Branch CWF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Melvin Nissley Mel-Mar Acres 1612 Pecks Road Middletown, PA 17057	Dauphin	458.5	718.8	Layers	TSF	Renewal
Longacre Farm Mark Bricker Path Valley Road Dry Run, PA 17220	Franklin	65	576.82	Swine	NA	Renewal
Green Valley Farms (Barley Farms) 2266 Junction Road Seven Valleys, PA 17360	York	16.21	1,892.79	Swine	NA	Renewal
Heindel Farm (operated by Star Rock Farms, LLC) 13845 Ted Wallace Road Brogue, PA 17309	York	1,330.2	1,700	Beef	None	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (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 any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who 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 should 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. 0210501 , Public Water Supply.	
Applicant	Municipal Authority of the Borough of Edgeworth 313 Beaver Road Sewickley, PA 15143
Township or Borough	Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs and Leet Township
Responsible Official	Anthony Lisanti, Chairperson Municipal Authority of the Borough of Edgeworth 313 Beaver Road Sewickley, PA 15143
Type of Facility	Water treatment plant
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	February 23, 2010
Description of Action	Construction of a new water storage tank, replacement of waterlines, updates to the SCADA system, improvements to the Singer pressure district, and replacement of a pump station.

Application No. 2310502 , Public Water Supply.	
Applicant	Aqua Pennsylvania, Inc.
Township	Tinicum
County	Delaware
Responsible Official	Marc Lucca 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	C.E.T. Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	February 12, 2010

Description of Action Installation of an on-site sodium hypochlorite generation system to replace the gaseous chlorine currently used at the Booster Pump Station.

Application No. 0910504, Public Water Supply.

Applicant **County of Bucks**
 Township Doylestown
 County **Bucks**
 Responsible Official James C. Bailey
 55 East Court Street
 Doylestown, PA 18901
 Type of Facility PWS
 Consulting Engineer Carroll Engineering
 949 Easton Road
 Warrington, PA 18976
 Application Received February 9, 2010
 Date
 Description of Action The repainting of the interior and exterior of the Neshaminy Manor Water Tank.

Application No. 0910503, Public Water Supply.

Applicant **Plumstead Township**
 Township Plumstead
 County **Bucks**
 Responsible Official Carolyn McCreary
 P. O. Box 387
 Plumstead, PA 18949-0387
 Type of Facility PWS
 Consulting Engineer Pennoni Associates, Inc.
 2005 South Easton Road
 Doylestown, PA 18901
 Application Received February 4, 2010
 Date
 Description of Action Construct an interconnect between the Cabin Run and Country Greene Water Supply Systems. Construct a new 575,000 gallon elevated water storage tank, and develop the existing Landis Greene Well 6 for additional water supply to the combined systems.

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

Application No. 0910505, Public Water Supply.

Applicant **Telford Borough Authority**
 Township Hilltown
 County **Bucks**
 Responsible Official Mark D. Fournier
 122 Penn Avenue
 Telford, PA 18969-1912
 Type of Facility PWS
 Consulting Engineer CKS Engineers, Inc.
 88 South Main Street
 Doylestown, PA 18901
 Application Received February 19, 2010
 Date

Description of Action Installation of a reduced pressure zone back flow preventer and backwash line extension from existing arsenic treatment system to a nearby sanitary sewer at Telford Borough Authority Well No. 6.

MINOR AMENDMENT

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

Application No. 0310501MA, Minor Amendment.

Applicant **Kittanning Suburban Joint Water Authority**
 710 Tarrtown Road
 Kittanning, PA 16210
 Township or Borough East Franklin, North Buffalo, Sugarcreek and Washington Townships
 Responsible Official Richard Lauer, Manager
 Kittanning Suburban Joint Water Authority
 710 Tarrtown Road
 Kittanning, PA 16210
 Type of Facility Water system
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Application Received February 17, 2010
 Date
 Description of Action Waterline project.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a 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, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any

contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, 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. 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 before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Pennridge South Middle School, Sellersville Borough, **Bucks County**. Daniel Lewis, Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610 on behalf of Jeff Loeffler, Pennridge School District, 410 East Walnut Street, Perkasie, PA 18944, Robert Reinhart, Pennridge School District, 1200 North Fifth Street, Perkasie, PA 18944 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on February 7, 2010.

Woronko Residence, Buckingham Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 Mermaid East Lane, Glenside, PA 19038 on behalf of George Woronko, 4109 Tersher Drive, Doylestown, PA 18902 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

Villanova University, Radnor Township, **Delaware County**. Tony Finding, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390, Shawn Quinlan, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390 on behalf of Erika Lynch, Villanova University, 800 Lancaster Avenue, Villanova, PA 19085 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Ryan Kehl Residence, Exeter Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Ryan Kehl, 1036 Reading Avenue, Birdsboro, PA 19508, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The site will be remediated to the Residential Statewide Health Standard and will remain residential.

Erick Watts Residence, Warwick Township, **Lancaster County**. West Brandywine Environmental, Inc., 16 Ashley Court, West Brandywine, PA 19320-1350, on behalf of Erick Watts, 541 Furnace Hills Park, Lot 2, Lititz, PA 17543 and D & B Associates, 100 Birchview Drive, Coatesville, PA 19320, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The site will be remediated to the Site-Specific Standard and will remain a mobile home park.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Linesville Business Park, Linesville Borough, **Crawford County**. Economic Alliance Foundation, Inc., 764 Bessemer Street, Suite 101, Meadville, PA 16335 has submitted a Notice of Intent to Remediate. Prior to 1985, materials containing trichloroethylene (TCE) and/or Cis-1, 2-dichloroethen (DCE) were spilled, leaked or otherwise released into the environment at the property. Future use of the property consists of a warehouse and light industrial business. The site is to be remediated to the Site-Specific Standard. The Notice of Intent to Remediate was published in *The Meadville Tribune* on January 31, 2010.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Former Monaca Tank Farm (FUDS), Potter Township, **Beaver County**. Mr. Brent Graybill, USACE, 10 South Howard Street, Baltimore, MD 21201, on behalf of the Department of Defense and Potter Township, Beaver County, 206 Mowry Road, Monaca, PA 15061 has submitted a Notice of Intent to Remediate. Site contamination associated with this formerly used defense site (FUDS) entails cleaning and investigating closure alternatives for FUDS eligible underground storage tanks, associated piping and ancillary equipment. A nonresidential Site-Specific Standard will be attained.

Southwest Region: David E. Eberle, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Bay Valley Foods, LLC, City of Pittsburgh, **Allegheny County**. Groundwater and Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of Bay Valley Foods, LLC, 1080 River Avenue, Pittsburgh, PA 15212 has submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils. Notification of the combined report was published in the *Pittsburgh Post Gazette*.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Beneficial Use Determinations received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.

Regional Office: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

The Southeast Regional Office received written notice from New Hope Borough to use coal ash as structural fill under 25 Pa. Code § 287.661. Coal ash generated from the adjacent New Hope-Ivyland Railroad vicinity will be placed for beneficial use as structural fill to construct a gravel parking lot in conjunction with the development of a pedestrian walking path; the coal ash will cover an area of 0.3 acre approximately. The site, entitled New Hope Cultural Walk, is located to the north of the New-Hope-Ivyland Railroad terminal in New Hope Borough, Bucks County. Approximately 500 cubic yards of coal ash is projected to be spread uniformly and compacted in layers not to exceed 1 foot in thickness within the parking lot area of the site. The final lift will be covered with 12 inches of soil and 6 inches of gravel. This notification is being placed to comply with the Department of Environmental Protection's requirement to publish a summary of the written notice received prior to the beneficial use of coal ash as structural fill. The required written notice was received on January 26, 2010.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (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 all the 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 has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must 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 identified

before the application. TDD users should 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 (act) and regulations adopted under the 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0114: Henry H. Ottens Manufacturing Co., Inc. (600A Kaiser Drive, Folcroft, PA 19032) for installation of a new savory flavor manufacturing process at their facility in Folcroft Borough, **Delaware County**. As a result of potential emissions of VOCs and NO_x, the facility is a State-only facility, with restrictions or controls. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

24-169A: Modern Industries, Inc.—US Heat Treaters Division (135 Green Road, Kersey, PA 15846) for installation of five (5) tempering furnaces and four (4) electrostatic precipitators at their facility in Fox Township, **Elk County**.

42-223A: Tennessee Gas Pipeline Co.—Compressor Station 310 (Off of SR 146, Tax Map 29-002-300-02, Clermont, PA 16740) for construction of a compressor turbine, emergency generator, hot water boiler, and fuel preheater in Sergeant Township, **McKean County**. This is a State-only facility.

61-218A: Tennessee Gas Pipeline Co.—Compressor Station 303 (Meadow Church Road, Map AS 08-15 Lot 71, Seneca, PA 16346) for construction of a compressor turbine, emergency generator, hot water boiler and fuel preheater in Cranberry Township, **Venango County**. This is a State-only facility.

62-150C: Superior Tire & Rubber, Inc. (1818 Pennsylvania Avenue West, Warren, PA 16365) for installation of a new automated adhesive spray system and increase in VOC emissions for the surface coating operation at the facility in the City of Warren, **Warren County**.

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.

09-0192: Waste Management of Pennsylvania, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) for operation of a bulk material handling and storage facility in Falls Township, **Bucks County**. Operations include ship or truck loading/unloading of pumice, gypsum, slag, salt or scrap steel. The only pollutant of concern at this facility is particulate matter (PM) emissions. This facility is a non-Title V facility. PM emissions will be controlled by water suppression and/or Best Management Practices for material transfer. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

07-03058A: NPC, Inc. (13710 Dunnings Highway, Claysburg, PA 16625) for construction of two (2) heatset web offset lithographic printing presses controlled by a regenerative thermal oxidizer (RTO) at their facility in Greenfield Township, **Blair County**. Current printing operations at the facility include two sheetfed and six non-heatset offset lithographic presses. Estimated potential facility-wide volatile organic compounds and hazardous air pollutants are less than 14 tons and 1 ton per year, respectively. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

41-00079A: Eureka Resources, LLC (301 Charles Street, South Williamsport, PA 17702) for modification of a gas well water treatment operation in Williamsport, **Lycoming County**.

The Department of Environmental Protection's (Department) review of the information submitted by Eureka Resources, LLC indicates that the air contamination sources to be constructed, which will include three mechanical vapor recompression distillation units, each unit incorporating a 1,025 horsepower, natural gas fired internal combustion engine, will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxides limitation of 25 Pa. Code § 121.21, the visible emission limitation of 25 Pa. Code § 123.41 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed modification.

The emissions from the gas well water treatment operation will not exceed 22.59 tons of NO_x, 29.37 tons of CO, 3.78 tons of VOCs, 0.08 ton of SO_x, 1.20 tons of PM₁₀, 1.33 tons of total HAPs and 0.15 ton of formaldehyde per year.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission restrictions to limit the emission of NO_x, CO, VOCs, SO_x, PM₁₀ and HAPs.

Work practice requirements to install and operate the source and control device with good air pollution control practices.

Recordkeeping conditions to verify compliance with the emission limitations and all applicable requirements.

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, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

62-163A: IA Construction (158 Lindsay Road, Zelenople, PA 16063) for a plan approval to construct a sand and gravel wet processing plant, associated with an existing noncoal surface mining operation (Permit No. 62010302) in Pittsfield Township, **Warren County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a sand and gravel wet processing plant, associated with an existing noncoal surface mining operation (Permit #62010302), located in Pittsfield Township, Warren County.

The rated and maximum capacity of production is 350 tons per hour. The maximum operating schedule proposed is 2,820 hours annually with a production capacity of 525,000 tons per year. The plant is powered by electric.

These sources are subject to Federal NSPS Regulations, 40 CFR Part 60, Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plant. Conditions in the General Permit No. 3 for Non-metallic Mineral are considered BAT for the permanent and portable plants and have been included in this Plan Approval. This Plan Approval is also subject to 25 Pa. Code Regulations and Conditions.

Emissions from the processing plant will not exceed:

Source	PM TPY	PM-10 TPY
Crushing/Screening Plant	37.80	13.50
Roads	59.67	15.205
TOTAL	97.47	28.71

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

67-05022: Leisters Furniture, Inc. (433 Ridge Avenue, Hanover, PA 17331) for their wood furniture manufacturing operation in Hanover Borough, **York County**. This is a renewal of a Title V operating permit issued in 2005. (Hanlon)

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Facilities Permitting Chief—Telephone: 570-327-0512.

53-00002: Transcontinental Gas Pipeline Co. (P. O. Box 1396, Houston, TX 77251-1396) for renewal of the Title V Operating Permit (TVOP) for Station 535 in Hebron Township, **Potter County**. The facility is currently operating under Title V Operating Permit 53-00002 which was issued March 2, 2005. The facility's main air contaminant sources include five (5) compressor engines (reciprocating type), emergency engine-generator, three (3) field heaters, boiler, two (2) regenerative heaters, storage tanks, parts washer, and pipeline valves and flanges. All combustion sources are fired on natural gas. The facility is a major facility and a major source of hazardous air pollutants. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with all Federal and State regulations.

41-00001: Transcontinental Gas Pipeline Co. (P. O. Box 1396, Houston, TX 77251-1396) for renewal of the Title V Operating Permit (TVOP) for Station 520 in Mifflin Township, **Lycoming County**. The facility is currently operating under Title V operating permit 41-00001 which was issued February 17, 2005. The main air contaminant sources at the facility are emergency engine-generator, heaters, boiler, heaters, pipeline valves and flanges which contribute fugitive emissions, five (5) compressor engines (reciprocating type), and two (2) compressor engines (turbine type). All combustion sources are fired on natural gas. The facility is a major facility and a major source of hazardous air pollutants. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with all Federal and State regulations.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

48-00086: Bethlehem Apparatus Company, Inc. (890 Front Street, Hellertown, PA 18055) for operation of mercury retort recovery in Hellertown Borough, **Northampton County**. This is an initial State-only Natural Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

48-00070: Lamson & Sessions (25701 Science Park Drive, Cleveland, OH 44122) for manufacture of rigid polyvinyl chloride (PVC) by means of an extrusion process, in Upper Nazareth Township, **Northampton County**. This is an initial State-only Natural Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and

testing, monitoring, recordkeeping and reporting 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: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

67-05107: Crown Cork and Seal Co. USA, Inc. (1650 Broadway, Hanover, PA 17331-8118) for operation of their can manufacturing facility in Penn Township, **York County**. This is a renewal of the State-only operating permit issued in 2005. (Hanlon)

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

08-00023: Faithful Companions Pet Cemetery (R. D. 2, Box 210, Ulster, PA 18850) for their pet cremation facility in Smithfield Township, **Bradford County**. The facility's main sources include three (3) natural gas fired animal crematory incinerators. The facility has the potential to emit sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

17-00019: Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830) for their coal processing facility in Lawrence Township, **Clearfield County**. The facility's main sources include a coal processing operation, coal rail car loading operation and site haul roads. The facility has the potential to emit particulate matter (PM and PM₁₀) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

41-00047: Wildwood Cemetery Co. (1151 Cemetery Street, Williamsport, PA 17701-1605) for issuance of a State-only operating permit for operation of their facility in the Loyalsock Township, **Lycoming County**.

The facility incorporates two propane-fired human crematories each having a maximum heat input rating of 2.116 mmBtu/hr; one 0.055 mmBtu/hr propane-fired space heater, two No. 2 fuel oil-fired space heaters each with a heat input rating of 0.0375 mmBtu/hr, and one 0.105 mmBtu/hr No. 2 fuel oil-fired furnace; four 1,000 gallons each underground propane storage tanks, one 500 gallon No. 2 fuel oil tank, one 1,000 gallon No. 2 fuel oil tank, and one 240 gallon gasoline tank.

The facility has the potential to emit up to 0.82 of PM/PM₁₀, no HAPs, 0.44 ton of SO_x, 1.28 tons of NO_x, 0.05 ton of VOCs and 0.54 ton of CO per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to issue State-only Operating Permit 41-00047. The Department intends to incorporate into the operating permit all conditions currently contained in Operating Permit 41-00047.

19-00002: Foam Fabricators, Inc. (7050 Columbia Boulevard, Bloomsburg, PA 17815) for issuance of a

State-only (synthetic minor) operating permit for operation of its Bloomsburg facility in South Centre Township, **Columbia County**.

The facility incorporates one 14.29 mmBtu/hr natural gas-fired boiler, 15 natural gas-fired space heaters with a combined heat input of 1.125 mmBtu/hr, one pre-expander, one bag storage—pre-puff area, 10 molding machines, one warehouse—post-molding area, one 30 gallon parts washer.

The facility has the potential to emit up to 1.03 tons of PM/PM10, 0.26 ton of HAPs, 0.08 ton of SO_x, 9.48 tons of NO_x, 49.99 tons of VOCs and 10.87 tons of CO per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to issue State-only (Synthetic Minor) Operating Permit 19-00002. The Department intends to incorporate into the operating permit all conditions currently contained in Operating Permit 19-00002.

OPERATING PERMITS

PUBLIC HEARINGS

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

06-05069: East Penn Mfg. Co., Inc. (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for approval of a Reasonably Available Control Technology (RACT) Plan for the various lead/acid storage battery assembly plants at their facility in Richmond Township, **Berks County**.

The Department of Environmental Protection will hold a public hearing for the approval of a RACT Plan for the various lead/acid storage battery assembly plants at their facility in Richmond Township, Berks County. The plan is for the control of NO_x and VOC emissions from the various source involved in the manufacturing process. The plan calls for the limitation of these emissions by the use of good combustion control and a limit on the total amount of fuels used by the facility.

The pertinent documents concerning this plan are available at the Reading District Office. Reviews may be scheduled by contacting the office by telephone (610-916-0100) between 8:30 a.m. and 3:30 p.m. Monday through Friday, except holidays.

One public hearing will be held on April 6, 2010, from 9 a.m. until all scheduled comments on the proposal are received in the Reading District Office, 1005 Cross Roads Boulevard, Reading, PA 19605. Persons interested in submitting comments should notify Roger A. Fitterling by telephone (610-916-0100) at the Reading District Office to reserve time. Two written copies of the comments to be presented shall be sent to the office no later than March 30, 2010. All groups or organizations are requested to designate one witness to present all testimony. Oral testimony will be limited to 10 minutes.

The Department will continue to receive written testimony for 2 weeks after the hearing. (Hanlon)

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 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 a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining

that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application 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 § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

03871303 and NPDES Permit # PA0213667, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Darmac No. 2 Deep Mine in Plumcreek Township, **Armstrong County**, and Washington and Armstrong Townships, **Indiana County** to add underground permit and subsidence control plan area acres and to delete and correct permitted acreage. Underground Acres Proposed 712.0, Subsidence Control Plan Acres Proposed 712.0. No additional discharges. Application received: January 4, 2010.

32961302 and NPDES Permit # PA0214949, AMFIRE Mining Company, Inc., (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to add acreage to the underground permit and subsidence control plan area. Underground Acres Proposed 223.2, Subsidence Control Plan Acres Proposed 218.1. No additional discharges. The first downstream potable water supply intake from the point of discharge is

Central Indiana County Authority, and intake Yellow Creek. Application received: November 23, 2009.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

11040102 and NPDES No. PA0249688. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Chest Township, **Cambria County**, affecting 136.0 acres. Receiving stream(s): unnamed tributaries to/and Witmer Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 21, 2010.

56040104 and NPDES No. PA0249599. AMFIRE Mining Company, LLC, One Energy Place, Suite 7500, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 100.2 acres. Receiving stream(s): unnamed tributaries to/and Flat Run, unnamed tributaries to/and Gum Run, Roaring Run, Quemahoning Creek and Stonycreek River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. Application received: January 15, 2010.

32940109 and NPDES No. PA0212954. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a

bituminous surface and auger mine in Young Township, **Indiana County**, affecting 133.1 acres. Receiving stream(s): unnamed tributary to/and Whisky Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 7, 2010.

11070101 and NPDES No. PA0262285. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface mine from RJ Coal Company, P. O. Box 277, LaJose, PA 15753, located in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving stream(s): Chest Creek; Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2010.

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

17803045 and NPDES No. PA0176969. River Hill Coal Co., Inc. (P. O. Box 141, 48 Memorial Road, Kylertown, PA 16847). Revision to an existing bituminous surface mine located in Karthaus Township, **Clearfield County** affecting 150.8 acres. Revision is due to deviations from approximate original contour. Receiving streams: unnamed tributary of Upper Three Runs, and Upper Three Runs, and unnamed tributary of Saltlick Run, and Saltlick Run to West Branch Susquehanna River to Susquehanna River. Application received: February 5, 2010.

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

40050201R. HUD, Inc., t/a Emerald Anthracite II, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in

Nanticoke City and Newport Township, **Luzerne County** affecting 83.6 acres, receiving stream: none. Application received: February 8, 2010.

40050201C2. HUD, Inc., t/a Emerald Anthracite II, (P. O. Box 27, Nanticoke, PA 18634), correction to change the post mining land use from forestland to commercial land use on an existing anthracite coal refuse reprocessing operation in Nanticoke City and Newport Township, **Luzerne County** affecting 83.6 acres, receiving stream: none. Application received: February 8, 2010.

19793201R5. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an exiting anthracite coal refuse reprocessing operation in Conyngham Township, **Columbia County** affecting 3.4 acres, receiving stream: none. Application received: February 17, 2010.

54840205R5. Heging Mining Company, (290 Swatara Road, Tremont, PA 17981), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Reilly Township, **Schuylkill County** affecting 63.6 acres, receiving stream: none. Application received: February 17, 2010.

54030102C. Timber Coal Co., LLC, (P. O. Box 188, Sacramento, PA 17968), correction of an existing anthracite surface mine and coal refuse disposal operation to add 16.7 acre in Hegins and Porter Townships, **Schuylkill County** affecting 316.7 acres, receiving stream: East Branch Rausch Creek. Application received: February 17, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

4775SM10 and NPDES No. PA0596639. Hanson Aggregates Pennsylvania, Inc. (850 Boalsburg Road, Boalsburg, PA 16827). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in College Township, **Centre County**. Receiving stream: Spring Creek classified for High Quality Cold Water Fishery. Application received: February 16, 2010.

14920302 and NPDES No. PA0596680. Hanson Aggregates Pennsylvania, Inc. (850 Boalsburg Road, Boalsburg, PA 16827). Renewal of the NPDES Permit for

discharges of treated mine drainage from a quarry operation in Potter Township, **Centre County**. Receiving stream: Lick Run classified for High Quality Cold Water Fishery. Application received: February 16, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments,

suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals 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 each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E64-248. Bunnell Recycling Center, Inc., 267 Tyron Street, Honesdale, PA 18431, in Berlin Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a *de minimis* area of PEM/SS/FO wetlands less than 0.05 acre for the purpose of site grading for municipal waste storage pads associated with the Bunnell Recycling Center. The project is located directly south of Dragon Keeps Road, approximately 0.5 mile southwest of the intersection of T-486 (Rosencranse Road) and SR 652 (Beach Lake Highway) (White Mills, PA Quadrangle Latitude: 41° 35' 23"; Longitude: -75° 9' 28") in Berlin Township, Wayne County.

E13-162. Jonathan Schumada, 610 East Princeton Avenue, Palmerton, PA 18071, in Palmerton Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a *de minimis* area of PEM/SS wetlands of less than 0.05 acre for the purpose of site grading and to eliminate a mosquito breeding area on a 0.32 acre residential lot. The project is located on Lot 39, directly east of the intersection of 5th Street (Sand Quarry Road) and Columbia Avenue, approximately 3.1 miles northwest of the intersection of SR 248 and SR 946 (Palmerton, PA Quadrangle Latitude: 40° 48' 31"; Longitude: -75° 36' 13") in Palmerton Borough, Carbon County.

E45-551. Brodhead Creek Regional Authority, 410 Stokes Avenue, East Stroudsburg, PA 18301, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the placement of 480-LF, 5-foot thick, R-8 riprap with geotextile fabric along the right bank of the West Branch of Brodhead Creek (HQ-CWF) to stabilize an area of streambank erosion; and 680-LF downstream to construction and maintain the placement of 640-LF, 5-foot thick, R-8 riprap and geotextile fabric along the right bank of the West Branch of Brodhead Creek (HQ-CWF) to stabilize an area of streambank erosion for the purpose of protecting an existing water supply intake structure and dam area associated with the Brodhead Creek Regional Authority drinking water treatment facility. The project is located directly east of Youngwood Drive, approximately 2,400 foot east of the intersection of SR 191 (North 5th Street) and SR 2022 (Stokes Avenue) (East Stroudsburg, PA Quadrangle Latitude: 41° 1' 0"; Longitude: -75° 12' 0") in Stroud Township, Monroe County.

E40-705. Mr. Jay Crossin, 208 Union Street, Kingston, PA 18704-2840, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain an 800 square foot, pile-supported boathouse extending approximately 74-feet from the shoreline of Harveys Lake (HQ-CWF); and to construct and maintain an adjoining 700 square foot, pile-supported dock extending approximately 96-feet from the shoreline of Harveys Lake for the purpose of creating a personal recreational structure at the property located at "Pole # 9." The project is located on the west side of Lakeside Drive adjacent to Donegall Hill Road, approximately 2.3 miles north west of the intersection of SR 415 and SR 118 (Harveys Lake, PA Quadrangle Latitude: 41° 21' 19"; Longitude: -76° 1' 57") in Harveys Lake Borough, Luzerne County (Harveys Lake Borough, PA Quadrangle Latitude: 41° 21' 19"; Longitude: -76° 1' 57").

E45-533A. Pocono Township Supervisors, P. O. Box 197, Tannersville, PA 18372, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with an amendment to the previously permitted Pocono and Hamilton Township's Sewerage System Project, which authorized the construction and maintenance of a 7 mile long central sanitary sewage collection system to serve the SR 0611 and SR 715 corridor. The project begins at the intersection of SR 0611 and SR 314 (Mount Pocono, PA Quadrangle Latitude: 41° 5' 39"; Longitude: -75° 19' 39") in Pocono Township, Monroe County. The project end 0.6 mile northwest of the intersection of I-80 and SR 33 (Mount Pocono, PA Quadrangle Latitude: 41° 0' 7"; Longitude: -75° 16' 33") in Hamilton Township, Monroe County.

1) A 20" diameter PVC sanitary sewer force main crossing of a Tributary to Pocono Creek (HQ-CWF) (Latitude: 41° 0' 12"; Longitude: -75° 16' 04") in Stroud Township.

2) A 20" diameter PCV sanitary sewer force main crossing of a Tributary to Pocono Creek (HQ-CWF) (Latitude: 41° 6' 12"; Longitude: -75° 16' 04") in Stroud Township.

3) A 20" diameter PCV sanitary sewer force main crossing of a Tributary to Pocono Creek (HQ-CWF) (Latitude: 41° 0' 9"; Longitude: -75° 15' 56") in Stroud Township.

4) A 20" diameter concrete encased PVC sanitary sewer force main crossing of Wigwam Run (HQ-CWF) with temporary stream impacts of 0.01 acre (Latitude: 40° 59' 57"; Longitude: -75° 15' 28") in Stroud Township.

5) A 20" diameter concrete encased PVC sanitary sewer force main crossing of Flagler Run (HQ-CWF) and approximately 51' of EV, PFO wetlands with temporary wetland impacts of 0.02 acre and temporary stream impacts of 0.02 acre (Latitude: 40° 59' 45"; Longitude: -75° 14' 1") in Stroud Township.

6) A 20" diameter PVC sanitary sewer force main crossing of Big Meadow Run (HW-CWF) (Latitude: 40° 59' 36"; Longitude: -75° 12' 40") in Stroud Township.

7) A 20" diameter PVC sanitary sewer force main crossing of a Tributary to Brodhead Creek (TS-MF, CWF) (Latitude: 40° 59' 50"; Longitude: -75° 12' 8") in Stroud Township.

8) A 20" diameter PVC sanitary sewer force main crossing of a Tributary to Brodhead Creek (TS-MF, CWF) (Lat: 40° 59' 41"; Long: -75° 11' 39") in Stroud Township.

E35-425. Ken Powell, 1305 Justus Boulevard, Clarks Summit, PA 18411, in Archbald Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill an area of isolated wetland equal to 3.93 acres for the purpose of site development. The project is located at the intersection of Eynon Jermyn Road (SR 1023) and Columbus Drive (Carbondale and Olyphant, PA Quadrangle Latitude: 41° 30' 29"; Longitude: -75° 33' 42").

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

E06-652: MB Investments, Pasquale Mascaro, 2650 Audubon Road, Audubon, PA 19403, Amity Township, **Berks County**, ACOE Philadelphia District.

To place and maintain fill in 0.087 acre of PEM wetlands and 5,904.0 cubic feet of fill in 55.0 feet of an unnamed tributary to the Schuylkill River (WWF). To construct and maintain (3) three 1.0-foot depressed, 24.0-inch diameter CPE culvert pipes in an unnamed tributary to the Schuylkill River (WWF) and (2) two 1.0-foot depressed, 24.0-inch diameter CPE culvert pipes and 84,524.0-cubic feet of fill in 345.0-feet of an unnamed tributary to the Schuylkill River (WWF) all for the purpose of constructing a motorcycle park (Birdsboro, PA Quadrangle 4.34 inches North; 5.19 inches West, Latitude: 40° 16' 26" N; Longitude: 75° 47' 14" W) located off of SR 422 East in Amity Township, Berks County.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E14-529. Aquillas S. Peachey, 2806 East Valley Road, Loganton, PA 17747-9648. Timbering Bridge, in Miles Township, **Centre County**, ACOE Baltimore District (Madisonburg, PA Quadrangle N: 40° 57' 5.6"; W: 77° 31' 38.9").

To construct and maintain: 1) a 30-foot by 12-foot manufactured steel beam portable bridge with a wood deck, an 18-foot clear span, and a 26-inch underclearance over Laurel Run; 2) a 100 foot long rock lined road-side ditch that outlets into Laurel Run at the upstream left edge of the bridge, for the purpose of permanently maintaining an existing bridge for future timbering and taking care of wildlife food plots. This bridge crossing replaced a pre-existing power line ford and has impacted 15 linear feet of Laurel Run, which is classified as a High Quality-Cold Water Fishery.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D35-130EA. Mr. Frank Wanat, 223 Route 106, Greenfield Township, PA 18047. Greenfield Township, **Lackawanna County**, ACOE Greenfield Township, Lackawanna County.

Project proposes to breach and remove Wanat Dam across Dundaff Creek (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 500 feet of stream channel. The dam is located approximately 1,950 feet east of the intersection of SR 106 and Lees Road (T572) (Clifford, PA Quadrangle Latitude: 41° 38' 06"; Longitude: -75° 34' 23").

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

Consol PA Coal Company, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. Consol PA Coal Company is proposing to construct two jurisdictional dams (one slurry dam and one sediment basin) within the Coal Refuse Disposal Area No. 5. The total disposal area will impact 5.39 acres of wetlands (PEM/PFO) and 22,270 lineal feet of stream, providing a minimum of 5.39 acres of replacement wetlands and appropriate stream compensation.

D30-073. Bailey No. 5 Sedimentation Pond. To construct, operate and maintain Bailey No. 5 Sedimentation Pond across Owens Run (WWF) for the purpose of providing sediment control for the disposal area (Wind Ridge, PA Quadrangle N: 13.2 inches; W: 6.3 inches) Richhill Township, **Greene County**.

D30-075. Bailey No. 5 Slurry Impoundment. To construct, operate and maintain Bailey No. 5 Slurry Impoundment across Owens Run (WWF) for the purpose of disposal of coal refuse (Wind Ridge, PA Quadrangle N: 13.3 inches; W: 6.6 inches) Richhill Township, **Greene County**.

D06-350A. Reading Area Water Authority, 815 Washington Street, Room 121, Reading, PA 19061. To modify, operate and maintain the Lake Ontelaunee Dam across the Maiden Creek (WWF), impacting 50 linear feet of the stream channel, for the purpose of rehabilitating the dam to comply with the Department of Environmental Protection regulations (Temple, PA Quadrangle N: 13.1 inches; W: 7.9 inches) in Ontelaunee Township, **Berks County**.

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 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.

<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 related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth in the respective permit. 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, 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 the 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, (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 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, 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.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088072 (IW)	Stericycle, Inc. 1525 Chestnut Hill Road R. R. 1 Box 364 Morgantown, PA 19543	Berks County Robeson Township	Hay Creek 3-C	Y
PA0012211 (IW)	Boyertown Foundry Company P. O. Box 443 New Bernville, PA 19545	Berks County Colebrookdale Township	UNT Swamp Creek 3-E	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0112755	SFTF serving Robson's residence R. D. 1 Gaines, PA 16921	Gaines Township Tioga County	Unnamed Tributary to Pine Creek 9A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103543	Historical and Museum Commission Pithole Visitor Center P. O. Box 1026 Harrisburg, PA 17108-0126	Cornplanter Township Venango County	Unnamed tributary to Pithole Creek 16-E	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0053201, Sewage, **Roy Ann Diner, Inc.**, 1318 Route 309, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 4,500 gpd of treated sewage into the Three Mile Run in Watershed 2D.

NPDES Permit No. PA0244163, Amendment 1, Industrial Waste, **World Color (USA), LLC**, 4581 Lower Valley Road, Atglen, PA 19310. This proposed facility is located in West Sadsbury Township, **Chester County**.

Description of Proposed Action/Activity: Permit transferred from Quebecor World Atglen, Inc. to World Color (USA), LLC.

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

NPDES Permit No. PA0261408, Sewage, **Ross F. Garner**, 343 East Louther Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Wertzville Run in Watershed 7-B.

NPDES Permit No. PA0088404, CAFO, **Phil Kulp, Kulp Family Dairy, LLC**, 1691 Millerstown Road, Martinsburg, PA 16662. This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to operate a 3,651-AEU dairy operation located in Watershed 11-A.

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

NPDES Permit No. PA0002135, Industrial Waste, **Calumet Penreco, LLC**, 138 Petrolia Street, Karns City, PA 16041. This proposed facility is located in Karns City Borough, **Butler County**.

Description of Proposed Action/Activity: Issuance of a renewal of an NPDES Permit, for an existing discharge of treated industrial waste, treated stormwater and untreated stormwater from a producer of white mineral oils, petrolatums, petroleum specialty kerosene solvents, petroleum sulfonates and communication cable water blocking agents. This is a major discharge.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 4009406, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for three new additions consisting of a low pressure sanitary sewer system, individual lot grinder pumps with laterals, air release valves, cleanouts and pumping stations in the Eagle Rock development (The Timbers, The Woodlands and The Vistas).

WQM Permit No. 5409401, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in East Union and North Union Townships, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for low pressure sewage collection and conveyance facilities in the Western Summit South Section of the Eagle Rock Resort.

WQM Permit No. 4009407, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Black Creek and Hazle Townships, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for sewage collection and conveyance facilities in The Ridge's, Valley View and JA East sections and the Valley View Interceptor.

WQM Permit No. 4009405, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for low pressure sewage collection system for Laurel Valley and Highlands sections of Eagle Rock, Laurel Valley Pump Station No. 1 and No. 2 and The Highlands Pump Station and the Valley View Interceptor.

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

WQM Permit No. 2109408, Sewerage, **Ross F. Garner**, 343 East Louther Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment facility with septic tank, peat filter, and chlorine disinfection with discharge to Wertzville Run. System will serve their single family residence.

WQM Permit No. 3809405, Sewerage, **Lancaster Family YMCA**, 265 Harrisburg Avenue, Lancaster, PA 17603. This proposed facility is located in Cornwall Borough, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of a 0.004 MGD Orenco AdvanTex advanced packed-bed filter treatment.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 6374419-A5, Sewerage, **Washington-East Washington Joint Authority**, 60 East Beau Street, P. O. Box 510, Washington, PA 15301. This existing facility is located in South Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

NPDES WQM Permit No. 4208402, Sewerage, **Amendment No. 1, Norwich Township**, 3853 West Valley Road, Smethport, PA 16749. This proposed facility is located in Norwich Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of an Amendment Permit for modifying the initial design of the low pressure sewer collection system based pump specification changes, and approval of design modifications to the new STP.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509039	Jack Kajanjian 2235 Sproul Road Broomall, PA 19008	Chester	Willistown Township	West Tributary Crum Creek and Crum Creek EV
PAI01 23309006	Greek Orthodox Community of Chester, PA 30 East Forge Road Media, PA 19063	Chester	Middletown Township	Rock Run HQ-CWF-MF
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309004	Green Energy Capital, LLC 319 Barren Hill Road Suite 400 Conshohocken, PA 19248	Carbon	Nesquehoning Borough	Broad Run HQ-CWF, MF Deep Run EV, MF Nesquehoning Creek CWF, MF
PAS10S123-1	Shawnee Development, Inc. 8427 South Park Circle Orlando, FL 32819	Monroe	Smithfield Township Middle Smithfield Township	Shawnee Creek HQ-CWF, MF
PAI023909004	Cedar-Trexler Hamilton, LLC 3307 Trindle Road Camp Hill, PA 17011	Lehigh	Upper Macungie Township	Tributary to Iron Run HQ-CWF, MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023509002	Lackawanna County Attn: William Davis McDade Park 1 Bald Mountain Road Scranton, PA 18504-9779	Lackawanna	Covington Township	Roaring Brook HQ-CWF, MF
PAI024809005	Equi-librium, Inc. P. O. Box 305 Sciota, PA 18354	Northampton	Bushkill Township	Bushkill Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805005-R	John T. Hoover Spring Valley Estates, LLC 2000 Powell Drive Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch HQ-CWF
PAI032108015	Carson Ritchie 801 North Hanover Street Carlisle, PA 171013	Cumberland	South Middleton Township	Letort Spring Run HQ-CWF
PAI000109001	Tom Kalathas 431 Mower Road Chambersburg, PA 17201	Adams	Franklin Township	Carbaugh Run HQ-CWF
PAI030708001	Chestnut Flats Wind, LLC One South Broad Street 30th Floor Philadelphia, PA 19107	Blair	Logan Township	Mill Run-Dry Gap Run HQ-CWF

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701-6448.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044108001	Robert J. Charlebois Laurel Hill Wind Energy, LLC 71 Allen Street Suite 101 Rutland, VT 05701-4570	Lycoming	Jackson and McIntyre Townships	Blockhouse Creek CWF Little Pine Creek CWF Roaring Branch Run HQ-CWF Grays Run HQ-CWF Long Run HQ-CWF Frozen Run HQ-CWF Red Run CWF Lycoming Creek CWF

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0642 08 002(1)	Norwich Township 3853 West Valley Road Smethport, PA 16749	McKean	Norwich Township	Potato Creek TSF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-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 (CSO)
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	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG200 0909091	Chester Chrzanowski 2505 Spring Creek Road Lansdale, PA 19446	Perkiomen and Neshaminy Creeks TSF-MF WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG200 0909105	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Pidcock and Mill Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG200 0909090	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Neshaminy Creek WWF-TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG200 0909081	DKP Properties, LLC 38 Covington Lane Voorhees, NJ 08043	Unnamed Tributary Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2309004	Canuntum Associates, LP 550 American Avenue Suite 1 King of Prussia, PA 19406	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAG0200 4609072	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG0200 4609107	JBS Souderton, Inc. 249 Allentown Road Souderton, PA 18964	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4608110-1	Oak Tree Industrial Associates 2880 Bergey Road Hatfield, PA 19440	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Limerick Township Montgomery County	PAG0200 4606138-1	Limerick PF, LTD 401 South Schuylkill Avenue Norristown, PA 19403	Unnamed Tributary Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Red Hill Borough Montgomery County	PAG0200 4609079	Upper Perkiomen School District 2229 East Buck Road Suite 2 Pennsburg, PA 18073	Unnamed Tributary Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Norristown Borough Montgomery County	PAG0200 4606107-1	Norristown Borough 235 East Airy Street Norristown, PA 19401	Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4608137-1	Whitemarsh Township 616 Germantown Pike Lafayette Hill, PA 19444	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4607117-1	Oak Tree Industrial Associates 2880 Bergey Road Suite D Hatfield, PA 19440	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4609108	Upper Providence Township 1286 Black Rock Road Oaks, PA 19456	Unnamed Tributary Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4608072	10 Union Avenue Associates, LP 33 Rock Hill Road Suite 200 Bala Cynwyd, PA 19004	Schuylkill River CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109024	Philadelphia Water Department Aramark Tower 2nd Floor 1101 Market Street Philadelphia, PA 19017	Wises Mill and Cathedral Runs TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109041	T. Roderick Henkels 301 Rex Avenue Philadelphia, PA 19118	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Palmer Township Northampton County	PAG2004809007	Abraham Atiyeh 1177 Sixth Street Whitehall, PA 18052	Lehigh River WWF, MF	Northampton County Conservation District 610-746-1971
Leacock Township Lancaster County	PAG2003610002	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Pequea Creek-Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003610003	Elizabethtown Area School District 600 East High Street Elizabethtown, PA 17022	UNT to Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Lampeter Township Lancaster County	PAG2003610004	Harvest Presbyterian Church P. O. Box 309 Lampeter, PA 17537	UNT to Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003610005	Brookfield Development Corp. 227 Granite Run Drive Suite 100 Lancaster, PA 17601	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Lititz Borough Lancaster County	PAG2003610006	Moravian Manor 300 West Lemon Street Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609049	Norfolk Southern Railway Co. 110 Franklin Road SE Box 13 Roanoke, VA 24042	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609050	Lancaster County Solid Waste Management Authority 1299 Harrisburg Pike P. O. Box 4425 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609051	Franklin & Marshall College P. O. Box 3033 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG2003609062	Ketterline, Inc. 3121A Mount Joy Road Mount Joy, PA 17552	Conestoga River WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Muncy Creek Township Lycoming County	PAG2004110001	Leakas Quality Foods, Inc. Wendy's Restaurant 629 N. Derr Drive Lewisburg, PA 17837	Glade Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
East Buffalo Township Union County	PAG2006010002	Todd Ross P. O. Box 70 Montandon, PA 17850	Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
East Buffalo Township Union County	PAG2006010003	James D. Hostetler Bucknell University Physical Plant Lewisburg, PA 17837	UNT to Millers Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Fayette County Menallen Township	PAG2 002604036R	Frank Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Unnamed Tributary to Redstone Creek WWF	Fayette County Conservation District 724-438-4497
Indiana County White Township	PAG02 003210001	Center for Orthopaedics & Sports Medicine Thomas G. Honaker, III 1265 Wayne Avenue Indiana, PA 15701	Marsh Run CWF	Indiana County Conservation District 724-471-4751
Erie County Millcreek Township	PAG02002509015	Ridgebury Apartments, LLC 502 East 12th Street Erie, PA 16509	Lake Ere CWF	Erie County Conservation District 814-825-6403
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
York County West Manchester Township	PAR123527	Frito-Lay, Inc. 3553 Gillespie Drive York, PA 17404	UNT to Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Huntingdon County Carbon Township	PAR603573	John D. Bollman Bollman's Auto Salvage 2082 Broadtop Mountain Road Saxton, PA 16678	Shoup Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Harrisburg City	PAR213511	Penny Supply, Inc. P. O. Box 3331 Harrisburg, PA 17106-3331	Paxton Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Richmond Township Tioga County	PAR314802	TETRA Technologies, Inc. 11 Pearl Street Wellsboro, PA 16901	Unnamed Tributary to North Elk Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Upper Augusta Township Northumberland County	PAR214812	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Susquehanna River WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Coal Township Northumberland County	PAR214807	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Shamokin Creek CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Penn Township Snyder County	PAR214823	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Middle Creek CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Lewisburg Borough Union County	PAR214811	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Limestone Run WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Berwick Borough Columbia County	PAR214808	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Susquehanna River CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Delaware Township Northumberland County	PAR214809	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Muddy Run WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Point Township Northumberland County	PAR214810	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Unnamed Tributary to Susquehanna River CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
York County Carroll Township	PAG043898	Manolo and Rosalie Calvo 103 Warrington Road Dillsburg, PA 17019	Unt Stone Run CWF 7F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Exeter Township	PAG043631	Jaime Kirlin 5454 Oley Turnpike Road Reading, PA 19606	UNT of Monocacy Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Applicant Name & Address</i>	<i>Site Name</i>	<i>Contact Office & Phone No.</i>
Conemaugh Township Indiana County	Redevelopment Authority of the City of Johnstown 241 Asphalt Road Johnstown, PA 15901	Zatezalo Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection 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, 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 the 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, (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 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, 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.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 2209503, Public Water Supply.

Applicant	Halifax Area Water & Sewer Authority
Municipality	Halifax Township
County	Dauphin
Responsible Official	Fred L. Ford, Chairperson P. O. Box 443 Halifax, PA 17032
Type of Facility	Construction of a new treatment building for Well No. 4 with chlorine contact piping for 4-log virus inactivation.
Consulting Engineer	Harry E. Bingaman, P. E. Glacé Assoc., Inc. 3705 Trindle Road Camp Hill, PA 17011
Permit to Construct Issued:	2/22/2010

Permit No. 2809503, Public Water Supply.

Applicant	Shippensburg Borough Authority
Municipality	Lurgan Township
County	Franklin
Responsible Official	William W. Wolfe, Manager 111 North Fayette Street P. O. Box 129 Shippensburg, PA 17257-0129
Type of Facility	Construction of an air scour system and a powdered activated carbon system at the Gunther Valley plant.
Consulting Engineer	Peter Lusardi, P. E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	2/16/2010

Permit No. 0609515, Public Water Supply.

Applicant	Reading Area Water Authority
Municipality	Ontelaunee Township
County	Berks
Responsible Official	Dean Miller, Executive Director 815 Washington Street Reading, PA 19601
Type of Facility	Replacing existing and adding an additional (spare) raw water pump for the Authority's emergency source of supply.
Consulting Engineer	Max C. Kurbjun, Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth Meeting, PA 19462
Permit to Construct Issued:	2/16/2010

Permit No. 6710501 MA, Minor Amendment, Public Water Supply.

Applicant	Webb's MHP
Municipality	Lower Chanceford Township
County	York
Responsible Official	Michael A. Kern Consultant/Operator for Webb's MHP 851 Roth Church Road Spring Grove, PA 17362
Type of Facility	Replace iodine disinfection with sodium hypochlorite to meet 4-log groundwater rule.
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	2/16/2010

Permit No. 3810501 MA, Minor Amendment, Public Water Supply.

Applicant	South Mountain Spring Water Company
Municipality	South Lebanon Township
County	Lebanon
Responsible Official	Ed Cox, Owner 317 North Adademy Lane Ephrata, PA 17522
Type of Facility	Replacement of an existing 7,000 gallon above ground stainless steel storage tank with a 10,000 gallon stainless steel storage tank.
Consulting Engineer	Edward E. Davis, P. E. Forino Co., LP 555 Moutain Spring Road Sinking Spring, PA 19608
Permit to Construct Issued:	2/19/2010

Operations Permit issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 4407501.

Operations Permit issued to **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 0608511 MA.

Operations Permit issued to **Borough of Gratz**, 7220005, Gratz Borough, **Dauphin County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 2210501 MA.

Operations Permit issued to **Strasburg Water Treatment Plant**, 7360118, Strassburg Township, **Lancaster County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 3610502 MA.

Operations Permit issued to **Walker Township Municipal Authority**, 4310038, Walker Township, **Huntingdon County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 3109503 MA.

Operations Permit issued to **Millerstown Area Authority**, 7220034, Upper Paxton Township, **Dauphin County** on 2/11/2010 for the operation of facilities approved under Construction Permit No. 2209513 MA.

Operations Permit issued to **Quincy Village**, 7280025, Quincy Township, **Franklin County** on 2/22/2010 for the operation of facilities approved under Construction Permit No. 2810502.

Operations Permit issued to **Aqua PA Geigertown**, 3060030, Robeson Township, **Berks County** on 2/12/2010 for the operation of facilities approved under Construction Permit No. 0610503 E.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4110501—Construction, Public Water Supply.

Applicant	Lycoming County Water and Sewer Authority
Township or Borough	Muncy Creek Township
County	Lycoming
Responsible Official	Christine Weigle Lycoming County Water and Sewer Authority P. O. Box 186 216 Old Cement Road Montoursville, PA 17754
Type of Facility	Public Water Supply—Construction
Consulting Engineer	David Swisher, P. E. Project Manager HRG, Inc. 474 Windmere Drive State College, PA 168001
Permit Issued Date	February 23, 2010
Description of Action	Construction of a water booster station, an interconnection water meter pit and approximately 5,700 linear feet of water distribution piping in Muncy Creek and Muncy Townships, Lycoming County.

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

Permit No. 3009502, Public Water Supply.

Applicant	East Dunkard Water Association , P. O. Box 241 SR 88 Dilliner, PA 15327
Borough or Township	Dunkard Township
County	Greene
Type of Facility	Water treatment plant
Consulting Engineer	Dakota Engineering Associates, Inc. Etna Technical Center Suite 200 35 Wilson Street Pittsburgh, PA 15223
Permit to Construct Issued	February 22, 2010

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

Permit No. 1009502, Public Water Supply.

Applicant	Evans City Water & Sewer Authority
Township or Borough	Jackson Township
County	Butler County
Type of Facility	Public Water Supply
Consulting Engineer	Joseph L. Gray, P. E.
Permit to Construct Issued	02/19/2010

Permit No. 2509502, Public Water Supply.
 Applicant **David Russell, d/b/a Country Gables Apartments**
 Township or Borough Girard Township
 County **Erie County**
 Type of Facility Public Water Supply
 Consulting Engineer Steven R. Halmi, P. E.
 Permit to Construct 02/22/2010
 Issued

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delaware Township	1815 Turbot Avenue Watsontown, PA 17777	Northumberland

Plan Description: The approved plan provides for implementation of Alternative Va. This alternative requires the decommissioning of the Delaware Township and Watsontown Borough wastewater treatment plants with conveyance of the combined wastewaters by means of pump station and force main to the Milton Regional Sewer Authority and sewer extensions in Areas 5—8 to pick up sewage needs along Vincent Avenue, Fredrick Drive, Baylor Heights and Cemetery Drive, and 8th Street. Delaware Township will immediately direct an inspection of all confirmed and suspected malfunction identified by the Plan for Areas 1—4. The inspections will be conducted by the Township’s Sewage Enforcement Officer with repairs pursued as applicable. The total project cost is estimated to be \$8,415,000 and is proposed to be financed through PENNVEST and a combination of grants with Rural Utilities Services and/or municipal bond identified as alternate funding sources. The Department of Environmental Protection’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.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit WA 10-1011. Evans City Water & Sewer Authority, 204B South Jackson Street, Evans City, PA 16033, **Butler County**. The permit grants bulk purchase of water from Cranberry Township to serve the 19 unit Glade Run Estates located in Jackson Township. The amount of water to be purchased is 7,000 gpd peak month (30 day basis). Jackson Township, Butler County.

Permit Issued: February 19, 2010

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cooper Township	19 Steltz Road Danville, PA 17821	Montour

Plan Description: The approved plan calls for the construction of a combination low pressure sewer system and gravity sewer system to service the area of the Township running east to west along the Route 11 and Bloom Road Corridor with final connection by means of force main, through Mahoning Township, to the Danville Borough Municipal Authority Wastewater Treatment plant and their collection and conveyance system. The Pepper Hills, Ltd. manufactured housing community will be required to abandon its sewage treatment plant and connect to the new public sewer system. The plan incorporates an on-lot sewage management program for the upland areas of the Township located outside of the Route 11 and Bloom Road Corridor including repair of all “identified confirmed malfunctions” which were part of the needs analysis performed under the plan. The approved project is expected to cost \$6.78 million and is proposed to be funded by the PENNVEST program with Rural Utilities Services identified as the alternate funding source. The Federal planning elements required to qualify this project for PENNVEST funding have been satisfied. The Department of Environmental Protection’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.

Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Plum Borough	4575 New Texas Road Plum, PA 15239	Allegheny

Plan Description: The approved plan provides for a proposal to install a small flow treatment facility located along Sardis Road in Plum Borough, Allegheny County. The proposed treatment facility will discharge to an unnamed tributary of Pucketa Creek and service a proposed three-bedroom single family dwelling. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peach Bottom Township	545 Broad Street Extended, Delta, PA 17314	York

Plan Description: Grande View Subdivision, DEP Code No. A3-67950-168-3: The Official Plan Revision is for a subdivision on 77.85 acres consisting of 105 lot single-family residential lots, seven open space lots and one lot designated for a water tower. Total estimated sewage

flows are 23,625 gpd to be served by the Delta Borough sanitary sewer system. The proposed subdivision is located on the west side of Broad Street Extended, just north of Delta Borough in Peach Bottom Township, York County. The plan was disapproved because it fails to meet the operation and maintenance requirements of Chapter 71, §§ 71.71 and 71.72.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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, shall 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 refuse 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 after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

919 Wallace Street, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Mr. and Mrs. Staples, 443 Cooper Beech Circle, Elkins, PA 19027 on behalf of Jack Levin, Roselawn Abstract, LP, 1411 Walnut Street, Third Floor, Philadelphia, PA 19102 has submitted a Remedial

Investigation/Cleanup Plan concerning remediation of site soil contaminated with inorganic. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

McDonalds Restaurant, City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, Whitestone Associates, Inc., New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, Keith Tockman, Whitestone Associates, Inc., New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Scott Lang, McDonald Corporation, 150 South Warner Road, Suite 470, King of Prussia, PA 19406 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Leboss Residence, Morrisville Borough, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Christine Dimming, P. O. Box 13, Concordville, PA 19331 on behalf of Juliet Leboss, 1684 Jasmine Way, Lincoln, CA 95648 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Dudko & Kemp Residence, Upper Salford Township, **Montgomery County**. Staci Cottone, J & J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Mr. and Mrs. Peter Dudko, 3030 Barndt Road, Telford, PA 18969, Mr. and Mrs. Richard Kemp, 3026 Barndt Road, Telford, PA 18969 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Blue Grass Plaza, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Lennard Katz, Blue Grass Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Germantown Friends School/Post Office Unit, City of Philadelphia, **Philadelphia County**. Toby Kessler, P. G., Gilmore and Associates, Inc., 350 East Butler Avenue, New Britain, PA 18901 on behalf of Nick Dobrowolski, Germantown Friends School, 31 West Coulter Street, Philadelphia, PA 19144 has submitted a Final Report concerning remediation of site soil contaminated with PAH and pesticide. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Reihman Property, 739 East Emmaus Avenue, Salisbury Township, **Lehigh County**. Ronald F. Herrygers, Herrygers Environmental Services, LLC, 214 Beltrees Drive, Lexington, SC 29072 has submitted a Final Report (on behalf of his client, Gregory Reihman, 739 East Emmaus Avenue, Allentown, PA 18103), concerning the remediation of No. 2 fuel oil as a result of a release from a basement heating oil tank due to a loose tank cap. The Report was submitted to document attainment of the Statewide Health Standard. A public notice

regarding the submission of the Final Report was published in *The Morning Call* on January 21, 2010.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Lancaster Toyota Truck, formerly Electric Motor Supply, East Hempfield Township, **Lancaster County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of the Estate of Ralph E. Force, c/o Amy Rosensteel, Esq., Evey Black Attorneys, 401 Allegheny Street, Hollidaysburg, PA 16648-0415 and Allen Partnership, 5270 Manheim Pike, East Petersburg, PA 17520, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated volatile organic compounds. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Ryan Kehl Residence, Exeter Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Ryan Kehl, 1036 Reading Avenue, Birdsboro, PA 19508, submitted a Final Report for site soils contaminated with No. 2 fuel oil from an aboveground storage tank. 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.

Abraham Trucking I-80 MM 188W Accident, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Abraham Trucking, 6550 Kraft Avenue, North Hollywood, CA 91606 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Bierly Trucking Co. Accident, Middle Creek Township, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Bierly Trucking Co., 3865 Nittany Valley Drive, Mill Hall, PA 17751 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of 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 resi-

dential 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 provisions of 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 refuse 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 provisions of 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 before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Tinicum Elementary School, Tinicum Township, **Bucks County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of David Keppel, Palsiades School District, 39 Thomas Free Drive, 18930 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 25, 2010.

Hudson Residence, City of Philadelphia, **Philadelphia County**. Thomas P. Schultz, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, David Slabeck, Slabeck Fuel Company, 3541 Cedar Street, Philadelphia, PA 19134 on behalf of Helen Hudson, 1443 Van Kirk Street, Philadelphia, PA 19149 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 8, 2010.

CSXT Locomotive 8868, Lansdale Borough, **Montgomery County**. Ron Gould, React Environmental Services, 716 Jersey Avenue, Gloucester City, NJ 08030, Keith Brinker, CSX Transportation, Inc., 500 Water

Street, J-275, Jacksonville, FL 32202 on behalf of Jacob Zeiger, Borough of Lansdale, 1 Vine Street, Lansdale, PA 19446 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 16, 2010.

Trans Material 0.46 Parcel, West Goshen Township, **Chester County**. Christopher Ward, RT Environmental Services, Inc., Pureland Complex, 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of Senya Isayeff, CIRR-Keystone Community Alliance-West Goshen, 550 Union Street, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinate solvents. The Final Report demonstrated attainment of the Background Standard and was approved by the Department of Environmental Protection on February 2, 2010.

4850 Pine Street Property, City of Philadelphia, **Philadelphia County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bettie Purdy, Neighborhood Preservation & Development Fund, LP, 240 New York Drive, Suite, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with heating oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on February 9, 2010.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Elk Lake School District No. 1H Well Site, Schoolhouse Road, off SR 3019, Dimock Township, **Susquehanna County**. James Pinta, Jr., URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of his client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276-0120), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a leaking valve on a fuel hose. The Report documented attainment of the Residential Statewide Health Standard and was approved on February 11, 2010. The Report was originally submitted within 90 days of the release.

Teel Property-Well No. 5, Herb Button Road, Springville Township, **Susquehanna County**. James Pinta, Jr., PhD., PG, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of his clients, Cleo R. Teel and Gloria D. Teel, R. R. 6, Box 6184, Montrose, PA 18801), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a break in a hose that supplied diesel fuel to the drill rig and booster. The Report documented attainment of the Residential Statewide Health Standard and was approved on February 11, 2010.

Hoffman Residence, 9 North Hand Street, Tower City Borough, **Schuylkill County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of his client, Carl Hoffman, 9 North Hand Street, Tower City, PA 17980), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental overfill during a home fuel oil delivery. The Report documented attainment of the Residential Statewide Health Standard and was approved on February 8, 2010.

Edward Morgan Residence, 925 Prospect Avenue, Bethlehem City, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Edward P. Morgan, 925 Prospect Avenue, Bethlehem, PA 18018), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking underground storage tank. The Report documented attainment of the Statewide Health Standard and was approved on February 5, 2010. The Report was originally submitted within 90 days of the release.

Staples Residence, 15 Livingston Road, Jackson Township, **Monroe County**. Martha Macklin and Richard Doran, Dorson Environmental Management, Inc., 45 Knollwood Road, Elmsford, NY 10523 submitted a Final Report (on behalf of their client Beverly Staples, 15 Livingston Road, Stroudsburg, PA 18360), concerning the remediation of No. 2 fuel oil as a result of an overfill during the delivery of the home heating oil. The Report documented attainment of the Residential Statewide Health Standard for soils and was approved on February 5, 2010. The Report was originally submitted within 90 days of the release.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Gichner Shelter Systems, Inc., York Township, **York County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Dallastown Realty II, LLC, 490 East Locust Street, Dallastown, PA 17313, submitted a Final Report concerning site groundwater contaminated with inorganics, VOCs and SVOCs. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on February 16, 2010.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Abraham Trucking I-80 MM 188W Accident, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Abraham Trucking, 6550 Kraft Avenue, North Hollywood, CA 91606 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 16, 2010.

Bierly Trucking Co. Accident, Middle Creek Township, **Snyder County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Bierly Trucking Co., 3865 Nittany Valley Drive, Mill Hall, PA 17751 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of Statewide Health Standard and was approved by the Department of Environmental Protection on February 18, 2010.

Matthews Motors Co., Covington Township, **Tioga County**. Teeter Environmental Services, Inc., R. R. 1, Box 124B, North MacFee Road, Sayre, PA 18840 on behalf of Matthews Motors Co., 1856 North Williamson Road, Covington, PA 16917 has submitted a Final Report concerning the remediation of site groundwater contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 16, 2010.

ROE Transportation, White Deer Township, **Union County**. ERTS, 8401 Chagrin Road, Suite 15B, Chagrin Falls, OH 44112 on behalf of ROE Transportation, 3680 West Michigan Avenue, Sidney, OH 45365 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 17, 2010.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

462 Lafferty Hollow Road, Foster Township, **McKean County**. The Palmerton Group, 6296 Fly Road, East Syracuse, NY 13057 on behalf of Pennzoil-Quaker State Company, 700 Milam Street, Houston, TX 77002 has submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 18, 2010.

Hazardous Waste Action

Proposed action on the renewal of a variance from the classification as a solid waste under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003 and 40 CFR 260.33), incorporated by reference at 25 Pa. Code Chapter 260a.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period and/or public hearing, the Department of Environmental Protection will make a final determination regarding the proposed action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Intent to Renew Variance

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

American Iron Oxide Company (AMROX). Continued operation of an acid regeneration and iron oxide production facility located in Allenport Borough, **Washington County** under a variance from classification as a solid waste. A request to renew a variance from the classification as a solid waste for the spent pickle liquor used by AMROX for acid regeneration and iron oxide production was tentatively approved (for a period of 2 years) by the Regional Office on February 24, 2010.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

GP7-36-03027: Standard Offset, d/b/a The Standard Group (433 Pearl Street, Reading, PA 19602-2621) on February 11, 2010, for a Sheet Fed Offset Lithographic Printing Press under GP7 in Manheim Township, **Lancaster County**. This GP7 was administratively amended due to a change of ownership. (Hanlon)

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

GP5-43-340A: Enervest Operating—Cyphert Compressor Station (Brennaman Road, Mercer, PA 16137) on February 12, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in New Wilmington Township, **Mercer County**. Previously permitted under EXCO North Coast Energy, Inc.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

33-133A: HRI, Inc.—Brookville Plant (785 Route 830, Brookville, PA 15825) on February 16, 2010, to replace the existing baghouse with a new 48,500 CFM MAC baghouse, knock out box, blower and fan system at their facility in the Township of Pine Creek, **Jefferson County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

09-0037G: CMS Gilbreth Packaging Systems, Inc. (3001 State Road, Croydon, PA 19021) on February 22, 2010, to operate a 10 color rotogravure printing press in Bristol Township, **Bucks County**.

46-0269: Yellow Book USA, Inc. (500 Chesterfield Parkway, Malvern, PA 19355) on February 22, 2010, to operate (2) two diesel/ No. 2 fuel-fired in Upper Merion Township, **Montgomery County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

32-00040B: RRI Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on February 16, 2010, to authorize install and operate of one (1) 600 bhp diesel engine powered emergency boiler feedwater pump at RRI's Seward Generating Station. The diesel engine is subject to revised and additional conditions included in the modified plan approval and applicable provisions of 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ. The

emissions increase associated with installation and operation of this source will not exceed 0.7 ton each of PM10 and PM2.5, 0.2 ton of SO₂, 1.5 tons of NO_x, 0.9 ton of CO, 0.1 ton of VOC; does not constitute a net significant emissions increase, and does not trigger PSD or NSR at the facility. The Seward Generating Station is located in East Wheatfield Township, **Indiana County**. The Plan Approval Expires on April 11, 2010.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

10-355A: Glacial Sand and Gravel Co. (Intersection of Swope and West Liberty Roads, Harrisville, PA 16038) on February 28, 2010, for the construction of a 400 tph sand and gravel operation previously located in **Lawrence County** under Operating Permit 37-00308. This is a State-only facility.

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00021: Indspec Chemical Corp. (P. O. Box 307, Petrolia, PA 16050) on February 19, 2010, an administrative amendment to the Title V Operating Permit to incorporate the requirements of Plan Approval 10-0210 and 10-021R.

16-00124: Peoples Natural Gas Co.—Truittsburg Station (1201 Pitt Street, Pittsburgh, PA 15221) on February 12, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the change of ownership.

24-00083: Carbone of America Ind. Corp.—Benzinger Plant (215 Stackpole Street, Saint Marys, PA 15857) on February 19, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of Plan Approval 24-083Q.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

15-00110: Pepperidge Farm, Inc. (421 Boot Road, Downingtown, PA 19335-3043) on February 23, 2010, to operate three (3) boilers, a bread oven with a catalytic oxidizer, a layer cake oven, three (3) emergency generators, and various gas fired sources at their facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap Nitrogen Oxide (NO_x) to less than 25 tons per year each; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00063: New Hope Crushed Stone and Lime Co. (6970 Phillips Mill Road, New Hope, PA 18938) on February 23, 2010, to operate two (2) non-metallic mineral processing plants and associated diesel engines at Solebury Township, **Bucks County**. This action is a

renewal of a State-only Operating Permit (Synthetic Minor), which was originally issued on February 18, 2005. The facility took operation hour and diesel fuel consumption restrictions to maintain its Nitrogen Oxides emissions below the threshold level. The renewal contains monitoring, recordkeeping and reporting 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: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

21-05054: Metropolitan Edison Co. (P. O. Box 16601, Reading, PA 19612-6001) for operation of their Allen Substation Distributed Generation Site in Monroe Township, **Cumberland County**. (Helsel)

67-05116: Metropolitan Edison Co. (P. O. Box 16601, Reading, PA 19612-6001) for operation of their Yorkana Substation in Lower Windsor Township, **York County**. (Helsel).

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00304: JSP International—East Butler (150 Eastbrook Lane, Butler, PA 16002) on February 22, 2010, the Department of Environmental Protection re-issued the Natural Minor Operating Permit to operate a polypropylene foam product manufacturing facility in Summit Township, **Butler County**. The facility's primary emission sources are the four (4) boilers used to provide heat for the process.

25-00192: Reed Manufacturing Co. (1425 West 8th Street, Erie, PA 16502) on February 22, 2010, the Department of Environmental Protection re-issued this Natural Minor Operating Permit to operate a tool manufacturing facility in the City of Erie, **Erie County**. The facility's primary emission sources include machining and heat treating operations. The emissions from this facility are well below major source levels.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00027: Johnson & Johnson Pharmaceutical Research & Development, LLC (Welsh and McKean Roads, Spring House, PA 19477) on February 23, 2010, the facility's major emission points include manufacturing equipment designed for pharmaceutical preparations, which emits major levels of Volatile Organic Compounds (VOCs), in Lower Gwynedd Township, **Montgomery County**. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses the removal of the Fluid Bed Processor (Source ID 104) from Section A (Site Inventory) and Section D (Source Level Requirements) of the Title V Operating Permit. Potential particulate matter emissions from this source are less than the standard of 25 Pa. Code § 123.13(c)(1)(i); the source is now listed in Section G

(Miscellaneous) of the Title V Operating Permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
2/16/10	Blender	0.1	0	0	0	0
Total Reported Increases		0.1	0	0	0	0
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (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—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Applications Returned

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

30743702 and NPDES Permit No. NA, Consolidation Coal Company, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to revise the permit for the Blacksville No. 1 Mine Refuse Area in Wayne Township, **Greene County** to add acreage to install a pipeline to carry mine water from the Blacksville No. 1 Mine pool in West Virginia. Coal Refuse Disposal Support Acres Proposed 2.0. No additional discharges. Application received: August 7, 2009. Application withdrawn: February 19, 2010.

Coal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

32900103 and NPDES No. PA0598763. Black Oak Development, Inc., P. O. Box 205, Glen Campbell, PA 15742, permit renewal for reclamation only of a bitumi-

24-00083: Carbone of America (215 Stackpole Street, St. Marys, PA 15857) for their facility in City of St. Marys, **Elk County**. The *De minimis* emission increase is related to construction of a blender (Carbone Double Ribbon model D122-1, 200 cubic foot). In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department of Environmental Protection hereby approves the *De minimis* emission increase. The following table is a list of the *De minimis* emission increases as required by 25 Pa. Code § 127.449(i). This list includes the *De minimis* emission increases since the Title V Operating Permit issuance on July 31, 2006.

nous surface mine in Banks and Burnside Townships, **Indiana and Clearfield Counties**, affecting 133.8 acres. Receiving stream(s): unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 10, 2009. Permit issued: February 16, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

03080103 and NPDES Permit No. PA0251488. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Redbank Township, **Armstrong County**, affecting 52.0 acres. Receiving streams: Unnamed tributaries to Little Mudlick and Redbank Creeks. Application received: September 12, 2008. Permit issued: February 17, 2010.

30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC (308 Dents Run Road, Morgantown, WV 26501) Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Monongahela Township, **Greene County**, affecting 120.0 acres. Receiving streams: unnamed tributaries to Dunkard Creek, and unnamed tributaries to Monongahela River. Application received: March 20, 2009. Permit issued: February 17, 2010.

26090103 and NPDES Permit No. PA0251704. Patterson Coal Company (20 Elizabeth Drive, Smithfield, PA 15478) Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in German Township, **Fayette County**, affecting 58.1 acres. Receiving streams: unnamed tributaries to Dunlap Creek. Application received: May 28, 2009. Permit issued: February 19, 2010.

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

37820108 and NPDES Permit No. PA0604657. Ambrosia Coal & Construction Co. (P. O. Box 422, Edinburg, PA 16116) Renewal of an existing bituminous strip operation in North Beaver Township, **Lawrence County** affecting 225.0 acres. Receiving streams: Un-

named tributaries to Sugar Creek. This renewal is issued for reclamation only. Application received: December 9, 2009. Permit Issued: February 17, 2010.

33793033 and NPDES Permit No. PA0119032. Cloe Mining Company, Inc. (P. O. Box J, Grampian, PA 16838) Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 94.0 acres. Receiving streams: Unnamed tributaries to Stony Run, unnamed tributaries to Bear Run. This renewal is issued for reclamation only. Application received: December 18, 2009. Permit Issued: February 17, 2010.

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

17880126 and NPDES No. PA0116599. (Waroquier Coal Co., P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 295.4 acres. Receiving streams: unnamed tributaries to the West Branch of the Susquehanna River classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 30, 2009. Permit issued: February 18, 2010.

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

40940204R3. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067) renewal for reclamation only of an anthracite coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 48.0 acres, receiving stream: none. Application received: January 19, 2010. Renewal issued: February 16, 2010.

Noncoal Permits Actions

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

58090821. Roger A. Myers, (1930 SR 29 South, Tunkhannock, PA 16657) commencement, operation and restoration of a quarry operation in Lathrop Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received: August 17, 2009. Permit issued: February 16, 2010.

58092813. Cheyenne Custom Blue Stone, Inc., (671 Conklin Road, Binghamton, NY 13903) commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: October 15, 2009. Permit issued: February 16, 2010.

8074SM3C9 and NPDES Permit No. PA01188443. M & M Stone Company, (P. O. Box 189, Telford, PA 18969) renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Salford Township, **Montgomery County**, receiving stream: East Branch Perkiomen Creek. Application received: December 31, 2009. Renewal issued: February 18, 2010.

7973SM5C7 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914) renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Neshaminy Creek. Application received: December 31, 2009. Permit issued: February 18, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). 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

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

26104002. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Permit issued for gas well installation on the Cardine property located in Redstone Township, **Fayette County**, with an expected duration of 1 week. Permit issued: February 16, 2010.

26104003. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Permit issued for gas well installation on the Faverio property located in Redstone Township, **Fayette County**, with an expected duration of 1 week. Permit issued: February 16, 2010.

04104001. Joseph J. Brunner, Inc. (211 Brunner Road, Zelenople, PA 16063). Blasting activity permit for the Joseph J. Brunner landfill, located in New Sewickley Township, **Beaver County**, with an expected duration for 1 year. Permit issued: February 18, 2010.

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

12104001. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744), Beechwood Seismic Survey blasting located in Beechwood Township, **Cameron County**. Permit issued: February 19, 2010. Permit expires: July 30, 2010.

17104002. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for McGeorges Road Pond located in Lawrence Township, **Clearfield County**. Permit issued: February 5, 2010. Permit expires: December 30, 2010.

08104001. Geokinetics (R. R. 6, Box 6176, Towanda, PA 18848), blasting for Bradford, PA Phase 2 extension located in Canton, Springfield and Smithfield Townships, **Bradford County**. Permit issued: February 5, 2010. Permit expires: January 1, 2011.

08104101. Meshoppen Blasting, Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630), addendum to add a pad. Blasting activity permit originally issued January 12, 2010. Addendum issued: February 22, 2010. Permit expiration date changes from February 28, 2010 to March 21, 2010.

41104001. Tideland Geophysical, Co. (101 East Park Boulevard, Suite 995, Plano, TX 75074), Picture Rocks 3D blasting located in Penn, Wolfe, Jordan and Franklin Townships, **Lycoming and Sullivan Counties**. Permit issued: February 12, 2010. Permit expires: December 31, 2010.

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

22104103. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for County Bridge, 122 Hanover Street in Derry and South

Hanover Townships, **Dauphin County** with an expiration date of February 8, 2011. Permit issued: February 17, 2010.

35104101. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Circle Green Development in South Abington Township, **Lackawanna County** with an expiration date of January 31, 2011. Permit issued: February 17, 2010.

40094119. Dyno-Nobel, Inc. (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Petroleum Products Corp.—Dupont Rail Terminal in Dupont Borough, **Luzerne County** with an expiration date of December 31, 2010. Permit issued: February 16, 2010.

66104101. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Shupp's Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2011. Permit issued: February 17, 2010.

66104102. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for site development in Lemon Township, **Wyoming County** with an expiration date of January 31, 2011. Permit issued: February 17, 2010.

58104006. M & S Blasting, LLC (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Simpson 3H-4H Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of January 29, 2011. Permit issued: February 17, 2010.

13104001. Clair N. Stahley, Inc. (P. O. Box 460, Schneeksville, PA 18078) and American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18042) construction blasting for Grange Road Park Improvements in Upper Macungie Township, **Lehigh County** with an expiration date of April 20, 2010. Permit issued: February 17, 2010.

45104102. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of February 28, 2011. Permit issued: February 17, 2010.

52104102. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for SR 2001 and 2003 Project in Lehman Township, **Pike County** with an expiration date of January 30, 2011. Permit issued: February 17, 2010.

35104102. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for Valley View Industrial Park in Jessup Borough, **Lackawanna County** with an expiration date of February 10, 2011. Permit issued: February 18, 2010.

36104104. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Hoover Diesel Service in Earl Township, **Lancaster County** with an expiration date of June 30, 2010. Permit issued: February 18, 2010.

49104001. Daniel Shingara Enterprises (5965 SR 61, Paxinos, PA 17860) and Pennex Powder Co. (1357 Scott Street, Kulpmont, PA 17834), construction blasting at Shingara Enterprises in Shamokin Township, **Northumberland County** with an expiration date of February 5, 2011. Permit issued: February 19, 2010.

48104102. Austin Powder Northeast, LLC (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Wottring Hills Fields in Williams Township

and Wilson Borough, **Northampton County** with an expiration date of February 9, 2011. Permit issued: February 19, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, 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 the 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, (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 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, 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 Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-761. East Goshen Township, 1580 Paoli Pike, West Chester, PA 19380, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To: perform the following water obstruction and encroachment activities across an unnamed tributary to

Ridley Creek (HQ-TSF) and its adjacent wetlands associated with the modification of the existing recreational trail system:

1. To construct and maintain an approximately 355-foot long, 8-foot wide new pedestrian bridge. The crossing has a clear span of 75 feet over the channel and floodway located above the 100-year floodplain.

2. To maintain three pedestrian crossings associated with the same existing trail system.

The total wetland impact associated with the four crossings is 0.046 acre (PEM).

The site is located approximately 2,500 feet southeast of the intersection of Paoli Pike and Line Road (Malvern, PA USGS Quadrangle N: 1.4 inches; W: 5.1 inches) in East Goshen Township, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-799. The Hankin Group, P. O. Box 562, Exton, PA 19341, West Vincent Township, **Chester County**, ACOE Philadelphia District.

To: install and maintain two 10-inch sanitary sewer force mains across Birch Run (EV) over the existing 5-foot diameter culvert.

The site is located approximately 1,500 feet north of the intersection of Nantmeal and Pottstown Roads (SR 0100); (Pottstown, PA USGS Quadrangle N: 0.5 inch; W: 9.5 inch) in West Vincent Township, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E09-937. Bucks County Water and Sewer Authority, 1275 Almshouse Road, Warrington, PA 18976, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To: construct and maintain a pump house, a generator control facility, and three sets of approximately 500 linear feet of underground utility pipes in the floodplain of Poquessing Creek (WWF) associated with Bucks County Water and Sewer Authority Chamber 11 Pump Station Project. This work also includes the extension and maintenance of an existing building in the floodplain.

The project is located approximately 262 feet north of the intersection of Georgia and Regina Avenues in Bensalem Township, Bucks County (Beverly, PA USGS Quadrangle N: 14.38 inches; W: 11.96 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)).

Northeast Regional Office: Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E35-386. Corky's Garden Path Greenhouse, 1312 Justus Boulevard, Clarks Summit, PA 18411. Scott Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To: fill 0.28 acre of PEM wetlands within the Leggetts Creek Watershed (HQ-CWF) for the purpose of expanding Corky's Garden Path Greenhouse. The permittee is required to provide for 0.28 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement

Project. The project is located on the southern corner of Layton Road and SR 0347 (Dalton, PA Quadrangle Latitude: 41° 30' 04"; Longitude: -75° 38' 24").

E48-404. Midland Farms, Inc., 3760 Golf Course Road, Allentown, PA 18104. Lehigh Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To: fill a 0.37 acre open body of water in an abandoned quarry pit. The project is located on the east side of Blue Mountain Drive approximately 0.8 mile south of its intersection with SR 0946 (Palmerton, PA Quadrangle Latitude: 40° 47' 00"; Longitude: -75° 31' 35") in Lehigh Township, Northampton County (Subbasin: 2C).

E40-702. BPPNK Realty Group, LLC, 610 Wyoming Avenue, Kingston, PA 18704-3787. Kingston Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: remove an existing building, and to construct and maintain an approximately 12,600 square foot parking area, approximately 2,800 square feet of which is within the floodway of Toby Creek (TSF, MF); and to construct and maintain a 116-foot long, 6-foot high, 3-foot wide gabion basket retaining wall along the right bank of Toby Creek. The project is located on the east side of North Main Street, approximately 1.4 miles southeast of the intersection of SR 309 and SR 415 (Kingston, PA Quadrangle Latitude: 41° 19' 18"; Longitude: -75° 56' 26") (Subbasin: 5B).

E66-144. Wyoming Conservation District, 1 Hollowcrest Complex, Tunkhannock, PA 18657. Tunkhannock Borough, **Wyoming County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a 360-foot long stream channel restoration project in Swale Brook (CWF) consisting of the following work: two (2) logs cross vanes, log vanes with floodplain stabilization sills; live crib walls; one terrace fill area; two graded bankfull floodplain areas; bio-stabilization plantings; excavation and backfill in various areas of the channel; and embankment and re-establishing the width and alignment of the historical stream channel. The project begins approximately 1,200 feet upstream of where the Swale Brook intersects SR 29 and extends upstream from that point for approximately 360 linear feet (Tunkhannock, PA Quadrangle Latitude: 41° 32' 33.9"; Longitude: -75° 56' 51.1") in Tunkhannock Borough, Wyoming County (Subbasin: 4G).

E52-215. Sunrise Ventures, Inc., 300 Sunrise Lake, Milford, PA 18337. Dingman Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To: maintain three dry hydrants within the Sunrise Lake Development. The first is located in Sprint Lake along the eastern shore adjacent to Overlook Drive (Edgemere, PA Quadrangle Latitude: 41° 40' 13"; Longitude: -74° 58' 45"). The second is located in Sunrise Lake on the southern end adjacent to South Shore Road (Edgemere, PA Quadrangle Latitude: 41° 19' 20"; Longitude: -74° 57' 51"). The third is also located in Sunrise Lake on the northern end adjacent to Sunrise Lake Road (Edgemere, PA Quadrangle Latitude: 41° 18' 58"; Longitude: -74° 57' 13"). The project temporarily impacted approximately 250 square feet of wetlands adjacent to Sprint Lake. Both Lakes are within the Rattlesnake Creek Watershed in Dingman Township, Pike County (Subbasin: 1D).

E35-419. Samuel Schiavi, 2006 Port Royal Road, Juniata, PA 17082. Clarks Summit Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a 90-LF, 72-inch diameter corrugated metal pipe with concrete wingwalls and R-5 riprap aprons installed at both the entrance and exit of the culvert within a tributary to Ackerly Creek (CWF) for the purpose of parking lot and building expansion of an existing commercial business. The invert of the culvert will be depressed 1-foot below streambed elevation. The project is located at the intersection of Greenwood Avenue and Lackawanna Trail Road, approximately 0.6 mile northwest of the intersection of SR 407 and U.S. Route 6 (Scranton, PA Quadrangle Latitude: 41° 29' 51"; Longitude: -75° 42' 33") (Subbasin: 5A).

E66-143. Wyoming County Conservation District, 1 Hollowcrest Complex, Tunkhannock, PA 18657. Eaton Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a 810-foot long stream channel restoration project in Sugar Hollow Creek (HQ-CWF) consisting of the following work: three rock cross vanes with scour pools, nine double log vanes, stepped-back rock stabilization walls and streambank biostabilization plantings for the purpose of stabilizing the stream channel. The project begins approximately 1,100 feet upstream from where Sugar Hollow Creek (HQ-CWF) intersects Bowmans Creek (HQ-CWF) and extends upstream from that point for approximately 810 linear feet (Tunkhannock, PA Quadrangle Latitude: 40° 30' 25.3"; Longitude: -75° 59' 30.9") (Subbasin: 4G).

E54-336. Schuylkill County Commissioners, Schuylkill County Courthouse, Pottsville, PA 17901-2528. North Union Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To: maintain a three span concrete T-beam bridge (County Bridge #100) across Catawissa Creek (CWF) with work consisting of removing a 40-foot wide by 170-foot long gravel bar upstream and downstream of the center span, filling a 40-foot wide by 20-foot long scour hole downstream of the right end span, and constructing a temporary construction road crossing. "The water obstruction(s) and encroachment(s) aforementioned were previously authorized by Permit No. E54-315, which expired prior to the commencement of construction." The project is located at the Labenberg Road (T-453) Bridge approximately 200 feet west of SR 0339 (Nuremburg, PA Quadrangle Latitude: 40° 53' 30"; Longitude: 76° 12' 55") in North Union Township, Schuylkill County (Subbasin: 5D).

E48-402. Northampton County Parks and Recreation, Department of Public Works, Greystone Building, Gracedale Complex, Nazareth, PA 18064. Allen Township and East Allen Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To: construct and maintain a 4-foot wide, single-span pedestrian bridge with a 60-foot span and an underclearance of 5.2 feet across Catasauqua Creek (CWF); to construct and maintain a 10-foot wide, single-span pedestrian bridge with a 60-foot span and an underclearance of 4.0 feet across Catasauqua Creek (CWF); to construct and maintain a 2-inch diameter PVC waterline crossing of Catasauqua Creek (CWF) using trenchless technologies; and to construct and maintain approximately 1,529-LF of 12-foot wide crushed stone and asphalt walking trails in the floodway of Catasauqua Creek (CWF). The purpose of the project is to construct a 200-acre expansion to

Weaversville Park. The project is located at the intersection of Willowbrook Road (T-478) and West Bullshead Road (T-482), approximately 2.95 miles northwest of the intersection of SR 987 and U.S. Route 22 (Catasauqua, PA Quadrangle Latitude: 40° 40' 45"; Longitude: 75° 27' 47") in Allen and East Allen Townships, Northampton County (Subbasin: 2C).

E40-675. David and Patricia Silverstein, R. R. 1, Box 282, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: construct and maintain a pile supported dock having a surface area of approximately 2,166 SF upon which will be built a 1,377 SF boat house structure in Harveys Lake (CWF). The structure will extend 35 feet from the shore of the lake and will be installed adjacent to an existing 1,148 SF dock. The project is located approximately 4.5 miles from the intersection of SR 0415 and SR 0309 on the west side of SR 0415 (Harveys Lake, PA Quadrangle Latitude: 41° 22' 19"; Longitude: -76° 2' 17") (Subbasin: 5B).

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

E07-430: Roaring Spring Municipal Authority, 616 Spang Street, Roaring Spring, PA 16672-1350, Taylor Township, **Blair County**, ACOE Baltimore District.

To: construct and maintain a 15-foot by 45-foot UV disinfection system and a 10-foot by 16-foot control shed in order to upgrade the existing wastewater treatment plant located within the 100-year floodplain of Halter Creek (WWF) at the Emeigh Lane and Papermill Road intersection (Roaring Spring, PA Quadrangle N: 16.44 inches; W: 4.12 inches, Latitude: 40° 20' 26"; Longitude: 78° 24' 16.36") in Taylor Township, Blair County.

E22-538M: Linden Centre, LLC, P. O. Box 442, Harrisburg, PA 17033, Linden Centre, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To: relocate 2,300.0-feet of an Unnamed Tributary to the Susquehanna River (WWF) including the removal of 1,800.0-feet of concrete lined channel and the construction and maintenance of two (2) 19.0-foot wide by 9.0-foot high open bottom concrete box culverts. Also to construct and maintain four (4) outfall structures, two (2) 15.0-inch diameter SLCPP's and two (2) 24.0-inch diameter SLCPP's to the unnamed tributary to the Susquehanna River (WWF), and to fill and grade a 0.025-acre palustrine emergent wetland area, all for the purpose of making improvements to a commercial property (Steelton, PA Quadrangle N: 21.5"; W: 1.1", Latitude: 40° 12' 03"; Longitude: 76° 45' 26") in Lower Swatara Township, Dauphin County.

E36-867: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Mount Joy and Rapho Townships, **Lancaster County**, ACOE Baltimore District.

To: (1) raze the existing SR 4008 (Elizabethtown Road) single span Bailey Truss bridge, having a width of 13.9 feet, a clear span of 50.8 feet, and an underclearance of 4.0 feet over Little Chickies Creek (TSF); (2) construct and maintain a single span pre-stressed concrete box beam bridge, having a width of 31.3 feet, a clear span of 55.0 feet, and an underclearance of 3.5 feet carrying SR 4008 (Elizabethtown Road) over Little Chickies Creek (TSF); and (3) relocate and maintain approximately 120 feet of an unnamed tributary to Little Chickies Creek

(TSF) (Elizabethtown, PA Quadrangle N: 11.0 inches; W: 2.3 inches, Latitude 40° 11' 08"; Longitude: 76° 30' 57"), in Mount Joy and Rapho Townships, Lancaster County for the purpose of providing a structurally sound bridge that will maintain safe and adequate movement of motorized vehicles.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E41-593. Laurel Hill Wind Energy, LLC, 71 Allen Street, Rutland, VT 05701-4570. Water Obstruction and

Encroachment Joint Permit, Laurel Hill Wind Project, in Jackson and McIntyre Townships, **Lycoming County**, ACOE Baltimore District (Liberty, PA Quadrangle N: 41° 32' 5.15"; W: 77° 1' 34.70").

To: construct, operate and maintain 35 wind turbines within the Blockhouse Creek and Roaring Branch watersheds (Cold Water and High Quality-Cold Water Fisheries, respectively). Construction of the wind turbines, access roads and transmission lines will require seven (7) stream, five (5) aerial stream and thirty (30) wetland crossings as follows:

<i>Stream Name</i>	<i>Crossing Length (ft.) & Wetland Impact (ft.²)</i>	<i>Latitude</i>	<i>Longitude</i>
~ Streams ~			
Unnamed Trib. to Roaring Branch	140	41.5220	77.0620
Unnamed Trib. to Roaring Branch	300	41.5427	76.9876
Unnamed Trib. to Roaring Branch	135	41.5374	77.0209
Unnamed Trib. to Roaring Branch	135	41.5373	77.0209
Unnamed Trib. to Roaring Branch	400	41.5400	77.0118
Red Run (crossing #1)	170	41.5258	76.9727
Red Run (crossing #2)	185	41.5322	76.9914
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5308	77.0759
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5276	77.0675
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5276	77.0670
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5279	77.0647
(Aerial) Unnamed Trib. to Roaring Branch	0.0	41.5276	77.0679
~ Wetlands ~			
Roaring Branch (isolated)	6,125	41.5155	77.0862
Roaring Branch (isolated)	8,625	41.5361	77.0174
Roaring Branch (isolated)	10,210	41.5332	77.0271
Roaring Branch (isolated)	735	41.5314	77.0347
Roaring Branch (isolated)	1,860	41.5329	77.0285
Roaring Branch (isolated)	490	41.5330	77.0284
Roaring Branch (isolated)	0	41.5344	77.0229
Roaring Branch (isolated)	435	41.5335	77.0271
Roaring Branch (isolated)	544	41.5363	77.0770
Roaring Branch (isolated)	7,030	41.5394	77.0017
Roaring Branch	2,080	41.5400	77.0010
Roaring Branch	0	41.5355	77.0197
Roaring Branch	53	41.5398	77.0033
Roaring Branch	7,540	41.5431	76.9882
Roaring Branch	4,325	41.5430	76.9870
Roaring Branch	4,065	41.5373	77.0209
Roaring Branch	950	41.5379	77.0211
Roaring Branch	2,455	41.5411	77.0158
Roaring Branch	4	41.5400	77.0118
Roaring Branch	2,885	41.5413	77.0152
Red Run	4,740	41.5320	76.9910
Red Run	6,470	41.5284	76.9836
Roaring Branch	0	41.5334	77.0766

<i>Stream Name</i>	<i>Crossing Length (ft.) & Wetland Impact (ft.²)</i>	<i>Latitude</i>	<i>Longitude</i>
Roaring Branch	0	41.5347	77.0769
Roaring Branch	0	41.5310	77.0760
Roaring Branch	0	41.5277	77.0699
Roaring Branch	0	41.5276	77.0687
Roaring Branch	0	41.5280	77.0680
Roaring Branch	0	41.5280	77.0680
Roaring Branch	0	41.5280	77.0640

The project will permanently impact 71,621 square feet and temporarily impact 29,409 square feet of jurisdictional wetlands and 1,465 linear feet of waterway. The project is centered north of SR 0014 approximately 4 miles northwest of the Village of Ralston. This permit also includes 401 Water Quality Certification.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1625. Allegheny County Sanitary Authority (ALCOSAN), 3300 Preble Avenue, Pittsburgh, PA 15233. To: construct and maintain stream enclosure, including inlet and outfall structures in Stowe and Kennedy Townships and McKees Rocks Borough, **Allegheny County**, Pittsburgh ACOE District (Project Beginning: Pittsburgh West, PA Quadrangle N: 18.3"; W: 11.6", Latitude: 40° 28' 32"; Longitude: 80° 5' 1"; and Terminus: Pittsburgh West, PA Quadrangle N: 16.2"; W: 10.4", Latitude: 40° 27' 51"; Longitude: 80° 4' 30"). To construct and maintain approximately 5,100' of 60" HDPE stream enclosure, including inlet and outfall structures and appurtenant works, on Pine Hollow Run, (5,100' of impact, WWF) Deweyville Run (115' of impact, WWF) and Chartiers Creek (20' of impact, WWF), all for the purpose of directing the flow of Pine Hollow Run, Deweyville Run and an unnamed tributary to Pine Hollow Run from an existing, combined sewer to a new enclosure. No reaches of stream that are not currently enclosed will be enclosed.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E43-350. Dan Spivey, Northeastern ITS, 6779 Engle Road, Suite D, Middleburg Heights, OH 44130-7926. ACOE Pittsburgh District.

To: Construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. Approximately 29.7 miles of Mercer County will be traversed by the proposed project beginning at the Pennsylvania-Ohio border on SR 4004 and ending at the Mercer-Venango County border on SR 1014. The applicant proposes to cross a total of 39 streams in Mercer County via boring or bridge attachment. The proposed crossings are listed below from west to east.

1. Trib to Shenango River (WWF), N: 41° 25' 44.81"; W: 80° 30' 51.80", West Salem Township.
2. Trib to Booth Run (WWF), N: 41° 25' 27.60"; W: 80° 29' 42.22", West Salem Township.
3. Trib to Booth Run (WWF), N: 41° 25' 25.17"; W: 80° 29' 37.65", West Salem Township.
4. Trib to Big Run (WWF), N: 41° 25' 09.50"; W: 80° 28' 31.29", West Salem Township.

5. Big Run (WWF), N: 41° 25' 00.95"; W: 80° 27' 52.06", West Salem Township.

6. Trib to Big Run (WWF), N: 41° 24' 59.02"; W: 80° 27' 43.45", West Salem Township.

7. Trib to Big Run (WWF), N: 41° 24' 45.02"; W: 80° 26' 41.09", West Salem Township.

8. Trib to Big Run (WWF), N: 41° 24' 43.52"; W: 80° 25' 47.64", West Salem Township.

9. Shenango River (WWF), N: 41° 25' 18.56"; W: 80° 23' 57.08", West Salem Township.

10. Trib to Little Shenango River (TSF), N: 41° 25' 38.57"; W: 80° 22' 32.55", Hempfield Township.

11. Little Shenango River (TSF), N: 41° 25' 34.75"; W: 80° 22' 24.26", Hempfield Township.

12. Trib to Little Shenango River (TSF), N: 41° 25' 39.96"; W: 80° 21' 43.85", Sugar Grove Township.

13. Little Shenango River (TSF), N: 41° 26' 02.93"; W: 80° 19' 39.78", Sugar Grove Township.

14. Trib to Little Shenango River (TSF), N: 41° 26' 03.34"; W: 80° 19' 26.86", Sugar Grove Township.

15. Trib to Little Shenango River (TSF), N: 41° 26' 13.37"; W: 80° 17' 50.03", Salem Township.

16. Trib to Little Shenango River (TSF), N: 41° 26' 14.17"; W: 80° 17' 45.90", Salem Township.

17. Trib to Little Shenango River (TSF), N: 41° 26' 18.65"; W: 80° 17' 21.94", Salem Township.

18. Trib to Little Shenango River (TSF), N: 41° 26' 11.73"; W: 80° 16' 39.18", Salem Township.

19. Trib to Little Shenango River (TSF), N: 41° 26' 11.85"; W: 80° 16' 27.40", Salem Township.

20. Trib to Morrison Run (TSF), N: 41° 26' 12.32"; W: 80° 15' 57.55", Salem Township.

21. Morrison Run (TSF), N: 41° 26' 23.36"; W: 80° 15' 12.16", Sandy Creek Township.

22. Trib to Mill Run (WWF), N: 41° 26' 35.13"; W: 80° 13' 02.18", Sandy Creek Township.

23. Mill Run (WWF), N: 41° 26' 35.75"; W: 80° 12' 36.42", Sheakleyville Borough.

24. Trib to Morrison Run (TSF), N: 41° 26' 27.98"; W: 80° 14' 32.84", Sandy Creek Township.

25. Trib to Morrison Run (TSF), N: 41° 26' 30.98"; W: 80° 14' 03.60", Sandy Creek Township.

26. Trib to Mill Creek (CWF), N: 41° 24' 33.02"; W: 80° 03' 54.65", Mill Creek Township.

27. Trib to Sandy Creek (WWF), N: 41° 26' 39.02"; W: 80° 11' 34.98", Sandy Creek Township.

28. Sandy Creek (WWF), N: 41° 26' 41.43"; W: 80° 10' 44.26", Deer Creek Township.

29. Trib to Sandy Creek (WWF), N: 41° 26' 24.98"; W: 80° 09' 31.70", Deer Creek Township.

30. Trib to Sandy Creek (WWF), N: 41° 26' 21.74"; W: 80° 09' 28.08", Deer Creek Township.

31. Trib to Sandy Creek (WWF), N: 41° 26' 09.17"; W: 80° 09' 12.26", Deer Creek Township.

32. Schofield Run (WWF), N: 41° 25' 40.03"; W: 80° 08' 35.22", New Vernon Township.

33. Trib to Sandy Creek (WWF), N: 41° 25' 29.21"; W: 80° 08' 16.29", New Vernon Township.

34. Trib to Sandy Creek (WWF), N: 41° 25' 20.45"; W: 80° 08' 05.79", New Vernon Township.

35. Trib to Sandy Creek (WWF), N: 41° 25' 07.87"; W: 80° 07' 46.84", New Vernon Township.

36. Trib to Sandy Creek (WWF), N: 41° 24' 48.83"; W: 80° 06' 58.11", New Vernon Township.

37. Mill Creek (CWF), N: 41° 24' 42.20"; W: 80° 05' 12.35", Mill Creek Township.

38. Mill Creek (CWF), N: 41° 24' 28.12"; W: 80° 04' 20.14", New Lebanon Borough.

39. Trib to Little Sandy Creek (HQ-CWF), N: 41° 24' 24.96"; W: 80° 02' 22.78", Mill Creek Township.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA5609-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Somerset Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,300 linear feet of dangerous highwall. The project will include the backfilling of 0.21 acre of open waterbodies that have developed within the open surface mine pit (Quadrangles Stoystown, PA N: 0.5 inch; W: 14.75 inches and Berlin, PA N: 22 inches; W: 14.75 inches).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute

provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESX10-027-0001
Applicant Name EXCO Resources (PA), Inc.
Contact Person Joel Heiser
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Centre
Township(s) Burnside
Receiving Stream(s) and Classification(s) Boake, Sterling, Miles Run, UNT to North Branch Beech Creek/North Fork Beech Creek Secondary—West Branch Susquehanna River

ESCGP-1 # ESX10-015-0027
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Wyalusing Township
Receiving Stream(s) and Classification(s) Susquehanna River

ESCGP-1 # ESX10-015-0028
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Troy Township
Receiving Stream(s) and Classification(s) Sugar Creek Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0032
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Terry Township
Receiving Stream(s) and Classification(s) Susquehanna River

ESCGP-1 # ESX09-015-0069(01)
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Tuscarora Township
Receiving Stream(s) and Classification(s) Little Tuscarora Creek

ESCGP-1 # ESX09-015-0057(01)
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Albany Township
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX10-115-0007
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) Little Meshoppen Creek

ESCGP-1 # ESX10-015-0031
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wyalusing Township
 Receiving Stream(s) and Classification(s) Patton Creek
 Secondary—Wyalusing Creek

ESCGP-1 # ESX09-081-0021(01)
 Applicant Name XTO Energy, Inc.
 Contact Person Michael Hahn
 Address 810 Houston Street
 City, State, Zip Fort Worth, TX 76102
 County Lycoming
 Township(s) Penn, Franklin and Moreland Townships
 Receiving Stream(s) and Classification(s) Sugar Run,
 Jakes Run, UNT to Derr Run

ESCGP-1 # ESX10-117-0022
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond
 Receiving Stream(s) and Classification(s) UNT to Tioga
 River

ESCGP-1 # ESG09-117-0054
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Potter, Tioga
 Township(s) W. Branch Township (Potter); Elk and Gaines
 Townships (Tioga)
 Receiving Stream(s) and Classification(s) Elk Run
 (Gormanian and Wetmore Run)

ESCGP-1 # ESG09-117-0053
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines and Elk Townships
 Receiving Stream(s) and Classification(s) Dewey Hollow,
 Thompson Hollow, Elk Run

ESCGP-1 # ESG09-117-0040
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines and Elk Townships
 Receiving Stream(s) and Classification(s) Elk Run, Lewis
 Run, Dewey Hollow

ESCGP-1 # ESG09-117-0041
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines Township
 Receiving Stream(s) and Classification(s) Lewis Run

ESCGP-1 # ESG09-117-0033
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines Township
 Receiving Stream(s) and Classification(s) McCracken
 Hollow, Elk Run, Lewis Run

ESCGP-1 # ESG09-105-0007
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Potter
 Township(s) West Branch Township
 Receiving Stream(s) and Classification(s) Gross Hollow,
 Sliders Branch

ESCGP-1 # ESG09-105-0008
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 304 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Potter
 Township(s) West Branch
 Receiving Stream(s) and Classification(s) South Branch
 Pine Creek Secondary—Pine Creek

ESCGP-1 # ESX10-117-0021
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Liberty Township
 Receiving Stream(s) and Classification(s) Little Elk Run

ESCGP-1 # ESX10-117-0017
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Union Township
 Receiving Stream(s) and Classification(s) UNT (non-
 designated)/West Branch Susquehanna River Basin
 Secondary—Roaring Branch

ESCGP-1 # ESX10-015-0025
 Applicant Name Chief Oil & Gas, LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite. 210
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) UNT to Bennett's Creek Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0029
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wysox Township
 Receiving Stream(s) and Classification(s) UNT Secondary—Wysox Creek

ESCGP-1 # ESX10-015-0030
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Standing Stone Township
 Receiving Stream(s) and Classification(s) King Creek Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0014
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wyalusing Township
 Receiving Stream(s) and Classification(s) UNT Secondary—Wyalusing Creek

ESCGP-1 # ESX10-115-0006
 Applicant Name Chief Gathering, LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.
 City, State, Zip Wexford, PA 15090
 County Susquehanna
 Township(s) Springville Township
 Receiving Stream(s) and Classification(s) UNT to Stevens Creek, Stevens Creek

ESCGP-1 # ESX09-033-0005(01)
 Applicant Name Chief Oil and Gas, LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Clearfield
 Township(s) Lawrence Township
 Receiving Stream(s) and Classification(s) Little Clearfield Creek Secondary—Clearfield Creek

ESCGP-1 # 58-09-805(01)
 Applicant Name Chief Oil and Gas, LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Susquehanna
 Township(s) Lathrop Township
 Receiving Stream(s) and Classification(s) Horton Creek Secondary—Tunkshannock Creek

ESCGP-1 # ESX10-015-0033
 Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wells Township
 Receiving Stream(s) and Classification(s) Bear and Mill Creeks

ESCGP-1 # ESX10-035-0001
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Bertha Nefe
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Clinton
 Township(s) Noyes Township
 Receiving Stream(s) and Classification(s) Clendenin Br, Rock Run, East Branch Big Run Secondary—Water Baker Run, Shoemaker Branch Big Run

ESCGP-1 # ESX10-027-0002
 Applicant Name EXCO Resources (PA), Inc.
 Contact Person Joel Heiser
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Centre
 Township(s) Burnside Township
 Receiving Stream(s) and Classification(s) Sterling Run Basin Secondary—West Branch Susquehanna River

SPECIAL NOTICES

CATEGORICAL EXCLUSION

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sugarcreek Borough	212 Fox Street Franklin, PA 16323	Venango

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Sugarcreek Borough proposes to repair and renovate sections of existing sewer mains and lateral sections in the Rocky Grove and Sugarcreek Village areas of the Borough. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

DRINKING WATER STATE REVOLVING FUND

Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. 300f, et. seq.

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

Project Location:

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Cornplanter Township	136 Petroleum Center Road Oil City, PA 16301	Venango

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Cornplanter Township proposes to replace the existing potable water line system along the Route 8 corridor from the boundary of the City of Oil City to the Borough of Rouseville (near Waitz Road). This line was installed in the 1930's; constructed of cast iron pipe and has deteriorated, is a constant maintenance problem and is no longer considered functional for fire protection. The project consists of an extension of approximately 7,000 feet of 10" diameter water line, 12 fire hydrants and 21 industrial/commercial service connections. The technique to be used to install the new waterline will be Horizontal Directional Drilling (HDD), which yields less ground disturbance, and no need for long open trench cutting to install the waterline pipe. This project will eliminate the 27% of unaccounted-for water losses and improve the reliability and viability of the system. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Evans City Borough	204B South Jackson Street Evans City, PA 16033	Butler

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The proposed project will replace the existing potable water line system along Mars-Evans City Road, Birch Street and Glenwood Avenue. The Evans City Borough owns and operates a public water supply serving 235 residential, commercial, industrial and institutional customers within the proposed project area. Many of these customers regularly experience low pressures and no service during periods of peak usage at Marburger Dairy. Marburger Dairy also experiences low flows during peak usage hours. The existing waterline on Mars-Evans City Road will be replaced with 2,700 LF of 10" waterline to increase the quantity of water available, as well as increase the static pressure to alleviate low pressures; 420 LF of 8" DI pipe will be installed around the Marburger Dairy; the 2-inch waterline of Birch Street will be replaced with 1,150 LF of 8" PVC waterline, to extend to and connect with the 4" waterline on Glenwood Avenue. New fire hydrants and valving will also be installed. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 10-398. Filed for public inspection March 5, 2010, 9:00 a.m.]

Delaware Water Resources Regional Committee; Meeting Reschedule

The original February 12, 2010, Delaware Regional Resources Committee was canceled do to inclement weather and has been rescheduled to March 24, 2010. The meeting will be held at the Department of Environmental Protection (Department) Southeast Regional Office Building, 2 East Main Street, Norristown, PA 19401-4915. The meeting starts at 9:30 a.m.

Questions concerning the meeting can be directed to Jay Braund at (717) 787-2402 or jbraund@state.pa.us. The schedules and an agenda for each meeting, including meeting locations and meeting materials, will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-399. Filed for public inspection March 5, 2010, 9:00 a.m.]

Laboratory Accreditation and Advisory Committee; Meeting Cancellation

The Laboratory Accreditation Advisory Committee meeting scheduled for Thursday, March 11, 2010, has been cancelled.

The next regularly scheduled meeting will be held on June 10, 2010, in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17105-1467. The agenda and meeting materials will be available through the Public Participation Center on Department of Environmental Protection's web site at http://www.dep.state.pa.us.

Questions concerning this meeting cancellation can be directed to Aaren S. Alger at (717) 346-8212 or aalger@state.pa.us.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-400. Filed for public inspection March 5, 2010, 9:00 a.m.]

Statewide Water Resources Committee; Technical Subcommittee Meeting Announcement

A meeting of the Technical Subcommittee of the Statewide Water Resources Committee will be held on March 26, 2010, at 9 a.m. in Room 105 at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the meeting can be directed to Jay Braund at (717) 787-2402 or e-mail to jbraund@state.pa.us. The schedules and an agenda for each meeting, including meeting locations and meeting materials,

will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-401. Filed for public inspection March 5, 2010, 9:00 a.m.]

Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the streams listed to determine the proper Aquatic Life Use or Special Protection designations in the Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Pine Creek—Mainstem, from Marsh Creek to the confluence with West Branch Susquehanna River	Tioga—Lycoming	West Branch Susquehanna River
Little Pine Creek—Basin, from the source to the confluence with Pine Creek	Lycoming	Pine Creek
Elk Run—Basin, from the source to the confluence with Pine Creek	Tioga	Pine Creek
Tioga River—Basin, from the source to the confluence with Elk Run	Tioga	Susquehanna River
Stephenhouse Run—Basin, from the source to the confluence with Crooked Creek	Tioga	Crooked Creek
Ives Run—Basin, from the source to the confluence with Crooked Creek	Tioga	Crooked Creek
Jemison Creek—Basin, from the source to the confluence with Cowanesque River	Tioga	Cowanesque River
Unnamed Tributary (31143) to Cowanesque River (Dodge Hollow)—Basin, from the source to the confluence with Cowanesque River	Potter	Cowanesque River

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board (Board) for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, tshaw@state.pa.us. Data should be submitted no later than April 5, 2010. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

Pine Creek, a tributary to West Branch Susquehanna River, is currently designated High Quality-Trout Stocking (HQ-TSF) from the mainstem confluence with Marsh Creek to the confluence with West Branch Susquehanna River. The Pine Creek study area will include the entire mainstem from Marsh Creek to the confluence with West Branch Susquehanna River.

Little Pine Creek, a tributary to Pine Creek, is currently designated Cold Water Fishes (CWF) from the mainstem confluence of Texas and Blockhouse Creeks to Little Pine Creek Dam and Trout Stocking (TSF) from Little Pine Creek Dam to mouth. Texas Creek, a tributary

to Little Pine Creek, is currently designated HQ-CWF from the basin source to confluence with Blockhouse Creek. Blockhouse Creek, a tributary to Little Pine Creek, is currently designated CWF from the basin source to the confluence of Texas Creek, with the exception of Flicks Run which is designated HQ-CWF. Little Pine Creek tributaries from the confluence of Texas and Blockhouse Creeks to mouth are currently designated HQ-CWF, with the exception of English and Otter Runs which are currently designated CWF. The Little Pine Creek study area will include the entire Little Pine Creek basin.

Elk Run, a tributary to Pine Creek, is currently designated HQ-CWF from the basin source to the mouth. The Elk Run study area will include the entire Elk Run basin.

Tioga River, a tributary to Susquehanna River, is currently designated CWF from the basin source to the confluence with Elk Run. The Tioga River study area will include the entire Tioga River basin from the source to the confluence with Elk Run.

Stephenhouse Run, a tributary to Crooked Creek, is currently designated CWF from the basin source to the confluence with Crooked Creek. Ives Run, a tributary to Crooked Creek, is currently designated Warm Water Fishes (WWF) from the basin source to the confluence

with Crooked Creek. The Stephenhouse and Ives Runs study areas will include each entire basin respectively from their sources to their confluence with Crooked Creek.

Jemison Creek, a tributary to Cowanesque River, is currently designated HQ-CWF from the basin source to T-559 bridge at Azelta and WWF from T-559 bridge to the confluence with Cowanesque River. Dodge Hollow, a tributary to Cowanesque River, is currently designated CWF from the basin source to the confluence with Cowanesque River. The Jemison Creek and Dodge Hollow study areas will include each entire basin respectively from their sources to their confluence with Cowanesque River.

Recent sampling efforts have indicated that the current designated use for Pine Creek mainstem, Little Pine Creek, Elk Run, Tioga River, Stephenhouse Run, Ives Run, Jemison Creek and Dodge Hollow basins should be reassessed. These assessments may lead to recommendations to the Board for redesignation.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-402. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Adoption of the 2010 Edition of the Guidelines for Design and Construction of Health Care Facilities

Under its authority in the Health Care Facilities Act (act) (35 P. S. §§ 448.101—448.904) and the hospital and ambulatory surgical facility regulations promulgated under the act, the Department of Health (Department) will adopt the 2010 edition of the “Guidelines for Design and Construction of Health Care Facilities” (Guidelines), effective October 4, 2010. As of October 4, 2010, the Department will apply these new requirements to all plans for new construction or renovations for hospitals and ambulatory surgical facilities.

The Department currently applies the 2006 edition of the Guidelines for all new construction, renovations or modernization of hospitals and ambulatory surgical facilities. The 2006 edition of the Guidelines will continue to be utilized through October 3, 2010.

The Department has received inquiries regarding the implementation of the 2010 edition of the Guidelines, and when they would be enforced. The 2010 edition of the Guidelines can be utilized beginning April 5, 2010, however, to allow adequate lead-in time for larger or more complicated projects, the mandatory usage of the new Guidelines will not take effect until October 4, 2010. The established procedure requires the submission of construction plans and the issuance of a final construction plan approval by the Division of Safety Inspection prior to the start of any new construction, renovation, modernization or changes in usage. Blueprints are to be submitted

to the Division and are reviewed for compliance with the NFPA 101, Life Safety Code, and the requirements as set forth in the Guidelines. The plan approval function is a requirement to insure that all new construction or renovations comply with all applicable regulations to avoid building non-compliant conditions into hospitals or ambulatory surgical buildings, which would necessitate costly remedial work to correct prior to the Department allowing the renovated area to be occupied.

After construction has been completed, a final inspection must be conducted for Life Safety Code requirements by the Division of Safety Inspection, and for State Licensure and/or Federal Certification requirements by the Division of Acute and Ambulatory Care.

The Department recommends that smaller renovation projects or new additions be designed and submitted for approval based on compliance with the 2010 edition of the Guidelines as soon as possible after April 5, 2010. Although it is still permissible to utilize the 2006 edition until October 3, 2010, it would be prudent to utilize the 2010 edition. Larger or more complicated projects should be designed in conformance with the new Guidelines, however, all final plan approvals issued after October 3, 2010, will be based upon conformance with the 2010 edition of the Guidelines, regardless of when the preliminary plans were submitted.

Those persons interested in purchasing a copy of the 2010 edition of the “Guidelines for Design and Construction of Health Care Facilities” may telephone the Facility Guidelines Institute (FGI) at 1-800-242-2626, or online at www.ashestore.com.

Questions regarding this notice should be directed to Charles A. Schlegel, Acting Director, Division of Safety Inspection at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact the following: V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-403. Filed for public inspection March 5, 2010, 9:00 a.m.]

Consumer Notice of Direct Care Worker Status

Form to be completed by every consumer utilizing the services of a Home Care Agency or Home Care Registry which is licensed under 28 Pa. Code Chapter 611, Home Care Agencies and Home Care Registries

The regulations governing licensure for home care agencies (HCAs) and home care registries (HCRs) were published in the *Pennsylvania Bulletin* at Volume 39, Number 49, page 6958, effective December 12, 2009.

HCAs and HCRs, as defined in the regulations, must now be licensed by the Department of Health (Department) to provide home care services to individuals in their homes or other independent living environments.

The licensure regulations, at 28 Pa. Code § 611.57, require a HCA or HCR, prior to the commencement of home care services, to provide to the consumer, the consumer’s legal representative or responsible family member an information packet containing, among other items, a disclosure in the format to be provided by the

Department, addressing the employee or independent contractor status of the direct care worker providing services to the consumer, and the resultant respective tax and insurance obligations and other responsibilities of the consumer and the HCA or HCR.

The Department published the Consumer Notice of Direct Care Worker Status in the *Pennsylvania Bulletin* at Volume 40, Number 6, page 757, on February 6, 2010. The form as published contains errors. This notice is to advise that interested persons may access the correct version of the form at <http://www.health.state.pa.us> by clicking on "Home Care Agency Application Form" under "What's Hot" on the right side of the page, or by contacting the Division of Home Health at (717) 783-1379.

All entities or organizations applying for licensure as a HCR or HCA shall begin using the Consumer Notice of Direct Care Worker Status upon receipt of a license to operate a HCR or HCA.

Existing HCAs and HCRs, currently operating under 28 Pa. Code § 611.2(c), shall begin using the Consumer Notice of Direct Care Worker Status within 60 days of the date of this notice.

Persons with a disability who require an alternative format of this Notice (for example, large print, audiotope, Braille) should contact Janice Staloski, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-404. Filed for public inspection March 5, 2010, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Report and Referral Act 89 (11 P.S. §§ 876-1—876-9) will hold a public meeting from 10 a.m. to 3 p.m. on Thursday, April 1, 2010, at Dixon University Center, Conference Rooms A/B, Administration Building, 2986 North 2nd Street, Harrisburg, PA 17110. Driving directions can be found on the Dixon University web site at: www.dixonuniversitycenter.org.

For additional information or persons with a disability and who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-405. Filed for public inspection March 5, 2010, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exceptions

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.7(c) and (d) (relating to physician assistants and certified registered nurse practitioners).

Chapel Manor
1104 Welsh Road
Philadelphia, PA 19115
FAC ID 031602

Devon Manor
235 Lancaster Avenue
Devon, PA 19333
FAC ID 041202

Garden Spring Center
1113 North Easton Road
Willow Grove, PA 1909
FAC ID 860202

Golden LivingCenter-Kinzua
205 Water Street
Warren, PA 16365
FAC OD 071402

Golden LivingCenter-Oil City
1293 Grandview Road
Oil City, PA 16301
FAC ID 331502

Golden LivingCenter-Phoenixville
833 South Main Street
Phoenixville, PA 19460
FAC ID 160702

Harston Hall
350 Haws Lane
Flourtown, PA 19031
FAC ID 080702

Hillcrest Center
1245 Church Road
Wyncote, PA 19095
FAC ID 034402

Liberty Court, Genesis ElderCare Network
1526 Lombard Street
Philadelphia, PA 19146
FAC ID 200402

ManorCare Health Svcs-Huntingdon Valley
3430 Huntingdon Pike
Huntingdon Valley, PA 19006
FAC ID 053802

ManorCare Health Services-King of Prussia
600 West Valley Forge Road
King of Prussia, PA 19406
FAC ID 125902

ManorCare Health Services-Lancaster
100 Abbeyville Road
Lancaster, PA 17603
FAC ID 231302

ManorCare Health Services-Lansdale
640 Bethlehem Pike
Montgomeryville, PA 18936
FAC ID 382402

ManorCare Health Services-Laureldale
2125 Elizabeth Avenue
Laureldale, PA 19605
FAC ID 903502

ManorCare Health Services at Mercy Fitzgerald
600 South Wycombe Avenue
Yeadon, PA 19050
FAC ID 074902

ManorCare Health Services-Yeadon
14 Lincoln Avenue
Yeadon, PA 19050-2822
FAC ID 122002

Mifflin Center
500 East Philadelphia Avenue
Shillington, PA 19607
FAC ID 081002

Rittenhouse Pine Center
1700 Pine Street
Norristown, PA 19401
FAC ID 068202

Twinbrook Medical Center
3805 Field Street
Erie, PA 16511
FAC ID 200602

Golden Living Center-East Mountain
101 East Mountain Boulevard
Wilkes-Barre, PA 18702
FAC ID 026502

Manorcare Health Services-Pottsville
Pulaski and Leader Drive
Pottsville, PA 17901
FAC ID 383802

Golden Living Center-Mansion
1040-52 Market Street
Sunbury, PA 17801
FAC ID 130502

Manorcare Health Services-Lebanon
900 Tuck Street
Lebanon, PA 17042
FAC ID 905002

Abington Manor
100 Edella Road
Clarks Summit, PA 18411
FAC ID 053202

Manorcare Health Services-Kingston
200 Second Avenue
Kingston, PA 18704
FAC ID 900102

Berkshire Center
5501 Perkiomen Avenue
Reading, PA 19606
FAC ID 044502

Manorcare Health Services-Jersey Shore
1008 Thompson Street
Jersey Shore, PA 17740
FAC ID 121302

Laurel Center
125 Holly Road
Hamburg, PA 19526
FAC ID 123902

Manorcare Health Services-West Reading North
425 Buttonwood Street
West Reading, PA 19611
FAC ID 902202

Hampton House
1548 Sans Souci Parkway
Wilkes-Barre, PA 18706
FAC ID 080302

Manorcare Health Services-Sinking Spring
3000 Windmill Road
Sinking Spring, PA 19608
FAC ID 380702

Old Orchard Health Care Center
4100 Freemansburg Avenue
Easton, PA 18045
FAC ID 09350200

Manorcare Health Services-Easton
2600 Northampton Street
Easton, PA 18045
FAC ID 125202

Liberty Nursing and Rehabilitation Center
535 North 17th Street
Allentown, PA 18104
FAC ID 121802

Manorcare Health Services Bethlehem (2029)
2029 Westgate Drive
Bethlehem, PA 18017
FAC ID 900402

Manorcare Health Services-Williamsport South
101 Leader Drive
Williamsport, PA 17701
FAC ID 641502

Manorcare Health Services-Bethlehem (2021)
2021 Westgate Drive
Bethlehem, PA 18017
FAC ID 900302

Manorcare Health Services-Williamsport North
300 Leader Drive
Williamsport, PA 17701
FAC ID 901502

Manorcare Health Services-Yardley
1480 Oxford Valley Road
Yardley, PA 19067
FAC ID 125802

Manorcare Health Services-Pottstown
724 North Charlotte Street
Pottstown, PA 19464
FAC ID 380402

Manorcare Health Services-Sunbury
800 Court Street Circle Road
Sunbury, PA 17801
FAC ID 123302

Manorcare Health Services-Elizabethtown
320 South Market Street
Elizabethtown, PA 17022
FAC ID 023202

Manorcare Health Services-Whitehall Borough
505 Weyman Road
Pittsburgh, PA 15236
FAC ID 10230200

Sanatoga Center
225 Evergreen Road
Pottstown, PA 19464
FAC ID 233702

Valley Manor Nursing & Rehab Center
7650 Route 309
Coopersburg, PA 18036
FAC ID 480202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health

and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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 accommodations 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).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-406. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Curriculum Guidelines and Minimum Proficiency Requirements for Gaming School Instruction

The Department of Labor & Industry, in consultation with the Department of Education and the Gaming Control Board, adopts the following Curriculum Guidelines and Minimum Proficiency Requirements for Gaming School Instruction under the authority granted and as required by Title 4 (Amusements) of the Pennsylvania Consolidated Statutes as amended by Act 1 of 2010.

The Curriculum Guidelines and Minimum Proficiency Requirements have been developed to establish courses of instruction that will provide individuals with adequate job training necessary to obtain employment as a table game employee with a licensed gaming entity in the Commonwealth.

Curriculum Guidelines

A curriculum related to the conduct of table games offered by a gaming school must meet the minimum hours and term of instruction for specific games as defined in the Temporary Table Games Regulations adopted by the Gaming Control Board and published in 58 Pa. Code, Part VII Subpart K—Table Games and, at a minimum, include the following elements:

1. Introduction to the Gaming Industry
2. Occupational Permit Restriction—Barriers to employment
3. Overview of Pennsylvania Gaming Regulations
4. Casino chain of command
5. Rules of the games
6. Table game terminology
7. Game dealer's responsibilities
8. Proper procedures of gaming table inventory
9. Types of bets
10. Controlling the pace of the game

11. Game irregularities and strategies for game protection
12. Customer service techniques to enhance the patron's experience
13. Recognition of problem and compulsive gamblers and procedures for informing supervisory personnel
14. Proficiency testing
15. Certificate of satisfactory completion

Minimum Proficiency Requirements

A curriculum offered by a gaming school shall be designed to provide a student with the appropriate instruction, knowledge and skills required to obtain employment as a table game dealer and shall include the following minimum proficiencies:

1. Demonstration of proper chip handling and cutting
2. Demonstration of proper procedure for chunking, mucking, racking chips
3. Demonstration of proper procedures for opening and closing games
4. Demonstration of proper shift change procedures
5. Demonstration of proper procedure for relieving the dealer
6. Demonstration of proper procedures of table game inventory, including replenishment of chips; removing of chips from the table; and the issuance of counter checks (markers)
7. Demonstration of proper procedures for utilizing and inspecting table game devices
8. Demonstration of proper procedures for card inspection, card spreading techniques, card shuffling and placement for games using cards
9. Demonstration of the proper techniques of card dealing
10. Demonstration of proper dice handling, dice calling, dice inspection and dice equipment for games using dice
11. Demonstration of proper handling of tiles and tile placement for games using tiles
12. Demonstration of proper procedure for spinning the wheel for those games using wheels
13. Demonstration of proper procedure for placing and removal of wagers
14. Demonstration of proper procedure for taking and paying wagers
15. Demonstration of proper procedure for change of currency into chips
16. Demonstration of proper procedure for counting cash and counting odd amounts of cash
17. Demonstration of proper procedure for calculating and collecting commissions and rakes
18. Demonstration of proper procedure for payoffs, totals and conversions
19. Demonstration of proper procedure for accepting tokens (tips) and gratuities from patrons at a gaming table
20. Demonstration of proper procedures for counting chip inventory at conclusion of gaming day

Cardio-pulmonary resuscitation (CPR) Training

In addition to the Curriculum Guidelines and Minimum Proficiency Requirements, every gaming school shall offer an approved course of instruction in cardio-pulmonary resuscitation and every individual attending a gaming school shall be certified in cardio-pulmonary resuscitation before successful completion of any gaming instruction.

Required hours of instruction in cardio-pulmonary resuscitation shall be in addition to the established minimum hours of instruction for individual games and shall not count toward the total hours of instruction required for specific games as adopted by regulation of the Board.

Students who have been certified in cardio-pulmonary resuscitation prior to enrolling in a gaming school shall be exempt from participation in cardio-pulmonary resuscitation courses offered by the gaming school upon providing satisfactory proof of certification to the gaming school.

Certificate of Completion

Successful completion of an approved course of instruction in table games from an accredited educational institution operating as a gaming school will result in the awarding of a Certificate of Completion and shall include the name of the student, the name of the gaming school, the specific game or games that the student is qualified to deal, the number of hours of completed instruction for each game and an acknowledgement that the student is certified in Cardio-pulmonary resuscitation (CPR).

Course Syllabus

Every accredited educational institution desiring to operate as an approved gaming school shall develop and make available to the public a Course Syllabus which shall include at a minimum the following:

1. Course name
2. Course objectives
3. Occupational license requirements/barriers to related employment
4. Required hours and term of instruction
5. Attendance policy
6. List of any student provided class material or supplies
7. Overview of Plan of Instruction to include:
 - class assignments
 - class practice time
 - instructor lecture time
 - instructor demonstration time
 - supervised student practice
 - practice auditions and interviews
8. Evaluation of student proficiencies and requirements for awarding a Certificate of Completion

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-407. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Expansion of the Living Independence for the Elderly (LIFE) Program

The Living Independence for the Elderly (LIFE) Program is the Commonwealth's replication of the Program of All-inclusive Care for the Elderly (PACE) Model. The Department of Public Welfare (Department) is asking organizations interested in participating as a LIFE provider, in the proposed service areas listed, to contact the Department. Providers will be responsible to provide a specific package of services to individuals enrolled in the program, who are eligible for Medical Assistance (MA) and have been determined to require nursing facility services. To be considered for a LIFE site, organizations must be enrolled in the MA Program, meet the requirements included in the Federal PACE regulations and LIFE Provider Agreement, and have a completed feasibility study through an approved PACE Technical Assistance Center. The feasibility study must evaluate and address at least the following:

- Market analysis to determine potential demand for the PACE services in the proposed service area.
- Organization's commitment to principles consistent with the PACE model; depth of leadership and experience required to develop PACE; evidence of primary, acute and/or long-term care services; and experience in serving a dually eligible (Medicare/Medicaid) population.
- Financial capacity of organization to fund program development, assume financial risk and fund risk reserve.
- Project design.
- Projected 5 year start-up budget.

The Department will consider, among other things, the following factors when determining site selection for LIFE:

- MA service need.
- MA service availability (availability of nursing facility services, home and community based services, and similar services).
- Project location (suburban v. urban, existing project sites, and the like).
- Uniqueness of project design (closing existing nursing facility beds; collaboration efforts with affordable housing providers, hospitals, nursing facilities, and referral sources; and the like).
- Time line for program development.
- Demonstration of plan to achieve solvency and fund risk reserve.
- Financial strength of the sponsoring institutions.

Questions regarding the PACE Protocol or the feasibility study through a PACE Technical Assistance Center should be directed to Leo LaPlante, Bureau of Community Development, (717) 783-7375.

Organizations that feel they meet the criteria listed in this notice and are interested in being considered to provide services under LIFE should submit a letter of interest, along with a copy of their completed feasibility study no later than 90 days from the date of this notice,

to Bureau of Community Development, Office of Long-Term Living, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101.

Current LIFE providers interested in expanding beyond their designated zip code area are also invited to respond. Responses should be directed to the previously listed address and include a letter of interest, along with a market analysis of the area of interest.

Proposed Service Areas

Bedford	Clinton	Juniata	Somerset
Bradford	Elk	Mifflin	Sullivan
Cameron	Fulton	Montgomery	Susquehanna
Carbon	Huntingdon	Perry	Tioga
Clearfield	Jefferson	Potter	Wayne

Fiscal Note: 14-NOT-632. No fiscal impact; (8) recommends adoption.

HARRIET DICHTER,
Acting Secretary

[Pa.B. Doc. No. 10-408. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Red Hot Slots Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Red Hot Slots.

2. *Price:* The price of a Pennsylvania Red Hot Slots instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Red Hot Slots instant lottery game ticket will contain one play area consisting of "SPIN 1," "SPIN 2," "SPIN 3," "SPIN 4," "SPIN 5," "SPIN 6," "SPIN 7," "SPIN 8," "SPIN 9," "SPIN 10," "SPIN 11" and "SPIN 12." Each "SPIN" is played separately. Each "SPIN" features a play area and a "PRIZE" area. The play symbols and their captions located in the play area are: BAR symbol (BAR), Bell symbol (BEL), Cherries symbol (CHR), Coin symbol (COIN), Diamond symbol (DMND), Dollar symbol (DLAR), Pot of Gold symbol (GOLD), Horse Shoe symbol (SHOE), Star symbol (STAR), 7 symbol (SEVN) and a HOT symbol (HOT).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "SPIN" are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14⁰⁰ (FORTN), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$35⁰⁰ (TRY FIV), \$50⁰⁰ (FIFTY), \$70⁰⁰ (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$15, \$20, \$35, \$50, \$70, \$100, \$700, \$1,000, \$10,000 and \$100,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Red Hot Slots instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(g) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$700.

(h) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$70⁰⁰ (SEVENTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$70⁰⁰ (SEVENTY) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(l) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$70.

(m) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$35⁰⁰ (TRY FIV) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$35.

(p) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$35⁰⁰ (TRY FIV) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(q) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$35.

(r) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$15⁰⁰ (FIFTN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$14⁰⁰ (FORTN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$14.

(u) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$14⁰⁰ (FORTN) appears in the

"PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(v) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$7.

(y) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(z) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets with a HOT (HOT) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that HOT (HOT) play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Get 3 Like Symbols In Any Spin, Win Prize Shown To The Right Of That Spin.

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$5 w/HOT	\$5	30	200,000
\$5	\$5	20	300,000
\$7 w/HOT	\$7	120	50,000
\$7	\$7	120	50,000
\$5 x 2	\$10	60	100,000
\$10 w/HOT	\$10	60	100,000
\$10	\$10	50	120,000
\$7 x 2	\$14	120	50,000
\$14 w/HOT	\$14	120	50,000
\$14	\$14	120	50,000
\$5 x 4	\$20	300	20,000
\$10 x 2	\$20	200	30,000
\$20	\$20	40	150,000
\$5 x 7	\$35	428.57	14,000
\$5 w/THREE 7'S	\$35	421.05	14,250
\$7 x 5	\$35	428.57	14,000
\$35 w/HOT	\$35	421.05	14,250
\$35	\$35	421.05	14,250
\$5 x 10	\$50	1,200	5,000
(\$5 w/THREE 7'S) + (\$5 x 3)	\$50	1,200	5,000
(\$5 x 4) + (\$10 x 3)	\$50	1,200	5,000
\$10 x 5	\$50	1,200	5,000
\$50 w/HOT	\$50	1,200	5,000
\$50	\$50	1,200	5,000
\$7 x 10	\$70	2,400	2,500
\$10 x 7	\$70	2,400	2,500
\$10 w/THREE 7'S	\$70	2,400	2,500

Get 3 Like Symbols In Any Spin, Win Prize Shown To The Right Of That Spin.

Win With Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
\$14 × 5	\$70	2,400	2,500
\$35 × 2	\$70	2,400	2,500
\$70 w/HOT	\$70	2,400	2,500
\$70	\$70	2,400	2,500
\$10 × 10	\$100	4,000	1,500
(\$10 w/THREE 7'S) + (\$10 × 3)	\$100	4,000	1,500
(\$10 w/THREE 7'S) + (\$15 × 2)	\$100	4,000	1,500
\$20 × 5	\$100	4,000	1,500
\$50 × 2	\$100	4,000	1,500
\$100 w/HOT	\$100	4,000	1,500
\$100	\$100	4,000	1,500
\$100 × 7	\$700	24,000	250
\$100 w/THREE 7'S	\$700	24,000	250
\$700 w/HOT	\$700	24,000	250
\$700	\$700	24,000	250
\$100 × 10	\$1,000	60,000	100
\$1,000 w/HOT	\$1,000	60,000	100
\$1,000	\$1,000	60,000	100
\$10,000	\$10,000	240,000	25
\$100,000	\$100,000	600,000	10

Three "7" (SEVN) symbols in any spin = Win 7 times the prize to the right of that spin.
 HOT (HOT) symbol = Win prize to the right of that spin.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Red Hot Slots instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Red Hot Slots, prize money from winning Pennsylvania Red Hot Slots instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Red Hot Slots instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Red Hot Slots or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-409. Filed for public inspection March 5, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Bucks County

Under section 2002(b) of The Administrative Code of 1920 (71 P. S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Department of Transportation is planning a bridge replacement project that involves the replacement of the bridge structure carrying SR 1014 (Geigel Hill Road) over the Tincum Creek in Tincum Township, Bucks County. The original bridge was a single-span Pratt thru-truss bridge that was constructed in 1888. In September 2003, the structure was closed to traffic as a result of a vehicular accident and severe deterioration.

Subsequent to an inspection conducted in January 2008, the bridge was closed to pedestrian traffic due to concern for the structural integrity of the bridge. Finally, the bridge was demolished in June 2008, because it was in imminent danger of collapsing and posed a threat to public health, safety and welfare.

The subject project is considered a Level 2 Environmental Documentation.

Resources within the project area that qualify as section 2002 resources include the following: Ridge Valley Rural Historic District (HD); the SR 1014 bridge (a contributing element to the district); three contributing resources to the HD in the northeast quadrant (that is, blacksmith shop, wood barn and butcher's shop), one contributing resource to the HD in the southeast quadrant (that is, residential dwelling) and Tincum Creek. The HD was listed in the National Register of Historic Places on July 24, 1992. Tincum Creek is designated as a segment of the Lower Delaware National Wild and Scenic

River. Impacts to the SR 1014 Geigel Hill Road Bridge over Tincum Creek will constitute a use of the section 2002 resource.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent

alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 10-410. Filed for public inspection March 5, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-5136	State Board of Nursing Biennial Renewal Fees 39 Pa.B. 7105 (December 19, 2009)	1/19/10	2/18/10
16A-5615	State Real Estate Commission Initial Licensure Fees 39 Pa.B. 7109 (December 19, 2009)	1/19/10	2/18/10
16A-4410	State Board of Podiatry Continuing Education 39 Pa.B. 7107 (December 19, 2009)	1/19/10	2/18/10
11-240	Insurance Department Education and Training for Applicants and Insurance Providers 39 Pa.B. 7213 (December 26, 2009)	2/16/10	2/24/10

State Board of Nursing Regulation #16A-5136 (IRRC #2809)

Biennial Renewal Fees

February 18, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 2009 *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 State Board of Nursing (Board) to respond to all comments received from us or any other source.

1. Section 21.5. Fees.—Duplication; Clarity.

In its comments on the proposed regulation on January 25, 2010, the House Professional Licensure Committee (House Committee) suggested deletion of the “Examination and Licensure” fee of \$35, which is listed twice in the existing schedule of fees in Subsection (a). We agree.

2. Section 21.705. Fees.—Clarity.

The House Committee noted errors in the web site references in subsections (c) and (d). In subsection (c), the proposed regulation would delete the reference to “www.cdrnet.org” and replace it with a different one. This change is unnecessary since “www.cdrnet.org” is still the correct link for the web site of the Commission on Dietetic Registration. We recommend that the Board retain the correct reference in its existing language, which is being reformatted as subsection (c), in the final-form regulation. In subsection (d), the existing reference for the web site for the Certification Board for Nutrition Specialists is incorrect. This organization’s web site can be found at “www.cbns.org.” We recommend that the correct reference be placed in the final-form regulation.

3. General.—Fiscal impact.

The Board did not submit a “fee report form” with the proposed regulation that was delivered to the House and Senate Committees and this Commission. In previous rulemakings, other licensure boards submitted fee report

forms for biennial renewal fees that documented the effect of the proposed increase on biennial revenue cycles. See Regulations #16A-6915 (IRRC #2638), #16A-5512 (IRRC #2759), and #16A-5723 (IRRC #2788). The Board should submit a fee report form for the increases in the final-form regulation.

**State Real Estate Commission
Regulation #16A-5615 (IRRC #2810)**

**Initial Licensure Fees
February 18, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 2009 *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 State Real Estate Commission to respond to all comments received from us or any other source.

Biennial renewal fee categories.—Clarity.

In our review of the fee descriptions in Section 35.203, we noticed an apparent inconsistency. The fee descriptions relating to review of qualifications, initial licensure and change of name or address all include the categories of “builder-owner salesperson” and “time-share salesperson.” However, we could not find these categories in the description of biennial renewal fees. If biennial renewal fees are required for a “builder-owner salesperson” and “time-share salesperson,” we recommend amending the biennial renewal fee description to include them.

**State Board of Podiatry
Regulation #16A-4410 (IRRC #2811)**

**Continuing Education
February 18, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 2009 *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 State Board of Podiatry (Board) to respond to all comments received from us or any other source.

Section 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.—Implementation procedures; Clarity.

This proposed rulemaking amends the Board’s existing continuing education requirements by increasing the required clock hours from 30 to 50 in a biennial period. Thirty of those clock hours must be in courses and programs in podiatry approved by the Board or the Council of Podiatric Medical Education. The remaining 20 hours must be in courses or programs approved by those two organizations or in courses and programs in “related medical subjects” that are approved by the American Medical Association (AMA) or the American Osteopathic Association (AOA).

Both the existing and proposed rulemaking state that a licensee is responsible for ensuring that a course or program has been approved for continuing education credit prior to participating in the course or program. Although this is not a new requirement, we share the concern of the House Professional Licensure Committee and ask how a licensee can ensure that a course or program has been approved.

In addition, we believe the phrase “related medical subjects” is vague. How will a licensee know if a course approved by the AMA or the AOA meets the standard of being related to podiatry? We recommend that a more precise standard be included in the final-form regulation.

**Insurance Department
Regulation #11-240 (IRRC #2812)**

**Education and Training for Applicants and
Insurance Producers
February 24, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the December 26, 2009 *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 Insurance Department (Department) to respond to all comments received from us or any other source.

1. Differences between the existing regulation and the proposed regulation.—Determining if the regulation is in the public interest; Need.

This proposed regulatory package deletes an existing chapter of the Department’s regulations entitled “Continuing Education for Insurance Agents and Brokers” and replaces it with a new chapter entitled “Education and Training for Applicants and Insurance Producers.” Much of the language contained in the new proposed chapter is very similar to language contained in the existing chapter. The Preamble included with this regulatory package provides a brief summary of each section of the new proposed chapter. However, it does not explain why there are differences between the two versions of the rulemaking. For example, the new definitions section defines terms that are not in the existing regulation and does not include terms that are in the existing regulation. Another example of changes can be found in the sections pertaining to sponsors. Time frames for complying with certain provisions have been changed, but there is no explanation of why those changes were made. In order for this Commission to determine if the regulation is in the public interest, a more detailed explanation of the changes being proposed is required. In the Preamble to the final-form regulation, we ask the Department to provide a more detailed explanation of each section and why some provisions differ from the existing regulation.

2. Section 39a.9. Training requirements for insurance producers.—Reasonableness; Need; Implementation procedures; Clarity.

Subsection (b)—Long-term care insurance.

Under Subsection (b)(4)(i)(A), individuals already licensed as insurance producers must complete eight hours of training in the first full two-year licensing cycle after the adoption of the rulemaking. A commentator has noted that this differs from the National Association of Insurance Commissioners (NAIC) model rule, on which this rulemaking is partially based. The model rule requires licensed producers to complete eight hours of training within one year of the effective date of the regulation. What is the reason for the difference between the proposed regulation and NAIC’s model rule?

Similarly, under Subsection (b)(4)(i)(B), why is the Department deviating from the model rule by requiring licensed producers, resident and non-resident, to complete one hour of training related to the Pennsylvania Medical Assistance Program?

Subsection (c)—Requirements for insurers.

Subsection (c)(1) requires insurers writing long-term care insurance to obtain “proof” that an insurance producer has received required training. What type of “proof” would be acceptable? We suggest that a more specific standard be included in the final-form regulation.

Subsection (c)(2) requires certain records to be maintained “in accordance with the Commonwealth’s record retention guidelines for insurers as published in the *Pennsylvania Bulletin*.” This requirement is vague. We recommend that the requirements be included in the final-form regulation. In the alternative, we suggest that the Department identify the specific guidelines that need to be followed and when those guidelines will be published in the *Pennsylvania Bulletin*.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-411. Filed for public inspection March 5, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. 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 on the web site, <http://www.irrc.state.pa.us>.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Public Received</i>	<i>Meeting</i>
57-251	Pennsylvania Public Utility Commission Provisions of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers	2/18/10	3/25/10
16A-4620	State Board of Dentistry Clinical Examinations	2/22/10	3/25/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-412. Filed for public inspection March 5, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Woodolph Romeo; Doc. No. SC10-02-011

Notice is hereby given of the Order to Show Cause issued on February 22, 2010, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the previously-referenced matter. Violation of the following is alleged: sections 611-A (1), (3), (7), (8), (14), (20)

and 678-A (a) of The Insurance Department Act of 1921, (40 P. S. §§ 310.11 and 310.78) and 31 Pa. Code §§ 37.46 and 37.47 (relating to standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses).

Respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-413. Filed for public inspection March 5, 2010, 9:00 a.m.]

Application for Approval to Acquire Control of AGL Life Assurance Company

Tiptree Financial Partners, LP has filed an application to acquire control of AGL Life Assurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921, (40 P. S. §§ 991.1402—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-414. Filed for public inspection March 5, 2010, 9:00 a.m.]

Erie Insurance Exchange; Homeowners; Rate Revision; Rate Filing

On February 18, 2010, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level change for homeowners insurance.

The company requests an overall 5.8% increase amounting to \$16,934,000 annually, to be effective June 1, 2010, for new business and renewal business.

Unless formal administrative action is taken prior to April 19, 2010, 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. On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-415. Filed for public inspection March 5, 2010, 9:00 a.m.]

First Priority Life Insurance Company—BlueCare Direct Select PPO; Rate Filing

By filing No. 1523-FP-29-PPO-DS-1/1/2010 First Priority Life Insurance Company (FPLIC) requested approval to increase the current rates for the BlueCare Direct Select PPO Plan. The filing requests an increase of 10%. A new 10% coinsurance option will be added. In addition a 2.7% rate adjustment is requested for the following benefit changes:

- * Child Office visits—change copay of PCP/Specialist from \$25/\$50 to \$0/\$25
- * Preventive benefits—enhancements in coverage to for some benefits for in network procedures
- * Prenatal care—coverage is 100% for in network
- * Diagnostic mammograms and prostrate screenings—will not be subject to deductible
- * Outpatient mental health and substance abuse—coverage will be added

The proposed rate increase would affect approximately 300 members and would produce additional income of about \$0.1 million annually. The requested effective date of the change is April 1, 2010.

Unless formal administrative action is taken prior to May 20, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the "At A Glance" tab, click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or email comments, suggestions or objections to Rashmi

Mathur, Insurance Department, Insurance Product Regulation and Administration, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-416. Filed for public inspection March 5, 2010, 9:00 a.m.]

The Travelers Home and Marine Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On February 17, 2010, the Insurance Department (Department) received from The Travelers Home and Marine Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 3.04% increase amounting to \$5.368 million annually, to be effective May 23, 2010.

Unless formal administrative action is taken prior to April 18, 2010, 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. On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-417. Filed for public inspection March 5, 2010, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

Request for Opinion Regarding the Telemarketer Registration Act and the Electricity Generation Customer Choice and Competition Act

February 8, 2010

James H. Cawley, Chairperson
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Chairperson Cawley:

On behalf of the Public Utility Commission (PUC), you have requested my opinion regarding the applicability of the Telemarketer Registration Act (Telemarketer Act), 73 P. S. §§ 2241—2249, to electric generation suppliers as defined in the Electricity Generation Customer Choice and Competition Act (Competition Act), 66 Pa.C.S. §§ 2801—2815.

As a threshold matter under section 204(a)(1) of the Commonwealth Attorneys Act, 71 P.S. § 732—204(a)(1), we must establish that the PUC's request for legal advice concerns "any matter or issue arising in connection with the exercise of the official powers or the performance of the official duties of the [PUC]."

The Competition Act requires electric utilities "to unbundle their rates and services and to provide open access over their transmission and distribution systems to allow competitive suppliers to generate and sell electricity directly to consumers," 66 Pa.C.S. § 2802(14). The Act directs the PUC, by regulation, to require electricity providers to provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of electricity services. (66 Pa.C.S. § 2807(d)(2)) PUC regulations require providers to notify consumers that information is available upon request, 52 Pa. Code § 54.6(h) (relating to request for information about general supply), and prohibit providers from releasing customer information to third parties without customer consent, 52 Pa. Code § 54.8 (relating to privacy of customer information).

Telephone communication is among the means by which electricity providers may seek to discharge their obligation under the Competition Act and regulations to inform customers of choices regarding the purchase of electricity. Section 3(b) of the Telemarketer Act, 73 P.S. § 2243(b), prohibits telemarketers from communicating with consumers by telephone in connection with the purchase of consumer goods or services "unless the telemarketer or the telemarketing business which employs the telemarketer is registered with the Office of Attorney General" and otherwise circumscribes telemarketer activities.

This interplay between the communication requirements of the Competition Act and the communication restrictions of the Telemarketer Act provides ample basis for concluding that the applicability of the Telemarketer Act to electric generation suppliers is an issue "arising in connection with" the PUC's powers and duties. Accordingly, we proceed to address the questions presented in your opinion request.

1. Is electric generation supply a "consumer good or service" as defined in the Telemarketer Act?

Section 2 of the Telemarketer Act, 73 P.S. § 2242, defines "consumer goods and services" as "real or personal property or services used for personal, family or household purposes." Electricity is used in countless aspects and activities of daily life; thus electric generation supply is plainly a "service used for personal, family and household purposes" and therefore a "consumer service" within the meaning of the Act.

2. Is an electric generation supplier excluded from the definition of "telemarketer" in the Telemarketer Act? If so, what is the scope of the exclusion under the Act, does it extend to an agent of a supplier, and does it matter that the source of customer information used for telephone solicitation by a supplier or its agent is an electric distribution company?

Section 2 of the Telemarketer Act, 73 P.S. § 2242, defines "telemarketer" as:

Any person or business which, in connection with telemarketing, initiates or receives telephone calls to or from a consumer in this Commonwealth, or when the person or business acting in connection with telemarketing is located within this Commonwealth

when such calls are initiated or received. *For purposes of registration under section 3(a)*, "telemarketer" does not include any of the following. . .

(5) A person or business engaged in a business or occupation which is licensed by, certificated by or registered with a Federal or Commonwealth agency while acting within the scope of the business for which licensure, certification or registration is required.

(Emphasis added).

Under this definition, electric generation suppliers engaged in telemarketing are telemarketers for all purposes of the Act except the requirement of Section 3(a), 73 P.S. § 2243(a), that telemarketers register with this Office, from which electric generation suppliers are excluded because they are licensed by the PUC under the Competition Act, 66 Pa.C.S. § 2809(a). Agents of suppliers, such as individuals and businesses initiating or receiving calls pursuant to contracts with suppliers, are not excluded from the definition of "telemarketer" and therefore must register. It is immaterial to the definition or the exclusion that the source of customer information used for telephone solicitation by suppliers or their agents is an electric distribution company.

3. Is customer consent to the release of information given to an electric distribution company to enable competitive solicitations "an express request" to receive telephone solicitations from electric generation suppliers or their agents within the meaning of the Telemarketer Act?

Section 2 of the Telemarketer Act, 73 P.S. § 2242, excludes from the definition of a "telephone solicitation call" a call to a residential or wireless consumer "(1) in response to an express request of the residential or wireless consumer." You explain that customers of electric distribution companies may indicate to the company their general consent to the release of information about them to enable competitive solicitations by electric generation suppliers and that such consent may be given by an "opt-in" process in which the customer affirmatively agrees to the release of information or an "opt-out" process in which the customer does not object to (opt-out of) the release of information.

Regardless of process, customer consent to the release of customer information by an electric distribution company to enable competitive solicitations by electric generation suppliers does not constitute "an express request" to receive telephone solicitation calls. The "do-not-call list" defined in section 2 of the Telemarketer Act, 73 P.S. § 2242, protects consumers from unwanted telephone solicitation calls. See sections 5—9, 73 P.S. §§ 2245—2249. The protection of the do-not-call list is defeated if general consent to the release of information given by a consumer to one individual or business operates as general consent to receive telephone solicitations from any number of other individuals or businesses.

4. Is an electric generation supplier using customer information supplied by an electric distribution company for telephone solicitations shielded from liability under the "error" provision of the Telemarketer Act?

Section 5(a) of the Telemarketer Act, 73 P.S. § 2245(a), shields a telemarketer who has complied with the four requirements (i)—(iv) of the provision from liability for a telephone solicitation call to a consumer who has previously indicated that he or she does not wish to receive such calls. It is immaterial to this "error" provision of the

Telemarketer Act that an electric generation supplier or its agent uses customer information supplied by an electric distribution company in making telephone solicitation calls.

In summary, it is my opinion, and you are so advised, that electric generation suppliers are subject to all the requirements of the Telemarketer Act, as detailed herein, except the requirement that they register with this Office.

Finally, you are advised that, in accordance with section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732—204(a)(1), you are required to follow the advice set forth in this Opinion and shall not in any way be liable for doing so.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 10-418. Filed for public inspection March 5, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Service Program

P-2010-2157862. Pennsylvania Power Company. Petition of Pennsylvania Power Company for approval of a Default Service Program for period January 1, 2011 through May 31, 2013.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before March 22, 2010. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Applicant: Pennsylvania Power Company

Through and by Counsel: Thomas P. Gadsen, Kenneth M. Kulak, Anthony C. DeCusatis, Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

Petition of Pennsylvania Power Company For Approval of its Default Service Program

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Date: Friday, March 26, 2010
Time: 10 a.m.
Location: 2nd Floor Hearing Room—Pittsburgh Parties
Piatt Place
301 Fifth Avenue
Room 220
Pittsburgh, PA 15222

Date: Friday, March 26, 2010
Location: Hearing Room 2—Harrisburg Parties
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA

Presiding: Administrative Law Judge Mark A. Hoyer
Administrative Law Judge Mary D. Long
Piatt Place
Room 220
301 Fifth Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

Persons with a disability who wish to attend the hearing may be able to make arrangements for their special needs. Call the scheduling office at the Pennsylvania Public Utility Commission (Commission) at least 5 business days prior to the hearing to submit your request.

If an interpreter is required to participate in the hearings the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-419. Filed for public inspection March 5, 2010, 9:00 a.m.]

Electric Transmission

A-2010-2159814. Duquesne Light Company. Application of Duquesne Light Company for the siting and construction of a 345 kV transmission line in the City of Pittsburgh, Municipality of Penn Hills, Verona and Plum Boroughs, Allegheny County, PA.

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 16, 2010. 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, and at the applicant's business address.

Applicant: Duquesne Light Company

Through and By Counsel: Krysia Kubiak, Legal Department, 411 Seventh Avenue, 16-1, Pittsburgh, PA 15219

Application of Duquesne Light Company

For the siting and construction of a 345 kV transmission line in the City of Pittsburgh, Municipality of Penn Hills, Verona and Plum Boroughs, Allegheny County, PA.

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Date: Wednesday, April 21, 2010
Time: 10 a.m.
Location: 2nd Floor Hearing Room—Pittsburgh Parties
 Piatt Place
 301 Fifth Avenue
 Room 220
 Pittsburgh, PA 15222

Location: Hearing Room 2—Harrisburg Parties
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA

Presiding: Administrative Law Judge John H. Corbett, Jr.
 Administrative law Judge Katrina Dunderdale
 Piatt Place
 Room 220
 301 Fifth Avenue
 Pittsburgh, PA 15222
 Telephone: (412) 565-3550
 Fax: (412) 565-5692

Persons with a disability who wish to attend the hearing may be able to make arrangements for their special needs. Call the scheduling office at the Pennsylvania Public Utility Commission (Commission) at least 5 business days prior to the prehearing to submit your request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the prehearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-420. Filed for public inspection March 5, 2010, 9:00 a.m.]

Electric Utilities

A-2010-2153807. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Beltzville 69-12 kV substation to be constructed in Towamensing Township, Carbon County, PA, is reasonably necessary for the convenience or welfare of the public

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 March 22, 2010. 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, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-421. Filed for public inspection March 5, 2010, 9:00 a.m.]

Electric Utilities

A-2010-2159610. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Copperstone 230-69kV substation to be constructed in South Hanover Township, Dauphin County, PA, is reasonably necessary for the convenience or welfare of the public.

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 March 22, 2010. 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, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-422. Filed for public inspection March 5, 2010, 9:00 a.m.]

Order

Public Meeting held
 February 11, 2010

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Statement; Kim Pizzigrilli; Wayne E. Gardner; Robert F. Powelson

Petition of the United Way of Pennsylvania for Information and Referral for the Assignment of 2-1-1 Abbreviated Dialing Code and the Designation of PA 2-1-1 as the Lead Implementing Agency for Pennsylvania 2-1-1 Service; Doc. No. P-2009-2136921

Order

By the Commission:

On October 19, 2009, pursuant to the provisions of 52 Pa. Code § 5.41, the United Way of Pennsylvania

(“UWP”), the state association representing local United Way chapters that serve communities throughout the Commonwealth of Pennsylvania, filed a petition requesting the assignment of the 2-1-1 abbreviated dialing code to the not-for-profit organization, PA 2-1-1, so that it can be the leading implementing agency of the 2-1-1 abbreviated dialing code for the provision of Information and Referral Services (“I&R Services”) for the State of Pennsylvania. In accordance with 52 Pa. Code § 5.41, UWP served copies of this petition on all parties directly affected and on other parties whom they deemed would be affected by the petition. Specifically, UWP served the petition on the following parties: the Commission’s Office of Trial Staff, the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), the Pennsylvania Telephone Association (“PTA”), Verizon Pennsylvania, Inc. and Verizon North, Inc. (hereinafter jointly referred to as “Verizon”) and The United Telephone Company of Pennsylvania, LLC, f/d/b/a Embarq Pennsylvania (now d/b/a CenturyLink). Additionally, a notice regarding UWP’s Petition was published in the *Pennsylvania Bulletin* on January 2, 2010. See 40 Pa.B. 127 (January 2, 2010).

The Commission received over seventy comments on the UWP’s petition. Most notably, comments were received from Senator Jay Costa, Representative Nick Kotik, Representative Dom Costa, the OCA, PTA and Verizon. Based on the information submitted by UWP and the content of the numerous comments, the Commission grants in part and denies in part the petition.

Background

On July 21, 2000, the Federal Communications Commission (“FCC”) ruled that the 2-1-1 abbreviated dialing code should be used exclusively to provide access to community information and referral services.¹ The FCC, acting on a petition filed in 1998 by the United Way of America, the Alliance of Information and Referral Services (“AIRS”) and several other partners, assigned the 2-1-1 abbreviated dialing code as the universal telephone number for non-emergency community information and referral services.² The FCC recognized that a universally and easily recognizable number would make it possible for callers in need to make critical connections with the appropriate community-based organizations and government agencies more easily.³ Accordingly, the FCC reserved the 2-1-1 dialing code for community information and referral services. However, in its order assigning the 2-1-1 dialing code for community information and referral services, the FCC left nearly all implementation issues for any interested local I&R Services group and relevant telecommunications carrier to sort out. The only direction given by the FCC in its order is that, once an entity requested the abbreviated dialing code 2-1-1 from a telecommunications provider, the provider had to grant them access to 2-1-1 dialing in its service territory.

In the meantime, the United Way of Southeastern Pennsylvania had filed a petition at Docket No. P-00001816 with the Commission on June 30, 2000. In its Petition, the United Way of Southeastern Pennsylvania requested the assignment of the 2-1-1 abbreviated dialing code to the Southeastern Pennsylvania 2-1-1 Collaborative for the purpose of providing community service information and referrals in the portion of the then-Bell

Atlantic—Pennsylvania, Inc.’s⁴ (now Verizon Pennsylvania, Inc.) service territory comprising the five county Greater Philadelphia region (Philadelphia, Bucks, Chester, Delaware and Montgomery).

As mentioned previously, subsequent to this filing, the FCC had issued its order assigning the 2-1-1 abbreviated dialing code Nationwide for the purpose of community information and referral services. Based upon its reading of the FCC’s July 21, 2000 Order, the Commission stated that the FCC clearly stated that the entity requesting the use of the 2-1-1 abbreviated dialing code should make its request directly to the provider of telecommunications services in its service area. Accordingly, by an Order entered October 3, 2000, the Commission held that the United Way of Southeastern Pennsylvania’s Petition was moot and advised the United Way of Southeastern Pennsylvania to follow the procedure as set forth in the FCC Order and dismissed the petition.

In 2006, UWP and the Pennsylvania Association for Information & Referral (“PAIR”), which is the Pennsylvania affiliate of the AIRS, joined forces and established a taskforce called the Pennsylvania 2-1-1 Collaborative that was made up of representatives from across Pennsylvania. Finally, in 2009, PA 2-1-1 was formed as an independently incorporated Pennsylvania not-for-profit organization dedicated to providing all Pennsylvanians with access to non-emergency community information and referral services. Additionally, UWP has been in contact with the service providers regarding the 2-1-1 abbreviated dialing code. Accordingly, UWP has filed this instant petition requesting the assignment of the 2-1-1 dialing code to PA 2-1-1 as the leading implementing agency for 2-1-1 service in Pennsylvania. For these reasons, we believe that the petition is ripe for action.

Discussion

UWP and PAIR are seeking to establish a Statewide 2-1-1 system that will provide users with easy access to information about the full range of public and private community programs and services provided throughout Pennsylvania. In an effort to accomplish this task, UWP and PAIR, along with other interested parties established PA 2-1-1, an independently incorporated nonprofit organization that was created solely for the purposes of providing all Pennsylvanians with easy access to community information and referral services. As mentioned previously, UWP served its petition on the prominent telecommunications companies and notice of the Petition was also published in the *Pennsylvania Bulletin*. Over seventy comments were received by the Commission. While we acknowledge that all the comments did not unanimously take the position that PA 2-1-1 is the proper entity to implement 2-1-1 service within Pennsylvania, the comments were unanimous in their endorsement that 2-1-1 service is much-needed in Pennsylvania.

We note that there have been successful efforts across the United States to implement health and human services I&R telephone call centers accessed by “2-1-1” dialing codes. As of November 2008, 2-1-1 has served over 234 million Americans through 244 2-1-1 systems covering all or part of 48 states plus Washington, D.C. and Puerto Rico. Pennsylvania is one of the last remaining states to not have implemented a 2-1-1 system.

In those states where 2-1-1 service has been successfully implemented and ongoing, generally, a single I&R organization has emerged as the “developmental leader”

¹ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Red 16753 (July 31, 2000).

² *Id.*

³ *Id.*

⁴ Subsequent to the filing of this Petition, Bell Atlantic—Pennsylvania, Inc. changed its name to Verizon Pennsylvania, Inc.

for 2-1-1 implementation. This organization has partnered with other bodies in the interest of developing an inclusive group to provide solutions to the obstacles against development of a viable 2-1-1 system. We believe that the UWP has demonstrated that PA 2-1-1 will have the knowledge, skills and technical expertise to serve as the lead implementing agency for providing 2-1-1 service in Pennsylvania.

In its Petition, the UWP explains that PA 2-1-1 is governed by a 12–15 member Board of Directors (“Board”) responsible for the development, operation and oversight of the 2-1-1 abbreviated dialing code in Pennsylvania. Representatives of the PA 2-1-1 Board reflect the geographic diversity of the state and include representation from: UWP, PAIR, and representatives from *inter alia*, the business community, county government, Red Cross, Volunteer Centers, Community Action, and the like. The Board is responsible for establishing the policies and overseeing the use of the 2-1-1 designation, securing and equitably distributing the resources required to complement regional investment to ensure full implementation and sustenance of the proposed system and ensuring quality service by establishing and monitoring performance against standards for regional 2-1-1 centers.

Furthermore, as 2-1-1 service is implemented in Pennsylvania, the Board will be complemented by an Operating Council—composed of Regional 2-1-1 Center directors, organized and led by the state executive director—that will advise the executive director on the shared functions that will link the regional centers with one another and provide consistency of operations and uniform quality throughout the system. The Council will identify and resolve system-wide operational issues, define needs and priorities for capacity building within the system, and assist in the planning and implementation of Statewide marketing activities. The Council will also be responsible for building the 2-1-1 network locally so that it includes both specialized I&R agencies, the service providers themselves and other business and local organizations as active partners and funders.

The proposed 2-1-1 system will be accountable to the PA 2-1-1 Statewide organization but delivered locally by six or seven regional call centers. In its petition, the UWP stated that PA 2-1-1 has defined initial regions for the provision of 2-1-1 service. The regional call centers will be AIRS-certified and operate and answer calls 24 hours a day, 7 days a week, 365 days of the year. Additionally, the centers will form a network that can respond quickly to everyday calls from consumers as well as during times of emergency by distributing calls so that no one call center is overloaded. PA 2-1-1 is currently in the process of ensuring that each regional call center determines the best manner to make 2-1-1 service available to all residents within its region.

Additionally, PA 2-1-1 has designated a “lead convener” for each proposed region that will bring together other interested stakeholders and identify and collaborate with these interested stakeholders in a transparent, inclusive and participatory planning process. The benefit of this regional planning is that leaders within each region, with the assistance of PA 2-1-1, will be able to decide how to best provide 2-1-1 service in their region. For example, one region may decide to have a single regional center that will combine both direct response to consumers and development and maintenance of the resource database, while another region may decide to have a lead agency share responsibility with another agency, with one handling consumer response and the other the database.

Thus, each region will have the ability to choose what works best for them after extensive planning and discussion. However, each region, regardless of the model chosen to provide 2-1-1 service to its constituents, will be required to meet the same quality standards and expectations for service.

We find that UWP has shown good cause to grant its request that PA 2-1-1 be given the authority to administer the implementation of the 2-1-1 abbreviated dialing code on a statewide basis. PA 2-1-1 has developed a business plan for the creation and administration of an information system that will be one of the most complete, accurate and inclusive available today. PA 2-1-1 proposes a 2-1-1 system that will have the ability: (1) to respond to callers’ needs 24/7/365; (2) to respond quickly in a disaster situation; (3) to generate meaningful statistics on service availability and service gaps; (4) to provide for effective collaboration on behalf of clients; (5) to computerize the state and local community information databases; (6) to make available a directory of services in print or electronic format; (7) to refer to specialized information and referral agencies, as defined by the Alliance of Information and Referral Standards for Professional I&Rs; and (8) to make information in the database available by means of the Internet.

Based on the content of its Petition, we also note that PA 2-1-1 has investigated the most pertinent aspects of 2-1-1 implementation including organizational issues, system design models, management approaches, relationships between service providers, state bodies, telecommunications providers, technological issues and common obstacles faced by implementation groups and created workable solutions to address these issues.

As we stated previously, UWP served its petition on the prominent telephone companies because it felt that they would have a material interest in the petition since they likely would have to perform switch translations or other facilities work to implement 2-1-1 service as requested by UWP. We acknowledge, as mentioned previously, that the FCC’s ruling left the details of 2-1-1 implementation up to the requesting I&R parties and the relevant geographical telecommunications providers. There are no Federal requirements and no mandated way to pay for 2-1-1. This presents a challenge; however, we agree with the FCC that a three-digit number is easier to remember and would be particularly useful for travelers moving across local boundaries.

While it is no longer necessary to petition State utility regulators for reservation of the abbreviated 2-1-1 dialing code for I&R purposes, we acknowledge that the support of State utility commissions can be very helpful in implementation of 2-1-1 service. The involvement by commissions can facilitate arrangements between telephone service providers and I&R providers. However, we take note of the comments of both the PTA and Verizon. Both stated that they successfully worked with the Department of Transportation in its implementation of 5-1-1 and with the Pennsylvania One Call System, Inc. in its implementation of 8-1-1. No Commission staff was designated to assist in the negotiations and interaction between the telephone carriers and the administrators of 5-1-1 and 8-1-1.

With this understanding, we do not believe that it is necessary to designate any Commission staff persons to assist and coordinate on an ongoing basis any arrangements between any affected jurisdictional local exchange carriers and PA 2-1-1. We simply direct that all jurisdictional local exchange carriers expeditiously perform all

analyses required to quantify its costs for the necessary translations and/or facilities work if it plans to seek recovery of internal costs associated with enabling 2-1-1 call completion and estimate the time required to perform the necessary translations and/or facilities work to allow 2-1-1 call completion from its subscribers.

We believe that the provision of N11 service is relatively straight-forward. As has been noted by the PTA in its comments, in the previous instances of the implementation of 5-1-1 and 8-1-1 abbreviated dialing in Pennsylvania, the PTA companies simply submitted their cost estimates for the work associated with the translations. However, we are sure that there are technical issues that might have to be resolved between PA 2-1-1 and the telephone companies; therefore, we will not direct any technical specifications or protocols at this time. Rather, we encourage PA 2-1-1 to provide detailed information regarding its network and feature requirements so that the telephone companies can provide PA 2-1-1 with specific proposals.

UWP states that PA 2-1-1 anticipates that at least two regions will be ready to operate by February 2010. With this time frame, we will direct PA 2-1-1 to provide access expeditiously to a copy of its implementation plan for 2-1-1 in order to assist jurisdictional local exchange carriers in compiling the information necessary so that the 2-1-1 system can be implemented and established Statewide in a prompt manner in this Commonwealth. We also recognize that wireless callers and other alternate service providers will provide access to 2-1-1. Therefore, we encourage wireless carriers and other alternate service providers to coordinate and work with PA 2-1-1 in an expeditious manner as well regarding any implementation issues.

In conclusion, we find that the referral to community information and referral services by means of 2-1-1 will benefit the citizens of this Commonwealth by providing a simple, universal, easy-to-remember number to access this oftentimes critical information. Moreover, no party opposes the assignment of 2-1-1 to PA 2-1-1.; *Therefore,*

It is Ordered That:

1. The Petition of the United Way of Pennsylvania that PA 2-1-1 be Designated as the Leading Implementing Agency of the 2-1-1 Abbreviated Dialing Code for the Provision of Information and Referral Services in Pennsylvania is hereby granted in part and denied in part.

2. Within 20 days of the entry date of this Order, all jurisdictional local exchange carriers, if they have not done so already, shall immediately discontinue using the 2-1-1 abbreviated dialing code for purposes other than access to community information and referral services.

3. Within 30 days of the entry date of this Order, PA 2-1-1 shall provide all jurisdictional local exchange carriers with access to a copy of its implementation plan for 2-1-1 dialing.

4. Within 45 days of the entry date of this Order, all jurisdictional local exchange carriers that possess switches that would have to undergo re-programming shall perform all analyses required to quantify its costs for the necessary translations and/or facilities work if it plans to seek recovery of internal costs associated with 2-1-1 call completion and estimate the time required to perform the necessary translations and/or facilities work to allow 2-1-1 call completion from its subscribers and shall forward that information to PA 2-1-1.

5. All affected jurisdictional local exchange carriers shall comply with the implementation schedule estab-

lished herein unless a petition for waiver is filed with the Commission pursuant to 52 Pa. Code § 5.41.

6. A copy of this Order shall be served on all jurisdictional local exchange carriers and the Pennsylvania Telephone Association.

7. A copy of this Order shall be published in the *Pennsylvania Bulletin*.

8. The Secretary's Bureau mark this matter closed.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-423. Filed for public inspection March 5, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 22, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2010-2158661. Checker Cab Co. of Steubenville, Inc., t/a Checker Transportation (1439 Sunset Boulevard, Steubenville, OH 43952), a foreign corporation registered in the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service from Pittsburgh International Airport to points in Pennsylvania.

A-2010-2159261. Checker Cab Co. of Steubenville, Inc., t/a Checker Transportation (1439 Sunset Boulevard, Steubenville, OH 43952), a foreign corporation registered in the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service between points in the Counties of Allegheny, Beaver and Washington.

A-2010-2159585. Saferide Transportation Services, LLC (216 Ian Drive, Shavertown, Luzerne County, PA 18708)—a limited liability corporation of the Commonwealth—in paratransit service, to or from medical or nursing home facilities, from points in Lackawanna and Luzerne Counties, to points in Pennsylvania, and return.

A-2010-2159587. Bella Transportation LLC, t/a Bella Luxury Limousine (P. O. Box 1805, Allentown, PA 18105)—for the right to begin, as a common carrier, persons in limousine service, between points in the Counties of Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton and Schuylkill to points in Pennsylvania and return, excluding service under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2010-2159361. T.H.J.R. Travel, Inc., d/b/a World Wide Travel (143 Hartman Road, Greensburg, PA 15601), a corporation of the Commonwealth—for the discontinuance of service and cancellation of its certificate to operate as a broker, to arrange for transportation of persons and their baggage, between points in Pennsylvania.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Torgro, Inc.;*
Doc. No. C-2010-2135953; A-00123707

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Torgro, Inc., respondent, maintains its principal place of business at 70 Jansen Avenue, Suite 201, Essington, PA 19029.

2. That respondent was issued a certificate of public convenience by this Commission on May 11, 2007, at Application Docket No. A-00123707.

3. That on July 17, 2009, a Compliance Review was performed on respondent by Enforcement Officer Supervisor Alexander Zinczenko, a duly authorized officer of this Commission. The information contained in the complaint was obtained during the review.

4. That respondent failed to keep a maintenance record, which identifies the vehicle, including make, serial number, year, and tire size on its 2008 Ford bus, bearing Pennsylvania License No. BA62285, Vehicle Identification No. 3FRNF65C48V575640.

5. That Respondent, by failing to maintain minimum records of inspection and maintenance, as stated in paragraph 4 above, violated 49 CFR 396.3(b). The penalty is \$500.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Torgro, Inc. the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau

of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty.

C. You may elect not to contest this Complaint by paying the fine imposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violations and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an answer which admits or fails to deny the allegation of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Peter Equere, t/a Peace Taxi
Co.; Doc. No. C-2010-2113872; A-00124186*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has del-

egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Peter Equere, t/a Peace Taxi Co., respondent, maintains his principal place of business at 540 Prospect Street, York, PA 17403.

2. That respondent was issued a certificate of public convenience by this Commission on May 12, 2008, at Application Docket No. A-00124186, for call or demand authority.

3. That respondent, on May 20, 2009, at approximately 9:00 a.m., at Route 74, West Manchester Township, York County, PA, presented a certain 2004 Chevrolet taxicab bearing Pennsylvania License No. TX46327, Vehicle Identification No. 1GNDX03E24D219763, to be inspected.

4. That the vehicle described in Paragraph 3 of this complaint was inspected by Enforcement Officer John Bumsted, a duly authorized officer of this Commission, on the date and at the time specified in Paragraph 3, and the following violations were disclosed:

a. Dome light not visible at a distance of 100 feet—light bulb not operable.

b. Carrier failed to post rates of fare in taxi.

5. That respondent, on May 20, 2009, at approximately 10:10 a.m., at Route 74, West Manchester Township, York County, PA, presented a certain 2005 Dodge taxicab bearing Pennsylvania License No. TX46628, Vehicle Identification No. 2D4GP44L25R123188, to be inspected.

6. That the vehicle described in Paragraph 5 of this complaint was inspected by Enforcement Officer John Bumsted, a duly authorized officer of this Commission, on the date and at the time specified in Paragraph 5, and the following violation was disclosed:

a. Fast meter.

7. That respondent, by permitting its vehicle to be operated that failed to have an operable dome light affixed to the roof of the vehicle, violated 52 Pa. Code § 29.314(e). The penalty is \$100.00.

8. That respondent, by failing to post rates of fare in a conspicuous place in the vehicle, violated 52 Pa. Code § 29.316(b) and/or (c). The penalty is \$50.00.

9. That respondent, by failing to have the meter regulated in accordance with the current tariff rates on file with this Commission, violated 52 Pa. Code § 29.314(b)(6). The penalty is \$500.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Peter Equere, t/a Peace Taxi, Co., the sum of six hundred fifty dollars (\$650.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, and forwarded to James J. McNulty, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Main Line Limousine, Inc.,
t/a Elegante Limousine Service; A-00108501;
C-2009-2108020*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Main Line Limousine, Inc., t/a Elegant Limousine Service, respondent, maintains its principal place of business at 41 Claremont Boulevard, Havertown, PA 19083.

2. That respondent was issued a certificate of public convenience by this Commission, for Limousine service, on October 11, 1989, at Application Docket No. A-00108501.

3. That on April 15, 2009, and April 24, 2009, an annual fleet inspection was performed on respondent by Enforcement Officers William Lark and Freda Culver, duly authorized officers of this Commission. The information contained in this complaint was obtained during said inspection.

4. That respondent, on April 24, 2009, at approximately 9:00 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1962 Bentley, bearing License No. LM21909, Vehicle Identification No. B6LDW, for inspection.

5. That the vehicle described in Paragraph 4 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 4 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

6. That respondent, on April 24, 2009, at approximately 9:30 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1956 Bentley, bearing License No. LM21910, Vehicle Identification No. B339DE, for inspection.

7. That the vehicle described in Paragraph 6 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 6 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

8. That respondent, on April 24, 2009, at approximately 9:55 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1953 Bentley, bearing License No. LM21087, Vehicle Identification No. B3105R, for inspection.

9. That the vehicle described in Paragraph 8 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 8 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

10. That respondent, on April 24, 2009, at approximately 10:20 a.m., at 388 Reed Road, Broomall, PA, presented a certain 1951 Bentley, bearing License No. LM207850, Vehicle Identification No. B284LJ, for inspection.

11. That the vehicle described in Paragraph 10 of this complaint was inspected by Enforcement Officer Lark, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 10 and the following violation was disclosed.

(a) Vehicle beyond eight model years with no approval exemption form onboard the vehicle.

12. That respondent, by operating vehicles older than eight model years without an official approval form for exemption onboard, violated 52 Pa. Code § 29.333(e). The penalty is \$250.00 per violation for a total fine of \$1,000.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Main Line Limousine, Inc., t/a Elegant Limousine Service, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission Bureau of
Transportation and Safety v. Joseph R Tunstall;
t/a J. R. Tunstall Trucking;
Doc. No. C-2010-2052513; A-00119400*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Joseph R. Tunstall, t/a J. R. Tunstall Trucking, respondent, maintains his principal place of business at 2002 Penn Avenue, Holsopple, PA 15935.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 3, 2006, at Application Docket No. A-00119400.

3. That during the period of July 2008 through June 2009, Enforcement Officers Brian Mehan and Brian McGowan, duly authorized officers of this Commission, performed a safety audit at the respondent's facility and the following violations were noted:

a) Carrier failed to ensure that the driver vehicle inspection reports contained the certification of repairs or that correction was unnecessary for truck #19 on June 9, 2008.

b) Carrier failed to ensure that the driver vehicle inspection reports contained the certification of repairs or that correction was unnecessary for truck #17 on July 15, 2008.

c) Carrier failed to conduct alcohol and controlled substance testing in accordance with 49 CFR Part 40. A drug and alcohol previous employer inquiry was not completed for driver Michael Sullivan before performing a safety sensitive function on December 6, 2007.

d) Carrier used driver Michael Sullivan for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

e) Carrier used driver Thomas D. Lucas for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

f) Carrier used driver David B. Brusha for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

g) Carrier used driver Scott H. Coughenour for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

h) Carrier used driver Roger E. Lafferty for a safety sensitive function prior to receiving a negative pre-employment controlled substance result.

i) Carrier failed to maintain a completed driver qualification file on driver Michael L. Sullivan on December 6, 2007, containing each of the items required by 49 CFR 391.51 for the specified period of time.

j) Carrier failed to maintain a "Driver Investigation History File" on each new or prospective driver, missing for driver Michael Sullivan on December 6, 2007.

k) Carrier failed to maintain a medical examiners certificate in the driver qualification file for driver Roger E. Lafferty on July 15, 2008.

l) Carrier failed to maintain minimum records of inspection and maintenance for truck #20 on December 6, 2008.

m) Carrier failed to require driver Michael L. Sullivan, make a record of duty status, for each 24 hour period.

n) Carrier failed to require driver Thomas D. Lucas, make a record of duty status, for each 24 hour period.

o) Carrier failed to require driver David B. Brusha, make a record of duty status, for each 24 hour period.

p) Carrier failed to require driver Roger E. Lafferty, make a record of duty status, for each 24 hour period.

q) Carrier failed to maintain verified positive controlled substance test results for five years, for driver Walker on November 5, 2007.

r) Carrier failed to maintain educational materials, for blood alcohol technicians, supervisors and drivers for an indefinite period of time, for Michael L. Sullivan on December 6, 2007.

s) Carrier failed to provide educational materials required by 49 CFR 382.601 for Michael L. Sullivan on December 6, 2007.

t) Carrier failed to maintain an accident register for three years following an accident, as outlined in 49 CFR 390.15 for Michael L. Sullivan on December 6, 2007.

u) Carrier failed to retain copies of roadside inspection reports for the previous 12 months, PA report #PAS274001108, on December 7, 2007.

v) Carrier failed to maintain a completed driver qualification file, July 28, 2008 Pennsylvania Department of Transportation record missing, for Roger E. Lafferty, hired June 13, 2008, trip date July 15, 2008.

4. That respondent, by failing to ensure that the driver vehicle inspection reports contained the certification of repairs or that correction was unnecessary, violated 49 CFR 396.11(c)(1). The penalty is \$1,000.00 per violation for a total penalty of \$2,000.00.

5. That respondent, by failing to conduct alcohol and controlled substance testing in accordance with 49 CFR Part 40, violated 49 CFR 382.105 The penalty is \$500.00.

6. That respondent, by failing to require its drivers to undergo a pre-employment controlled substance test prior to the driver operating a motor vehicle, violated 52

Pa. Code § 37.204(1) and 49 CFR 382.301(a). The penalty is \$500.00 per driver for a total penalty of \$2,500.00.

7. That respondent, by failing to maintain a completed driver qualification file on each driver employed, containing each of the items required by 49 CFR 391.51 for the specified period of time, violated 49 CFR 391.51(a). The penalty is \$500.00.

8. That respondent, by failing to maintain a "Driver Investigation History File" on each new or prospective driver, violated 49 CFR 391.53(b). The penalty is \$500.00.

9. That respondent, by failing to maintain a medical examiners certificate in the driver qualification file, violated 49 CFR 391.51(b)(7). The penalty is \$500.00.

10. That respondent, by failing to maintain minimum records of inspection and maintenance for its vehicle, violated 49 CFR 396.3(b). The penalty is \$500.00.

11. That respondent, by failing to require its drivers to make a record of duty status, for each 24 hour period, violated 49 CFR 395.8(a). The penalty is \$550.00 for four violations.

12. That respondent, by failing to maintain verified positive controlled substance test results for 5 years, violated 49 CFR 382.401(b)(1)(ii).

13. That respondent, by failing to maintain educational materials, for blood alcohol technicians, supervisors and drivers for an indefinite period of time, violated 49 CFR 382.401(b)(4).

14. That respondent, by failing provide educational materials required by 49 CFR 382.601, violated 49 CFR 382.601(a).

15. That respondent, by failing to maintain an accident register for three years following an accident, as outlined in 49 CFR 390.15, violated 49 CFR 390.15(b)(1).

16. That respondent, by failing to retain copies of roadside inspection reports for the previous 12 months, violated 49 CFR 396.9(d)(3)(ii).

17. That respondent, by failing to maintain a completed driver qualification file, violated 49 CFR 391.51(b).

18. The penalty for violations in paragraphs 12 through 17 is \$400.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Joseph R. Tunstall, t/a J. R. Tunstall Trucking, the sum of seven thousand, nine hundred and fifty dollars (\$7,950.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements

herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Golden Taxi, LLC
Doc. No: C-2010-2126558; A-6310376

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Golden Taxi, LLC, respondent, maintains its principal place of business at 207 South Allegheny Street, Suite 6, Bellefonte, PA 16823.

2. That respondent was issued a certificate of public convenience by this Commission on March 6, 2009, at Application Docket No. A-6310376.

3. That on August 14, 2009, Enforcement Officer Robert E. Crawford observed a Golden Taxi taxicab which was placed out of service previously due to vehicle age at the Sheetz on North Atherton Street, State College, PA. The vehicle was identified as a 1997 Dodge Caravan, PA License No. TX46733. Supervisor Kimberly Johnston and Officer Crawford stopped the vehicle in the Highway Pizza Parking lot and interviewed the driver. The driver stated that he had been operating the 1997 Dodge Caravan since he began driving for respondent two days prior.

4. That respondent, by utilizing a vehicle older than eight model years old, without having previously obtained a vehicle age waiver from this Commission, violated 52 Pa. Code § 29.314(d). The penalty is \$500.00 due to a previous complaint at Docket No. C-2009-2126552, for over-aged vehicle for the same taxicab.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Golden Taxi, LLC the sum of five hundred dollars (\$500.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal argu-

ments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, and forwarded to James J. McNulty, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-424. Filed for public inspection March 5, 2010, 9:00 a.m.]

Telecommunications

A-2010-2159718. Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone. Joint petition of Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone, by its counsel, filed on February 11, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-425. Filed for public inspection March 5, 2010, 9:00 a.m.]

Telecommunications

A-2010-2159808. Verizon North and Metropolitan Telecommunications Corporation of PA. Joint petition of Verizon North and Metropolitan Telecommunications Corporation of PA for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North and Metropolitan Telecommunications Corporation of PA, by its counsel, filed on February 18, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North and Metropolitan Telecommunications Corporation of PA joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-426. Filed for public inspection March 5, 2010, 9:00 a.m.]

Telecommunications

A-2010-2159741. Verizon PA, Inc. and Metropolitan Telecommunications Corporation of PA, Inc., d/b/a MetTel. Joint petition of Verizon PA, Inc. and Metropolitan Telecommunications Corporation of PA, Inc., d/b/a MetTel for approval of amendment No. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon PA, Inc. and Metropolitan Telecommunications Corporation of PA, Inc., d/b/a MetTel, by its counsel, filed on February 18, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 4 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon PA, Inc. and Metropolitan Telecommunications

Corporation of PA, Inc., d/b/a MetTel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-427. Filed for public inspection March 5, 2010, 9:00 a.m.]

Telecommunications

A-2010-2159804. Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone. Joint petition of Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone, by its counsel, filed on February 11, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Telecom Management, Inc., d/b/a Pioneer Telephone joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-428. Filed for public inspection March 5, 2010, 9:00 a.m.]

Water Service

A-2010-2160209. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval to begin to offer, render, furnish or supply water service to the public in a portion of Summit and Jefferson Townships, Butler County, PA.

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 March 22, 2010. 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, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-429. Filed for public inspection March 5, 2010, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting in the Finance Building, Room 307, Harrisburg, PA on March 25, 2010, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the Regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 10-430. Filed for public inspection March 5, 2010, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 8:30 a.m. on March 18, 2010, in Toftrees Golf Resort and Conference Center, One Country Club Lane, State College, PA 16803. At the public hearing, the Commission will consider: 1) action on certain water resources projects; 2) action on one project involving a diversion; 3) compliance matters involving three projects; and 4) the rescission of a previous docket approval. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net.

Supplementary Information

In addition to the public hearing and its related action items identified, the business meeting also includes actions or presentations on the following items: 1) a presentation by the Department of Conservation and Natural Resources Deputy Secretary James Grace on natural gas exploration on state forest and park lands; 2) a presentation on hydrologic conditions of the basin with emphasis on National Flood Safety Week; 3) an update on the recently authorized SRBC Remote Water Quality Monitoring Network; 4) ratification/approval of grants/contracts; and 5) revision of the Fiscal Year 2011 budget. The Commission will also hear a Legal Counsel's report.

Public Hearing—Compliance Matters:

1. Project Sponsor: Chesapeake Energy Corporation—Eastern Division. Pad ID: Ward (ABR-20090519), Burlington Township, and Sullivan 1 (ABR-20080715), Athens Township, Bradford County, PA.

2. Project Sponsor: Novus Operating, LLC. Pad ID: Sylvester 1H and North Fork 1H, Brookfield Township, Tioga County, PA.

3. Project Sponsor: Southwestern Energy Production Company. Pad ID: Ferguson, Wyalusing Township, Bradford County, PA.

Public Hearing—Projects Scheduled for Action:

1. Project Sponsor and Facility: Carrizo Oil & Gas, Inc. (Mosquito Creek—Hoffman), Karthaus Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.720 mgd.

2. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for groundwater withdrawal of 0.190 mgd (30-day average) from two wells and three collection sumps.

3. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for consumptive water use of up to 0.075 mgd.

4. Project Sponsor and Facility: EQT Production Company (West Branch Susquehanna River—Kuntz), Greenwood Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.900 mgd.

5. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (West Branch Susquehanna River—Johnson), Clinton Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.999 mgd.

6. Project Sponsor and Facility: Fortuna Energy, Inc. (Fall Brook—Bense), Troy Township, Bradford County, PA. Application for surface water withdrawal of up to 1.000 mgd.

7. Project Sponsor and Facility: Fortuna Energy, Inc. (Unnamed Tributary to North Branch Sugar Creek—Besley), Columbia Township, Bradford County, PA. Application for surface water withdrawal of up to 2.000 mgd.

8. Project Sponsor and Facility: Fortuna Energy, Inc. (South Branch Sugar Creek—Shedden), Troy Township, Bradford County, PA. Application for surface water withdrawal of up to 0.900 mgd.

9. Project Sponsor and Facility: Fortuna Energy, Inc. (Sugar Creek—Hoffman), West Burlington Township, Bradford County, PA. Modification to increase the surface water withdrawal from 0.250 mgd up to 2.000 mgd (Docket No. 20090327).

10. Project Sponsor: Graymont (PA), Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Application for groundwater withdrawal of 0.099 mgd (30-day average) from the Plant Make-up Well.

11. Project Sponsor and Facility: Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, York County, PA. Modification to add a groundwater withdrawal of 0.144 mgd (30-day average) from Well CW-20 to the remediation system, without any increase to total system withdrawal quantity (Docket No. 19980901).

12. Project Sponsor and Facility: Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, York County, PA. Modification to project features of the withdrawal approval (Docket No. 19900715).

13. Project Sponsor and Facility: Healthy Properties, Inc. (Sugar Creek—owner), North Towanda Township, Bradford County, PA. Application for surface water withdrawal of up to 0.450 mgd.

14. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek—Deer Park Lumber, Inc.), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd.

15. Project Sponsor and Facility: Randy M. Wiernusz (Bowman Creek—owner), Eaton Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.249 mgd.

16. Project Sponsor and Facility: Sunnyside Ethanol, LLC (West Branch Susquehanna River—1—owner), Curwensville Borough, Clearfield County, PA. Application for surface water withdrawal of up to 1.270 mgd.

17. Project Sponsor and Facility: Sunnyside Ethanol, LLC (West Branch Susquehanna River—2—owner), Curwensville Borough, Clearfield County, PA. Application for surface water withdrawal of up to 0.710 mgd.

18. Project Sponsor and Facility: Sunnyside Ethanol, LLC, Curwensville Borough, Clearfield County, PA. Application for consumptive water use of up to 1.980 mgd.

19. Project Sponsor and Facility: TerraAqua Resource Management (Tioga River—Larson Design Group), Lawrenceville Borough, Tioga County, PA. Application for surface water withdrawal of up to 0.543 mgd.

20. Project Sponsor and Facility: TerraAqua Resource Management, Lawrenceville Borough, Tioga County, PA. Application for consumptive water use of up to 0.543 mgd.

21. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA.

Modification to increase the total groundwater system withdrawal limit (30-day average) from 0.523 mgd to 0.962 mgd (Docket No. 20070905).

22. Project Sponsor and Facility: XTO Energy, Inc. (Lick Run—Dincher), Shrewsbury Borough, Lycoming County, PA. Application for surface water withdrawal of up to 0.249 mgd.

23. Project Sponsor and Facility: XTO Energy, Inc. (Little Muncy Creek—Temple), Moreland Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.249 mgd.

Public Hearing—Project Scheduled for Action Involving a Diversion:

1. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for an existing into-basin diversion of up to 0.050 mgd from the Delaware River Basin.

Public Hearing-Project Scheduled for Rescission Action:

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080907), Oakland Township, Susquehanna County, PA.

Opportunity to Appear and Comment:

Interested parties may appear at the previously-listed hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, srichardson@srbc.net. Comments mailed or electronically submitted must be received prior to March 12, 2010, to be considered.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: February 16, 2010.

THOMAS W. BEAUDUY,
Deputy Director

[Pa.B. Doc. No. 10-431. Filed for public inspection March 5, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 250]

Administration of Land Recycling Program

The Environmental Quality Board (Board) proposes to amend Chapter 250 (relating to Administration of Land Recycling Program). The amendments update the State-wide health standards by using current Environmental Protection Agency (EPA) guidance and updated toxicological information. The proposal also corrects errors and codifies certain established policies into regulation.

This proposal was adopted by the Board at its meeting of December 15, 2009.

A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information, contact Troy Conrad, Director, Land Recycling Program, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 783-7816 or Kurt Klappowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

C. *Statutory Authority*

This rulemaking is being made under the authority of sections 104(a) and 303(a) of the Land Recycling and Environmental Remediation Standards Act (Land Recycling Act) (35 P. S. §§ 6026.104(a) and 6026.303(a)), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Section 104(a) of the Land Recycling Act authorizes the Board to adopt Statewide health standards, appropriate mathematically valid statistical tests to define compliance with the Land Recycling Act and other regulations that may be needed to implement the provisions of the Land Recycling Act. Section 303(a) of the Land Recycling Act authorizes the Board to promulgate Statewide health standards for regulated substances for each environmental medium and methods used to calculate the standards. Section 1920-A authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

D. *Background and Purpose*

The primary purpose for this proposed rulemaking is to update the standards related to cleanup of contaminated sites under the Land Recycling Act. The Land Recycling Act requires the Board to establish by regulation uniform Statewide health-based standards so that any substantial present or probable future risk to human health and the environment is eliminated. The original standards were promulgated in 1997 and codified in Chapter 250. Section

104(a) of the Land Recycling Act explicitly recognizes that these standards would need to be updated over time as better science became available and as the need for clarification or enhancement of the program became apparent. Updating the standards serves the public as the Department is able to use the most up-to-date health and scientific information to establish the cleanup standards. In addition, the changes in standards serve both the public and the regulated community as they provide clear information on what is or will be done at contaminated sites. This gives the public notice and provides remediators with a clear endpoint to the remediation process. Several amendments are currently part of guidance, but are proposed for addition to Chapter 250 to give the requirements the legal status of a binding norm, which should lead to greater consistency and clarity across this Commonwealth.

The proposal was discussed and approved with unanimous support at the Cleanup Standards Scientific Advisory Board (CSSAB) board meeting held on September 1, 2009; however, subsequent to the CSSAB's review, the Department reconsidered changes to the Statewide health standards initially considered for Methyl Tertiary Butyl Ether (MTBE) and decided not to propose any changes for MTBE at this time. The current Chapter 250 Statewide health cleanup standard for MTBE is 20 ug/l for groundwater used for drinking water. This 20 ug/l standard is the odor threshold for MTBE as published by the United States EPA in the "2006 Edition of the Drinking Water Standards and Health Advisories" (EPA 822-R-06-013). The Department has decided that the previously considered revisions for MTBE included in the September 1, 2009 draft, which allowed for higher concentrations of MTBE based on health based calculations, would have resulted in unacceptable taste and odor impacts on groundwater used for drinking water. The CSSAB reviewed the revised regulations on November 19, 2009, and while the CSSAB is supportive of the overall rulemaking, it opposes the standards for MTBE, as contained in the proposal, because they do not reflect specific health-based criteria from the Land Recycling Act.

E. *Summary of Regulatory Requirements*

§ 250.1. *Definitions.*

For three definitions in this section only an explanation of what the abbreviation meant was originally provided. This section has been modified to include a definition for "EQL—Estimated Quantitation Limit," "NPDES—National Pollutant Discharge Elimination System" and "PQL—Practical Quantitation Limit." A fourth definition, for "environmental covenant," was added due to the passage of the Uniform Environmental Covenants Act (27 Pa.C.S. §§ 6501—6517) (UECA).

§ 250.11. *Periodic Review of MSCs.*

This new section describes the Department's intent to keep the medium-specific concentrations (MSCs) in Appendix A to Chapter 250 current by proposing appropriate changes based on new scientific information that relates to the basis of the MSCs at least every 3 years.

§ 250.301. *Scope.*

In January 2009, the EPA issued a revised methodology for calculating the risk from regulated substances at Superfund sites by developing a new document "Risk Assessment for Superfund (RAGS), Volume I, Part F" (RAGS). A new Subsection (b) was added to identify those

regulated substances that the EPA has determined to be mutagens in the RAGS. The new methodology for calculating MSCs for these substances is described in §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values).

§ 250.303. *Aquifer determination; current use and currently planned use of aquifer groundwater.*

The language of § 250.303(d)(3)(i) was modified to change the previously undefined terminology “acknowledged within the deed” to terminology defined under the UECA.

§ 250.304. *MSCs for groundwater.*

The proposed rulemaking clarifies that maximum contaminant levels (MCLs) and lifetime health advisory levels (HALs) promulgated by the Department or the EPA are immediately effective upon promulgation.

This section further clarifies the need for a remediator to address the potential intrusion of vapors from contaminated groundwater into buildings when conducting a Statewide health standard remediation under Chapter 250.

§ 250.305. *MSCs for soil.*

Similar to the clarification in § 250.304, this section further clarifies the need for a remediator to address the potential intrusion of vapors from contaminated soil into buildings when conducting a Statewide health standard remediation under Chapter 250.

§§ 250.306 and 250.307. *Ingestion numeric values; and inhalation numeric values.*

The new formulas referenced in RAGS, Volume I, Part F represent an update by the EPA of its methodology to calculate inhalation risks, originally proposed in RAGS Part A. The key difference between RAGS Part F and RAGS Part A is the use of exposure estimates (that is, air concentration metrics) that are inhalation route-specific (that is, in $\mu\text{g}/\text{m}^3$) rather than ones converted to chronic “air intake” (that is, $\text{mg}/\text{kg}\cdot\text{day}$).

The update to RAGS was necessary to ensure that the calculation of risk estimates from inhaled chemicals is consistent with EPA’s currently recommended approach to developing inhalation toxicity values, that is, inhalation reference concentration (RfCi, that is, mg/m^3) and inhalation unit risk (IUR, that is, $(\mu\text{g}/\text{m}^3)^{-1}$). The approach to calculating inhalation toxicity values is referenced in EPA’s Inhalation Dosimetry Methodology, *Methods for Derivation of Inhalation Reference Concentrations (RfCs) and Application of Inhalation Dosimetry*. (United States Environmental Protection Agency, Office of Research and Development, Office of Health and Environmental Assessment, Washington, DC, EPA/600/8-90/066F, October 1994.) The methodology assumes continuous exposure and is designed so that it yields toxicity values that sufficiently cover potential age and activity related variation in inhalation exposure (RAGS, Volume I, Part F, Page A-2, Second Bullet). The exception is for chemicals that may act as mutagens and for which susceptibility is not incorporated into the IUR. A separate adjustment factor is needed where early childhood exposures are to be evaluated.

For those substances classified as mutagens, the new inhalation methodology applies Age Dependent Adjustment Factors in the calculations. These substances are identified in § 250.301(b) of the proposed regulations.

Except for the MSCs of those regulated substances that have been determined to cause cancer by a mutagenic

mode of action, most of the soil and groundwater MSCs that are controlled by inhalation risks increased in value by using this new inhalation methodology. The soil and groundwater MSCs for mutagens have generally decreased in values as a result of using this new inhalation methodology

§ 250.308. *Soil to groundwater pathway numeric values.*

This proposed amendment corrects an omitted reference to one of the tables that contains the soil to groundwater values. No practical change in current practice is expected.

§ 250.407. *Point of compliance.*

This proposed change corrects a mistaken reference to soil to groundwater values on site-specific standard sites. No practical change in current practice is expected.

§ 250.605. *Sources of toxicity information.*

In addition to including new inhalation toxicity values (that is, inhalation reference concentration and inhalation unit risk) as required by RAGS, Volume I, Part F, the proposed changes also include an update to the hierarchy of toxicity values. This update to the hierarchy of toxicity values is necessary to comply with EPA guidance developed since the last update to Chapter 250 and titled *Memorandum, Human Health Toxicity Values in Superfund Risk Assessments* (OSWER Directive 9285.7-53, December 5, 2003).

§ 250.704. *General attainment requirements for groundwater.*

The Department recognizes that at the time of site assessment, many sites have groundwater contamination below a standard. In these cases, remediators desire the liability protection afforded by Chapter 5 of the Land Recycling Act (35 P. S. §§ 6026.501–6026.506) yet there is little scientific value in requiring additional attainment monitoring for the 8 quarters required under Subchapter G of the current regulations. The proposed change provides that the Department may consider the site assessment data as part of the information to be used to demonstrate attainment of a standard. This change fixes a problem in the construction of the rule requirements, and will allow remediators to more easily attain a standard without compromising public health.

§ 250.707. *Statistical tests.*

Section 250.707(b)(iii) applies to remediations where full site characterization has not been completed prior to remediation. This provision applies specifically to remediations of petroleum releases which typically result in visually observable contamination. This section provides for a reduced number of samples to demonstrate attainment, subject to a no exceedance rule rather than the application of statistical tests to demonstrate attainment. Section 250.707(b)(iv) was originally intended to fall under this provision, but as currently structured in the regulation, it applies to any remediation under the Statewide health standard. The proposed amendment places this provision within the structure of the requirements for petroleum releases without full site characterization where it was originally intended to be.

Appendix A, Tables 1–5

Since November 24, 2001, when the previous amendment was finalized, toxicology information in the references stated in § 250.605 (relating to sources of toxicity information) and physical and chemical property data listed in Table 5 have been revised for some substances. Additionally, some substances that were not listed in

Tables 1—5, but that now have toxicology information available were recommended for inclusion in Tables 1—5 by the CSSAB. Some of these substances had previously been on Table 6, Threshold of Regulation MSCs; these substances have been moved to the appropriate Tables 1—5. Typographical errors were corrected.

F. Benefits, Costs and Compliance

Benefits

The Department and Board are required to update the cleanup standard concentration values and the associated toxicological data in a timely manner to assure that environmental response actions at contaminated sites are remediated based on the current EPA guidance and current toxicological information.

Meeting this responsibility in these proposed amendments assures the protection of the public health and environment relating to exposure to regulated substances where it has been determined that lower concentrations of a regulated substances are required to meet the standards established by the statute.

These proposed amendments also avoid unnecessary expense for remediators when remediating contaminated property where it has been determined that higher concentrations of regulated substances are protective and meet the standards established by the statute.

Compliance Costs

These technical amendments to this chapter will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of contaminated sites.

These changes are not expected to add any significant costs to the cleanup of contaminated sites under this program. Some cleanup standard concentration values will be lower and some will be higher. The net cost should be negligible.

Compliance Assistance Plan

The Department has regularly provided the regulated public with workshops to explain new regulations, guidance and policy. These are conducted on an average of every 1 to 2 years. Workshops will be planned to coincide with the finalization of this rule.

Paperwork Requirements

No forms or reports are required beyond those established by Act 2.

G. Pollution Prevention

As this program assumes pollution has taken place, minimizing the release is not an option. However, in remediating a site, potential sources of pollution are often removed to attain the Land Recycling Act standards, thus eliminating or minimizing the potential for future exposure to regulated substances.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations, effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 24, 2010, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and

Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. 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 amendments within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

J. Public Comments

Written Comments: Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulation to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by April 5, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by April 5, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

Electronic Comments: Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by April 5, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,
Chairperson

Fiscal Note: 7-453. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE VI. GENERAL HEALTH AND SAFETY
CHAPTER 250. ADMINISTRATION OF LAND RECYCLING PROGRAM
Subpart A. General Provisions**

§ 250.1. Definitions.

In addition to the words and terms defined in the act, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

EQL—Estimated quantitation limit. **The lowest concentration that can be reliably achieved within specified limits of precision and accuracy during**

routine laboratory operating conditions. The EQL is generally 5 to 10 times the MDL (method detection limit). However, it may be nominally chosen within these guidelines to simplify data reporting. For many analytes the EQL analyte concentration is selected as the lowest non-zero standard in the calibration curve. Sample EQLs are highly matrix dependent. The EQLs in the EPA publication *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods* [SW-846] are provided for guidance and may not always be achievable.

* * * * *

Environmental covenant—A servitude arising under an environmental response project which imposes activity and use limitations.

* * * * *

NPDES—National Pollutant Discharge Elimination System. The National system for the issuance of permits under section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342) including a state or interstate program which has been approved in whole or in part by the EPA.

PQL—Practical quantitation limit. The lowest limit that can be reliably achieved within specified limits of precision and accuracy under routine laboratory conditions for a specified matrix and based on quantitation, precision and accuracy, normal operation of a laboratory and the practical need in a compliance-monitoring program to have a sufficient number of laboratories available to conduct the analyses.

* * * * *

§ 250.11. Periodic review of MSCs.

The Department will review new scientific information that relates to the basis of the MSCs as it becomes available and will propose appropriate changes for the consideration of the EQB as necessary, but in no case more than 36 months after the effective date of the most recently promulgated MSCs.

Subchapter C. Statewide Health Standards

§ 250.301. Scope.

* * * * *

(b) This subchapter sets forth generic Statewide health standards for regulated substances determined by the EPA to be mutagens. Tables 1—4 contain Statewide health standards based upon the methodology for mutagens in §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values) for the following substances classified as mutagens:

<i>Regulated Substance</i>	<i>CAS Number</i>
Benzo[a]anthracene	56-55-3
Benzidine	92-87-5
Benzo[a]pyrene	50-32-8
Benzo[b]fluoranthene	205-99-2
Benzo[k]fluoranthene	207-08-9
Chrysene	218-01-9
Dibenzo[a,h]anthracene	53-70-3
Dibromo-3-chloropropane, 1,2-	96-12-8

<i>Regulated Substance</i>	<i>CAS Number</i>
Indeno[1,2,3-cd]pyrene	193-39-5
Methylene bis(2-chloroaniline), 4,4'-	101-14-4
Nitrosodiethylamine, n-	55-18-5
Nitrosodimethylamine, n-	62-75-9
Nitroso-n-ethylurea, n-	759-73-9
Vinyl chloride	75-01-4

(c) This subchapter sets forth minimum threshold MSCs for soil and groundwater that shall be met to demonstrate attainment of the Statewide health standards for regulated substances in Appendix A, Table 6. Minimum threshold MSCs are standards developed for regulated substances for which no chemical-specific toxicological data exist.

[(c)](d) For regulated substances which do not have an MSC for the relevant medium on Appendix A, Tables 1—4 or 6, the background standard or site-specific standard shall be met to qualify for a release of liability under the act.

§ 250.303. Aquifer determination; current use and currently planned use of aquifer groundwater.

* * * * *

(d) If the Department determines that groundwater is not used or currently planned to be used, the following requirements apply within the area identified in subsection (b):

* * * * *

(3) The remediator shall establish institutional controls to maintain the integrity of the nonuse aquifer determination, or include a postremediation care plan in the final report detailing the process of routinely assessing and reporting to the Department compliance with subsection (c).

(i) Postremediation care plan provisions shall be [**acknowledged within the deed to the remediated property upon transfer of ownership**] implemented through an environmental covenant to ensure compliance with subsection (c).

* * * * *

§ 250.304. MSCs for groundwater.

* * * * *

(c) The MSCs for regulated substances contained in groundwater in aquifers used or currently planned to be used for drinking water or for agricultural purposes is the MCL as established by the Department or the EPA [(U. S. EPA, 1996. **Drinking Water Regulations and Health Advisories**) as established in § 109.202 (relating to state MCLs, MRDLs and treatment technique requirements) and Health Advisory Levels (HAL) set forth in EPA Office of Water Publication [EPA 822-R-96-001] No. EPA 822-R-06-013. For a regulated substance where no MCL has been established, the MSC is the lifetime [**health advisory level** () HAL [)] for that compound. For a regulated substance where neither an MCL nor a lifetime HAL [**is**] has been established, the MSC is the lowest concentration calculated using the appropriate residential and nonresidential exposure assumptions and the equations in §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values). **New or revised MCLs or**

HALs promulgated by the Department or the EPA shall become effective immediately for any demonstration of attainment completed after the date the new or revised MCLs or HALs become effective.

* * * * *

(h) The methodology used by the Department for calculating the MSCs for groundwater does not address the vapor intrusion exposure pathway. Therefore, to demonstrate attainment under the act for the vapor intrusion exposure pathway the remediator shall address the vapor intrusion exposure pathway in accordance with section 304(f)(4) of the act (35 P. S. § 6026.304(f)(4)) and Subchapter D (relating to site-specific standard), or in accordance with technical guidance published by the Department addressing vapor intrusion into buildings from groundwater and soil under the State-wide health standard.

§ 250.305. MSCs for soil.

* * * * *

(h) The methodology used by the Department for calculating the MSCs for soil does not address the vapor intrusion exposure pathway. Therefore, to demonstrate attainment under the act for the vapor intrusion exposure pathway the remediator shall address the vapor intrusion exposure pathway in accordance with section 304(f)(4) of the act (35 P. S. § 6026.304(f)(4)) and Subchapter D (relating to site-specific standard), or in accordance with technical guidance published by the Department addressing vapor intrusion into buildings from groundwater and soil under the Statewide health standard.

(Editor's Note: For the equations that are being modified in §§ 250.306 and 250.307, the original equation is

shown as being deleted in its entirety. The modified equation is shown immediately below the equation it replaces, and for clarity and ease of reading it is in normal bold type.)

§ 250.306. Ingestion numeric values.

(a) For a regulated substance which is a systemic toxicant, the ingestion numeric value for that substance was calculated using the appropriate residential or non-residential exposure assumptions from subsection (d) according to the following equation:

$$[\text{MSC} = \frac{\text{THQ} \times \text{RfD}_o \times \text{BW} \times \text{AT}_{\text{DC}} \times 365 \text{ days/year}}{\text{Abs} \times \text{EF} \times \text{ED} \times \text{IngR} \times \text{CF}}]$$

$$\text{MSC} = \frac{\text{THQ} \times \text{RfDo} \times \text{BW} \times \text{ATnc} \times 365 \text{ days/year}}{\text{Abs} \times \text{EF} \times \text{ED} \times \text{IngR} \times \text{CF}}$$

(b) For a regulated substance which is a carcinogen, the ingestion numeric value for that substance was calculated using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the following [equation] equations:

$$[\text{MSC} = \frac{\text{TR} \times \text{AT}_c \times 365 \text{ days/year}}{\text{CSF}_o \times \text{Abs} \times \text{EF} \times \text{ED} \times \text{IF}_{\text{adj}} \times \text{CF}}]$$

(1) For regulated substances not identified as a mutagen in § 250.301(b) (relating to scope):

$$\text{MSC} = \frac{\text{TR} \times \text{ATc} \times 365 \text{ days/year}}{\text{CSFo} \times \text{Abs} \times \text{EF} \times \text{IFadj} \times \text{CF}}$$

(2) For regulated substances identified as a mutagen, except for vinyl chloride, in § 250.301(b):

$$\text{MSC} = \frac{\text{TR} \times \text{ATc} \times 365 \text{ days/year}}{\text{CSFo} \times \text{Abs} \times \text{EF} \times \text{AIFadj} \times \text{CF}}$$

(3) For vinyl chloride:

$$\text{MSC} = \frac{\text{TR}}{[\text{CSFo} \times \text{Abs} \times \text{EF} \times \text{IFadj} \times \text{CF} / (\text{ATc} \times 365 \text{ days/year})] + (\text{CSFo} \times \text{Abs} \times \text{IRc} \times \text{CF}/\text{BWc})}$$

* * * * *

(d) The default exposure assumptions used to calculate the ingestion numeric values are as follows:

Term		Residential		Nonresidential
		Systemic ¹	Carcinogens ^{2,6}	(Onsite Worker)
THQ	Target Hazard Quotient	1	N/A	1
RfD _o	Oral Reference Dose (mg/kg-day)	Chemical-specific	N/A	Chemical-specific
BW	Body Weight (kg) Soil Groundwater	15 70	N/A	70 70
[AT _{DC}] ATnc	Averaging Time for systemic toxicants (yr) Soil Groundwater	6 30	N/A N/A	25 25
Abs	Absorption (unitless) ³	1	1	1
EF ^[5]	Exposure Frequency (d/yr) Soil Groundwater	250 350	250 350	180 250

Term		Residential		Nonresidential
		Systemic ¹	Carcinogens ^{2,6}	(Onsite Worker)
ED	Exposure Duration (yr) Soil Groundwater	6 30	N/A N/A	25 25
IngR	Ingestion Rate Soil (mg/day) GW (L/day)	100 2	N/A N/A	50 1
CF	Conversion Factor Soil (kg/mg) GW (unitless)	1 × 10 ⁻⁶ 1	1 × 10 ⁻⁶ 1	1 × 10 ⁻⁶ 1
TR	Target Risk	N/A	1 × 10 ⁻⁵	N/A
[CSF _o] CSF _o	Oral Cancer Slope Factor (mg/kg-day) ⁻¹	N/A	Chemical-specific	Chemical-specific
[At _c] AT _c	Averaging Time for carcinogens (yr)	N/A	70	70
[If _{adj}] IF _{adj} ⁴	Ingestion Factor Soil (mg-yr/kg-day) GW (L-yr/kg-day)	N/A	57.1 1.1	17.9 0.4
AIF _{adj} ⁵	Combined Age-Dependent Adjustment Factor and Ingestion Factor Soil (mg-yr/kg- day) GW (L-yr/kg- day)	N/A	245 3.39	N/A

Notes:

¹ Residential exposure to noncarcinogens is based on childhood (ages 1-6) exposure for soil, and adult exposure for groundwater, consistent with USEPA (1991).

² Residential exposure to carcinogens is based on combined childhood and adult exposure.

³ The oral absorption factor takes into account absorption and bioavailability. In cases where the oral RfD or CSF is based on administered oral dose, the absorption factor would be limited to bioavailability. The default value is 1.

⁴ The Ingestion Factor for the residential scenario is calculated using the equation $If_{adj} = ED_c \times IR_c / BW_c + ED_a \times IR_a / BW_a$, where $ED_c = 6$ yr, $IR_c = 100$ mg/day for soils and 1 L/day for groundwater, $BW_c = 15$ kg, $ED_a = 24$ yr, $IR_a = 50$ mg/day for soils and 2 L/day for groundwater, and $BW_a = 70$ kg. The ingestion factor for the nonresidential scenario is calculated using the equation $If_{adj} = ED \times IR / BW$, where $ED = 25$ yr, $IR = 50$ mg/day for soils and 1 L/day for groundwater, and $BW = 70$ kg.

⁵ [In cases where the inhalation RfD or CSF is based on absorbed dose, this factor can be applied in the exposure algorithm. The default value is 1] The Combined Age-Dependent Adjustment Factor and Ingestion Factor (AIF_{adj}) for the residential scenario is calculated using the equation $AIF_{adj} = [AD_{<2} \times ED_{<2} + (AD_{2-6} \times ED_{2-6})] \times IR_c / BW_c + [(AD_{>6-16} \times ED_{>6-16} + (AD_{>16} \times ED_{>16}))] \times IR_a / BW_a$, where $AD_{<2} = 10$, $ED_{<2} = 2$ yr, $AD_{2-6} = 3$, $ED_{2-6} = 4$ yr, $IR_c = 100$ mg/day for soils and 1 L/day for groundwater, $BW_c = 15$ kg, $AD_{>6-16} = 3$, $ED_{>6-16} = 10$ yr, $AD_{>16} = 1$, $ED_{>16} = 14$ yr, $IR_a = 50$ mg/day for soils and 2 L/day for groundwater, and $BW_a = 70$ kg.

⁶ For the equation to calculate the vinyl chloride residential MSC based on the carcinogenic effect, $IR_c = 100$ mg/day for soils and 1 L/day for groundwater, $BW_c = 15$ kg.

* * * * *

§ 250.307. Inhalation numeric values.

(a) For a regulated substance which is a systemic toxicant, the following applies:

(1) For a volatile compound, the numeric value for inhalation from soil shall be calculated using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the following equation using TF for volatiles:

$$[MSC = \frac{THQ \times RfD_i \times BW \times AT_{nc} \times 365 \text{ days/year} \times TF}{Abs \times ET \times EF \times ED \times IR}]$$

$$MSC = \frac{THQ \times RfC_i \times AT_{nc} \times 365 \text{ days/year} \times TF}{ET \times EF \times ED}$$

(2) For a regulated substance attached to particulates, the numeric value for inhalation from soil was calculated using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the

equation in paragraph (1) using TF for particulates.

(b) For a regulated substance which is a carcinogen, the following apply:

(1) For a volatile compound, the numeric value for inhalation from soil was calculated using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the following equation using TF for volatiles:

$$[MSC = \frac{TR \times AT_c \times 365 \text{ days/year} \times TF}{CSF_i \times Abs \times ET \times EF \times If_{adj}}]$$

$$MSC = \frac{TR \times ATc \times 365 \text{ days/year} \times 24 \text{ hr/day} \times TF}{IUR \times ET \times EF \times ED \times CF}$$

(2) For a regulated substance attached to particulates, the numeric value for inhalation from soil was calculated

using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the equation in paragraph (1) using TF for particulates.

(3) For a regulated substance identified in § 250.301(b) (relating to scope) as a mutagen, except for vinyl chloride, the numeric value for inhalation from soil was calculated using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the following equation using the TF for volatiles:

$$MSC = \frac{TR \times ATc \times 365 \text{ days/year} \times 24 \text{ hr/day} \times TF}{IUR \times ET \times EF \times AED \times CF}$$

(4) For vinyl chloride, the numeric value for inhalation from soil was calculated using the appropriate residential or nonresidential exposure assumptions from subsection (d) according to the following equation using the TF for volatiles:

$$MSC = \frac{TR}{[IUR \times ET \times EF \times ED \times CF / (ATc \times 365 \text{ days/yr} \times 24 \text{ hr/d} \times TF)] + (IUR \times CF \times TF)}$$

* * * * *

(d) The default exposure assumptions used to calculate the inhalation numeric values for soil are as follows:

Term		Residential		Nonresidential
		Systemic ¹	Carcinogens ²	(Onsite Worker)
THQ	Target Hazard Quotient	1	N/A	1
[RfD _i] RfCi	Inhal. Reference [Dose (mg/kg-day)] Concentration (mg/m ³)	Chemical-specific	N/A	Chemical-specific
[BW]	[Body Weight (kg)]	[70]	[N/A]	[70]
[AT _{nc}] ATnc	Averaging Time for systemic toxicants (yr)	30	N/A	25
TF	Transport Factor (mg/kg)/(mg/m ³) Volatilization ³ Particulate ⁴	Chemical-specific 1 × 10 ¹⁰	Chemical-specific 1 × 10 ¹⁰	Chemical-specific 1 × 10 ¹⁰
[Abs]	[Absorption (unitless) ⁵]	[1]	[1]	[1]
ET	Exposure Time (hr/day)	24	24	8
EF	Exposure Frequency ^{6,15} (d/yr)	250	250	180
ED	Exposure Duration (yr)	30	N/A	25
CF	Conversion Factor	1,000 µg/mg	1,000 µg/mg	1,000 µg/mg
[IR]	[Inhalation Rate (m ³ /hr)]	[0.8 ³]	[N/A]	[1.25]
TR	Target Risk	N/A	1 × 10 ⁻⁵	1 × 10 ⁻⁵
[CSF _i] IUR	Inhalation [Cancer Slope Factor (mg/kg-day)] Unit Risk (µg/m ³) ⁻¹	N/A	Chemical-specific	Chemical-specific

Term		Residential		Nonresidential
		Systemic ¹	Carcinogens ²	(Onsite Worker)
[AT _c] ATc	Averaging Time for carcinogens (yr)	N/A	70	70
[If _{adj}]	[Inhalation Factor ⁷ (m ³ -yr/kg-hr)]	[N/A]	[0.5]	[0.4]
AED	Combined Age-Dependent Adjustment Factor and Exposure Duration (yr) ⁶	N/A	76	N/A

Notes: Modified from USEPA Region III Risk-based Concentration Table, dated October 20, 1995.

N/A = Not Applicable

¹ Residential exposure to systemic toxicants is based on adult exposure, consistent with USEPA (1991).

² Residential exposure to carcinogens is based on combined child and adult exposure.

³ Volatilization transport factor is calculated using $TF = (ER \times DF)^{-1}$, where $DF = 12 \text{ (mg/m}^3\text{)/(m}^2\text{-sec)}$. See soil depth-specific algorithm for the calculation of ER.

⁴ Particulate transfer factor was calculated using $TF = (ER \times DF)^{-1}$, where $ER = 8.25 \times 10^{-12} \text{ (mg/m}^2\text{-sec)/(mg/kg)}$ and $DF = 12\text{(mg/m}^3\text{)/(mg/m}^2\text{-sec)}$.

[⁵ In cases where the inhalation RfD or CSF is based on absorbed dose, this factor can be applied in the exposure algorithm. The default value is 1.]

^{6,15} Assumes approximately 100 days/yr with the ground being frozen. Exposure to surficial soils when the ground is frozen is considered *de minimis*. The nonresidential exposure frequency is defined as $5/7 \times 250 \text{ days/yr}$.

[⁷ The inhalation factor for the residential scenario is calculated using the equation $IF_{adj} = ED_c \times IR_c/BW_c + ED_a \times IR_a/BW_a$, where $ED_c = 6 \text{ yr}$, $IR_c = 0.5 \text{ m}^3\text{/hr}$, $BW_c = 15\text{kg}$, $ED_a = 24 \text{ yr}$, $IR_a = 0.83 \text{ m}^3\text{/hr}$, and $BW_a = 70 \text{ kg}$. The inhalation factor for the nonresidential scenario is calculated using the equation $IF_{adj} = ED \times IR/BW$, where $ED = 25 \text{ yr}$, $IR = 1.25 \text{ m}^3\text{/hr}$ and $BW = 70 \text{ kg}$.]

⁶ The Combined Age-Dependent Adjustment Factor and Exposure Duration (AED) is calculated using the equation $AED = ADAF_{<2} \times ED_{<2} + ADAF_{2-16} \times ED_{2-16} + ADAF_{>16}$, where $ADAF_{<2} = 10$, $ED_{<2} = 2 \text{ yr}$, $ADAF_{2-16} = 3$, $ED_{2-16} = 14 \text{ yr}$, $ADAF_{>16} = 1$, $ED_{>16} = 14 \text{ yr}$.

* * * * *

(f) For a regulated substance which is a systemic toxicant and is a volatile compound, the numeric value for the inhalation of volatiles from groundwater was calculated by using the appropriate residential or nonresidential exposure assumptions from subsection (h) according to the following equation:

$$[MSC = \frac{THQ \times RfDi \times BW \times ATnc \times 365 \text{ days/yr}}{Abs \times ET \times EF \times ED \times IR \times TF}]$$

$$MSC = \frac{THQ \times RfC \times ATnc \times 365 \text{ days/year} \times 24 \text{ hr/day}}{ET \times EF \times ED \times TF}$$

(g) For a regulated substance which is a carcinogen and is a volatile compound, the numeric value for the inhalation of volatiles from groundwater shall be calcu-

lated by using the appropriate residential or nonresidential exposure assumptions from subsection (h) according to the following [equation] equations:

$$[MSC = \frac{TR \times ATc \times 365 \text{ days/yr}}{CSFi \times ABs \times ET \times EF \times IFadj \times TF}]$$

(1) For regulated substances not identified as a mutagen in § 250.301(b):

$$MSC = \frac{TR \times ATc \times 365 \text{ days/year}}{IUR \times ET \times EF \times ED \times TF \times CF}$$

(2) For regulated substances identified as a mutagen, except for vinyl chloride, in § 250.301(b):

$$MSC = \frac{TR \times ATc \times 365 \text{ days/year} \times 24 \text{ hr/day}}{IUR \times ET \times EF \times AED \times TF \times CF}$$

(3) For vinyl chloride:

$$MSC = \frac{TR}{[(IUR \times ET \times EF \times ED \times TF \times CF) / (ATc \times 365 \text{ days/year} \times 24 \text{ hr/day})] + (IUR \times TF \times CF)}$$

(h) The default exposure assumptions used to calculate the inhalation numeric values for the inhalation of volatiles from groundwater are as follows:

Term		Residential		Nonresidential
		Systemic ¹	Carcinogens ²	(Onsite Worker)
THQ	Target Hazard Quotient	1	N/A	1
[RfD _i] RfC	Inhal. Reference [Dose (mg/kg-day)] Concentration (mg/m ³)	Chemical-specific	N/A	Chemical-specific
[BW]	[Body Weight (kg)]	[70]	[N/A]	[70]
[AT _{nc}] ATnc	Averaging Time for systemic toxicants (yr)	30	N/A	25
[Abs]	[Absorption (unitless) ³]	[1]	[1]	[1]
ET	Exposure Time (hr/day)	24	24	8
EF	Exposure Frequency ⁶ (d/yr)	350	350	250
ED	Exposure Duration (yr)	30	[N/A] 30	25
[IR]	[Inhalation rate (m ³ /hr)]	[0.625]	[N/A]	[1.25]
TF	Transfer Factor (L/m ³) ^{4,3}	0.5	0.5	0.5
CF	Conversion Factor	N/A	1,000 µg/mg	1,000 µg/mg
TR	Target Risk	N/A	1 × 10 ⁻⁵	1 × 10 ⁻⁵
[CSF _i] IUR	Inhalation [Cancer Slope Factor (mg/kg-day) ⁻¹] Unit Risk (ug/m ³) ⁻¹	N/A	Chemical-specific	Chemical-specific
[AT _c] ATc	Averaging Time for carcinogens (yr)	N/A	70	70
[IF _{adj}]	[Inhalation Factor ⁵ (m ³ -yr/kg-hr)]	[N/A]	[0.4]	[0.4]
AED	Combined Age-Dependent adjustment Factor and Exposure Duration (yr) ⁴	N/A	76	N/A

Notes: Modified from USEPA Region III Risk-based Concentration Table, dated October 20, 1995.

N/A = Not Applicable

¹ Residential exposure to systemic toxicants is based on adult exposure, consistent with USEPA (1991).

² Residential exposure to carcinogens is based on combined child and adult exposure.

[³ In cases where the inhalation RfD or CSF is based on absorbed dose, this factor can be applied in the exposure algorithm.]

^{4,3} Default Transfer Factor is as presented in USEPA's RAGS, Part B.

⁵[The inhalation factor for the residential scenario is calculated using the equation $IF_{adj} = ED_c \times IR_c / BW_c + ED_a \times IR_a / BW_a$, where $ED_c = 6$ yr, $IR_c = 0.5$ m³/hr, $BW_c = 15$ kg, $ED_a = 24$ yr, $IR_a = 0.625$ m³/hr, and $BW_a = 70$ kg. The inhalation factor for the nonresidential scenario is calculated using the equation $IF_{adj} = ED \times IR / BW$, where $ED = 25$ yr, $IR = 1.25$ m³/hr and $BW = 70$ kg] The Combined Age-Dependent Adjustment Factor and Exposure Duration (AED) is calculated using the equation $AED = ADAF_{<2} \times ED_{<2} + ADAF_{2-16} \times ED_{2-16} + ADAF_{>16} \times ED_{>16}$ where $ADAF_{<2} = 10$, $ED_{<2} = 2$ yr, $ADAF_{2-16} = 3$, $ED_{2-16} = 14$ yr, $ADAF_{>16} = 1$, $ED_{>16} = 14$ yr.

§ 250.308. Soil to groundwater pathway numeric values.

(a) A person may use the soil-to-groundwater pathway numeric values listed in Appendix A, [Table] Tables 3B and 4B, as developed using the methods contained in paragraph (1), (2) or (4), may use a concentration in soil at the site which does not produce a leachate in excess of the MSC for groundwater contained in Appendix A, Tables 1 and 2, when subjected to the Synthetic Precipitation Leaching Procedure (Method 1312 of SW-846, Test Methods for Evaluating Solid Waste, promulgated by the U. S. EPA), or may use the soil-to-groundwater pathway soil buffer criteria in subsection (b) or may use the soil-to-groundwater pathway equivalency demonstration in subsection (d).

* * * * *

Subchapter D. Site-Specific Standard

§ 250.407. Point of compliance.

* * * * *

(e) [For attainment of soil-to-groundwater standards in both residential and nonresidential areas, the point of compliance is throughout the soil column.

(f)] For the emission of regulated substances to outdoor air, the point of compliance for the air quality standard shall be as specified in the air quality regulations. See Article III (relating to air resources).

Subchapter F. Exposure And Risk Determinations

§ 250.605. Sources of toxicity information.

(a) For site-specific standards, the person shall use appropriate reference doses [and], reference concentrations, cancer slope factors and unit risk factors identified in Subchapter C (relating to Statewide health standards), unless the person can demonstrate that published data, available from one of the following sources, provides more current reference doses [or], reference concentrations, cancer slope factors or unit risk factors:

* * * * *

(2) [Health Effects Assessment Summary Tables (HEAST).

(3)] United States Environmental Protection Agency, National Center for Environmental Assessment (NCEA) Provisional Peer-Reviewed Toxicity Values (PPRTV).

[(4) Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles.

(5) California EPA, California Cancer Potency Factors.

(6) EPA criteria documents, including drinking water criteria documents, drinking water health advisory summaries, ambient water quality criteria documents and air quality criteria documents.]

(3) Other sources

(i) Health Effects Assessment Summary Tables (HEAST)

(ii) Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles.

(iii) California EPA, California Cancer Potency Factors and Chronic Reference Exposure Levels.

(iv) EPA criteria documents, including drinking water criteria documents, drinking water health advisory summaries, ambient water quality criteria documents and air quality criteria documents.

* * * * *

Subchapter G. Demonstration of Attainment

§ 250.704. General attainment requirements for groundwater.

* * * * *

(d) For statistical methods under § 250.707(b)(2)(i) (relating to statistical tests), the demonstration of attainment for groundwater shall be based upon at least eight consecutive quarters of groundwater data, which may include characterization data. As an alternative, the Department may accept [four consecutive] fewer quarterly sampling events [or less] with written approval from the Department under the following conditions:

* * * * *

§ 250.707. Statistical tests.

* * * * *

(b) The following statistical tests may be accepted by the Department to demonstrate attainment of the Statewide health standard. The statistical test for soil shall apply to each distinct area of contamination. The statistical test for groundwater will apply to each compliance monitoring well. Testing shall be performed individually for each regulated substance identified in the final report site investigation as being present at the site for which a person wants relief from liability under the act. The application of a statistical method [shall] must meet the criteria in subsection (d).

(1) For soil attainment determination at each distinct area of contamination, subparagraph (i), (ii) or (iii) shall be met in addition to the attainment requirements in §§ 250.702 and 250.703 (relating to attainment requirements; and general attainment requirements for soil).

* * * * *

(iii) For sites with a petroleum release where full site characterization, as defined in § 250.204(b) (relating to final report), has not been done in association with an excavation remediation, attainment of the Statewide health standard shall be demonstrated using the following procedure:

* * * * *

(B) For sites not covered by clause (A), including all sites being remediated under an NIR under this chapter, samples shall be taken from the bottom and sidewalls of the excavation in a biased fashion that concentrates on areas where any remaining contamination above the Statewide health standard would most likely be found. The samples shall be taken from these suspect areas based on visual observation and the use of field instruments. If a sufficient number of samples has been collected from all suspect locations and the minimum number of samples has not been collected, or if there are no suspect areas, the locations to meet the minimum number of samples shall be based on a random procedure. The number of sample points required shall be determined in the following way:

* * * * *

(VI) For sites where there is a release to surface soils resulting in excavation of 50 cubic yards or

less of contaminated soil, samples shall be collected as described in this clause, except that two samples shall be collected.

(C) All sample results shall be equal to or less than the applicable Statewide health MSC as determined using Tables 1—4 and 6 in Appendix A.

[(iv) For sites where there is a release to surface soils resulting in excavation of 50 cubic yards or less of contaminated soil, samples shall be collected as described in subparagraph (iii)(B), except that two samples shall be collected.]

* * * * *

APPENDIX A
TABLE 1 – MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	R	NR	R	NR		
ACENAPHTHENE	83-32-9	2,200 G	3,800 S	3,800 S	3,800 S	3,800 S	3,800 S	3,800 S	NR
ACENAPHTHYLENE	208-96-8	2,200 G	6,100 G	16,000 S	16,000 S	16,000 S	16,000 S	16,000 S	S
ACEPHATE	30560-19-1	76 G	300 G	7,600 G	30,000 G	76 G	300 G	300 G	G
ACETALDEHYDE	75-07-0	19 N	[52] 79 N	1,900 N	[5,200] N	19 N	[52] 79 N	[52] 79 N	N
ACETONE	67-64-1	[3,700] G	[10,000] G	[370,000] G	[1,000,000] G	[37,000] G	[37,000] G	[100,000] G	G
ACETONITRILE	75-05-8	[170] 130 N	[350] 530 N	[17,000] N	[35,000] N	[1,700] N	[1,700] N	[3,500] N	N
ACETOPHENONE	98-86-2	3,700 G	10,000 G	370,000 G	1,000,000 G	3,700 G	3,700 G	10,000 G	G
ACETYLAMINOFLUORENE, 2- (2AAF)	53-96-3	0.17 G	0.68 G	17 G	68 G	17 G	17 G	68 G	G
ACROLEIN	107-02-8	[0.055] 0.042 N	[0.12] 0.18 N	[5.5] 4.2 N	[12] 18 N	[0.55] 0.42 N	[0.55] 0.42 N	[1.2] 1.8 N	N
ACRYLAMIDE	79-06-1	[0.033] 0.038 N	[0.14] 0.19 N	[3.3] 3.8 N	[14] 19 N	[0.033] N	[0.033] N	[0.14] 0.19 N	N
ACRYLIC ACID	79-10-7	[2.8] 2.1 N	[5.8] 8.8 N	[280] 210 N	[580] 880 N	[280] 210 N	[280] 210 N	[580] 880 N	N
ACRYLONITRILE	107-13-1	[0.63] 0.72 N	[2.7] 3.7 N	[63] 72 N	[270] 370 N	[63] 72 N	[63] 72 N	[270] 370 N	N
ALACHLOR	15972-60-8	2 M	2 M	200 M	200 M	2 M	2 M	2 M	M
ALDICARB	116-06-3	[7] 3 M	[7] 3 M	[700] 300 M	[700] 300 M	[7,000] M	[7,000] M	[7,000] M	M
<u>ALDICARB SULFONE</u>	<u>1646-88-4</u>	<u>2 M</u>	<u>2 M</u>	<u>200 M</u>	<u>200 M</u>	<u>2 M</u>	<u>2 M</u>	<u>2 M</u>	<u>M</u>
<u>ALDICARB SULFOXIDE</u>	<u>1646-87-3</u>	<u>4 M</u>	<u>4 M</u>	<u>400 M</u>	<u>400 M</u>	<u>4 M</u>	<u>4 M</u>	<u>4 M</u>	<u>M</u>
ALDRIN	309-00-2	[0.0087] [N]	[0.037] [N]	[0.87] 3.9 [N]	[3.7] 15 [N]	[0.87] 20 [N]	[0.87] 20 [N]	[3.7] 20 [N]	N
ALLYL ALCOHOL	107-18-6	[49] 0.63 N	[100] 2.6 N	[4,900] 63 N	[10,000] 260 N	[4,900] 63 N	[4,900] 63 N	[10,000] 260 N	N
AMETRYN	834-12-8	60 H	60 H	6,000 H	6,000 H	60 H	60 H	60 H	H
AMINOBIHENYL, 4-	92-67-1	0.031 G	0.12 G	3.1 G	12 G	0.031 G	0.12 G	12 G	G
AMITROLE	61-82-5	0.7 G	2.8 G	70 G	280 G	0.7 G	70 G	280 G	G
AMMONIA	7664-41-7	30,000 H	30,000 H	3,000,000 H	3,000,000 H	30,000 H	30,000 H	30,000 H	H
AMMONIUM SULFAMATE	7773-06-0	2,000 H	2,000 H	200,000 H	200,000 H	2,000 H	2,000 H	2,000 H	H
ANILINE	62-53-3	[2.8] 2.1 N	[5.8] 8.8 N	[280] 210 N	[580] 880 N	[2.8] 2.1 N	[2.8] 2.1 N	[5.8] 8.8 N	N
ANTHRACENE	120-12-7	66 S	66 S	66 S	66 S	66 S	66 S	66 S	S
ATRAZINE	1912-24-9	3 M	3 M	300 M	300 M	3 M	3 M	3 M	M
<u>AZINPHOS-METHYL (GUTHION)</u>	<u>86-50-0</u>	<u>110 G</u>	<u>310 G</u>	<u>11,000 G</u>	<u>31,000 G</u>	<u>110 G</u>	<u>110 G</u>	<u>310 G</u>	<u>G</u>

All concentrations in µg/L
 R = Residential
 NR = Non-Residential
 M = Maximum Contaminant Level
 H = Lifetime health advisory level
 G = Ingestion
 N = Inhalation
 S = Aqueous solubility cap

APPENDIX A
TABLE 1 – MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS					
		TDS ≤ 2500			TDS > 2500			R			NR		
		R	NR	R	R	NR	R	NR	R	NR	R	NR	
BAYGON (PROPOXUR)	114-26-1	3 H	3 H	300 H	300 H	300 H	3,000 H	3,000 H	3,000 H	3,000 H	3,000 H	3,000 H	3,000 H
BENOMYL	17804-35-2	1,800 G	2,000 S	2,000 S	2,000 S	2,000 S	1,800 G	1,800 G	1,800 G	1,800 G	2,000 S	2,000 S	2,000 S
BENTAZON	25057-89-0	[1,100] 200 [G] H	[3,100] 200 [G] H	[110,000] [G] 20,000 H	[110,000] [G] 20,000 H	[310,000] [G] 20,000 H	[1,100] 200 [G] H	[1,100] 200 [G] H	[1,100] 200 [G] H	[1,100] 200 [G] H	[3,100] 200 [G] H	[3,100] 200 [G] H	[3,100] 200 [G] H
BENZENE	71-43-2	5 M	5 M	500 M	500 M	500 M	500 M	500 M	500 M	500 M	500 M	500 M	500 M
BENZIDINE	92-87-5	[0.0029] G 0.00093	0.011 G	[0.29] 0.093 G	[0.29] 0.093 G	1.1 G	[2.9] 0.93 G	[2.9] 0.93 G	[2.9] 0.93 G	[2.9] 0.93 G	[2.9] 0.93 G	[2.9] 0.93 G	11 G
BENZO[<i>a</i>]ANTHRACENE	56-55-3	0.2 M	3.6 G	11 S	11 S	11 S	3.8 S	3.8 S	3.8 S	3.8 S	11 S	11 S	11 S
BENZO[<i>a</i>]PYRENE	50-32-8	0.2 M	0.2 M	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S
BENZO[<i>b</i>]FLUORANTHENE	205-99-2	[0.9] 0.29 G	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S	1.2 S
BENZO[<i>ghi</i>]PERYLENE	191-24-2	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S	0.26 S
BENZO[<i>k</i>]FLUORANTHENE	207-08-9	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S	0.55 S
BENZOIC ACID	65-85-0	150,000 G	410,000 G	2,700,000 S	2,700,000 S	2,700,000 S	150,000 G	150,000 G	150,000 G	150,000 G	410,000 G	410,000 G	410,000 G
BENZOTRICHLORIDE	98-07-7	0.051 G	0.2 G	5.1 G	5.1 G	20 G	5.1 G	5.1 G	5.1 G	5.1 G	20 G	20 G	20 G
BENZYL ALCOHOL	100-51-6	[11,000] G 18,000	[31,000] G 51,000	[1,100,000] G 1,800,000	[1,100,000] G 1,800,000	[3,100,000] G 5,100,000	[11,000] G 18,000	[11,000] G 18,000	[11,000] G 18,000	[11,000] G 18,000	[31,000] G 51,000	[31,000] G 51,000	[31,000] G 51,000
BENZYL CHLORIDE	100-44-7	[0.87] 1 N	[3.7] 5.1 N	[97] 100 N	[97] 100 N	[370] 510 N	[0.87] 1 N	[0.87] 1 N	[0.87] 1 N	[0.87] 1 N	[370] 510 N	[370] 510 N	[370] 510 N
BETA PROPIOLACTONE	57-57-8	0.012 N	0.063 N	1.2 N	1.2 N	6.3 N	0.012 N	0.012 N	0.012 N	0.012 N	6.3 N	6.3 N	6.3 N
BHC, ALPHA-	319-84-6	0.1 G	0.41 G	10 G	10 G	41 G	0.1 G	0.1 G	0.1 G	0.1 G	41 G	41 G	41 G
BHC, BETA-	319-85-7	0.37 G	1.4 G	37 G	37 G	100 S	0.37 G	0.37 G	0.37 G	0.37 G	100 S	100 S	100 S
[BHC, DELTA-]	[319-86-8]	[22] [G]	[61] [G]	[2,200] [G]	[2,200] [G]	[6,100] [G]	[22] [G]	[22] [G]	[22] [G]	[22] [G]	[6,100] [G]	[6,100] [G]	[6,100] [G]
BHC, GAMMA (LINDANE)	58-89-9	0.2 M	0.2 M	20 M	20 M	20 M	0.2 M	0.2 M	0.2 M	0.2 M	20 M	20 M	20 M
BIPHENYL, 1,1-	92-52-4	1,800 G	5,100 G	7,200 S	7,200 S	7,200 S	1,800 G	1,800 G	1,800 G	1,800 G	5,100 G	5,100 G	5,100 G
BIS(2-CHLOROETHOXY)METHANE	111-91-1	110 G	310 G	11,000 G	11,000 G	31,000 G	110 G	110 G	110 G	110 G	310 G	310 G	310 G
BIS(2-CHLOROETHYL)ETHER	111-44-4	[0.13] 0.15 N	[0.55] 0.76 N	[13] 15 N	[13] 15 N	[55] 76 N	[0.13] 0.15 N	[0.13] 0.15 N	[0.13] 0.15 N	[0.13] 0.15 N	[55] 76 N	[55] 76 N	[55] 76 N
BIS(2-CHLORO-ISOPROPYL)ETHER	108-60-1	300 H	300 H	30,000 H	30,000 H	30,000 H	300 H	300 H	300 H	300 H	30,000 H	30,000 H	30,000 H
BIS(CHLOROMETHYL)ETHER	542-88-1	[0.00069] N 0.00079	[0.0029] N 0.004	[0.069] N 0.079	[0.069] N 0.079	[0.29] 0.4 N	[0.00069] N 0.00079	[0.00069] N 0.00079	[0.00069] N 0.00079	[0.00069] N 0.00079	[0.29] 0.4 N	[0.29] 0.4 N	[0.29] 0.4 N
BIS[2-ETHYLHEXYL] PHTHALATE	117-81-7	6 M	6 M	290 S	290 S	290 S	6 M	6 M	6 M	6 M	290 S	290 S	290 S
BISPHENOL A	80-05-7	1,800 G	5,100 G	120,000 S	120,000 S	120,000 S	1,800 G	1,800 G	1,800 G	1,800 G	5,100 G	5,100 G	5,100 G
BROMACIL	314-40-9	[80] 70 H	[80] 70 H	[8,000] H 7,000	[8,000] H 7,000	[80,000] H 7,000	[80] 70 H	[80] 70 H	[80] 70 H	[80] 70 H	[8,000] H 7,000	[8,000] H 7,000	[80] 70 H
BROMOCHLOROMETHANE	74-97-5	90 H	90 H	9,000 H	9,000 H	9,000 H	90 H	90 H	90 H	90 H	9,000 H	9,000 H	90 H

All concentrations in µg/L
 H = Lifetime health advisory level
 R = Residential
 NR = Non-Residential
 M = Maximum Contaminant Level
 S = Aqueous solubility cap

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TABLE 1 – MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	M	R	NR	M		
BROMODICHLOROMETHANE	75-27-4	[100] 80 M	[100] 80 M	[10,000] M 8,000	[10,000] M 8,000	[100] 80 M	[100] 80 M	[100] 80 M	[100] 80 M
BROMOMETHANE	74-83-9	10 H	10 H	1,000 H	1,000 H	1,000 H	1,000 H	1,000 H	1,000 H
BROMOXYNIL	1689-84-5	730 G	2,000 G	73,000 G	130,000 S	730 G	730 G	2,000 G	2,000 G
BROMOXYNIL OCTANOATE	1689-99-2	80 S	80 S	80 S	80 S	80 S	80 S	80 S	80 S
BUTADIENE, 1,3-	106-99-0	[0.15] 0.19 [N] G	[0.65] 0.76 [N] G	[15] 19 [N] G	[65] 76 [N] G	[15] 19 [N] G	[0.15] 19 [N] G	[0.65] 76 [N] G	[0.65] 76 [N] G
BUTYL ALCOHOL, N-	71-36-3	[970] 3,700 [N] G	[2,000] [N] 10,000 G	[97,000] [N] 370,000 G	[200,000] [N] 1,000,000 G	[97,000] [N] 370,000 G	[9,700] [N] 37,000 G	[20,000] [N] 100,000 G	[20,000] [N] 100,000 G
BUTYLATE	2008-41-5	[350] 400 H	[350] 400 H	[35,000] H 40,000	[35,000] H 40,000	[35,000] H 40,000	[350] 400 H	[350] 400 H	[350] 400 H
BUTYLBENZENE, N-	104-51-8	1,500 G	4,100 G	15,000 S	15,000 S	15,000 S	1,500 G	4,100 G	4,100 G
BUTYLBENZENE, SEC-	135-98-8	1,500 G	4,100 G	17,000 S	17,000 S	17,000 S	1,500 G	4,100 G	4,100 G
BUTYLBENZENE, TERT-	98-06-6	1,500 G	4,100 G	30,000 S	30,000 S	30,000 S	1,500 G	4,100 G	4,100 G
BUTYLBENZYL PHTHALATE	85-68-7	[2,700] 350 [S] G	[2,700] [S] 1,400 G	2,700 S	2,700 S	2,700 S	2,700 S	2,700 S	2,700 S
CAPTAN	133-06-2	[190] 290 G	500 S	500 S	500 S	500 S	500 S	500 S	500 S
CARBARYL	63-25-2	[700] 3,700 [H] G	[700] [H] 10,000 G	[70,000] [H] 120,000 S	[70,000] [H] 120,000 S	[70,000] [H] 120,000 S	[70,000] [H] 120,000 S	120,000 S	120,000 S
CARBAZOLE	86-74-8	33 G	130 G	1,200 S	1,200 S	1,200 S	1,200 S	1,200 S	1,200 S
CARBOFURAN	1563-66-2	40 M	40 M	4,000 M	4,000 M	4,000 M	40 M	40 M	40 M
CARBON DISULFIDE	75-15-0	[1,900] 1,500 N	[4,100] N 6,200	[190,000] N 150,000	[410,000] N 620,000	[190,000] N 150,000	[1,900] N 1,500	[4,100] N 6,200	[4,100] N 6,200
CARBON TETRACHLORIDE	56-23-5	5 M	5 M	500 M	500 M	500 M	50 M	50 M	50 M
CARBOXIN	5234-68-4	700 H	700 H	70,000 H	70,000 H	70,000 H	700 H	700 H	700 H
CHLORAMBEN	133-90-4	100 H	100 H	10,000 H	10,000 H	10,000 H	100 H	100 H	100 H
CHLORDANE	57-74-9	2 M	2 M	56 S	56 S	56 S	56 S	56 S	56 S
CHLORO-1,1-DIFLUOROETHANE, 1-	75-68-3	[140,000] N 110,000	[290,000] N 440,000	1,400,000 S	1,400,000 S	1,400,000 S	[140,000] N 110,000	[290,000] N 440,000	[290,000] N 440,000
CHLORO-1-PROPENE, 3-(ALLYL CHLORIDE)	107-05-1	[2.8] 2.1 N	[5.8] 8.8 N	[280] 210 N	[580] 880 N	[280] 210 N	[280] 210 N	[580] 880 N	[580] 880 N
CHLOROACETOPHENONE, 2-	532-27-4	[0.31] 1.1 G	[0.88] 3.1 G	[31] 110 G	[88] 310 G	[31] 110 G	[310] 1,100 G	[880] 3,100 G	[880] 3,100 G
CHLOROANILINE, P-	106-47-8	[150] 3.3 G	[410] 13 G	[15,000] 350 G	[41,000] G 1,300	[15,000] 350 G	[150] 3.3 G	[410] 13 G	[410] 13 G
CHLOROBENZENE	108-90-7	100 M	100 M	10,000 M	10,000 M	10,000 M	10,000 M	10,000 M	10,000 M

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REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	G	R	NR	G		
CHLOROBENZILATE	510-15-6	[2,4] 6 G	[9,6] 24 G	[240] 600 G	[960] 2,400 G	[2,400] 6,000 G	[2,400] 6,000 G	[9,600] 13,000 G	
CHLOROBUTANE, 1-	109-69-3	[15,000] 1,500 G	[41,000] 4,100 G	[680,000] 150,000 G	[680,000] 410,000 G	[15,000] 1,500 G	[15,000] 1,500 G	[41,000] 4,100 G	
CHLORODIBROMOMETHANE	124-48-1	[100] 80 M	[100] 80 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	
CHLORODIFLUOROMETHANE	75-45-6	[100] 110,000 [H] N	[100] 440,000 [H] N	[10,000] 900 G	[10,000] 2,900,000 [H] S	[100] 110,000 [H] N	[100] 110,000 [H] N	[100] 440,000 [H] N	
CHLOROETHANE	75-00-3	230 G	900 G	[100] 80 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	
CHLOROFORM	67-66-3	[100] 80 M	[100] 80 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	[10,000] 8,000 M	
CHLORONAPHTHALENE, 2-	91-58-7	2,900 G	8,200 G	12,000 S	12,000 S	2,900 G	2,900 G	8,200 G	
CHLORONITROBENZENE, P-	100-00-5	37 G	[140] 100 G	3,700 G	[14,000] 10,000 G	37 G	37 G	[140] 100 G	
CHLOROPHENOL, 2-	95-57-8	40 H	40 H	4,000 H	4,000 H	40 H	40 H	40 H	
CHLOROPRENE	126-99-8	[19] 15 N	[41] 52 N	[1,900] 1,500 N	[4,100] 6,200 N	[1,900] 1,500 N	[1,900] 1,500 N	[4,100] 6,200 N	
CHLOROPROPANE, 2-	75-29-6	[280] 210 N	[580] 880 N	[28,000] 21,000 N	[58,000] 88,000 N	[280] 210 N	[280] 210 N	[580] 880 N	
CHLOROTHALONIL	1897-45-6	[60] 210 G	[240] 600 [G] S	600 S	600 S	[60] 210 G	[60] 210 G	[240] 600 [G] S	
CHLOROTOLUENE, O-	95-49-8	100 H	100 H	10,000 H	10,000 H	100 H	100 H	100 H	
CHLOROTOLUENE, P-	95-49-8	100 H	100 H	10,000 H	10,000 H	100 H	100 H	100 H	
CHLORPYRIFOS	2921-88-2	[20] 2 H	[20] 2 H	[1,100] 200 [S] H	[1,100] 200 [S] H	[20] 2 H	[20] 2 H	[20] 2 H	
CHLORSULFURON	64902-72-3	1,800 G	5,100 G	[130,000] 160,000 [S] G	[130,000] 190,000 [S] G	1,800 G	1,800 G	5,100 G	
CHLORTHAL-DIMETHYL (DACTHAL) (DCPA)	1861-32-1	[400] 70 H	[400] 70 H	500 S	500 S	500 S	500 S	500 S	
CHRYSENE	218-01-9	1.9 S	1.9 S	1.9 S	1.9 S	1.9 S	1.9 S	1.9 S	
CRESOLS	1319-77-3	180 G	510 G	18,000 G	51,000 G	18,000 G	18,000 G	51,000 G	
CRESOL, 4,6-DINITRO-O-	534-52-1	3.7 G	10 G	370 G	1,000 G	370 G	370 G	1,000 G	
CRESOL, O- (METHYLPHENOL, 2-)	95-48-7	1,800 G	5,100 G	180,000 G	510,000 G	180,000 G	180,000 G	510,000 G	
CRESOL, M (METHYLPHENOL, 3-)	108-39-4	1,800 G	5,100 G	180,000 G	510,000 G	180,000 G	180,000 G	510,000 G	
CRESOL, P (METHYLPHENOL, 4-)	106-44-5	180 G	510 G	18,000 G	51,000 G	18,000 G	18,000 G	51,000 G	

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REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	R	NR	R	NR		
CRESOL, P-CHLORO-M-	59-50-7	180 G	510 G	18,000 G	51,000 G	180 G	510 G	180 G	510 G
CROTONALDEHYDE	4170-30-3	[0.079] 0.35 [N] G	[0.34] 1.4 [N] G	[7.9] 35 [N] G	[34] 140 [N] G	[7.9] 35 [N] G	[34] 140 [N] G	[7.9] 35 [N] G	[34] 140 [N] G
CROTONALDEHYDE, TRANS-	123-73-9	[0.079] 0.35 [N] G	[0.34] 1.4 [N] G	[7.9] 35 [N] G	[34] 140 [N] G	[7.9] 35 [N] G	[34] 140 [N] G	[7.9] 35 [N] G	[34] 140 [N] G
CUMENE (ISOPROPYL BENZENE)	98-82-8	[1,100] 840 N	[2,300] N 3,500	50,000 S	50,000 S	50,000 S	50,000 S	50,000 S	50,000 S
CYANAZINE	21725-46-2	1 H	1 H	100 H	100 H	100 H	100 H	1 H	1 H
CYCLOHEXANE	110-82-7	13,000 N	53,000 N	55,000 S	55,000 S	13,000 N	53,000 N	13,000 N	53,000 N
CYCLOHEXANONE	108-94-1	[49,000] [N] 180,000 G	[100,000] [N] 510,000 G	[4,900,000] [N] 18,000,000 G	[10,000,000] [N] 37,000,000 G	[49,000] [N] 180,000 G	[100,000] [N] 510,000 G	[49,000] [N] 180,000 G	[100,000] [N] 510,000 G
CYFLUTHRIN	68359-37-5	1 S	1 S	1 S	1 S	1 S	1 S	1 S	1 S
CYROMAZINE	66215-27-8	270 G	770 G	27,000 G	77,000 G	270 G	770 G	270 G	770 G
DDD, 4,4'-	72-54-8	[0.62] 2.8 [N] G	[2.7] 11 [N] G	[62] 160 [N] S	160 S	[62] 160 [N] S	160 S	[62] 160 [N] S	160 S
DDE, 4,4'-	72-55-9	1.9 G	7.6 G	40 S	40 S	40 S	40 S	40 S	40 S
DDT, 4,4'-	50-29-3	1.9 G	5.5 S	5.5 S	5.5 S	5.5 S	5.5 S	5.5 S	5.5 S
DI(2-ETHYLHEXYL)ADIPATE	103-23-1	400 M	400 M	40,000 M	40,000 M	40,000 M	40,000 M	200,000 S	200,000 S
DIALLATE	2303-16-4	[2.5] 11 [N] G	[10] 43 [N] G	[250] 1,100 [N] G	[1,000] [N] 4,300 G	[250] 1,100 [N] G	[1,000] [N] 4,300 G	[250] 1,100 [N] G	[1,000] [N] 4,000 S
DIAMINOTOLUENE, 2,4-	95-80-7	[0.21] 0.17 G	[0.81] 0.68 G	[21] 17 G	[81] 68 G	[21] 17 G	[81] 68 G	[21] 17 G	[81] 68 G
DIAZINON	333-41-5	[0.6] 1 H	[0.6] 1 H	[60] 100 H	[60] 100 H	[60] 100 H	[60] 100 H	[0.6] 1 H	[0.6] 1 H
DIBENZO[A,H]ANTHRACENE	53-70-3	[0.09] 0.029 G	0.36 G	0.6 S	0.6 S	0.6 S	0.6 S	0.6 S	0.6 S
DIBENZOFURAN	132-64-9	37 G	100 G	3,700 S	4,500 S	3,700 S	4,500 S	4,500 S	4,500 S
DIBROMO-3-CHLOROPROPANE, 1,2-	96-12-8	0.2 M	0.2 M	20 M	20 M	20 M	20 M	20 M	20 M
DIBROMOBENZENE, 1,4-	106-37-6	370 G	1,000 G	20,000 S	20,000 S	370 G	1,000 G	370 G	1,000 G
DIBROMOETHANE, 1,2- (ETHYLENE DIBROMIDE)	106-93-4	0.05 M	0.05 M	5 M	5 M	5 M	5 M	5 M	5 M
DIBROMOMETHANE	74-95-3	[97] 370 [N] G	[200] 1,000 [N] G	[9,700] [N] 37,000 G	[20,000] [N] 100,000 G	[9,700] [N] 37,000 G	[20,000] [N] 100,000 G	[9,700] [N] 37,000 G	[20,000] [N] 100,000 G
DIBUTYL PHTHALATE, N-	84-74-2	3,700 G	10,000 G	370,000 G	400,000 S	370,000 G	400,000 S	400,000 S	400,000 S
DICAMBA	1918-00-9	4,000 H	4,000 H	400,000 H	400,000 H	4,000 H	4,000 H	4,000 H	4,000 H
DICHLOROACETIC ACID	76-43-6	60 M	60 M	6,000 M	6,000 M	6,000 M	6,000 M	60 M	60 M
DICHLORO-2-BUTENE, 1,4-	764-41-0	[0.016] 0.012 N	[0.069] N 0.06	[1.6] 1.2 N	[6.9] 6 N	[0.016] N 0.012	[0.069] N 0.06	[0.016] N 0.012	[0.069] 0.06 N

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		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	R	R	NR			
DICHLORO-2-BUTENE, TRANS-1,4,	110-57-6	0.012 N	0.06 N	1.2 N	6 N	0.012 N	0.06 N	60,000 M	60,000 M
DICHLOROBENZENE, 1,2-	95-50-1	600 M	600 M	60,000 M	60,000 M	60,000 M	60,000 M	60,000 H	60,000 H
DICHLOROBENZENE, 1,3-	541-73-1	600 H	600 H	60,000 H	60,000 H	60,000 H	60,000 H	7,500 M	7,500 M
DICHLOROBENZENE, P-	106-46-7	75 M	75 M	7,500 M	7,500 M	7,500 M	7,500 M	1,500 G	3,100 S
DICHLOROBENZIDINE, 3,3'-	91-94-1	1.5 G	5.8 G	150 G	580 G	150 G	580 G	100,000 H	100,000 H
DICHLORODIFLUOROMETHANE (FREON 12)	75-71-8	1,000 H	1,000 H	100,000 H	100,000 H	100,000 H	100,000 H	[11,000] N	[1,100] N
DICHLOROETHANE, 1,1-	75-34-3	[27] 31 N	[110] 160 N	[2,700] N	[11,000] N	[270] 310 N	[11,000] N	50 M	1,600
DICHLOROETHANE, 1,2-	107-06-2	5 M	5 M	500 M	500 M	500 M	500 M	70 M	70 M
DICHLOROETHYLENE, 1,1-	75-35-4	7 M	7 M	700 M	700 M	700 M	700 M	1,000 M	1,000 M
DICHLOROETHYLENE, CIS-1,2-	156-59-2	70 M	70 M	7,000 M	7,000 M	7,000 M	7,000 M	500 M	500 M
DICHLOROETHYLENE, TRANS-1,2-	156-60-5	100 M	100 M	10,000 M	10,000 M	10,000 M	10,000 M	20,000 H	20,000 H
DICHLOROMETHANE (METHYLENE CHLORIDE)	75-09-2	5 M	5 M	500 M	500 M	500 M	500 M	7,000 M	7,000 M
DICHLOROPHENOL, 2,4-	120-83-2	20 H	20 H	2,000 H	2,000 H	2,000 H	2,000 H	[7,000] M	[7,000] M
DICHLOROPHENOXACETIC ACID, 2,4-(2,4-D)	94-75-7	70 M	70 M	7,000 M	7,000 M	7,000 M	7,000 M	50 M	70,000
DICHLOROPROPANE, 1,2-	78-87-5	5 M	5 M	500 M	500 M	500 M	500 M	660 G	2,600 G
DICHLOROPROPENE, 1,3-	542-75-6	6.6 G	26 G	660 G	2,600 G	660 G	2,600 G	20,000 M	20,000 M
DICHLOROPROPIONIC ACID, 2,2-(DALAPON)	75-99-0	200 M	200 M	20,000 M	20,000 M	20,000 M	20,000 M	[0.52] 2.3 [N]	[2.2] 9 [N]
DICHLOROVOS	62-73-7	[0.52] 2.3 [N]	[2.2] 9 [N]	[52] 230 [N]	[220] 900 [N]	[52] 230 [N]	[220] 900 [N]	[0.52] 2.3 [N]	[2.2] 9 [N]
DICYCLOPENTADIENE	77-73-6	[0.55] 15 N	[1.2] 62 N	[55] 1,500 N	[120] 6,200 N	[55] 1,500 N	[120] 6,200 N	[1.2] 62 N	[1.2] 62 N
DIELDRIN	60-57-1	0.041 G	0.16 G	4.1 G	16 G	0.16 G	16 G	1,100,000 S	1,100,000 S
DIETHYL PHTHALATE	84-66-2	[5,000] [H]	[5,000] [H]	[500,000] [H]	[500,000] [H]	[5,000] [H]	[500,000] [H]	200 S	200 S
DIFLUBENZURON	35367-38-5	200 S	200 S	200 S	200 S	200 S	200 S	600 H	600 H
DISOPROPYL METHYLPHOSPHONATE	1445-75-6	600 H	600 H	60,000 H	60,000 H	60,000 H	60,000 H	7,300 G	7,300 G
DIMETHOATE	60-51-5	7.3 G	20 G	730 G	2,000 G	730 G	2,000 G	19,000 G	19,000 G
DIMETHOXYBENZIDINE, 3,3-	119-90-4	47 G	190 G	4,700 G	19,000 G	4,700 G	19,000 G	36 S	36 S
DIMETHRIN	70-38-2	36 S	36 S	36 S	36 S	36 S	36 S	140 G	140 G
DIMETHYLAMINOAZOBENZENE, P-	60-11-7	0.14 G	0.57 G	14 G	57 G	0.57 G	57 G	7,300 G	7,300 G
DIMETHYLANILINE, N,N-	121-69-7	73 G	200 G	7,300 G	20,000 G	7,300 G	20,000 G	[7.2] 60	[280] 240
DIMETHYLBENZIDINE, 3,3-	119-93-7	[0.072] 0.06 G	[0.28] 0.24 G	[7.2] 6 G	[28] 24 G	[0.072] 0.06 G	[28] 24 G	[7.2] 60	[280] 240

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		R	NR	NR	R	NR	NR	R	NR	NR	R	NR	NR
DIMETHYL METHYLPHOSPHONATE	756-79-6	100 H	100 H	10,000 H	10,000 H	10,000 H	100 H	100 H	100 H	100 H	100 H	100 H	100 H
DIMETHYLPHENOL, 2,4-	105-67-9	730 G	2,000 G	73,000 G	73,000 G	200,000 G	730,000 G	2,000,000 G	7,300,000 G	23,000,000 G	73,000,000 G	230,000,000 G	730,000,000 G
DINITROBENZENE, 1,3-	99-65-0	1 H	1 H	1 H	1 H	1 H	1 H	1 H	1 H	1 H	1 H	1 H	1 H
DINITROPHENOL, 2,4-	51-28-5	[19] 73 [N] G	[41] 200 [N] G	[1,900] [N] 7,300 G	[1,900] [N] 7,300 G	[4,100] [N] 20,000 G	[1,900] [N] 7,300 G	[4,100] [N] 20,000 G	[1,900] [N] 7,300 G	[4,100] [N] 20,000 G	[1,900] [N] 7,300 G	[4,100] [N] 20,000 G	[1,900] [N] 7,300 G
DINITROTOLUENE, 2,4-	121-14-2	2.1 G	8.4 G	210 G	210 G	840 G	210 G	840 G	210 G	840 G	210 G	840 G	210 G
DINITROTOLUENE, 2,6- (2,6-DNT)	606-20-2	37 G	100 G	3,700 G	3,700 G	10,000 G	37,000 G	100,000 G	370,000 G	1,000,000 G	3,700,000 G	10,000,000 G	37,000,000 G
DINOSIB	88-85-7	7 M	7 M	700 M	700 M	700 M	700 M	700 M	700 M	700 M	700 M	700 M	700 M
DIOXANE, 1,4-	123-91-1	[5.6] 6.4 N	[24] 32 N	[560] 640 N	[560] 640 N	[2,400] N 3,200	[560] 640 N	[2,400] N 3,200	[560] 640 N	[2,400] N 3,200	[560] 640 N	[2,400] 320 N	[560] 640 N
DIPHENAMID	957-51-7	200 H	200 H	20,000 H	20,000 H	20,000 H	200 H	200 H	200 H	200 H	200 H	200 H	200 H
DIPHENYLAMINE	122-39-4	[200] 910 [H] G	[200] 2,600 [H] G	[20,000] [H] 91,000 G	[20,000] [H] 91,000 G	[260,000] G	[20,000] [H] 91,000 G	[260,000] G	[20,000] [H] 91,000 G	[260,000] G	[20,000] [H] 91,000 G	[200,000] [H] 300,000 S	[200,000] [H] 300,000 S
DIPHENYLHYDRAZINE, 1,2-	122-66-7	0.83 G	3.3 G	83 G	83 G	250 S	83 G	250 S	83 G	250 S	83 G	250 S	83 G
DIQUAT	85-00-7	20 M	20 M	2,000 M	2,000 M	2,000 M	20 M	20 M	20 M	20 M	20 M	20 M	20 M
DISULFOTON	298-04-4	[0.3] 0.7 H	[0.3] 0.7 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H	[30] 70 H
DITHIANE, 1,4-	505-29-3	80 H	80 H	8,000 H	8,000 H	8,000 H	80 H	80 H	80 H	80 H	80 H	80 H	80 H
DIURON	330-54-1	[10] 73 [H] G	[10] 200 [H] G	[1,000] [H] 7,300 G	[1,000] [H] 7,300 G	[1,000] [H] 20,000 G	[1,000] [H] 7,300 G	[1,000] [H] 20,000 G	[1,000] [H] 7,300 G	[1,000] [H] 20,000 G	[1,000] [H] 20,000 G	[10] 200 [H] G	[10] 200 [H] G
ENDOSULFAN	115-29-7	[58] 220 [N] G	[120] 480 [N] S	[120] 480 [N] S	[120] 480 [N] S	480 S	[120] 480 [N] S	480 S	[120] 480 [N] S	480 S	[120] 480 [N] S	480 S	480 S
ENDOSULFAN I (APLHA)	959-98-8	220 G	500 S	500 S	500 S	500 S	220 G	500 S	500 S	220 G	500 S	500 S	500 S
ENDOSULFAN II (BETA)	33213-65-9	220 G	450 S	450 S	450 S	450 S	220 G	450 S	450 S	220 G	450 S	450 S	450 S
ENDOSULFAN SULFATE	1031-07-8	120 S	120 S	120 S	120 S	120 S	120 S	120 S	120 S	120 S	120 S	120 S	120 S
ENDOTHALL	145-73-3	100 M	100 M	10,000 M	10,000 M	10,000 M	100 M	100 M	100 M	100 M	100 M	100 M	100 M
ENDRIN	72-20-8	2 M	2 M	200 M	200 M	200 M	2 M	2 M	2 M	2 M	2 M	2 M	2 M
EPICHLOROHYDRIN	106-89-8	[2.8] 2.1 N	[5.8] 9.8 N	[280] 210 N	[280] 210 N	[580] 880 N	[280] 210 N	[580] 880 N	[280] 210 N	[580] 880 N	[280] 210 N	[580] 880 N	[280] 210 N
ETHEPHON	16672-87-0	180 G	510 G	18,000 G	18,000 G	51,000 G	180 G	510 G	180 G	510 G	180 G	510 G	510 G
ETHION	563-12-2	18 G	51 G	850 S	850 S	850 S	18 G	51 G	18 G	51 G	18 G	51 G	51 G
ETHOXYETHANOL, 2- (EGEE)	110-80-5	[550] 420 N	[1,200] N 1,800	[55,000] N 42,000	[55,000] N 42,000	[120,000] N 180,000	[55,000] N 42,000	[120,000] N 180,000	[55,000] N 42,000	[120,000] N 180,000	[55,000] N 42,000	[120,000] N 180,000	[120,000] N 180,000
ETHYL ACETATE	141-78-6	[8,700] [N] 33,000 G	[18,000] [N] 92,000 G	[870,000] [N] 3,300,000 G	[870,000] [N] 3,300,000 G	[1,800,000] [N] 9,200,000 G	[870,000] [N] 3,300,000 G	[1,800,000] [N] 9,200,000 G	[870,000] [N] 3,300,000 G	[1,800,000] [N] 9,200,000 G	[870,000] [N] 3,300,000 G	[1,800,000] [N] 9,200,000 G	[1,800,000] [N] 9,200,000 G

All concentrations in µg/L
R = Residential
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REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	R	NR	R	NR		
ETHYL ACRYLATE	140-88-5	[3.1] 14 [N] G	[13] 54 [N] G	[310] 1,400 [N] G	[1,300] 5,400 [N] G	[310] 1,400 [N] G	[1,300] 5,400 [N] G	[1,300] 5,400 [N] G	
ETHYL BENZENE	100-41-4	700 M	700 M	70,000 M	70,000 M	70,000 M	70,000 M	70,000 M	
ETHYL DIPROPYLTHIOCARBAMATE, S- (EPTC)	759-94-4	910 G	2,600 G	91,000 G	260,000 G	910 G	2,600 G	2,600 G	
ETHYL ETHER	60-29-7	[1,900] 7,300 [N] G	[4,100] 20,000 [N] G	[190,000] 730,000 [N] G	[410,000] 2,000,000 [N] G	[1,900] 7,300 [N] G	[4,100] 20,000 [N] G	[4,100] 20,000 [N] G	
ETHYL METHACRYLATE	97-63-2	[870] 3,300 [N] G	[1,800] 9,200 [N] G	[87,000] 330,000 [N] G	[180,000] 920,000 [N] G	[870] 3,300 [N] G	[1,800] 9,200 [N] G	[1,800] 9,200 [N] G	
ETHYLENE GLYCOL	107-21-1	14,000 H	14,000 H	1,400,000 H	1,400,000 H	1,400,000 H	1,400,000 H	1,400,000 H	
ETHYLENE THIOUREA (ETU)	96-45-7	[3] 2.9 [H] G	[3] 8.2 [H] G	[300] 290 [H] G	[300] 820 [H] G	[3,000] 2,900 [H] G	[3,000] 2,900 [H] G	[3,000] 2,900 [H] G	
ETHYLP-NITROPHENYL PHENYLPHOSPHOROTHIOATE	2104-64-5	0.37 G	1 G	37 G	100 G	0.37 G	1 G	1 G	
FENAMIPHOS	22224-92-6	[2] 0.7 H	[2] 0.7 H	[200] 70 H	[200] 70 H	[2] 0.7 H	[2] 0.7 H	[2] 0.7 H	
FENVALERATE (PYDRIN)	51630-58-1	85 S	85 S	85 S	85 S	85 S	85 S	85 S	
FLUOMETURON (FLUOMETRON IN EPA FEB 96)	2164-17-2	90 H	90 H	9,000 H	9,000 H	90 H	90 H	90 H	
FLUORANTHENE	206-44-0	260 S	260 S	260 S	260 S	260 S	260 S	260 S	
FLUORENE	86-73-7	1,500 G	1,900 S	1,900 S	1,900 S	1,900 S	1,900 S	1,900 S	
FLUOROTRICHLOROMETHANE (FREON 11)	75-69-4	2,000 H	2,000 H	200,000 H	200,000 H	200,000 H	200,000 H	200,000 H	
FONOFOS	944-22-9	10 H	10 H	1,000 H	1,000 H	10 H	10 H	10 H	
FORMALDEHYDE	50-00-0	1,000 H	1,000 H	100,000 H	100,000 H	100,000 H	100,000 H	100,000 H	
FORMIC ACID	64-18-6	[19,000] 5.3 N	[41,000] 25 N	[1,900,000] 630 N	[4,100,000] 2,600 N	[190,000] 63 N	[410,000] 260 N	[410,000] 260 N	
FOSETYL-AL	39148-24-8	110,000 G	310,000 G	11,000,000 G	31,000,000 G	110,000 G	310,000 G	310,000 G	
FURAN	110-00-9	[9.7] 37 [N] G	[20] 100 [N] G	[970] 3,700 [N] G	[2,000] 10,000 [N] G	[970] 3,700 [N] G	[2,000] 10,000 [N] G	[2,000] 10,000 [N] G	
FURFURAL	98-01-1	110 [G] N	[290] 310 [N] G	11,000 [G] N	[29,000] 31,000 [G] N	110 [G] N	[290] 310 [N] G	[290] 310 [N] G	
GLYPHOSATE	1071-83-6	700 M	700 M	70,000 M	70,000 M	700 M	700 M	700 M	
HEPTACHLOR	76-44-8	0.4 M	0.4 M	40 M	40 M	180 S	180 S	180 S	
HEPTACHLOR EPOXIDE	1024-57-3	0.2 M	0.2 M	20 M	20 M	200 M	200 M	200 M	
HEXACHLOROBENZENE	118-74-1	1 M	1 M	6 S	6 S	6 S	6 S	6 S	
HEXACHLOROBUTADIENE	87-68-3	[1] 8.5 [H] G	[1] 33 [H] G	[100] 850 [H] G	[100] 2,900 [H] S	[1,000] 2,900 [H] S	[1,000] 2,900 [H] S	[1,000] 2,900 [H] S	
HEXACHLOROCYCLOPENTADIENE	77-47-4	50 M	50 M	1,800 S	1,800 S	1,800 S	1,800 S	1,800 S	

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REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS					
		TDS ≤ 2500			TDS > 2500			R			NR		
		R	NR	R	R	NR	NR	R	R	NR	R	NR	
HEXACHLOROETHANE	67-72-1	1 H	1 H	100 H	100 H	100 H	100 H	100 H	100 H	100 H	100 H	100 H	100 H
HEXANE	110-54-3	[550] 1,500 N	[1,200] [N] 6,100 G	9,500 S	9,500 S	9,500 S	[550] 1,500 N	[1,200] [N] 6,100 G	[1,200] [N] 6,100 G	[550] 1,500 N	[1,200] [N] 6,100 G	[1,200] [N] 6,100 G	[1,200] [N] 6,100 G
HEXAZINONE	51235-04-2	400 H	400 H	40,000 H	40,000 H	40,000 H	400 H	400 H	40,000 H	400 H	400 H	400 H	400 H
HEXYTHIAZOX (SAVEY)	78587-05-0	500 S	500 S	500 S	500 S	500 S	500 S	500 S	500 S	500 S	500 S	500 S	500 S
HMX	2691-41-0	400 H	400 H	5,000 S	5,000 S	5,000 S	400 H	400 H	5,000 S	400 H	400 H	400 H	400 H
HYDRAZINE/HYDRAZINE SULFATE	302-01-2	[0.0088] 0.01 N	[0.038] N 0.051	[0.88] 1 N	[0.88] 1 N	[0.88] 1 N	[0.038] N 0.051	[0.038] N 0.051	[3.8] 5.1 N	[0.088] 0.1 N	[0.088] 0.1 N	[0.38] 0.51 N	[0.38] 0.51 N
HYDROQUINONE	123-31-9	[1,500] 12 G	[4,100] 46 G	[150,000] G 1,200	[150,000] G 1,200	[150,000] G 1,200	[1,500] 12 G	[4,100] 46 G	[410,000] G 4,600	[1,500,000] G 12,000	[1,500,000] G 12,000	[4,100,000] G 46,000	[4,100,000] G 46,000
INDENO[1,2,3-CD]PYRENE	193-39-5	[0.9] 0.29 G	3.6 G	[62] 29 [S] G	[62] 29 [S] G	[62] 29 [S] G	[0.9] 0.29 G	3.6 G	62 S	62 S	62 S	62 S	62 S
IPIODIONE	36734-19-7	1,500 G	4,100 G	13,000 S	13,000 S	13,000 S	1,500 G	4,100 G	13,000 S	1,500 G	1,500 G	4,100 G	4,100 G
ISOBUTYL ALCOHOL	78-83-1	[2,900] [N] 11,000 G	[6,100] [N] 31,000 G	[290,000] [N] 1,100,000 G	[290,000] [N] 1,100,000 G	[290,000] [N] 1,100,000 G	[2,900] [N] 11,000 G	[6,100] [N] 31,000 G	[610,000] [N] 3,100,000 G	[290,000] [N] 1,100,000 G	[290,000] [N] 1,100,000 G	[610,000] [N] 3,100,000 G	[610,000] [N] 3,100,000 G
ISOPHORONE	78-59-1	100 H	100 H	10,000 H	10,000 H	10,000 H	100 H	100 H	10,000 H	10,000 H	10,000 H	10,000 H	10,000 H
ISOPROPYL METHYLPHOSPHONATE	1832-54-8	700 H	700 H	70,000 H	70,000 H	70,000 H	700 H	700 H	70,000 H	700 H	700 H	700 H	700 H
KEPONE	143-50-0	0.041 G	0.16 G	4.1 G	4.1 G	4.1 G	0.041 G	0.16 G	4.1 G	16 G	41 G	160 G	160 G
MALATHION	121-75-5	100 H	100 H	10,000 H	10,000 H	10,000 H	100 H	100 H	10,000 H	[10,000] H 100,000	[10,000] H 100,000	[10,000] H 100,000	[10,000] H 100,000
MALEIC HYDRAZIDE	123-33-1	4,000 H	4,000 H	400,000 H	400,000 H	400,000 H	4,000 H	4,000 H	400,000 H	4,000 H	4,000 H	4,000 H	4,000 H
MANEB	12427-38-2	180 G	510 G	18,000 G	18,000 G	18,000 G	180 G	510 G	23,000 S	180 G	180 G	510 G	510 G
MERPHOS OXIDE	78-48-8	1.1 G	3.1 G	110 G	110 G	110 G	1.1 G	3.1 G	310 G	1.1 G	1.1 G	3.1 G	3.1 G
METHACRYLONITRILE	126-98-7	[1.9] 1.5 N	[4.1] 5.2 N	[190] 150 N	[190] 150 N	[190] 150 N	[1.9] 1.5 N	[4.1] 5.2 N	[410] 620 N	[1.9] 1.5 N	[1.9] 1.5 N	[4.1] 5.2 N	[4.1] 5.2 N
METHAMIDOPHOS	10265-92-6	1.8 G	5.1 G	180 G	180 G	180 G	1.8 G	5.1 G	510 G	1.8 G	1.8 G	5.1 G	5.1 G
METHANOL	67-56-1	[4,900] 8,400 N	[10,000] N 35,000	[490,000] N 840,000	[490,000] N 840,000	[490,000] N 840,000	[4,900] 8,400 N	[10,000] N 35,000	[1,000,000] N 3,500,000	[490,000] N 840,000	[490,000] N 840,000	[1,000,000] N 3,500,000	[1,000,000] N 3,500,000
METHOMYL	16752-77-5	200 H	200 H	20,000 H	20,000 H	20,000 H	200 H	200 H	20,000 H	200 H	200 H	200 H	200 H
METHOXYCHLOR	72-43-5	40 M	40 M	45 S	45 S	45 S	40 M	40 M	45 S	45 S	45 S	45 S	45 S
METHOXYETHANOL, 2-	109-86-4	[37] 42 [G] N	[100] 180 [G] N	[3,700] [G] 4,200 N	[3,700] [G] 4,200 N	[3,700] [G] 4,200 N	[37] 42 [G] N	[100] 180 [G] N	[10,000] [G] 18,000 N	[37] 42 [G] N	[37] 42 [G] N	[100] 180 [G] N	[100] 180 [G] N
METHYL ACETATE	79-20-9	37,000 G	100,000 G	3,700,000 G	3,700,000 G	3,700,000 G	37,000 G	100,000 G	10,000,000 G	37,000 G	37,000 G	100,000 G	100,000 G
METHYL ACRYLATE	96-33-3	1,100 G	3,100 G	110,000 G	110,000 G	110,000 G	1,100 G	3,100 G	310,000 G	110,000 G	110,000 G	310,000 G	310,000 G
METHYL CHLORIDE	74-87-3	[3] 30 H	[3] 30 H	[300] 3,000 H	[300] 3,000 H	[300] 3,000 H	[3] 30 H	[3] 30 H	[300] 3,000 H	[300] 3,000 H	[300] 3,000 H	[300] 3,000 H	[300] 3,000 H

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		TDS ≤ 2500		TDS > 2500		R		NR	
		R	NR	R	NR	R	NR	R	NR
METHYL ETHYL KETONE	78-93-3	[2,800] 4,000 [N] H	[5,800] [N] 4,000 H	[280,000] [N] 400,000 H	[580,000] [N] 400,000 H	[280,000] [N] 400,000 H	[580,000] [N] 400,000 H	[280,000] [N] 400,000 H	[580,000] [N] 400,000 H
METHYL ISOBUTYL KETONE	108-10-1	[190] 2,900 [N] G	4[10] 8,200 [N] G	[19,000] [N] 290,000 G	[41,000] [N] 820,000 G	[19,000] [N] 290,000 G	[41,000] [N] 820,000 G	[19,000] [N] 290,000 G	[41,000] [N] 820,000 G
METHYL ISOCYANATE	624-83-9	2.1 N	8.8 N	210 N	880 N	2.1 N	8.8 N	2.1 N	8.8 N
METHYL-N-BUTYL KETONE (2-HEXANONE)	591-78-6	11 N	44 N	1,100 N	4,400 N	11 N	44 N	11 N	44 N
METHYL METHACRYLATE	80-62-6	[1,900] 1,500 N	[4,100] N 6,200	[190,000] N 150,000	[410,000] N 620,000	[190,000] N 150,000	[410,000] N 620,000	[190,000] N 150,000	[410,000] N 620,000
METHYL METHANESULFONATE	66-27-3	6.7 G	26 G	670 G	2,600 G	6.7 G	26 G	6.7 G	26 G
METHYL PARATHION	298-00-0	[2] 1 H	[2] 1 H	[200] 100 H	[200] 100 H	[200] 1,000 H	[200] 1,000 H	[200] 1,000 H	[200] 1,000 H
METHYL STYRENE (MIXED ISOMERS)	25013-15-4	[220] 84 [G] N	[610] 350 [G] N	[22,000] [G] 8,400 N	[61,000] [G] 35,000 N	[220] 84 [G] N	[610] 350 [G] N	[220] 84 [G] N	[610] 350 [G] N
METHYL TERT-BUTYL ETHER (MTBE)	1634-04-4	20 [H]	20 [H]	2,000 [H]	2,000 [H]	200 [H]	200 [H]	200 [H]	200 [H]
METHYLCHLOROPHENOXYACETIC ACID (MCPA)	94-74-6	30 H	30 H	3,000 H	3,000 H	30,000 H	30,000 H	30,000 H	30,000 H
METHYLENE BIS(2-CHLOROANILINE), 4,4'-	101-14-4	[5.1] 2.2 G	[20] 26 G	[510] 220 G	[2,000] G 2,600	[5.1] 2.2 G	[20] 26 G	[5.1] 2.2 G	[20] 26 G
METHYLNAPHTHALENE, 2-	91-57-6	[730] 150 G	[2,000] 410 G	[25,000] [S] 15,000 G	25,000 S	[730] 150 G	[2,000] 410 G	[730] 150 G	[2,000] 410 G
METHYLSTYRENE, ALPHA	98-83-9	[680] 2,600 [N] G	[1,400] [N] 7,200 G	[68,000] [N] 260,000 G	[140,000] [N] 560,000 S	[680] 2,600 [N] G	[1,400] [N] 7,200 G	[680] 2,600 [N] G	[1,400] [N] 7,200 G
METOLACHLOR	51218-45-2	700 H	700 H	70,000 H	70,000 H	700 H	700 H	700 H	700 H
METIBUZIN	21087-64-9	70 H	70 H	7,000 H	7,000 H	70 H	70 H	70 H	70 H
MONOCHLOROACETIC ACID	79-11-8	70 H	70 H	7,000 H	7,000 H	70 H	70 H	70 H	70 H
NAPHTHALENE	91-20-3	100 H	100 H	10,000 H	10,000 H	30,000 S	30,000 S	30,000 S	30,000 S
NAPHTHYLAMINE, 1-	134-32-7	0.37 G	1.4 G	37 G	140 G	370 G	1,400 G	370 G	1,400 G
NAPHTHYLAMINE, 2-	91-59-8	0.37 G	1.4 G	37 G	140 G	370 G	1,400 G	370 G	1,400 G
NAPROPAMIDE	15299-99-7	3,700 G	10,000 G	70,000 S	70,000 S	3,700 G	10,000 G	3,700 G	10,000 G
NITROANILINE, M-	99-09-2	[2.1] 11 G	[5.8] 31 G	[210] 1,100 G	[580] 3,100 G	[2.1] 11 G	[5.8] 31 G	[2.1] 11 G	[5.8] 31 G
NITROANILINE, O-	88-74-4	[2.1] 110 G	[5.8] 310 G	[210] 11,000 G	[580] 31,000 G	[2.1] 110 G	[5.8] 310 G	[2.1] 110 G	[5.8] 310 G
NITROANILINE, P-	100-01-6	[2.1] 33 G	[5.8] 130 G	[210] 3,300 G	[580] 13,000 G	[2.1] 33 G	[5.8] 130 G	[2.1] 33 G	[5.8] 130 G
NITROBENZENE	98-95-3	[18] 73 G	[51] 200 G	[1,800] G 7,300	[5,100] G 20,000	[18,000] G 73,000	[51,000] G 200,000	[18,000] G 73,000	[51,000] G 200,000
NITROGUANIDINE	556-88-7	700 H	700 H	70,000 H	70,000 H	700 H	700 H	700 H	700 H
NITROPHENOL, 2-	88-75-5	290 G	820 G	29,000 G	82,000 G	290,000 G	820,000 G	290,000 G	820,000 G

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		TDS ≤ 2500			TDS > 2500			R	NR				
		R	NR	H	R	NR	H						
NITROPHENOL, 4-	100-02-7			60 H		6,000 H		60,000 H					
NITROPROPANE, 2-	79-46-9	[0.016] 0.018 N	[0.068] N 0.093	N		[1.6] 1.8 N		[0.16] 0.18 N		[6.8] 9.3 N		[0.68] 0.93 N	
NITROSODIETHYLAMINE, N-	55-18-5	[0.001] N 0.00045	[0.0043] N 0.0058	N		[0.1] 0.045 N		[0.01] N 0.0045		[0.43] 0.58 N		[0.043] N 0.058	
NITROSODIMETHYLAMINE, N-	62-75-9	[0.0031] N 0.0014	[0.013] N 0.018	N		[0.3] 0.14 N		[0.031] N 0.014		[1.3] 1.8 N		[0.13] 0.18 N	
NITROSO-DI-N-BUTYLAMINE, N-	924-16-3	[0.027] 0.12 [N] G	[0.11] 0.48 [N] G			[2.7] 12 [N] G		[2.7] 120 [N] G		[11] 48 [N] G		[11] 480 [N] G	
NITROSODI-N-PROPYLAMINE, N-	621-64-7	0.094 G	0.37 G	G		9.4 G		94 G		37 G		370 G	
NITROSODIPHENYLAMINE, N-	86-30-6	130 G	530 G	G		13,000 G		35,000 S		35,000 S		35,000 S	
NITROSO-N-ETHYLUREA, N-	759-73-9	[0.0047] G 0.008	[0.019] G 0.096	G		[0.47] 0.8 G		[0.47] 8 G		[1.9] 9.6 G		[1.9] 96 G	
OCTYL PHTHALATE, DI-N-	117-84-0	[730] 1.500 G	[2,000] [G] 3,000 S	G		3,000 S		3,000 S		3,000 S		3,000 S	
OXAMYL (VYDATE)	23135-22-0	200 M	200 M	M		20,000 M		200 M		20,000 M		200 M	
PARAQUAT	1910-42-5	30 H	30 H	H		3,000 H		30 H		3,000 H		30 H	
PARATHION	56-38-2	220 G	610 G	G		20,000 S		220 G		20,000 S		610 G	
PCB-1016 (AROCLOR)	12674-11-2	2.6 G	7.2 G	G		250 S		2.6 G		250 S		7.2 G	
PCB-1221 (AROCLOR)	11104-28-2	[1.3] 0.33 G	[5.2] 1.3 G	G		[130] 33 G		[1.3] 0.33 G		[520] 130 G		[5.2] 1.3 G	
PCB-1232 (AROCLOR)	11141-16-5	[1.3] 0.33 G	[5.2] 1.3 G	G		[130] 33 G		[1.3] 0.33 G		[520] 130 G		[5.2] 1.3 G	
PCB-1242 (AROCLOR)	53469-21-9	[1.3] 0.33 G	[5.2] 1.3 G	G		[100] 33 [S] G		[1.3] 0.33 G		100 S		[5.2] 1.3 G	
PCB-1248 (AROCLOR)	12672-29-6	[0.37] 0.33 G	[1.4] 1.3 G	G		[37] 33 G		[0.37] 0.33 G		54 S		[1.4] 1.3 G	
PCB-1254 (AROCLOR)	11097-69-1	[0.37] 0.33 G	[1.4] 1.3 G	G		[37] 33 G		[0.37] 0.33 G		57 S		[1.4] 1.3 G	
PCB-1260 (AROCLOR)	11096-82-5	[1.1] 0.33 G	[4.3] 1.3 G	G		[80] 33 [S] G		[1.1] 0.33 G		80 S		[4.3] 1.3 G	
PEBULATE	1114-71-2	1,800 G	5,100 G	G		92,000 S		1,800 G		92,000 S		5,100 G	
PENTACHLOROBENZENE	608-93-5	29 G	82 G	G		740 S		29 G		740 S		82 G	
PENTACHLOROETHANE	76-01-7	7.3 G	29 G	G		730 G		7.3 G		2,900 G		29 G	
PENTACHLORONITROBENZENE	82-68-8	2.5 G	10 G	G		250 G		2.5 G		440 S		10 G	
PENTACHLOROPHENOL	87-86-5	1 M	1 M	M		100 M		1 M		100 M		1 M	
PHENACETIN	62-44-2	300 G	1,200 G	G		30,000 G		300 G		120,000 G		1,200 G	
PHENANTHRENE	85-01-8	1,100 S	1,100 S	S		1,100 S		1,100 S		1,100 S		1,100 S	

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APPENDIX A
TABLE 1 – MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	R	NR	R	NR		
PHENOL	108-95-2	2,000 H	2,000 H	200,000 H	200,000 H	200,000 H	200,000 H	200,000 H	200,000 H
PHENYL MERCAPTAN	109-98-5	0.37 G	1 G	37 G	100 G	0.37 G	1 G	0.37 G	1 G
PHENYLENEDIAMINE, M-	108-45-2	220 G	610 G	22,000 G	61,000 G	220,000 G	610,000 G	220,000 G	610,000 G
PHENYLPHENOL, 2-	90-43-7	[340] 350 G	[1,300] G	[34,000] G	[130,000] G	[340,000] G	[340,000] G	[340,000] G	700,000 S
			1,400	35,000	140,000	350,000			
PHORATE	298-02-2	[1.9] 7.3 [N] G	[4.1] 20 [N] G	[190] 730 [N] G	[410] 2,000 [N] G	[1.9] 7.3 [N] G	[4.1] 20 [N] G	[1.9] 7.3 [N] G	[4.1] 20 [N] G
PHTHALIC ANHYDRIDE	85-44-9	73,000 G	200,000 G	6,200,000 S	6,200,000 S	6,200,000 S	6,200,000 S	6,200,000 S	6,200,000 S
PICLORAM	1918-02-1	500 M	500 M	50,000 M	50,000 M	500 M	500 M	500 M	500 M
POLYCHLORINATED BIPHENYLS (PCBS)	1336-36-3	0.5 M	0.5 M	50 M	50 M	0.5 M	0.5 M	0.5 M	0.5 M
PROMETON	1610-18-0	100 H	100 H	10,000 H	10,000 H	100 H	100 H	100 H	100 H
PRONAMIDE	23950-58-5	[50] 2,700 [H] G	[50] 7,700 [H] G	[5,000] [H] G	[5,000] [S] G	[50] 2,700 [H] G	[50] 7,700 [H] G	[50] 2,700 [H] G	[50] 7,700 [H] G
				15,000 S	15,000 S				
PROPANIL	709-98-8	180 G	510 G	18,000 G	51,000 G	180 G	510 G	180 G	510 G
PROPANOL, 2- (ISOPROPYL ALCOHOL)	67-63-0	15,000 N	62,000 N	1,500,000 N	6,200,000 N	15,000 N	62,000 N	15,000 N	62,000 N
PROPANE	139-40-2	10 H	10 H	1,000 H	1,000 H	10 H	10 H	10 H	10 H
PROPHAM	122-42-9	[730] 100 [G] H	[2,000] 100 [G] H	[73,000] [G] H	[200,000] [G] H	[730] 100 [G] H	[2,000] 100 [G] H	[730] 100 [G] H	[2,000] 100 [G] H
PROPYLBENZENE, N-	103-65-1	1,500 G	4,100 G	52,000 S	52,000 S	1,500 G	4,100 G	1,500 G	4,100 G
PROPYLENE OXIDE	75-56-9	2.8 G	11 G	280 G	1,100 G	2.8 G	11 G	2.8 G	11 G
PYRENE	129-00-0	130 S	130 S	130 S	130 S	130 S	130 S	130 S	130 S
PYRIDINE	110-86-1	[9.7] 37 [N] G	[20] 100 [N] G	[970] 3,700 [N] G	[2,000] [N] G	[97] 370 [N] G	[200] 1,000 [N] G	[97] 370 [N] G	[200] 1,000 [N] G
QUINOLINE	91-22-5	[0.055] 0.22 G	[0.22] 0.87 G	[5.5] 22 G	[22] 87 G	[0.055] 0.22 G	[0.22] 0.87 G	[0.055] 0.22 G	[0.22] 0.87 G
QUIZALOFOP (ASSURE)	76578-14-8	300 S	300 S	300 S	300 S	300 S	300 S	300 S	300 S
RDX	121-82-4	2 H	2 H	200 H	200 H	2 H	2 H	2 H	2 H
RESORCINOL	108-46-3	73,000 G	200,000 G	7,300,000 G	20,000,000 G	73,000 G	200,000 G	73,000 G	200,000 G
RONNEL	299-84-3	1,800 G	5,100 G	40,000 S	40,000 S	1,800 G	5,100 G	1,800 G	5,100 G
SIMAZINE	122-34-9	4 M	4 M	400 M	400 M	4 M	4 M	4 M	4 M
STRYCHNINE	57-24-9	11 G	31 G	1,100 G	3,100 G	11,000 G	31,000 G	11,000 G	31,000 G
STYRENE	100-42-5	100 M	100 M	10,000 M	10,000 M	10,000 M	10,000 M	10,000 M	10,000 M
TEBUTHIURON	34014-18-1	500 H	500 H	50,000 H	50,000 H	500 H	500 H	500 H	500 H
TERBACIL	5902-51-2	90 H	90 H	9,000 H	9,000 H	90 H	90 H	90 H	90 H

All concentrations in µg/L

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TABLE 1 – MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	H	R	NR	H		
TERBUFOS	13071-79-9	[0.9] 0.4	11 G	[0.9] 0.4	31 G	[90] 40	580 S	[0.9] 0.4	580 S
TETRACHLOROBENZENE, 1,2,4,5-	95-94-3	0.00003 M	0.00003 M	0.00003 M	0.0003 M	0.003 M	0.019 S	0.019 S	0.019 S
TETRACHLORODIBENZO-P-DIOXIN, 2,3,7,8- (TCDD)	1746-01-6	70 H	70 H	70 H	70 H	7,000 H	7,000 H	7,000 H	7,000 H
TETRACHLOROETHANE, 1,1,1,2-	630-20-6	0.3 H	0.3 H	0.3 H	0.3 H	30 H	30 H	30 H	30 H
TETRACHLOROETHANE, 1,1,2,2-	79-34-5	5 M	5 M	5 M	5 M	500 M	50 M	50 M	50 M
TETRACHLOROETHYLENE (PCE)	127-18-4	[290] 1.100	[610] 3.100	[10] 51	[610] 3.100	[29,000] [N] 110,000	[61,000] [N] 180,000	[29,000] [N] 180,000	[61,000] [N] 180,000
TETRACHLOROPHENOL, 2,3,4,6-	58-90-2	0.0037 G	0.01 G	0.01 G	0.01 G	0.37 G	1 G	3.7 G	10 G
TETRAETHYL LEAD	78-00-2	[4.9] 18	[10] 51	[490] 1,800	[10] 51	[490] 1,800	[1,000] [N] 5,100	[4.9] 18	[10] 51
TETRAETHYLDITHIOPYROPHOSPHATE	3689-24-5	25 N	130 N	2,500 N	130 N	2,500 N	13,000 N	25 N	130 N
TETRAHYDROFURAN	109-99-9	11 G	31 G	1,100 G	31 G	1,100 G	3,100 G	11 G	31 G
THIOFANOX	39196-18-4	180 G	510 G	18,000 G	510 G	18,000 G	30,000 S	180 G	510 G
THIRAM	137-26-8	1,000 M	1,000 M	100,000 M	1,000 M	100,000 M	100,000 M	100,000 M	100,000 M
TOLUENE	108-88-3	[2.8] 3.7	[11] 14	[280] 370	[11] 14	[280] 370	[1,100] G 1,400	[2.8] 3.7	[11] 14
TOLUIDINE, M-	108-44-1	[2.8] 3.7	[11] 14	[280] 370	[11] 14	[280] 370	[1,100] G 1,400	[2,800] G 3,700	[11,000] G 14,000
TOLUIDINE, O	95-53-4	3.5 G	14 G	350 G	14 G	350 G	300 M	3.5 G	14 G
TOLUIDINE, P-	106-49-0	3 M	3 M	300 M	3 M	300 M	300 M	3 M	3 M
TOXAPHENE	8001-35-2	470 G	1,300 G	4,000 S	1,300 G	4,000 S	4,000 S	470 G	1,300 G
TRIALLATE	2303-17-5	[100] 80	[100] 80	[10,000] M 8,000	[100] 80	[10,000] M 8,000	[10,000] M 8,000	[10,000] M 8,000	[10,000] M 8,000
TRIBROMOMETHANE (BROMOFORM)	75-25-2	[83,000] N 63,000	170,000 S	170,000 S	170,000 S	170,000 S	170,000 S	170,000 S	170,000 S
TRICHLORO-1,2,2-TRIFLUOROETHANE, 1,1,2-	76-13-1	70 M	70 M	7,000 M	70 M	7,000 M	7,000 M	44,000 S	44,000 S
TRICHLOROBENZENE, 1,2,4-	120-82-1	40 H	40 H	4,000 H	40 H	4,000 H	4,000 H	40 H	40 H
TRICHLOROBENZENE, 1,3,5-	108-70-3	200 M	200 M	20,000 M	200 M	20,000 M	20,000 M	2,000 M	2,000 M
TRICHLOROETHANE, 1,1,1-	71-55-6	5 M	5 M	500 M	5 M	500 M	500 M	50 M	50 M
TRICHLOROETHANE, 1,1,2-	79-00-5	5 M	5 M	500 M	5 M	500 M	500 M	50 M	50 M
TRICHLOROETHYLENE (TCE)	79-01-6	3,700 G	10,000 G	370,000 G	10,000 G	370,000 G	1,000,000 G	1,000,000 S	1,000,000 S
TRICHLOROPHENOL, 2,4,5-	95-95-4	[11] 37	[31] 100	[1,100] G 3,700	[31] 100	[1,100] G 3,700	[3,100] G 10,000	[11,000] G 37,000	[31,000] G 100,000
TRICHLOROPHENOL, 2,4,6-	88-06-2								

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APPENDIX A
TABLE 1 – MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS	
		TDS ≤ 2500			TDS > 2500			R	NR
		R	NR	R	R	NR			
TRICHLOROPHENOXYACETIC ACID, 2,4,5- (2,4,5-T)	93-76-5	70 H	70 H	7,000 H	7,000 H	70,000 H	70,000 H	70,000 H	
TRICHLOROPHENOXYPROPIONIC ACID, 2,4,5- (2,4,5-TP)	93-72-1	50 M	50 M	5,000 M	5,000 M	50 M	50 M	50 M	
TRICHLOROPROPANE, 1,1,2-	598-77-6	180 G	510 G	18,000 G	51,000 G	180 G	180 G	510 G	
TRICHLOROPROPANE, 1,2,3-	96-18-4	40 H	40 H	4,000 H	4,000 H	4,000 H	4,000 H	4,000 H	
TRICHLOROPROPENE, 1,2,3-	96-19-5	[180] 2.1 [G] N	[510] 8.8 [G] N	[18,000] 210 [G] N	[51,000] 880 [G] N	[180] 2.1 [G] N	[180] 2.1 [G] N	[510] 8.8 [G] N	
TRIETHYLAMINE	121-44-8	15 N	62 N	1,500 N	6,200 N	15 N	15 N	62 N	
TRIFLURALIN	1582-09-8	5 H	5 H	500 H	500 H	5 H	5 H	5 H	
TRIMETHYLBENZENE, 1,3,4- (TRIMETHYLBENZENE, 1,2,4-)	95-63-6	[16] 15 N	[35] 62 N	[1,600] N 1,500	[3,500] N 6,200	[1,600] N 1,500	[1,600] N 1,500	[3,500] N 6,200	
TRIMETHYLBENZENE, 1,3,5-	108-67-8	[16] 13 N	[35] 53 N	[1,600] N 1,300	[3,500] N 5,300	[16] 13 N	[16] 13 N	[35] 53 N	
TRINITROGLYCEROL (NITROGLYCERIN)	55-63-0	5 H	5 H	500 H	500 H	5 H	5 H	5 H	
TRINITROTOLUENE, 2,4,6-	118-96-7	2 H	2 H	200 H	200 H	2 H	2 H	2 H	
VINYL ACETATE	108-05-4	[550] 420 N	[1,200] N 1,800	[55,000] N 42,000	[120,000] N 180,000	[550] 420 N	[550] 420 N	[1,200] N 1,800	
VINYL BROMIDE (BROMOETHENE)	593-60-2	[1.4] 1.5 N	[5.8] 7.8 N	[140] 150 N	[580] 780 N	[14] 15 N	[14] 15 N	[58] 78 N	
VINYL CHLORIDE	75-01-4	2 M	2 M	200 M	200 M	20 M	20 M	20 M	
WARFARIN	81-81-2	11 G	31 G	1,100 G	3,100 G	11,000 G	11,000 G	17,000 S	
XYLENES (TOTAL)	1330-20-7	10,000 M	10,000 M	180,000 S	180,000 S	180,000 S	180,000 S	180,000 S	
ZINEB	12122-67-7	1,800 G	5,100 G	10,000 S	10,000 S	1,800 G	1,800 G	5,100 G	

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APPENDIX A
Table 2 - Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Groundwater

REGULATED SUBSTANCE	CASRN	USED AQUIFERS						NON-USE AQUIFERS							
		TDS ≤ 2500		TDS > 2500		TDS > 2500		R		NR		R		NR	
		R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR
ANTIMONY	7440-36-0	6 M	6 M	600 M	600 M	600 M	600 M	600 M	600 M	6,000 M	6,000 M	6,000 M	6,000 M	6,000 M	6,000 M
ARSENIC	7440-38-2	[50] 10 M	[50] 10 M	[5,000] 1,000 M	[5,000] 1,000 M	[5,000] 1,000 M	[5,000] 1,000 M	[5,000] 1,000 M	[5,000] 1,000 M	[50,000] M	[50,000] M	[50,000] M	[50,000] M	[50,000] M	[10,000]
ASBESTOS (fibers/L)	12001-29-5	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M	7,000,000 M
BARIUM AND COMPOUNDS	7440-39-3	2,000 M	2,000 M	200,000 M	200,000 M	200,000 M	200,000 M	200,000 M	200,000 M	2,000,000 M	2,000,000 M	2,000,000 M	2,000,000 M	2,000,000 M	2,000,000 M
BERYLLIUM	7440-41-7	4 M	4 M	400 M	400 M	400 M	400 M	400 M	400 M	4,000 M	4,000 M	4,000 M	4,000 M	4,000 M	4,000 M
BORON AND COMPOUNDS	7440-42-8	600 H	600 H	60,000 H	60,000 H	60,000 H	60,000 H	60,000 H	60,000 H	600,000 H	600,000 H	600,000 H	600,000 H	600,000 H	600,000 H
CADMIUM	7440-43-9	5 M	5 M	500 M	500 M	500 M	500 M	500 M	500 M	5,000 M	5,000 M	5,000 M	5,000 M	5,000 M	5,000 M
CHROMIUM (TOTAL)	7440-47-3	100 M	100 M	10,000 M	10,000 M	10,000 M	10,000 M	10,000 M	10,000 M	100,000 M	100,000 M	100,000 M	100,000 M	100,000 M	100,000 M
COBALT	7440-48-4	[730] 11 G	[2,000] 31 G	[73,000] G	[73,000] G	[73,000] G	[73,000] G	[73,000] G	[73,000] G	[200,000] G	[200,000] G	[200,000] G	[200,000] G	[2,000,000] G	[31,000] G
COPPER	7440-50-8	1,000 M	1,000 M	100,000 M	100,000 M	100,000 M	100,000 M	100,000 M	100,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M
CYANIDE, FREE	57-12-5	200 M	200 M	20,000 M	20,000 M	20,000 M	20,000 M	20,000 M	20,000 M	200,000 M	200,000 M	200,000 M	200,000 M	200,000 M	200,000 M
FLUORIDE	16984-48-8	4,000 M	4,000 M	400,000 M	400,000 M	400,000 M	400,000 M	400,000 M	400,000 M	4,000,000 M	4,000,000 M	4,000,000 M	4,000,000 M	4,000,000 M	4,000,000 M
LEAD	7439-92-1	5 M	5 M	500 M	500 M	500 M	500 M	500 M	500 M	5,000 M	5,000 M	5,000 M	5,000 M	5,000 M	5,000 M
LITHIUM	7439-93-2	73 G	200 G	7,300 G	7,300 G	7,300 G	7,300 G	7,300 G	7,300 G	20,000 G	20,000 G	20,000 G	20,000 G	200,000 G	200,000 G
MANGANESE	7439-96-5	300 H	300 H	30,000 H	30,000 H	30,000 H	30,000 H	30,000 H	30,000 H	300,000 H	300,000 H	300,000 H	300,000 H	300,000 H	300,000 H
MERCURY	7439-97-6	2 M	2 M	200 M	200 M	200 M	200 M	200 M	200 M	2,000 M	2,000 M	2,000 M	2,000 M	2,000 M	2,000 M
MOLYBDENUM	7439-98-7	40 H	40 H	4,000 H	4,000 H	4,000 H	4,000 H	4,000 H	4,000 H	40,000 H	40,000 H	40,000 H	40,000 H	40,000 H	40,000 H
NICKEL	7440-02-0	100 H	100 H	10,000 H	10,000 H	10,000 H	10,000 H	10,000 H	10,000 H	100,000 H	100,000 H	100,000 H	100,000 H	100,000 H	100,000 H
NITRATE NITROGEN	14797-55-8	10,000 M	10,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	10,000,000 M	10,000,000 M	10,000,000 M	10,000,000 M	10,000,000 M	10,000,000 M
NITRITE NITROGEN	14797-65-0	1,000 M	1,000 M	100,000 M	100,000 M	100,000 M	100,000 M	100,000 M	100,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M	1,000,000 M
PERCHLORATE	7790-98-9	26 G	72 G	2,600 G	2,600 G	2,600 G	2,600 G	2,600 G	2,600 G	7,200 G	7,200 G	7,200 G	7,200 G	72,000 G	72,000 G
SELENIUM	7782-49-2	50 M	50 M	5,000 M	5,000 M	5,000 M	5,000 M	5,000 M	5,000 M	50,000 M	50,000 M	50,000 M	50,000 M	50,000 M	50,000 M
SILVER	7440-22-4	100 H	100 H	10,000 H	10,000 H	10,000 H	10,000 H	10,000 H	10,000 H	100,000 H	100,000 H	100,000 H	100,000 H	100,000 H	100,000 H
[SULFATE]		[500,000] [M]	[500,000] [M]	[50,000,000] [M]	[50,000,000] [M]	[50,000,000] [M]	[50,000,000] [M]	[50,000,000] [M]	[50,000,000] [M]	[500,000,000] [M]	[500,000,000] [M]	[500,000,000] [M]	[500,000,000] [M]	[500,000,000] [M]	[500,000,000] [M]
THALLIUM	7440-28-0	2 M	2 M	200 M	200 M	200 M	200 M	200 M	200 M	2,000 M	2,000 M	2,000 M	2,000 M	2,000 M	2,000 M
TIN	7440-31-5	22,000 G	61,000 G	2,200,000 G	2,200,000 G	2,200,000 G	2,200,000 G	2,200,000 G	2,200,000 G	6,100,000 G	6,100,000 G	6,100,000 G	6,100,000 G	61,000,000 G	61,000,000 G
VANADIUM	7440-62-2	260 G	720 G	26,000 G	26,000 G	26,000 G	26,000 G	26,000 G	26,000 G	260,000 G	260,000 G	260,000 G	260,000 G	260,000 G	260,000 G
ZINC AND COMPOUNDS	7440-66-6	2,000 H	2,000 H	200,000 H	200,000 H	200,000 H	200,000 H	200,000 H	200,000 H	2,000,000 H	2,000,000 H	2,000,000 H	2,000,000 H	2,000,000 H	2,000,000 H

All concentrations in ug/L (except asbestos)

M = Maximum Contaminant Level

H = Lifetime Health Advisory Level

SMCL = Secondary Maximum Contaminant Level

G = Ingestion

N = Inhalation

R = Residential

NR = Nonresidential

APPENDIX A
 Table 2 - Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Groundwater

SECONDARY CONTAMINANTS				
REGULATED SUBSTANCE	CASRN	SMCL	UNITS	
ALUMINUM	7429-90-5	200	µg/L	
CHLORIDE	7647-14-5	250,000	µg/L	
FLUORIDE	7681-49-4	2,000	µg/L	
IRON	7439-89-6	300	µg/L	
MANGANESE	7439-96-5	50	µg/L	
SULFATE	7757-82-6	250,000	µg/L	

All concentrations in ug/L (except asbestos)
 M = Maximum Contaminant Level
 H = Lifetime Health Advisory Level
 SMCL = Secondary Maximum Contaminant Level
 G = Ingestion
 N = Inhalation
 R = Residential
 NR = Nonresidential

APPENDIX A
TABLE 3 - MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED
SUBSTANCES IN SOIL
A. Direct Contact Numeric Values

REGULATED SUBSTANCE	CASRN	Residential 0-15 feet	Nonresidential	
			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
ACENAPHTHENE	83-32-9	13,000 G	170,000 G	190,000 C
ACENAPHTHYLENE	208-96-8	13,000 G	170,000 G	190,000 C
ACEPHATE	30560-19-1	880 G	9,100 G	190,000 C
ACETALDEHYDE	75-07-0	[140] 170 N	[480] 720 N	[560] 830 N
ACETONE	67-64-1	10,000 C	10,000 C	10,000 C
ACETONITRILE	75-05-8	1,100 N	[3,200] 4,800 N	[3,600] 5,500 N
ACETOPHENONE	98-86-2	10,000 C	10,000 C	10,000 C
ACETYLAMINOFLUORENE, 2- (2AAF)	53-96-3	4.7 G	21 G	190,000 C
ACROLEIN	107-02-8	0.38 N	[1.1] 1.6 N	[1.2] 1.8 N
ACRYLAMIDE	79-06-1	[4] 0.34 [G] N	[18] 1.7 [G] N	[190,000] [C] 2 N
ACRYLIC ACID	79-10-7	19 N	[53] 79 N	[60] 91 N
ACRYLONITRILE	107-13-1	[4.7] 6.6 N	[24] 33 N	[28] 38 N
ALACHLOR	15972-60-8	[220] 320 G	[990] 1,400 G	190,000 C
ALDICARB	116-06-3	220 G	2,800 G	190,000 C
ALDICARB SULFONE	1646-88-4	220 G	2,800 G	190,000 C
ALDICARB SULFOXIDE	1646-87-3	220 G	2,800 G	190,000 C
ALDRIN	309-00-2	1.1 G	4.7 G	190,000 C
ALLYL ALCOHOL	107-18-6	[330] 5.7 N	[930] 24 N	[1,100] 27 N
AMETRYN	834-12-8	2,000 G	25,000 G	190,000 C
AMINOBIIPHENYL, 4-	92-67-1	0.85 G	3.8 G	190,000 C
AMITROLE	61-82-5	19 G	84 G	190,000 C
AMMONIA	7664-41-7	1,900 N	[5,300] 8,000 N	[6,100] 9,100 N
AMMONIUM SULFAMATE	7773-06-0	44,000 G	190,000 C	190,000 C
ANILINE	62-53-3	19 N	[53] 79 N	[60] 91 N
ANTHRACENE	120-12-7	66,000 G	190,000 C	190,000 C
ATRAZINE	1912-24-9	[81] 78 G	[360] 340 G	190,000 C
AZINPHOS-METHYL (GUTHION)	86-50-0	660 G	8,400 G	190,000 G
BAYGON (PROPOXUR)	114-26-1	880 G	11,000 G	190,000 C
BENOMYL	17804-35-2	11,000 G	140,000 G	190,000 C
BENTAZON	25057-89-0	6,600 G	84,000 G	190,000 C
BENZENE	71-43-2	[41] 57 N	[210] 290 N	[240] 330 N
BENZIDINE	92-87-5	[0.078] 0.018 G	0.34 G	190,000 C
BENZO[A]ANTHRACENE	56-55-3	[25] 5.7 G	110 G	190,000 C
BENZO[A]PYRENE	50-32-8	[2.5] 0.57 G	11 G	190,000 C
BENZO[B]FLUORANTHENE	205-99-2	[25] 5.7 G	110 G	190,000 C
BENZO[GHI]PERYLENE	191-24-2	13,000 G	170,000 G	190,000 C
BENZO[K]FLUORANTHENE	207-08-9	[250] 57 G	1,100 G	190,000 C
BENZOIC ACID	65-85-0	190,000 C	190,000 C	190,000 C
BENZOTRICHLORIDE	98-07-7	1.4 G	6.1 G	10,000 C
BENZYL ALCOHOL	100-51-6	10,000 C	10,000 C	10,000 C
BENZYL CHLORIDE	100-44-7	[6.4] 9 N	[33] 45 N	[38] 52 N
BETA PROPIOLACTONE	57-57-8	0.11 N	0.56 N	0.64 N
BHC, ALPHA	319-84-6	2.8 G	13 G	190,000 C
BHC, BETA-	319-85-7	9.9 G	44 G	190,000 C

All concentrations in mg/kg
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APPENDIX A
TABLE 3 - MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED
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REGULATED SUBSTANCE	CASRN	Residential 0-15 feet	Nonresidential	
			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
[BHC, DELTA-]	[319-86-8]	[130] [G]	[1,700] [G]	[190,000] [C]
BHC, GAMMA (LINDANE)	58-89-9	[14] 16 G	[61] 72 G	190,000 C
BIPHENYL, 1,1-	92-52-4	11,000 G	140,000 G	190,000 C
BIS(2-CHLOROETHOXY)METHANE	111-91-1	660 G	8,400 G	10,000 G
BIS(2-CHLOROETHYL)ETHER	111-44-4	[0.96] 1.3 N	[5] 6.7 N	[5.7] 7.7 N
BIS(2-CHLORO-ISOPROPYL)ETHER	108-60-1	[32] 44 N	[160] 220 N	[190] 250 N
BIS(CHLOROMETHYL)ETHER	542-88-1	[0.0051] N 0.0072	[0.027] N 0.036	[0.031] N 0.041
BIS[2-ETHYLHEXYL] PHTHALATE	117-81-7	1,300 G	5,700 G	10,000 C
BISPHENOL A	80-05-7	11,000 G	140,000 G	190,000 C
BROMACIL	314-40-9	22,000 G	190,000 C	190,000 C
BROMOCHLOROMETHANE	74-97-5	2,200 G	10,000 C	10,000 C
BROMODICHLOROMETHANE	75-27-4	[8.6] 12 N	[45] 60 N	[51] 69 N
BROMOMETHANE	74-83-9	[95] 96 N	[270] 400 N	[300] 460 N
BROMOXYNIL	1689-84-5	4,400 G	56,000 G	190,000 C
BROMOXYNIL OCTANOATE	1689-99-2	4,400 G	56,000 G	190,000 C
BUTADIENE, 1,3-	106-99-0	5.3 G	23 G	[190,000] [C] 85 N
BUTYL ALCOHOL, N-	71-36-3	[6,600] [N] 10,000 C	10,000 C	10,000 C
BUTYLATE	2008-41-5	10,000 C	10,000 C	10,000 C
BUTYLBENZENE, N-	104-51-8	8,800 G	10,000 C	10,000 C
BUTYLBENZENE, SEC-	135-98-8	8,800 G	10,000 C	10,000 C
BUTYLBENZENE, TERT-	98-06-6	8,800 G	10,000 C	10,000 C
BUTYLBENZYL PHTHALATE	85-68-7	[10,000] [C] 9,400 G	10,000 C	10,000 C
CAPTAN	133-06-2	[5,100] G 7,800	[23,000] G 34,000	190,000 C
CARBARYL	63-25-2	22,000 G	190,000 C	190,000 C
CARBAZOLE	86-74-8	900 G	4,000 G	190,000 C
CARBOFURAN	1563-66-2	1,100 G	14,000 G	190,000 C
CARBON DISULFIDE	75-15-0	10,000 C	10,000 C	10,000 C
CARBON TETRACHLORIDE	56-23-5	[21] 30 N	[110] 150 N	[120] 170 N
CARBOXIN	5234-68-4	22,000 G	190,000 C	190,000 C
CHLORAMBEN	133-90-4	3,300 G	42,000 G	190,000 C
CHLORDANE	57-74-9	51 G	230 G	190,000 C
CHLORO-1,1-DIFLUOROETHANE, 1-	75-68-3	[190,000] C 10,000	[190,000] C 10,000	[190,000] C 10,000
CHLORO-1-PROPENE, 3- (ALLYL CHLORIDE)	107-05-1	19 N	[53] 80 N	[61] 91 N
CHLOROACETOPHENONE, 2-	532-27-4	[1.9] [G] 190,000 C	[24] [G] 190,000 C	190,000 C
CHLOROANILINE, P-	106-47-8	[880] 90 G	[11,000] G 400	190,000 C
CHLOROBENZENE	108-90-7	[4,400] [G] 960 N	[10,000] [C] 4,000 N	[10,000] [C] 4,600 N
CHLOROBENZILATE	510-15-6	[66] 160 G	[290] 720 G	[10,000] C 190,000
CHLOROBUTANE, 1-	109-69-3	[10,000] [C] 8,800 G	10,000 C	10,000 C
CHLORODIBROMOMETHANE	124-48-1	[12] 17 N	[61] 82 N	[70] 95 N

All concentrations in mg/kg
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REGULATED SUBSTANCE	CASRN	Residential 0-15 feet	Nonresidential	
			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
CHLORODIFLUOROMETHANE	75-45-6	[190,000] C <u>10,000</u>	[190,000] C <u>10,000</u>	[190,000] C <u>10,000</u>
CHLOROETHANE	75-00-3	6,200 G	10,000 C	10,000 C
CHLOROFORM	67-66-3	[6] <u>19</u> N	[17] <u>97</u> N	[19] <u>110</u> N
CHLORONAPHTHALENE, 2-	91-58-7	18,000 G	190,000 C	190,000 C
CHLORONITROBENZENE, P-	100-00-5	[990] <u>220</u> G	[4,400] G <u>2,800</u>	190,000 C
CHLOROPHENOL, 2-	95-57-8	[330] [N] <u>1,100</u> G	[920] [N] <u>10,000</u> C	[1,100] [N] <u>10,000</u> C
CHLOROPRENE	126-99-8	130 N	[370] <u>560</u> N	[430] <u>640</u> N
CHLOROPROPANE, 2-	75-29-6	1,900 N	[5,400] N <u>8,000</u>	[6,100] N <u>9,100</u>
CHLOROTHALONIL	1897-45-6	[1,600] G <u>3,300</u>	[7,200] G <u>26,000</u>	190,000 C
CHLOROTOLUENE, O-	95-49-8	4,400 G	10,000 C	10,000 C
CHLOROTOLUENE, P-	106-43-4	10,000 C	10,000 C	10,000 C
CHLORPYRIFOS	2921-88-2	660 G	8,400 G	190,000 C
CHLORSULFURON	64902-72-3	11,000 G	140,000 G	190,000 C
CHLORTHAL-DIMETHYL (DACTHAL) (DCPA)	1861-32-1	2,200 G	28,000 G	190,000 C
CHRYSENE	218-01-9	[2,500] G <u>570</u>	11,000 G	190,000 C
CRESOL(S)	1319-77-3	1,100 G	10,000 C	10,000 C
CRESOL, 4,6-DINITRO-O-	534-52-1	22 G	280 G	190,000 G
CRESOL, O- (2-METHYLPHENOL)	95-48-7	[10,000] [C] <u>11,000</u> G	[10,000] [C] <u>140,000</u> G	[10,000] C <u>190,000</u>
CRESOL, M- (3-METHYLPHENOL)	108-39-4	10,000 C	10,000 C	10,000 C
CRESOL, P- (4-METHYLPHENOL)	106-44-5	1,100 G	14,000 G	190,000 C
CRESOL, P-CHLORO-M-	59-50-7	1,100 G	14,000 G	190,000 C
CROTONALDEHYDE	4170-30-3	9.4 G	42 G	10,000 C
CROTONALDEHYDE, TRANS-	123-73-9	9.4 G	42 G	10,000 G
CUMENE (ISOPROPYL BENZENE)	98-82-8	[7,300] N <u>7,700</u>	10,000 C	10,000 C
CYANAZINE	21725-46-2	21 G	94 G	190,000 C
CYCLOHEXANE	110-82-7	10,000 C	10,000 C	10,000 C
CYCLOHEXANONE	108-94-1	10,000 C	10,000 C	10,000 C
CYFLUTHRIN	68359-37-5	5,500 G	[10,000] [C] <u>70,000</u> G	[10,000] C <u>190,000</u>
CYROMAZINE	66215-27-8	1,700 G	21,000 G	190,000 C
DDD, 4,4'-	72-54-8	75 G	330 G	190,000 C
DDE, 4,4'-	72-55-9	53 G	230 G	190,000 C
DDT, 4,4'-	50-29-3	53 G	230 G	190,000 C
DI(2-ETHYLHEXYL)ADIPATE	103-23-1	10,000 C	10,000 C	10,000 C
DIALATE	2303-16-4	[18] <u>290</u> [N] G	[93] <u>1,300</u> [N] G	[110] [N] <u>10,000</u> C
DIAMINOTOLUENE, 2,4-	95-80-7	[5.6] <u>4.7</u> G	[25] <u>21</u> G	190,000 C
DIAZINON	333-41-5	[200] <u>150</u> G	[2,500] G <u>2,000</u>	[190,000] C <u>10,000</u>
DIBENZO[A,H]ANTHRACENE	53-70-3	[2.5] <u>0.57</u> G	11 G	190,000 C
DIBENZOFURAN	132-64-9	220 G	2,800 G	190,000 G

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REGULATED SUBSTANCE	CASRN	Residential 0-15 feet	Nonresidential	
			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
DIBROMO-3-CHLOROPROPANE, 1,2-	96-12-8	[3.8] N <u>0.029</u>	[11] <u>0.37</u> N	[12] <u>0.43</u> N
DIBROMOBENZENE, 1,4-	106-37-6	2,200 G	28,000 G	190,000 C
DIBROMOETHANE, 1,2- (ETHYLENE DIBROMIDE)	106-93-4	[0.21] [G] <u>0.74</u> N	[0.93] <u>3.7</u> [G] N	[8.6] <u>4.3</u> N
DIBROMOMETHANE	74-95-3	[670] [N] <u>2,200</u> G	[1,900] [N] <u>10,000</u> C	[2,100] [N] <u>10,000</u> C
DIBUTYL PHTHALATE, N- DICAMBA	84-74-2 1918-00-9	10,000 C <u>6,600</u> G	10,000 C <u>84,000</u> C	10,000 C <u>190,000</u> C
DICHLOROACETIC ACID	76-43-6	<u>880</u> G	<u>10,000</u> C	<u>10,000</u> C
DICHLORO-2-BUTENE, 1,4-	764-41-0	[91,000] N <u>0.11</u>	[190,000] [C] <u>0.53</u> N	[190,000] [C] <u>0.61</u> N
DICHLORO-2-BUTENE, TRANS-1,4-	110-57-6	<u>0.1</u> N	<u>1</u> N	<u>1</u> N
DICHLOROBENZENE, 1,2-	95-50-1	3,800 N	10,000 C	10,000 C
DICHLOROBENZENE, 1,3-	541-73-1	[6,600] G <u>660</u>	[10,000] [C] <u>8,400</u> G	10,000 C
DICHLOROBENZENE, P-	106-46-7	[750] <u>40</u> [G] N	[3,300] [G] <u>200</u> N	[190,000] [C] <u>230</u> N
DICHLOROBENZIDINE, 3,3'- DICHLORODIFLUOROMETHANE (FREON 12)	91-94-1 75-71-8	40 G [3,800] N <u>3,900</u>	180 G 10,000 C	190,000 C 10,000 C
DICHLOROETHANE, 1,1-	75-34-3	[200] <u>280</u> N	[1,000] N <u>1,400</u>	[1,200] N <u>1,600</u>
DICHLOROETHANE, 1,2-	107-06-2	[12] <u>17</u> N	[63] <u>86</u> N	[73] <u>98</u> N
DICHLOROETHYLENE, 1,1-	75-35-4	[6.4] N <u>3,800</u>	[33] [N] <u>10,000</u> C	[38] [N] <u>10,000</u> C
DICHLOROETHYLENE, CIS-1,2-	156-59-2	[670] [N] <u>2,200</u> G	[1,900] [N] <u>10,000</u> C	[2,100] [N] <u>10,000</u> C
DICHLOROETHYLENE, TRANS-1,2-	156-60-5	[1,300] N <u>1,100</u>	[3,700] N <u>4,800</u>	[4,300] N <u>5,500</u>
DICHLOROMETHANE (METHYLENE CHLORIDE)	75-09-2	[680] <u>950</u> N	[3,500] N <u>4,700</u>	[4,000] N <u>5,400</u>
DICHLOROPHENOL, 2,4-	120-83-2	660 G	8,400 G	190,000 C
DICHLOROPHOXYACETIC ACID, 2,4- (2,4-D)	94-75-7	2,200 G	28,000 G	190,000 C
DICHLOROPROPANE, 1,2-	78-87-5	[31] <u>45</u> N	[160] <u>220</u> N	[180] <u>260</u> N
DICHLOROPROPENE, 1,3-	542-75-6	[80] <u>110</u> N	[410] <u>560</u> N	[470] <u>640</u> N
DICHLOROPROPIONIC ACID, 2,2- (DALAPON)	75-99-0	[2,000] [N] <u>6,600</u> G	[5,500] [N] <u>10,000</u> C	[6,300] [N] <u>10,000</u> C
DICHLORVOS	62-73-7	62 G	270 G	[190,000] C <u>10,000</u>
DICYCLOPENTADIENE	77-73-6	[6,600] [G] <u>130</u> N	[84,000] [G] <u>550</u> N	[190,000] [C] <u>630</u> N
DIELDRIN	60-57-1	1.1 G	5 G	[10,000] C <u>190,000</u>
DIETHANOLAMINE	111-42-2	<u>10,000</u> C	<u>10,000</u> C	<u>10,000</u> C
DIETHYL PHTHALATE	84-66-2	10,000 C	10,000 C	10,000 C
DIFLUBENZURON	35367-38-5	4,400 G	56,000 G	190,000 C
DIISOPROPYL METHYLPHOSPHONATE	1445-75-6	<u>10,000</u> C	<u>10,000</u> C	<u>10,000</u> C
DIMETHOATE	60-51-5	44 G	560 G	190,000 C

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REGULATED SUBSTANCE	CASRN	Residential 0-15 feet	Nonresidential	
			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
DIMETHOXYBENZIDINE, 3,3-	119-90-4	1,300 G	5,700 G	190,000 C
DIMETHRIN	70-38-2	66,000 G	190,000 C	190,000 C
DIMETHYLAMINOAZOBENZENE, P-	60-11-7	3.9 G	17 G	190,000 C
DIMETHYLANILINE, N,N-	121-69-7	440 G	5,600 G	10,000 C
DIMETHYLBENZIDINE, 3,3-	119-93-7	[1.9] 1.6 G	[8.6] 7.2 G	[10,000] C 190,000
DIMETHYL METHYLPHOSPHONATE	756-79-6	10,000 C	10,000 C	10,000 C
DIMETHYLPHENOL, 2,4-	105-67-9	4,400 G	10,000 C	10,000 C
DINITROBENZENE, 1,3-	99-65-0	22 G	280 G	190,000 C
DINITROPHENOL, 2,4-	51-28-5	440 G	5,600 G	190,000 C
DINITROTOLUENE, 2,4-	121-14-2	58 G	260 G	190,000 C
DINITROTOLUENE, 2,6- (2,6-DNT)	606-20-2	220 G	2,800 G	190,000 C
DINOSEB	88-85-7	220 G	2,800 G	190,000 C
DIOXANE, 1,4-	123-91-1	[41] 58 N	[210] 290 N	[240] 330 N
DIPHENAMID	957-51-7	6,600 G	84,000 G	190,000 C
DIPHENYLAMINE	122-39-4	5,500 G	70,000 G	190,000 C
DIPHENYLHYDRAZINE, 1,2-	122-66-7	22 G	99 G	190,000 C
DIQUAT	85-00-7	480 G	6,200 G	190,000 C
DISULFOTON	298-04-4	[2.7] 8.8 [N] G	[7.6] 110 [N] G	[8.7] [N] 10,000 C
DITHIANE, 1,4-	505-29-3	2,200 G	28,000 G	190,000 C
DIURON	330-54-1	440 G	5,600 G	190,000 C
ENDOSULFAN	115-29-7	1,300 G	17,000 G	190,000 C
ENDOSULFAN I (ALPHA)	959-98-8	1,300 G	17,000 G	190,000 C
ENDOSULFAN II (BETA)	33213-65-9	1,300 G	17,000 G	190,000 C
ENDOSULFAN SULFATE	1031-07-8	1,300 G	17,000 G	190,000 C
ENDOTHALL	145-73-3	4,400 G	56,000 G	190,000 C
ENDRIN	72-20-8	66 G	840 G	190,000 C
EPICHLOROHYDRIN	106-89-8	19 N	[53] 79 N	[60] 91 N
ETHEPHON	16672-87-0	1,100 G	14,000 G	190,000 C
ETHION	563-12-2	110 G	1,400 G	10,000 C
ETHOXYETHANOL, 2- (EGEE)	110-80-5	[3,800] N 3,900	10,000 C	10,000 C
ETHYL ACETATE	141-78-6	10,000 C	10,000 C	10,000 C
ETHYL ACRYLATE	140-88-5	[23] 370 [N] G	[120] [N] 1,700 G	[140] [N] 10,000 C
ETHYL BENZENE	100-41-4	10,000 C	10,000 C	10,000 C
ETHYL DIPROPYLTHIOCARBAMATE, S- (EPTC)	759-94-4	5,500 G	10,000 C	10,000 C
ETHYL ETHER	60-29-7	10,000 C	10,000 C	10,000 C
ETHYL METHACRYLATE	97-63-2	[20,000] [G] 10,000 C	[190,000] C 10,000	[190,000] C 10,000
ETHYLENE GLYCOL	107-21-1	[10,000] [C] 7,700 N	10,000 C	10,000 C
ETHYLENE THIOUREA (ETU)	96-45-7	18 G	220 G	190,000 C
ETHYLP-NITROPHENYL PHENYLPHOSPHOROTHIOATE	2104-64-5	2.2 G	28 G	190,000 C
FENAMIPOHOS	22224-92-6	55 G	700 G	190,000 C
FENVALERATE (PYDRIN)	51630-58-1	5,500 G	10,000 C	10,000 C
FLUOMETURON	2164-17-2	2,900 G	36,000 G	190,000 C
FLUORANTHENE	206-44-0	8,800 G	110,000 G	190,000 C
FLUORENE	86-73-7	8,800 G	110,000 G	190,000 C

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FLUOROTRICHLOROMETHANE (FREON 11)	75-69-4	10,000 C	10,000 C	10,000 C
FONOFOS	944-22-9	[140] 440 [N] G	[380] [N] 5,600 G	[440] [N] 10,000 C
FORMALDEHYDE	50-00-0	[24] 34 N	[130] 170 N	[150] 200 N
FORMIC ACID	64-18-6	[10,000] [C] 57 N	[10,000] [C] 240 N	[10,000] [C] 270 N
FOSETYL-AL	39148-24-8	190,000 C	190,000 C	190,000 C
FURAN	110-00-9	220 G	2,800 G	10,000 C
FURFURAL	98-01-1	660 G	[2,600] N 4,000	[3,000] N 4,500
GLYPHOSATE	1071-83-6	22,000 G	190,000 C	190,000 C
HEPTACHLOR	76-44-8	4 G	18 G	190,000 C
HEPTACHLOR EPOXIDE	1024-57-3	2 G	[9] 8.7 G	190,000 C
HEXACHLOROBENZENE	118-74-1	11 G	50 G	190,000 C
HEXACHLOROBUTADIENE	87-68-3	[44] 220 G	[560] G 1,000	10,000 C
HEXACHLOROCYCLOPENTADIENE	77-47-4	1,300 G	10,000 C	10,000 C
HEXACHLOROETHANE	67-72-1	[220] 110 [G] N	[2,800] [G] 550 N	[190,000] [C] 640 N
HEXANE	110-54-3	[3,800] [N] 10,000 C	10,000 C	10,000 C
HEXAZINONE	51235-04-2	7,300 G	92,000 G	190,000 C
HEXYTHIAZOX (SAVEY)	78587-05-0	5,500 G	70,000 G	190,000 C
HMX	2691-41-0	11,000 G	140,000 G	190,000 C
HYDRAZINE/HYDRAZINE SULFATE	302-01-2	[0.065] N 0.09	[0.34] N 0.45	[0.39] N 0.52
HYDROQUINONE	123-31-9	[8,800] G 320	[110,000] G 1,400	190,000 C
INDENO[1,2,3-CD]PYRENE	193-39-5	[25] 5.7 G	110 G	190,000 C
IPRODIONE	36734-19-7	8,800 G	110,000 G	190,000 C
ISOBUTYL ALCOHOL	78-83-1	10,000 C	10,000 C	10,000 C
ISOPHORONE	78-59-1	10,000 C	10,000 C	10,000 C
ISOPROPYL METHYLPHOSPHONATE	1832-54-8	10,000 C	10,000 C	10,000 C
KEPONE	143-50-0	1.1 G	5 G	190,000 C
MALATHION	121-75-5	[1,400] [N] 4,400 G	[4,000] [N] 10,000 C	[4,600] [N] 10,000 C
MALEIC HYDRAZIDE	123-33-1	110,000 G	190,000 C	190,000 C
MANEB	12427-38-2	1,100 G	14,000 G	190,000 C
MERPHOS OXIDE	78-48-8	6.6 G	84 G	10,000 C
METHACRYLONITRILE	126-98-7	13 N	[37] 56 N	[43] 64 N
METHAMIDOPHOS	10265-92-6	11 G	140 G	190,000 C
METHANOL	67-56-1	10,000 C	10,000 C	10,000 C
METHOMYL	16752-77-5	5,500 G	70,000 G	190,000 C
METHOXYCHLOR	72-43-5	1,100 G	14,000 G	190,000 C
METHOXYETHANOL, 2-	109-86-4	[220] 380 [G] N	[1,100] N 1,600	[1,200] N 1,800
METHYL ACETATE	79-20-9	10,000 C	10,000 C	10,000 C
METHYL ACRYLATE	96-33-3	6,600 G	10,000 C	10,000 C
METHYL CHLORIDE	74-87-3	[180] 250 N	[920] N 1,200	[1,000] N 1,400

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			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
METHYL ETHYL KETONE	78-93-3	10,000 C	10,000 C	10,000 C
METHYL ISOBUTYL KETONE	108-10-1	[1,500] [N] <u>10,000 C</u>	[4,300] [N] <u>10,000 C</u>	[4,900] [N] <u>10,000 C</u>
METHYL ISOCYANATE	624-83-9	19 N	79 N	91 N
METHYL N-BUTYL KETONE (2-HEXANONE)	591-78-6	96 N	400 N	460 N
METHYL METHACRYLATE	80-62-6	10,000 C	10,000 C	10,000 C
METHYL METHANESULFONATE	66-27-3	180 G	800 G	[190,000] C <u>10,000</u>
METHYL PARATHION	298-00-0	[17] <u>55</u> [N] G	[48] <u>700</u> [N] G	[55] [N] <u>190,000 C</u>
METHYL STYRENE (MIXED ISOMERS)	25013-15-4	[1,300] [G] <u>770 N</u>	[17,000] [G] <u>3,200 N</u>	[190,000] [C] <u>3,600 N</u>
METHYL TERT-BUTYL ETHER (MTBE)	1634-04-4	620 G	3,200 N	3,700 N
METHYLCHLOROPHENOXYACETIC ACID (MCPA)	94-74-6	110 G	1,400 G	190,000 C
METHYLENE BIS(2-CHLOROANILINE), 4,4'-	101-14-4	[140] <u>42</u> G	[610] <u>790</u> G	190,000 C
METHYLNAPHTHALENE, 2-	91-57-6	[4,400] G <u>880</u>	[10,000] G <u>11,000</u>	[10,000] C <u>190,000</u>
METHYLSTYRENE, ALPHA	98-83-9	[15,000] [G] <u>10,000 C</u>	[190,000] C <u>10,000</u>	[190,000] C <u>10,000</u>
METOLACHLOR	51218-45-2	10,000 C	10,000 C	10,000 C
METRIBUZIN	21087-64-9	5,500 G	70,000 G	190,000 C
MONOCHLOROACETIC ACID	79-11-8	2,200 G	28,000 G	190,000 C
NAPHTHALENE	91-20-3	4,400 G	56,000 G	190,000 C
NAPHTHYLAMINE, 1-	134-32-7	9.9 G	44 G	190,000 C
NAPHTHYLAMINE, 2-	91-59-8	9.9 G	44 G	190,000 C
NAPROPAMIDE	15299-99-7	22,000 G	190,000 C	190,000 C
NITROANILINE, M-	99-09-2	[13] <u>66</u> G	[160] <u>840</u> G	190,000 C
NITROANILINE, O-	88-74-4	[13] <u>660</u> G	[160] G <u>8,400</u>	190,000 C
NITROANILINE, P-	100-01-6	[13] <u>880</u> G	[160] G <u>4,000</u>	190,000 C
NITROBENZENE	98-95-3	[110] <u>440</u> G	[1,400] G <u>5,600</u>	10,000 C
NITROGUANIDINE	556-88-7	22,000 G	190,000 C	190,000 C
NITROPHENOL, 2-	88-75-5	1,800 G	22,000 G	190,000 C
NITROPHENOL, 4-	100-02-7	1,800 G	22,000 G	190,000 C
NITROPROPANE, 2-	79-46-9	[0.12] N <u>0.16</u>	[0.61] N <u>0.82</u>	[0.7] <u>0.94</u> N
NITROSODIETHYLAMINE, N-	55-18-5	[0.0073] N <u>0.0041</u>	[0.038] N <u>0.051</u>	[0.044] N <u>0.059</u>
NITROSODIMETHYLAMINE, N-	62-75-9	[0.023] N <u>0.012</u>	[0.12] N <u>0.16</u>	[0.13] N <u>0.18</u>
NITROSO-DI-N-BUTYLAMINE, N-	924-16-3	3.3 G	15 G	10,000 C
NITROSODI-N-PROPYLAMINE, N-	621-64-7	2.6 G	11 G	10,000 C
NITROSODIPHENYLAMINE, N-	86-30-6	3,700 G	16,000 G	190,000 C
NITROSO-N-ETHYLUREA, N-	759-73-9	[0.13] G <u>0.15</u>	[0.57] <u>2.9</u> G	190,000 C
OCTYL PHTHALATE, DI-N-	117-84-0	[4,400] G <u>8,800</u>	10,000 C	10,000 C
OXAMYL (VYDATE)	23135-22-0	5,500 G	70,000 G	190,000 C
PARAQUAT	1910-42-5	990 G	13,000 G	190,000 C

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PARATHION	56-38-2	1,300 G	10,000 C	10,000 C
PCB-1016 (AROCLOR)	12674-11-2	15 G	200 G	10,000 C
PCB-1221 (AROCLOR)	11104-28-2	<u>[36] 9</u> G	<u>[160] 40</u> G	10,000 C
PCB-1232 (AROCLOR)	11141-16-5	<u>[36] 9</u> G	<u>[160] 40</u> G	10,000 C
PCB-1242 (AROCLOR)	53469-21-9	<u>[36] 9</u> G	<u>[160] 40</u> G	10,000 C
PCB-1248 (AROCLOR)	12672-29-6	<u>[9.9] 9</u> G	<u>[44] 40</u> G	10,000 C
PCB-1254 (AROCLOR)	11097-69-1	4.4 G	<u>[44] 40</u> G	10,000 C
PCB-1260 (AROCLOR)	11096-82-5	<u>[30] 9</u> G	<u>[130] 40</u> G	190,000 C
PEBULATE	1114-71-2	10,000 C	10,000 C	10,000 C
PENTACHLOROBENZENE	608-93-5	180 G	2,200 G	190,000 C
<u>PENTACHLOROETHANE</u>	<u>76-01-7</u>	<u>200 G</u>	<u>880 G</u>	<u>10,000 C</u>
PENTACHLORONITROBENZENE	82-68-8	69 G	310 G	190,000 C
PENTACHLOROPHENOL	87-86-5	150 G	660 G	190,000 C
PHENACETIN	62-44-2	8,100 G	36,000 G	190,000 C
PHENANTHRENE	85-01-8	66,000 G	190,000 C	190,000 C
PHENOL	108-95-2	<u>[130,000] 66,000</u> G	190,000 C	190,000 C
<u>PHENYL MERCAPTAN</u>	<u>108-98-5</u>	<u>2.2 N</u>	<u>28 N</u>	<u>10,000 N</u>
PHENYLENEDIAMINE, M-	108-45-2	1,300 G	17,000 G	190,000 C
PHENYLPHENOL, 2-	90-43-7	<u>[9,200] 9,400</u> G	<u>[41,000] 42,000</u> G	190,000 C
PHORATE	298-02-2	<u>[13] 44 [N] G</u>	<u>[37] 560 [N] G</u>	<u>[43] [N] 10,000 C</u>
PHTHALIC ANHYDRIDE	85-44-9	190,000 C	190,000 C	190,000 C
PICLORAM	1918-02-1	15,000 G	190,000 C	190,000 C
<u>PROMETON</u>	<u>1610-18-0</u>	<u>3,300 G</u>	<u>42,000 G</u>	<u>190,000 C</u>
PRONAMIDE	23950-58-5	17,000 G	190,000 C	190,000 C
PROPANIL	709-98-8	1,100 G	14,000 G	190,000 C
<u>PROPANOL 2- (ISOPROPYL ALCOHOL)</u>	<u>67-63-0</u>	<u>10,000 C</u>	<u>10,000 C</u>	<u>10,000 C</u>
<u>PROPAZINE</u>	<u>139-40-2</u>	<u>4,400 G</u>	<u>10,000 C</u>	<u>10,000 C</u>
PROPHAM	122-42-9	4,400 G	56,000 G	190,000 C
PROPYLBENZENE, N-	103-65-1	8,800 G	10,000 C	10,000 C
PROPYLENE OXIDE	75-56-9	75 G	330 G	<u>[510] 690 N</u>
PYRENE	129-00-0	6,600 G	84,000 G	190,000 C
PYRIDINE	110-86-1	<u>[67] 220 [N] G</u>	<u>[190] [N] 2,800 G</u>	<u>[210] [N] 10,000 C</u>
QUINOLINE	91-22-5	<u>[1.5] 6 G</u>	<u>[6.6] 26 G</u>	10,000 C
QUIZALOFOP (ASSURE)	76578-14-8	2,000 G	25,000 G	190,000 C
<u>RDX</u>	<u>121-82-4</u>	<u>160 G</u>	<u>720 G</u>	<u>190,000 C</u>
<u>RESORCINOL</u>	<u>108-46-3</u>	<u>190,000 C</u>	<u>190,000 C</u>	<u>190,000 C</u>
RONNEL	299-84-3	11,000 G	140,000 G	190,000 C
SIMAZINE	122-34-9	150 G	660 G	190,000 C
STRYCHNINE	57-24-9	66 G	840 G	190,000 C
STYRENE	100-42-5	10,000 C	10,000 C	10,000 C
TEBUTHIURON	34014-18-1	15,000 G	190,000 C	190,000 C
TERBACIL	5902-51-2	2,900 G	36,000 G	190,000 C
TERBUFOS	13071-79-9	<u>[1.7] 5.5 [N] G</u>	<u>[4.6] 70 [N] G</u>	<u>[5.3] [N] 10,000 C</u>
TETRACHLOROBENZENE, 1,2,4,5-	95-94-3	66 G	840 G	190,000 C

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TETRACHLORODIBENZO-P-DIOXIN, 2,3,7,8- (TCDD)	1746-01-6	[0.00012] G 0.00014	[0.00053] G 0.00061	190,000 C
TETRACHLOROETHANE, 1,1,1,2-	630-20-6	[690] 60 [G] N	[3,100] [G] 300 N	[190,000] [C] 340 N
TETRACHLOROETHANE, 1,1,2,2-	79-34-5	[5.5] 7.7 N	[28] 38 N	[33] 44 N
TETRACHLOROETHYLENE (PCE)	127-18-4	340 G	1,500 G	[3,300] N 4,400
TETRACHLOROPHENOL, 2,3,4,6-	58-90-2	6,600 G	84,000 G	190,000 C
TETRAETHYL LEAD	78-00-2	0.022 G	0.28 G	10,000 C
TETRAETHYLDITHIOPYROPHOSPHATE	3689-24-5	[33] 110 [N] G	[92] 1,400 [N] G	[110] [N] 10,000 C
TETRAHYDROFURAN	109-99-9	230 N	1,100 N	1,300 N
THIOFANOX	39196-18-4	66 G	840 G	190,000 C
THIRAM	137-26-8	1,100 G	14,000 G	190,000 C
TOLUENE	108-88-3	[7,600] [N] 10,000 C	10,000 C	10,000 C
TOLUIDINE, M-	108-44-1	[75] 99 G	[330] 440 G	10,000 C
TOLUIDINE, O-	95-53-4	[75] 99 G	[330] 440 G	10,000 C
TOLUIDINE, P-	106-49-0	94 G	420 G	190,000 C
TOXAPHENE	8001-35-2	16 G	72 G	190,000 C
TRIALATE	2303-17-5	2,900 G	[36,000] [G] 10,000 C	[190,000] [C] 10,000 C
TRIBROMOMETHANE (BROMOFORM)	75-25-2	[290] 410 N	[1,500] N 2,000	[1,700] N 2,300
TRICHLORO-1,2,2-TRIFLUOROETHANE, 1,1,2-	76-13-1	[190,000] C 10,000	[190,000] C 10,000	[190,000] C 10,000
TRICHLOROBENZENE, 1,2,4-	120-82-1	2,200 G	10,000 C	10,000 C
TRICHLOROBENZENE, 1,3,5-	108-70-3	1,300 G	17,000 G	190,000 C
TRICHLOROETHANE, 1,1,1-	71-55-6	10,000 C	10,000 C	10,000 C
TRICHLOROETHANE, 1,1,2-	79-00-5	[20] 28 N	[100] 140 N	[120] 160 N
TRICHLOROETHYLENE (TCE)	79-01-6	[190] 260 N	[970] N 1,300	[1,100] N 1,500
TRICHLOROPHENOL, 2,4,5-	95-95-4	22,000 G	190,000 C	190,000 C
TRICHLOROPHENOL, 2,4,6-	88-06-2	[66] 220 G	[840] G 2,800	190,000 C
TRICHLOROPHENOXYACETIC ACID, 2,4,5- (2,4,5-T)	93-76-5	2,200 G	28,000 G	190,000 C
TRICHLOROPHENOXYPROPIONIC ACID, 2,4,5- (2,4,5-TP)(SILVEX)	93-72-1	1,800 G	22,000 G	190,000 C
TRICHLOROPROPANE, 1,1,2-	598-77-6	1,100 G	10,000 C	10,000 C
TRICHLOROPROPANE, 1,2,3-	96-18-4	[0.16] 2.6 [N] G	[0.82] 11 [N] G	[0.95] 460 [N] G
TRICHLOROPROPENE, 1,2,3-	96-19-5	[1,100] 19 [G] N	[10,000] [C] 80 N	[10,000] [C] 91 N
TRIETHYLAMINE	121-44-8	130 N	560 N	640 N
TRIFLURALIN	1582-09-8	1,700 G	10,000 G	190,000 C
TRIMETHYLBENZENE, 1,3,4- (TRIMETHYLBENZENE, 1,2,4-)	95-63-6	[110] 130 N	[320] 560 N	[360] 640 N
TRIMETHYLBENZENE, 1,3,5-	108-67-8	110 N	[320] 480 N	[360] 550 N
TRINITROGLYCEROL (NITROGLYCERIN)	55-63-0	22 G	280 G	10,000 C
TRINITROTOLUENE, 2,4,6-	118-96-7	110 G	1,400 G	190,000 C

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			Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
VINYL ACETATE	108-0-5-4	[3,800] N 3,900	10,000 C	10,000 C
VINYL BROMIDE (BROMOETHENE)	593-60-2	[160] 14 [G] N	[720] 70 [G] N	[190,000] [C] 80 N
VINYL CHLORIDE	75-01-4	[12] 1.9 G	[53] 110 G	[220] 580 N
WARFARIN	81-81-2	66 G	840 G	190,000 C
XYLENES (TOTAL)	1330-20-7	[8,000] N 1,900	[10,000] [C] 8,000 N	[10,000] [C] 9,100 N
ZINEB	12122-67-7	11,000 G	140,000 G	190,000 C

All concentrations in mg/kg
G - Ingestion
[H]N - Inhalation
C - Cap

APPENDIX A
 TABLE 3 - MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN SOIL
 B. Soil to Groundwater Numeric Values¹

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)
		TDS ≤ 2500						TDS > 2500						
		Residential			Non-Residential			Residential			Non-Residential			
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
ACENAPHTHENE	83-32-9	220	2,700 E	380	4,700 E	380	4,700 E	380	4,700 E	380	4,700 E	380	4,700 E	15
ACENAPHTHYLENE	208-96-8	220	2,500 E	610	6,900 E	1,600	18,000 E	1,600	18,000 E	1,600	18,000 E	1,600	18,000 E	15
ACEPHATE	30560-19-1	7.6	0.9 E	30	3.6 E	760	90 E	360 E	7.6	0.9 E	30	3.6 E	NA	
ACETALDEHYDE	75-07-0	1.9	0.23 E	[5.2]	[0.63] E	190	23 E	[63] 96 E	1.9	0.23 E	[5.2] 7.9	[0.63] E	NA	
				7.9	0.96			790				0.96		
ACETONE	67-64-1	[370]	[41] 370 E	[1,000]	[110] E	10,000	[4,100] E	10,000	10,000 C	[3,700]	[410] E	10,000	[1,100] E	NA
		3,300		9,200	1,000		10,000 E			10,000	3,700		10,000	
ACETONITRILE	75-05-8	[17] 13	[1.9] 1.5 E	[35] 53	[3.9] 6 E	[1,700]	[190] E	[3,500]	[390] E	[170]	[19] 15 E	[350]	[39] 60 E	NA
ACETOPHENONE	98-86-2	370	200 E	1,000	540 E	1,300	150 E	5,300	600	130	200 E	530	540 E	NA
ACETYLAMINOFLOURENE, 2-(ZAAF)	53-96-3	0.017	0.07 E	0.068	0.28 E	1.7	7 E	6.8	28 E	17	70 E	68	280 E	20
ACROLEIN	107-02-8	[0.0055]	[0.00062] E	[0.012]	[0.0014] E	[0.55]	[0.062] E	[1.2]	[0.14] E	[0.055]	[0.0062] E	[0.12]	[0.014] E	NA
		0.0042		0.018	0.002	0.42	0.047	1.8	0.2	0.042	0.0047	0.18	0.02	
ACRYLAMIDE	79-06-1	[0.0033]	[0.00057] E	[0.014]	[0.0024] E	[0.33]	[0.057] E	[1.4]	[0.24] E	[0.003]	[0.00057] E	[0.014]	[0.0024] E	NA
		0.0038		0.019	0.0033	0.4	0.07	1.9	0.33	0.004	0.0007	0.019	0.0033	
				0.00066										
ACRYLIC ACID	79-10-7	[0.28]	[0.051] E	[0.58]	[0.11] E	[28] 21	[5.1] E	[58] 88	[11] 16 E	[28]	[5.1] 3.9 E	[58] 88	[11] 16 E	NA
		0.21	0.039	0.88	0.16	3.9	3.9	21	21	21	3.9	21	16	
ACRYLONITRILE	107-13-1	[0.063]	[0.0087] E	[0.27]	[0.037] E	[6.3]	[0.87] 1 E	[27] 37	[3.7] E	[6.3]	[0.87] 1 E	[27] 37	[3.7] E	NA
		0.072	0.01	0.37	0.051	7.2	7.2	37	5.1	7.2	0.87	37	5.1	
ALACHLOR	15972-60-8	0.2	0.077 E	0.2	0.077 E	20	7.7 E	20	7.7 E	20	0.077 E	0.2	0.077 E	NA
ALDICARB	116-06-3	[0.7] 0.3	[0.12] E	[0.7]	[0.12] E	[70] 30	[12] 5 E	[70] 30	[12] 5 E	[700]	[120] 50 E	[700]	[120] E	NA
		0.05	0.05	0.3	0.05	30	5	30	5	300	50	300	50	
ALDICARB SULFONE	1646-88-4	0.2	0.027 E	0.2	0.027 E	20	2.7 E	20	2.7 E	20	0.027 E	0.2	0.027 E	NA
ALDICARB SULFOXIDE	1646-87-3	0.4	0.045 E	0.4	0.045 E	40	4.5 E	40	4.5 E	40	0.045 E	0.4	0.045 E	NA
ALDRIN	309-00-2	[0.00087]	[0.1] E	[0.0037]	[0.44] E	[0.087]	[10] 47 E	[0.37]	[44] E	[0.087]	[10] 240 E	[0.37] 2	[44] E	10
		0.0039	0.47	0.015	1.8	0.39	47	1.5	180	0.39	240	2	44	
ALLYL ALCOHOL	107-18-6	[4.9]	[0.58] E	[10]	[1.2] E	[490]	[58] E	[1,000]	[120] E	[490]	[58] 0.75 E	[1,000]	[120] E	NA
		0.063	0.0075	0.26	0.031	6.3	0.75	26	3.1	6.3	0.75	26	3.1	

¹ For other options see Section 250.308

All concentrations in mg/kg

E - Number calculated by the soil to groundwater equation in Section 250.308

C - Cap

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APPENDIX A
TABLE 3 - MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN SOIL
 B. Soil to Groundwater Numeric Values¹

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)					
		TDS ≤ 2500						TDS > 2500						Non-Use Aquifers					
		Residential			Non-Residential			Residential			Non-Residential			Residential			Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value
AMETRYN	834-12-8	6	6.5E	6	6.5E	600	650E	6	6.5E	600	650E	6	6.5E	6	6.5E	6	6.5E	NA	
AMINOBIHENYL, 4-	92-67-1	0.0031	0.0012E	0.012	0.0046E	0.31	0.12E	1.2	0.46E	1.2	0.46E	3.1	1.2E	12	4.6E	12	4.6E	NA	
AMITROLE	61-82-5	0.07	0.029E	0.28	0.12E	7	2.9E	28	12E	70	29E	280	29E	280	120E	280	120E	NA	
AMMONIA	7664-41-7	3,000	360E	3,000	360E	10,000	10,000C	10,000	10,000C	10,000	10,000C	3,000	360E	3,000	360E	3,000	360E	NA	
AMMONIUM SULFAMATE	7773-06-0	200	24E	200	24E	20,000	2,400E	20,000	2,400E	20,000	2,400E	200	24E	200	24E	200	24E	NA	
ANILINE	62-53-3	[0.28] 0.21	[0.16] 0.12	[0.58] 0.88	[0.34] 0.52	[28] 21	[16] 12	[58] 88	[34] 52	[28] 21	[16] 12	[58] 88	[34] 52	[28] 21	[0.16] 0.12	[0.58] 0.88	[0.34] 0.52	NA	
ANTHRACENE	120-12-7	6.6	350E	6.6	350E	6.6	350E	6.6	350E	6.6	350E	6.6	350E	6.6	350E	6.6	350E	10	
ATRAZINE	1912-24-9	0.3	0.13E	0.3	0.13E	30	13E	30	13E	30	13E	30	13E	30	13E	30	13E	NA	
AZINPHOS-METHYL (GUTHION)	86-50-0	11	12E	31	35E	1,100	1,200E	3,100	3,500E	11	12E	31	35E	11	12E	31	35E	NA	
BAYGON (PROPOXUR)	114-26-1	0.3	0.057E	0.3	0.057E	30	5.7E	30	5.7E	30	5.7E	30	5.7E	30	5.7E	30	5.7E	NA	
BENOMYL	17804-35-2	180	880E	200	970E	200	970E	200	970E	200	970E	200	970E	180	880E	200	970E	20	
BENTAZON	25057-89-0	[110] 20	[16] 2.9E	[310] 20	[45] 2.9E	[11,000] 2,000	[1,600] 290	[31,000] 2,000	[4,500] 290	[110] 20	[16] 2.9E	[310] 20	[45] 2.9E	[110] 20	[16] 2.9E	[310] 20	[45] 2.9E	NA	
BENZENE	71-43-2	0.5	0.13E	0.5	0.13E	50	13E	50	13E	50	13E	50	13E	50	13E	50	13E	NA	
BENZIDINE	92-87-5	[0.0029] 0.000093	[0.38] 0.12	0.0011 0.0093	1.5E 0.029E	[0.029] 0.0093	[38] 12E	0.11 0.093	150E 120	[0.29] 0.093	[380] 120	0.38 0.093	150E 120	[0.29] 0.093	[380] 120	1.1 0.093	1,500E 120	5	
BENZO(A)ANTHRACENE	56-55-3	[0.09] 0.029	[79] 25E	0.36	320E	1.1	960E	1.1	960E	1.1	960E	1.1	960E	1.1	960E	1.1	960E	5	
BENZO(A)PYRENE	50-32-8	0.02	46E	0.02	46E	0.38	860E	0.38	860E	0.38	860E	0.38	860E	0.38	860E	0.38	860E	5	
BENZO(B)FLUORANTHENE	205-99-2	[0.09] 0.029	[120] 40E	0.12	170E	0.12	170E	0.12	170E	0.12	170E	0.12	170E	0.12	170E	0.12	170E	5	
BENZO(GH)PERYLENE	191-24-2	0.026	180E	0.026	180E	0.026	180E	0.026	180E	0.026	180E	0.026	180E	0.026	180E	0.026	180E	5	
BENZO(K)FLUORANTHENE	207-08-9	0.055	610E	0.055	610E	0.055	610E	0.055	610E	0.055	610E	0.055	610E	0.055	610E	0.055	610E	5	
BENZOIC ACID	65-85-0	15,000	2,900E	41,000	7,800E	190,000	52,000E	190,000	52,000E	15,000	2,900E	41,000	7,800E	15,000	2,900E	41,000	7,800E	NA	
BENZOTRICHLORIDE	98-07-7	0.0051	0.012E	0.02	0.048E	0.51	1.2E	2	4.8E	5.1	12E	20	48E	5.1	12E	20	48E	30	
BENZYL ALCOHOL	100-51-6	[1,100] 1,800	[400] 650	[3,100] 5,100	[1,100] 1,800	10,000	10,000C	10,000	10,000C	10,000	10,000C	10,000	10,000C	[1,100] 1,800	[400] 650	[3,100] 5,100	[1,100] 1,800	NA	
BENZYL CHLORIDE	100-44-7	[0.087] 0.1	[0.051] 0.059	[0.37] 0.51	[0.22] 0.3	[8.7] 10	[5.1] 5.9	[37] 51	[22] 30	[8.7] 10	[5.1] 5.9	[37] 51	[22] 30	[8.7] 10	[5.1] 5.9	[37] 51	[22] 30	NA	
BETA PROIOLACTONE	57-57-8	0.0012	0.00015E	0.0063	0.00076E	0.1	0.015E	0.63	0.076E	0.1	0.015E	0.63	0.076E	0.1	0.015E	0.63	0.076E	NA	
BHC, ALPHA	319-84-6	0.01	0.046E	0.041	0.19E	1	4.6E	4.1	19E	1	4.6E	4.1	19E	1	4.6E	4.1	19E	20	
BHC, BETA-	319-85-7	0.037	0.22E	0.14	0.82E	3.7	22E	10	82E	3.7	22E	10	82E	3.7	22E	10	82E	15	

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All concentrations in mg/kg

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 B. Soil to Groundwater Numeric Values¹

REGULATED SUBSTANCE	CASRN	Used Aquifers												Non-Use Aquifers				Soil Buffer Distance (feet)
		TDS ≤ 2500						TDS > 2500						Residential		Non-Residential		
		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
[BHC, DELTA-1]	[319-86-8]	[2.2]	[11] E	[6.1]	[30] E	[220]	[1,100] E	[610]	[3,000] E	[800]	[3,900] E	[800]	[3,900] E	[800]	[3,900] E	[20]		
BHC, GAMMA (LINDANE)	58-89-9	0.02	0.072 E	0.02	0.072 E	2	7.2 E	2	7.2 E	20	72 E	20	72 E	20	72 E	20		
BIPHENYL, 1,1-	92-52-4	180	790 E	510	2,200 E	720	3,100 E	720	3,100 E	720	3,100 E	720	3,100 E	720	3,100 E	20		
BIS(2-CHLOROETHOXY)METHANE	111-91-1	11	2.9 E	31	8.2 E	1,100	290 E	3,100	820 E	11	2.9 E	31	8.2 E	31	8.2 E	NA		
BIS(2-CHLOROETHYL)ETHER	111-44-4	[0.013]	[0.0039] E	[0.055]	[0.017] E	[1.3]	[0.39] E	[5.5]	[1.7] E	[1.3]	[0.39] E	[5.5]	[1.7] E	[5.5]	[1.7] E	NA		
		0.015	0.0045 E	0.076	0.023 E	1.5	0.45 E	7.6	2.3 E	1.5	0.45 E	7.6	2.3 E	1.5	0.45 E	NA		
BIS(2-CHLORO-ISOPROPYL)ETHER	108-60-1	30	8 E	30	8 E	3,000	800 E	3,000	800 E	3,000	800 E	3,000	800 E	3,000	800 E	NA		
BIS(CHLOROMETHYL)ETHER	542-88-1	[0.00069]	[0.00001] E	[0.0002]	[0.00004] E	[0.0069]	0.001 E	[0.029]	[0.0044] E	[0.006]	0.001 E	[0.029]	[0.0044] E	[0.029]	[0.0044] E	NA		
		0.000079	0.00001 E	0.0004	0.00006 E	0.0079	0.0079 E	0.04	0.0006 E	0.0079	0.0079 E	0.04	0.0006 E	0.04	0.0006 E	NA		
BIS(2-ETHYLHEXYL) PHTHALATE	117-81-7	0.6	130 E	0.6	130 E	29	6,300 E	29	6,300 E	29	6,300 E	29	6,300 E	29	6,300 E	10		
BISPENOL A	80-05-7	180	700 E	510	2,000 E	12,000	46,000 E	12,000	46,000 E	12,000	46,000 E	12,000	46,000 E	12,000	46,000 E	20		
BROMACIL	314-40-9	[8] Z	[2] 1.8 E	[8] Z	[2] 1.8 E	[800]	[200] E	[800]	[200] E	[8] Z	[2] 1.8 E	[8] Z	[2] 1.8 E	[8] Z	[2] 1.8 E	NA		
BROMOCHLOROMETHANE	74-97-5	9	1.6 E	9	1.6 E	900	160 E	900	160 E	9	1.6 E	9	1.6 E	9	1.6 E	NA		
BROMODICHLOROMETHANE	75-27-4	[10] 8	[3.4] 2.7 E	[10] 8	[3.4] 2.7 E	[1,000]	[340] E	[1,000]	[340] E	[10] 8	[3.4] 2.7 E	[10] 8	[3.4] 2.7 E	[10] 8	[3.4] 2.7 E	NA		
						800	270 E	800	270 E	800	270 E	800	270 E	800	270 E	NA		
BROMOMETHANE	74-83-9	1	0.54 E	1	0.54 E	100	54 E	100	54 E	100	54 E	100	54 E	100	54 E	NA		
BROMOXNYL	1689-84-5	73	63 E	200	170 E	7,300	6,300 E	13,000	11,000 E	73	63 E	200	170 E	200	170 E	NA		
BROMOXNYL OCTANOATE	1689-99-2	8	360 E	8	360 E	8	360 E	8	360 E	8	360 E	8	360 E	8	360 E	15		
BUTADIENE, 1,3-	106-99-0	[0.015]	[0.0062] E	[0.065]	[0.027] E	[1.5]	[0.62] E	[6.5]	[2.7] E	[1.5]	[0.62] E	[6.5]	[2.7] E	[6.5]	[2.7] E	NA		
		0.019	0.0078 E	0.076	0.031 E	1.9	0.78 E	7.6	3.1 E	1.9	0.78 E	7.6	3.1 E	1.9	0.78 E	NA		
BUTYL ALCOHOL, N-	71-36-3	[97] 370	[12] 44 E	[200]	[24] 120 E	[9,700]	[1,200] E	10,000	[2,400] E	[970]	[120] E	10,000	[2,400] E	[2,000]	[240] E	NA		
				1,000	4,400 E	10,000	4,400 E	10,000	4,400 E	10,000	4,400 E	10,000	4,400 E	10,000	4,400 E	NA		

¹ For other options see Section 250.308

All concentrations in mg/kg

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C - Cap

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 B. Soil to Groundwater Numeric Values¹

REGULATED SUBSTANCE	CASRN	Used Aquifers												Non-Use Aquifers				Soil Buffer Distance (feet)
		TDS ≤ 2500						TDS > 2500						Residential		Non-Residential		
		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
BUTYLATE	2008-41-5	[35] 40	[51] 58 E	[35] 40	[5,100] E	[3,500] E	[5,100] E	[3,500] E	[5,100] E	[35] 40	[51] 58 E	[35] 40	[51] 58 E	[35] 40	[51] 58 E	30		
BUTYLBENZENE, N-	104-51-8	150	950 E	410	2,600 E	1,500	9,500 E	1,500	9,500 E	150	950 E	150	950 E	410	2,600 E	15		
BUTYLBENZENE, SEC-	135-98-8	150	350 E	410	960 E	1,700	4,000 E	1,700	4,000 E	150	350 E	150	350 E	410	960 E	30		
BUTYLBENZENE, TERT-	98-06-6	150	270 E	410	740 E	3,000	5,400 E	3,000	5,400 E	150	270 E	150	270 E	410	740 E	30		
BUTYLBENZYL PHTHALATE	85-68-7	[270] 35	[10,000] I	[270] 140	10,000 C	270	10,000 C	270	10,000 C	270	10,000 C	270	10,000 C	270	10,000 C	10		
CAPTAN	133-06-2	[19] 29	[12] 18 E	50	31 E	50	31 E	50	31 E	50	31 E	50	31 E	50	31 E	NA		
CARBARYL	63-25-2	[70] 370	[41] 220 E	[70] 1,000	[4,100] E	[7,000] E	[4,100] E	[7,000] E	[4,100] E	12,000	7,000 E	12,000	7,000 E	12,000	7,000 E	NA		
CARBAZOLE	86-74-8	3.3	21 E	13	83 E	120	760 E	120	760 E	120	760 E	120	760 E	120	760 E	15		
CARBOFURAN	1563-66-2	4	0.87 E	4	0.87 E	400	87 E	400	87 E	4	0.87 E	4	0.87 E	4	0.87 E	NA		
CARBON DISULFIDE	75-15-0	[190] 150	[160] E	[410] 620	[350] E	10,000 C	10,000 C	10,000 C	10,000 C	[190] 150	[160] E	[190] 150	[160] E	[410] 620	[350] E	NA		
CARBON TETRACHLORIDE	56-23-5	0.5	0.26 E	0.5	0.26 E	50	26 E	50	26 E	50	26 E	50	26 E	50	26 E	NA		
CARBOXIN	5234-68-4	70	53 E	70	53 E	7,000	5,300 E	7,000	5,300 E	70	53 E	70	53 E	70	53 E	NA		
CHLORAMBEN	133-90-4	10	1.6 E	10	1.6 E	1,000	160 E	1,000	160 E	10	1.6 E	10	1.6 E	10	1.6 E	NA		
CHLORDANE	57-74-9	0.2	49 E	0.2	49 E	5.6	1,400 E	5.6	1,400 E	5.6	1,400 E	5.6	1,400 E	5.6	1,400 E	10		
CHLORO-1,1-DIFLUOROETHANE, 1-	75-68-3	[14,000] 10,000	[2,300] E	[29,000] 10,000	[4,800] E	[140,000] 10,000	[23,000] E	[140,000] 10,000	[23,000] E	[14,000] 10,000	[2,300] E	[14,000] 10,000	[2,300] E	[29,000] 10,000	[4,800] E	NA		
CHLORO-1-PROPENE, 3-(ALLYL CHLORIDE)	107-05-1	[0.28] 0.21	[0.065] E	[0.58] 0.88	[0.13] E	[28] 21	[6.5] E	[58] 88	[13] 20 E	[28] 21	[6.5] 4.9	[58] 88	[13] 20 E	[58] 88	[13] 20 E	NA		
CHLOROACETOPHENONE, 2-	532-27-4	[0.031] 0.11	[0.0093] E	[0.088] 0.31	[0.026] E	[3.1] 11	[0.93] E	[8.8] 31	[2.6] E	[31] 110	[9.3] 33	[88] 310	[26] 93 E	[88] 310	[26] 93 E	NA		
CHLOROANILINE, P-	106-47-8	[15] 0.33	[19] 0.42 E	[41] 1.3	[52] 1.6 E	[1,500] 33	[1,900] E	[4,100] 130	[5,200] E	[15] 0.33	[19] 0.42 E	[41] 1.3	[52] 1.6 E	[41] 1.3	[52] 1.6 E	NA		
CHLOROBENZENE	108-90-7	10	6.1 E	10	6.1 E	1,000	610 E	1,000	610 E	1,000	610 E	1,000	610 E	1,000	610 E	NA		
CHLOROBENZILATE	510-15-6	[0.24] 0.6	[1.6] 4 E	[0.96] 2.4	[6.3] 16 E	[24] 60	[160] E	[96] 240	[630] E	[24] 60	[160] E	[96] 240	[630] E	[960] 1,300	[6,300] E	15		

¹ For other options see Section 250.308

All concentrations in mg/kg

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REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)						
		TDS ≤ 2500						TDS > 2500												
		Residential			Non-Residential			Residential			Non-Residential				Residential			Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value		
CHLOROBUTANE, 1-	109-69-3	[1.500] 150	[2.300] 230	[4.100] 410	[6.400] 640	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	[1.500] 150	[2.300] 230	[4.100] 410	[6.400] 640	30		
CHLORODIBROMOMETHANE	124-48-1	[10] 8	[3.2] 2.5	[10] 8	[3.2] 2.5	[1,000] 800	[320] 250	[1,000] 800	[320] 250	[1,000] 800	[320] 250	[1,000] 800	[320] 250	[1,000] 800	[320] 250	[1,000] 800	[320] 250	NA		
CHLORODIFLUOROMETHANE	75-45-6	[10] 10,000	[2.6] 2,800	[10] 10,000	[2.6] 2,800	[1,000] 10,000	[260] 10,000	[1,000] 10,000	[260] 10,000	[1,000] 10,000	[260] 10,000	[1,000] 10,000	[260] 10,000	[1,000] 10,000	[260] 10,000	[1,000] 10,000	[260] 10,000	NA		
CHLOROETHANE	75-00-3	23	5	90	19	2,300	500	2,300	500	2,300	500	2,300	500	2,300	500	2,300	500	9,000	1,900	NA
CHLOROFORM	67-66-3	[10] 8	[2.5] 2	[10] 8	[2.5] 2	[1,000] 800	[250] 200	[1,000] 800	[250] 200	[1,000] 800	[250] 200	[1,000] 800	[250] 200	[1,000] 800	[250] 200	[1,000] 800	[250] 200	[1,000] 800	[250] 200	NA
CHLORONAPHTHALENE, 2-	91-58-7	290	6,200	820	18,000	1,200	26,000	1,200	26,000	1,200	26,000	1,200	26,000	290	6,200	820	18,000	820	18,000	15
CHLORONITROBENZENE, P-	100-00-5	3.7	4.9	[14] 10	[18] 13	370	490	370	490	1,400	1,300	1,400	1,300	3.7	4.9	[14] 10	[18] 13	3.7	4.9	NA
CHLOROPHENOL, 2-	95-57-8	4	4.4	4	4.4	400	440	400	440	400	440	400	440	4	4.4	4	4.4	4	4.4	NA
CHLOROPRENE	126-99-8	[1.9] 1.5	[0.45] 0.35	[4.1] 6.2	[0.97] 1.5	[190] 150	[45] 35	[190] 150	[45] 35	[410] 620	[97] 150	[190] 150	[45] 35	[190] 150	[45] 35	[410] 620	[97] 150	[190] 150	NA	
CHLOROPROPANE, 2-	75-29-6	[28] 21	[21] 16	[58] 88	[44] 67	[2,800] 2,100	[2,100] 1,600	[2,800] 2,100	[2,100] 1,600	[5,800] 8,800	[4,400] 6,700	[2,800] 2,100	[2,100] 1,600	[5,800] 8,800	[4,400] 6,700	[2,800] 2,100	[2,100] 1,600	[5,800] 8,800	[4,400] 6,700	NA
CHLOROTHALONIL	1897-45-6	[6] 21	[15] 54	[24] 60	[61] 150	[60] 60	[150] 150	[60] 60	[150] 150	[60] 60	[150] 150	[60] 60	[150] 150	[6] 21	[15] 54	[24] 60	[61] 150	[6] 21	[15] 54	30
CHLOROTOLUENE, O-	95-49-8	10	20	10	20	1,000	2,000	1,000	2,000	1,000	2,000	1,000	2,000	10	20	10	20	10	20	30
CHLOROTOLUENE, P-	106-43-4	10	10	10	10	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	10	10	10	10	10	10	NA
CHLORPYRIFOS	2921-88-2	[2] 0.2	[23] 2.3	[2] 0.2	[23] 2.3	[110] 20	[1,300] 230	[110] 20	[1,300] 230	[110] 20	[1,300] 230	[110] 20	[1,300] 230	[2] 0.2	[23] 2.3	[2] 0.2	[23] 2.3	[2] 0.2	[23] 2.3	15
CHLORSULFURON	64902-72-3	180	25	510	71	[13,000] 18,000	[1,800] 2,500	[13,000] 18,000	[1,800] 2,500	[13,000] 18,000	[1,800] 2,500	[13,000] 18,000	[1,800] 2,500	180	25	510	71	510	71	NA
CHLORTHAL-DIMETHYL (DACTHAL) (DCPA)	1861-32-1	[40] 7	[650] 110	[40] 7	[650] 110	50	820	50	820	50	820	50	820	50	820	50	820	50	820	15
CHRYSENE	218-01-9	0.19	230	0.19	230	0.19	230	0.19	230	0.19	230	0.19	230	0.19	230	0.19	230	0.19	230	5
CRESOL(S)	1319-77-3	18	3.1	51	8.9	1,800	310	1,800	310	5,100	890	1,800	310	5,100	890	1,800	310	5,100	890	NA
CRESOL, 4,6-DINITRO-O-	534-52-1	0.37	0.28	1	0.75	37	28	37	28	100	75	37	28	100	75	37	28	100	75	NA

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REGULATED SUBSTANCE	CASRN	Used Aquifers						Non-Use Aquifers						Soil Buffer Distance (feet)			
		TDS ≤ 2500			TDS > 2500			Residential			Non-Residential						
		Residential	Non-Residential	Generic Value	Residential	Non-Residential	Generic Value	Residential	Non-Residential	Generic Value	Residential	Non-Residential	Generic Value				
		100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC				
CRESOL, O- (2-METHYLPHENOL)	95-48-7	180	[64] 30 E	510	[180] 85 E	[10,000] 1	[6,400] 3,000	[10,000] 18,000	[10,000] 18,000	[10,000] 0	[6,400] 3,000	[10,000] 51,000	[10,000] 10,000	[10,000] 10,000	[10,000] 10,000	[10,000] 10,000	NA
CRESOL, M- (3-METHYLPHENOL)	108-39-4	180	36 E	510	100 E	10,000	3,600 E	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	NA
CRESOL, P- (4-METHYLPHENOL)	106-44-5	18	4.2 E	51	12 E	1,800	420 E	1,200 E	1,200 E	1,200 E	4,200 E	51,000	10,000	10,000	10,000	10,000	NA
CRESOL, P-CHLORO-M-METHYLPHENOL	59-50-7	18	37 E	51	110 E	1,800	3,700 E	5,100	11,000	11,000	37 E	51	110 E	110 E	110 E	110 E	30
CROTONALDEHYDE	4170-30-3	[0.0079] 0.035	[0.0099] 0.0044	[0.034] 0.14	[0.0043] 0.018	[0.79] 3.5	[0.099] 0.44	[3.4] 14	[0.43] 1.8	[0.79] 3.5	[0.79] 0.44	[0.79] 3.5	[3.4] 14	[0.099] 0.44	[0.79] 3.5	[0.43] 1.8	NA
CROTONALDEHYDE, TRANS-	123-73-9	[0.0079] 0.035	[0.001] 0.0044	[0.034] 0.14	[0.0043] 0.018	[0.79] 3.5	[0.1] 0.44	[3.4] 14	[0.43] 1.8	[0.79] 3.5	[0.79] 0.44	[0.79] 3.5	[3.4] 14	[0.79] 0.44	[0.43] 1.8	[0.43] 1.8	NA
CUMENE (ISOPROPYL BENZENE)	98-82-8	[110] 84	[780] 600	[230] 350	[2,500] 2,500	5,000	10,000	5,000	10,000	5,000	10,000	5,000	10,000	5,000	10,000	10,000	15
CYANAZINE	21725-46-2	0.1	0.061 E	0.1	0.061 E	10	6.1 E	10	6.1 E	10	6.1 E	10	6.1 E	0.1	0.061 E	0.1	NA
CYCLOHEXANE	110-82-7	1,300	1,700 E	5,300	6,900 E	5,500	7,200 E	5,500	7,200 E	5,500	7,200 E	5,500	7,200 E	1,300	1,700 E	5,300	NA
CYCLOHEXANONE	108-94-1	[4,900] 10,000	[1,400] 5,000	10,000	[2,800] 10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	[4,900] 10,000	[1,400] 5,000	10,000	NA
CYFLUTHRIN	68359-37-5	0.1	33 E	0.1	33 E	0.1	33 E	0.1	33 E	0.1	33 E	0.1	33 E	0.1	33 E	0.1	10
CYROMAZINE	66215-27-8	27	84 E	77	240 E	2,700	8,400 E	7,700	24,000	27	84 E	77	240 E	27	84 E	77	20
DDD, 4,4'-	72-54-8	[0.062] 0.28	[6.8] 31 E	[0.27] 1.1	[30] 120 E	[6.2] 16	[680] 1,800	[6.2] 16	1,800	16	1,800	[6.2] 16	1,800	[6.2] 16	1,800	1,800	10
DDE, 4,4'-	72-55-9	0.19	41 E	0.76	170 E	4	870 E	4	870 E	4	870 E	4	870 E	4	870 E	4	10
DDT, 4,4'-	50-29-3	0.19	110 E	0.55	330 E	0.55	330 E	0.55	330 E	0.55	330 E	0.55	330 E	0.55	330 E	0.55	5
DI(2-ETHYLHEXYL)ADIPATE	103-23-1	40	10,000	40	10,000	4,000	10,000	4,000	10,000	4,000	10,000	4,000	10,000	4,000	10,000	10,000	5
DIALATE	2303-16-4	[0.25] 1.1	[0.15] 0.64	[1] 4.3	[0.59] 2.5	[25] 110	[15] 64 E	[100] 430	[59] 250	[100] 430	[15] 64 E	[100] 430	[15] 64 E	[100] 430	[15] 64 E	[100] 430	NA
DIAMINOTOLUENE, 2,4-	95-80-7	[0.021] 0.017	[0.0042] 0.0034	[0.081] 0.068	[0.016] 0.014	[2.1] 1.7	[0.42] 0.34	[8.1] 6.8	[1.6] 1.4	[8.1] 6.8	[4.2] 3.4	[21] 17	[16] 14	[4.2] 3.4	[16] 14	[16] 14	NA
DIAZINON	333-41-5	[0.06] 0.1	[0.082] 0.14	[0.06] 0.1	[0.082] 0.14	[6] 10	[8.2] 14 E	[6] 10	[8.2] 14 E	[6] 10	[8.2] 14 E	[6] 10	[8.2] 14 E	[6] 10	[8.2] 14 E	[6] 10	30

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		TDS ≤ 2500			TDS > 2500			Residential			Non-Residential					
		Residential	Non-Residential	Generic Value	Residential	Non-Residential	Generic Value	Residential	Non-Residential	Generic Value	Residential	Non-Residential	Generic Value			
		100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC	100 X GW MSC			
DIBENZO[A,H]ANTHRACENE	53-70-3	[0.009]	[41] 13E	0.036	160E	0.06	270E	0.06	270E	0.06	270E	0.06	270E	0.06	270E	5
DIBENZOFURAN	132-64-9	3.7	95E	10	250E	370	9,500E	450	12,000E	450	12,000E	450	12,000E	450	12,000E	15
DIBROMO-3-CHLOROPROPANE, 1,2-	96-12-8	0.02	0.0092E	0.02	0.0092E	2	0.92E	2	0.92E	2	0.92E	2	0.92E	2	0.92E	NA
DIBROMOBENZENE, 1,4-	106-37-6	37	150E	100	410E	2,000	8,200E	2,000	8,200E	0.5	0.12E	0.5	0.12E	0.5	0.12E	20
DIBROMOETHANE, 1,2-(ETHYLENE DIBROMIDE)	106-93-4	0.005	0.0012E	0.005	0.0012E	0.5	0.12E	0.5	0.12E	0.5	0.12E	0.5	0.12E	0.5	0.12E	NA
DIBROMOMETHANE	74-95-3	[9.7] 37	[3.7] 14E	[20]	[7.7] 39E	[970]	[370]	[370]	[770]	[2,000]	[770]	[370]	[370]	[2,000]	[770]	NA
DIBUTYL PHTHALATE, N-	84-74-2	370	1,500E	1,000	4,100E	10,000	10,000C	10,000	10,000C	10,000	10,000C	10,000	10,000C	10,000	10,000C	20
DICAMBA	1918-00-9	400	45E	400	45E	40,000	4,500E	40,000	4,500E	600	79E	600	79E	600	79E	NA
DICHLOROACETIC ACID	76-43-6	6	0.79E	6	0.79E	600	79E	600	79E	600	79E	600	79E	600	79E	NA
DICHLORO-2-BUTENE, 1,4-	764-41-0	[0.0016]	[0.0009]E	[0.0069]	[0.0039]E	[0.16]	[0.09]E	[0.69]	[0.39]E	[0.0012]	[0.0007]E	[0.0012]	[0.0007]E	[0.0069]	[0.0039]E	NA
DICHLORO-2-BUTENE, TRANS-1,4-	110-57-6	0.0012	0.00078E	0.006	0.0039E	0.12	0.078E	0.12	0.078E	0.6	0.39E	0.12	0.078E	0.006	0.0039E	NA
DICHLOROBENZENE, 1,2-	95-50-1	60	59E	60	59E	6,000	5,900E	6,000	5,900E	6,000	5,900E	6,000	5,900E	6,000	5,900E	NA
DICHLOROBENZENE, 1,3-	541-73-1	60	61E	60	61E	6,000	6,100E	6,000	6,100E	6,000	6,100E	6,000	6,100E	6,000	6,100E	NA
DICHLOROBENZENE, P-	106-46-7	7.5	10E	7.5	10E	750	1,000E	750	1,000E	750	1,000E	750	1,000E	750	1,000E	30
DICHLOROBENZIDINE, 3,3'-E (FREON 12)	91-94-1	0.15	8.3E	0.58	32E	15	830E	58	3,200E	150	8,300E	150	8,300E	310	17,000E	10
DICHLORODIFLUOROMETHAN	75-71-8	100	100E	100	100E	10,000	10,000C	10,000	10,000C	10,000	10,000C	10,000	10,000C	10,000	10,000C	NA
DICHLOROETHANE, 1,1-	75-34-3	[2.7] 3.1	[0.65]E	[11] 16	[2.7] 3.9E	[270]	[65] 75E	[1,100]	[270]E	[1,600]	[390]	[27] 6.5	[27] 6.5	[110]	[27] 39E	NA
DICHLOROETHANE, 1,2-	107-06-2	0.5	0.1E	0.5	0.1E	50	10E	50	10E	50	10E	50	10E	50	10E	NA
DICHLOROETHYLENE, 1,1-	75-35-4	0.7	0.19E	0.7	0.19E	70	19E	70	19E	70	19E	70	19E	70	19E	NA
DICHLOROETHYLENE, CIS-1,2-	156-59-2	7	1.6E	7	1.6E	700	160E	700	160E	700	160E	700	160E	700	160E	NA
DICHLOROETHYLENE, TRANS-1,2-	156-60-5	10	2.3E	10	2.3E	1,000	230E	1,000	230E	1,000	230E	100	23E	100	23E	NA
DICHLOROMETHANE (METHYLENE CHLORIDE)	75-09-2	0.5	0.076E	0.5	0.076E	50	7.6E	50	7.6E	50	7.6E	50	7.6E	50	7.6E	NA

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		TDS ≤ 2500						TDS > 2500						Residential		Non-Residential		
		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
DICHLOROPHENOL, 2,4-DICHLOROPHENOXYACETIC ACID, 2,4-(2,4-D)	120-83-2 94-75-7	2 7	1E 1.8E	2 7	1E 1.8E	200 700	100E 180E	200 700	100E 180E	200 700	100E 180E	200 700	100E 180E	2,000 7,000	1,000E 1,800E	2,000 7,000	1,000E 1,800E	NA NA
DICHLOROPROPANE, 1,2-DICHLOROPROPENE, 1,3-DICHLOROPROPIONIC ACID, 2,2-(DALAPON)	78-87-5 542-75-6 75-99-0	0.5 0.66 20	0.11E 0.12E 5.3E	0.5 2.6 20	0.11E 0.46E 5.3E	50 66 2,000	11E 12E 530E	50 66 2,000	11E 12E 530E	50 66 2,000	11E 12E 530E	50 66 2,000	11E 12E 530E	5 66 2,000	1.1E 12E 530E	5 260 2,000	1.1E 46E 530E	NA NA NA
DICHLORVOS	62-73-7	[0.052] 0.23 0.054	[0.012]E 0.054 0.21	[0.22] 0.9 0.21	[0.052]E 0.21 0.21	[5.2] 23 5.4	[1.2] E 5.4	[5.2] 23 5.4	[1.2] E 5.4	[5.2] 21 5.4	[1.2] E 5.4	[5.2] 21 5.4	[0.052] 0.23 0.054	[0.012]E 0.054 0.21	[0.052] 0.21 0.21	[0.22] 0.9 0.21	[0.052] 0.21 0.21	NA 30 15
DICYCLOPENTADIENE	77-73-6	[0.055] 1.5	[0.12]E 3.2	[0.12] 6.2	[0.26] 13 150	[5.5] 150	[12] 320	[12] 620	[26] 1,300	[12] 620	[12] 3,000	[26] 1,300	[0.055] 1.2	[0.12] 3 12	[0.12] 6 13	[0.12] 6 13	[0.26] 13	30
DIETHANOLAMINE	60-57-1	0.0041	0.11E	0.016	0.44E	0.41	11E	1.6	44E	4.1	11E	1.6	NA	110E	16	440E	15	15
DIETHANOLAMINE	111-42-2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
DIETHYL PHTHALATE	84-66-2	[500] 2,900	[160]E 910	[500] 8,200	[160]E 2,600	10,000 2,600	10,000C 2,600	10,000 2,600	10,000C 2,600	10,000 2,600	10,000C 2,600	10,000 2,600	10,000 2,600	10,000 2,600	10,000C 2,600	10,000 2,600	10,000C 2,600	NA NA
DIFLUBENZURON	35367-38-5	20	52E	20	52E	20	52E	20	52E	20	52E	20	52E	20	52E	20	52E	20
DISOPROPYL METHYLPHOSPHONATE	1445-75-6	60	8.2E	60	8.2E	6,000	820E	6,000	820E	6,000	820E	6,000	820E	60	8.2E	60	8.2E	20
DIMETHOATE	60-51-5	0.73	0.28E	2	0.77E	73	28E	2	0.77E	73	28E	2	0.77E	73	28E	2,000	770E	20
DIMETHOXYBENZIDINE, 3,3-DIMETHRIN	119-90-4 70-38-2	4.7 3.6	16E 240E	19 3.6	64E 240E	470 3.6	1,600E 240E	1,900 3.6	6,400E 240E	1,900 3.6	6,400E 240E	1,900 3.6	4,700 3.6	16,000E 240E	6,000E 240E	6,000 3.6	20,000E 240E	20
DIMETHYLAMINOAZOBENZENE, P.	60-11-7	0.014	0.037E	0.057	0.15E	1.4	3.7E	5.7	15E	14	3.7E	5.7	14	37E	57	150E	20	
DIMETHYLANILINE, N,N-DIMETHYLBENZIDINE, 3,3-DIMETHYL	121-69-7 119-93-7	7.3 0.0072	4.1E 0.41E	20 0.028	11E 1.5	730 0.6	410E 33E	2,000 0.6	1,100E 33E	2,000 0.6	1,100E 33E	2,000 0.6	730 0.6	410E 33E	2,000 0.6	1,100E 33E	2,000 0.6	NA 10
DIMETHYL	756-79-6	10	1.2E	10	1.2E	1,000	120E	1,000	120E	1,000	120E	1,000	10	1E	10	1E	10	NA
METHYLPHOSPHONATE	105-67-9	73	32E	200	87E	7,300	3,200E	10,000	8,700E	10,000	8,700E	10,000	10,000C	10,000C	10,000C	10,000C	10,000C	NA
DINITROBENZENE, 1,3-DINITROPHENOL, 2,4-DINITROTOLUENE, 2,4-	99-65-0 51-28-5 121-14-2	0.1 [1.9] 7.3 0.21	0.049E [0.21]E 0.83	0.1 [4.1] 20 0.83	0.049E [0.46]E 2.3	10 [190] 730	4.9E [21] 83E 730	10 [190] 730	4.9E [21] 83E 730	10 [190] 730	4.9E [21] 83E 730	10 [190] 730	10 [190] 730	100 [19] 7,300	49E [2.1] 830E 2,300	100 [41] 20,000	49E [4.6]E 2,300	NA NA NA
DINITROTOLUENE, 2,4-	121-14-2	0.21	0.05E	0.84	0.2E	21	5E	84	20E	21	5E	84	210	50E	840	200E	200E	NA

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REGULATED SUBSTANCE	CASRN	Used Aquifers						Non-Use Aquifers						Soil Buffer Distance (feet)
		TDS ≤ 2500			TDS > 2500			Residential			Non-Residential			
		100 X GW MSC	Generic Value	100 X GW MSC	100 X GW MSC	Generic Value	100 X GW MSC	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
		Residential	Non-Residential	Residential	Non-Residential	Residential	Non-Residential	Residential	Non-Residential	Residential	Non-Residential	Residential	Non-Residential	
DINITROTOLUENE, 2,6- (2,6-DNT)	606-20-2	3.7	1.1E	10	3E	370	110E	1,000	300E	3,700	1,100E	10,000	3,000E	NA
DINOSIB	88-85-7	0.7	0.29E	0.7	0.29E	70	29E	70	29E	700	290E	700	290E	NA
DIOXANE, 1,4-	123-91-1	[0.56] 0.64	[0.31] 0.42	[2.4] 3.2	[0.31] 0.42	[56] 64	[7.3] 8.4	[240] 320	[31] 42	[5.6] 6.4	[0.73] 0.84	[24] 32	[3.1] 4.2	NA
DIPHENAMID	957-51-7	20	12E	20	12E	2,000	1,200E	2,000	1,200E	20	12E	20	12E	NA
DIPHENYLAMINE	122-39-4	[20] 91	[12] 53E	[20] 260	[12] 150E	[2,000] 9,100	[1,200] 5,300	[2,000] 26,000	[1,200] 15,000	[20] 30,000	[12] 18,000	[20] 30,000	[12] 18,000	NA
DIPHENYLHYDRAZINE, 1,2-	122-66-7	0.083	0.15E	0.33	0.58E	8.3	15E	25	44E	25	44E	25	44E	30
DIQUAT	85-00-7	2	0.24E	2	0.24E	200	24E	200	24E	2	0.24E	2	0.24E	NA
DISULFOTON	298-04-4	[0.03] 0.07	[0.078] 0.18	[0.03] 0.07	[0.078] 0.18	[3] 7	[7.8] 18E	[3] 7	[7.8] 18E	[30] 70	[78] 180E	[30] 70	[78] 180E	20
DITHIANE, 1,4-	505-29-3	8	1.3E	8	1.3E	800	130E	800	130E	8	1.3E	8	1.3E	NA
DIURON	330-54-1	[11] 7.3	[0.86] 6.3	[1] 20	[0.86] 17E	[100] 730	[86] 630	[100] 2,000	[86] 1,700	[1] 7.3	[0.86] 6.3	[1] 20	[0.86] 6.3	NA
ENDOSULFAN	115-29-7	[5.8] 22	[30] 110E	[12] 48	[61] 250E	48	250E	48	250E	48	250E	48	250E	15
ENDOSULFAN I (ALPHA)	959-98-8	22	110E	50	260E	50	260E	50	260E	22	110E	50	260E	15
ENDOSULFAN II (BETA)	33213-65-9	22	130E	45	260E	45	260E	45	260E	22	130E	45	260E	15
ENDOSULFAN SULFATE	1031-07-8	12	70E	12	70E	12	70E	12	70E	12	70E	12	70E	15
ENDOTHALL	145-73-3	10	4.1E	10	4.1E	1,000	410E	1,000	410E	10	4.1E	10	4.1E	NA
ENDRIN	72-20-8	0.2	5.5E	0.2	5.5E	20	550E	20	550E	0.2	5.5E	0.2	5.5E	15
EPICHLOROHYDRIN	106-89-8	[0.28] 0.21	[0.056] 0.042	[0.58] 0.88	[0.12] 0.17	[28] 21	[5.6] 4.2	[58] 88	[12] 17E	[28] 21	[5.6] 4.2	[58] 88	[12] 17E	NA
ETHEPHON	16672-87-0	18	2.1E	51	59E	1,800	210E	5,100	590E	18	2.1E	51	59E	NA
ETHION	563-12-2	1.8	39E	5.1	110E	85	1,900E	85	1,900E	1.8	39E	5.1	110E	15
ETHOXYETHANOL, 2- (EGEE)	110-80-5	[55] 42	[7.8] 5.9E	[120] 180	[17] 25E	[5,500] 4,200	[780] 590	10,000	[1,700] 2,500	[5,500] 4,200	[780] 590	10,000	[1,700] 2,500	NA
ETHYL ACETATE	141-78-6	[870] 3,300	[220] 850	[1,800] 9,200	[470] 2,400	10,000	10,000C	10,000	10,000C	10,000	10,000C	10,000	10,000C	NA
ETHYL ACRYLATE	140-88-5	[0.31] 1.4	[0.12] 0.54	[1.3] 5.4	[0.5] 2.1E	[31] 140	[12] 54E	[130] 540	[50] 210	[31] 140	[12] 54E	[130] 540	[50] 210	NA
ETHYL BENZENE	100-41-4	70	46E	70	46E	7,000	4,600E	7,000	4,600E	7,000	4,600E	7,000	4,600E	NA

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		TDS ≤ 2500			TDS > 2500			Residential			Non-Residential			
		Residential	Non-Residential	100 X GW MSC	Residential	Non-Residential	100 X GW MSC	Residential	Non-Residential	100 X GW MSC	Residential	Non-Residential	100 X GW MSC	
		Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	Generic Value	
ETHYL DIPHOSPHORICACBAMATE, S- (EPTC)	759-94-4	91	260	180 E	9,100	6,500 E	10,000	10,000 C	91	260	180 E	NA		
		[190] 730	[410] 2,000	[120] E 560	10,000	[5,300] E 10,000	10,000	10,000 C	[190] 730	[410] 2,000	[120] E 560	NA		
ETHYL METHACRYLATE	97-63-2	[87] 330	[180] 920	[30] 150 E	[8,700] E 10,000	[1,400] E 5,500	[3,000] E 10,000	[180] 920	[14] 55	[180] 920	[30] E 150	NA		
		[87] 330	[180] 920	[30] 150 E	[8,700] E 10,000	[1,400] E 5,500	[3,000] E 10,000	[180] 920	[14] 55	[180] 920	[30] E 150	NA		
ETHYLENE GLYCOL	107-21-1	1,400	1,400	170 E	10,000	10,000 C	10,000 C	10,000 C	10,000 C	10,000 C	10,000 C	NA		
		[0.3] 0.29	[0.3] 0.82	[0.034] E 0.092	[30] 29	[3.4] E 3.2	[30] 82	[3.4] E 9.2	[300] 290	[34] 32	[300] 820	[34] 92 E	NA	
ETHYLENE THIOUREA (ETU)	96-45-7	0.037	0.12 E	0.31 E	3.7	12 E	10	10	0.037	0.12 E	0.31 E	20		
		[0.2] 0.07	[0.2] 0.07	[0.17] E 0.06	[20] 7	[17] 6 E	[20] 7	[17] 6 E	[0.2] 0.1	[0.17] E 0.06	[0.2] 0.1	[0.17] E 0.06	NA	
FENAMIPHOS	22224-92-6	8.5	8.5	94 E	8.5	94 E	8.5	94 E	8.5	94 E	8.5	15		
		9	9	2.5 E	900	250 E	900	250 E	9	2.5 E	9	2.5 E	NA	
FENVALERATE (PYDRIN)	51630-58-1	26	26	3,200 E	26	3,200 E	26	3,200 E	26	3,200 E	26	10		
		150	190	3,800 E	190	3,800 E	190	3,800 E	190	3,800 E	190	15		
FLUOMETURON	2164-17-2	200	200	87 E	10,000	8,700 E	10,000	8,700 E	10,000	8,700 E	10,000	NA		
		1	1	2.9 E	100	290 E	100	290 E	1	2.9 E	1	2.9 E	20	
FLUORANTHENE	206-44-0	100	100	12 E	10,000	1,200 E	10,000	1,200 E	10,000	1,200 E	10,000	NA		
		[1900] 0.63	[4,100] 2.6	[210] E 0.071	[10,000] 1.63	[10,000] 17.1 C	[10,000] 1.29 C	[10,000] 1.29 C	[10,000] 0.63	[2,100] E 0.71	[10,000] 2.6	[4,600] E 3	NA	
FLUOROTRICHLOROMETHANE (FREON 11)	75-69-4	11,000	31,000	27,000 E	190,000	190,000 C	190,000 C	190,000 C	11,000	9,700 E	31,000	NA		
		[0.97] 3.7	[2] 10	[0.42] E 1.6	[97] 370	[42] E 160	[200] 1,000	[87] E 440	[97] 370	[42] 160	[200] 1,000	[87] E 440	NA	
FONOFOS	944-22-9	1	1	2.9 E	100	290 E	100	290 E	1	2.9 E	1	20		
		100	100	12 E	10,000	1,200 E	10,000	1,200 E	10,000	1,200 E	10,000	NA		
FORMALDEHYDE	50-00-0	100	100	12 E	10,000	1,200 E	10,000	1,200 E	10,000	1,200 E	10,000	NA		
		[1900] 0.63	[4,100] 2.6	[210] E 0.071	[10,000] 1.63	[10,000] 17.1 C	[10,000] 1.29 C	[10,000] 1.29 C	[10,000] 0.63	[2,100] E 0.71	[10,000] 2.6	[4,600] E 3	NA	
FORMIC ACID	64-18-6	100	100	12 E	10,000	1,200 E	10,000	1,200 E	10,000	1,200 E	10,000	NA		
		[1900] 0.63	[4,100] 2.6	[210] E 0.071	[10,000] 1.63	[10,000] 17.1 C	[10,000] 1.29 C	[10,000] 1.29 C	[10,000] 0.63	[2,100] E 0.71	[10,000] 2.6	[4,600] E 3	NA	
FOSETYL-AL	39148-24-8	11,000	31,000	27,000 E	190,000	190,000 C	190,000 C	190,000 C	11,000	9,700 E	31,000	NA		
		[0.97] 3.7	[2] 10	[0.42] E 1.6	[97] 370	[42] E 160	[200] 1,000	[87] E 440	[97] 370	[42] 160	[200] 1,000	[87] E 440	NA	
FURAN	110-00-9	100	100	12 E	10,000	1,200 E	10,000	1,200 E	10,000	1,200 E	10,000	NA		
		[1900] 0.63	[4,100] 2.6	[210] E 0.071	[10,000] 1.63	[10,000] 17.1 C	[10,000] 1.29 C	[10,000] 1.29 C	[10,000] 0.63	[2,100] E 0.71	[10,000] 2.6	[4,600] E 3	NA	

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		TDS ≤ 2500						TDS > 2500						
		Residential			Non-Residential			Residential			Non-Residential			
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
FURFURAL	98-01-1	11	1.4E	[29] 31	[3.7] 3.9E	1,100	140E	[2,900] 3,100	[370] 390E	11	1.4E	[29] 31	[3.7] 3.9E	NA
GLYPHOSATE	1071-83-6	70	620E	70	620E	7,000	62,000E	7,000	62,000E	70	620E	70	620E	15
HEPTACHLOR	76-44-8	0.04	0.68E	0.04	0.68E	4	68E	4	68E	18	310E	18	310E	15
HEPTACHLOR EPOXIDE	1024-57-3	0.02	1.1E	[2.0] 2	110E	2	110E	2	110E	20	1,100E	20	1,100E	10
HEXACHLOROBENZENE	118-74-1	0.1	0.96E	0.1	0.96E	0.6	5.8E	0.6	5.8E	0.6	5.8E	0.6	5.8E	15
HEXACHLOROBUTADIENE	87-68-3	[0.1] 0.9	[1.2] 10E	[0.1] 3.3	[1.2] 39E	[10] 85	[120] 1,000E	[10] 290	[120] 3,400E	[100] 290	[1,200] 3,400E	[100] 290	[1,200] 3,400E	15
HEXACHLOROCYCLOPENTADIENE	77-47-4	5	91E	5	91E	180	3,300E	180	3,300E	180	3,300E	180	3,300E	15
ENE	67-72-1	0.1	0.56E	0.1	0.56E	10	56E	10	56E	10	56E	10	56E	15
HEXACHLOROETHANE	110-54-3	[55] 150	[500] 1,400E	[120] 610	[1,100] 5,600E	950	8,700E	950	8,700E	[55] 150	[500] 1,400E	[120] 610	[1,100] 5,600E	15
HEXAZINONE	51235-04-2	40	8.5E	40	8.5E	4,000	850E	4,000	850E	40	8.5E	40	8.5E	NA
HEXATHIAZOX (SAVEY)	78587-05-0	50	820E	50	820E	50	820E	50	820E	50	820E	50	820E	15
HMX	2691-41-0	40	4.8E	40	4.8E	500	50E	500	60E	40	4.8E	40	4.8E	NA
HYDRAZINE/HYDRAZINE SULFATE	302-01-2	[0.00089] 0.001	[0.00038] 8E	[0.0038] 0.001	[0.0042] 0.0011E	[0.088] 0.1	[0.0098] 0.0011E	[0.38] 0.51	[0.042] 0.057E	[0.008] 0.001	[0.00098] 0.0011E	[0.038] 0.051E	[0.0042] 0.0057E	NA
HYDROQUINONE	123-31-9	[150] 1.2	[20] 0.16E	[470] 4.6	[55] 0.62E	[15,000] 1,120	[2,000] 16E	[41,000] 1,460	[5,500] 62E	[150,000] 1,200	[20,000] 160E	[190,000] 1,460E	[55,000] 620E	NA
INDENO[1,2,3-CD]PYRENE	193-39-5	[0.09] 0.029	[7,000] 2,200E	0.36	28,000E	[6.2] 2.9	190,000C	[6.2] 2.9	190,000C	6.2	190,000C	6.2	190,000C	5
IPIODIONE	36734-19-7	150	430E	410	1,200E	1,300	3,700E	1,300	3,700E	150	430E	150	430E	20
ISOBUTYL ALCOHOL	78-83-1	[290] 1,100	[76] 290E	[610] 3,100	[160] 810E	10,000	[7,600] 10,000E	10,000	10,000C	10,000	[7,600] 10,000E	10,000	10,000C	NA
ISOPHORONE	78-59-1	10	1.9E	10	1.9E	1,000	190E	1,000	190E	10,000	1,900E	10,000	1,900E	NA
ISOPROPYL METHYLPHOSPHONATE	1832-54-8	70	8.1E	70	8.1E	7,000	810E	7,000	810E	70	8.1E	70	8.1E	NA
KEPONE	143-50-0	0.0041	0.56E	0.016	2.2E	0.41	56E	1.6	220E	4.1	560E	16	2,200E	10

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		TDS ≤ 2500						TDS > 2500								
		Residential			Non-Residential			Residential			Non-Residential					
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value			
MALATHION	121-75-5	10	34E	10	34E	1,000	3,400E	1,000	3,400E	[1,000]	[3,400]	[1,000]	[3,400]	[1,000]	[3,400]	20
MALEIC HYDRAZIDE	123-33-1	400	47E	400	47E	40,000	4,700E	40,000	4,700E	400	47E	400	47E	400	47E	NA
MANEB	12427-38-2	18	2E	51	5.8E	1,800	200E	2,300	260E	18	2E	51	5.8E	1,800	200E	NA
MERPHOS OXIDE	78-48-8	0.11	15E	0.31	41E	11	1,500E	31	4,100E	0.11	15E	0.31	41E	11	1,500E	10
METHACRYLONITRILE	126-98-7	[0.19]	[0.031]E	[0.41]	[0.067]E	[19] 15	[3.1]E	[4] 62	[6.7] 10E	[0.19]	[0.031]E	[0.41]	[0.067]E	[19] 15	[3.1]E	NA
METHAMIDOPHOS	10265-92-6	0.18	0.022E	0.51	0.063E	18	2.2E	51	6.3E	0.18	0.022E	0.51	0.063E	18	2.2E	NA
METHANOL	67-56-1	[490] 840	[58] 99E	[1,000]	[120] 410	10,000	[5,800] 9,900E	10,000	10,000C	10,000	[5,800] 9,900E	10,000	10,000C	10,000	10,000C	NA
METHOMYL	16752-77-5	20	3.2E	20	3.2E	2,000	320E	2,000	320E	20	3.2E	20	3.2E	2,000	320E	NA
METHOXYCHLOR	72-43-5	4	630E	4	630E	4.5	710E	4.5	710E	4.5	710E	4.5	710E	4.5	710E	10
METHOXYETHANOL, 2-	109-86-4	[3.7] 4.2	[0.41]E	[10] 18	[1.1] 2E	[370] 420	[41] 47E	[1,000]	[110]E	[3.7]	[0.41]E	[10] 18	[1.1] 2E	[370] 420	[41] 47E	NA
METHYL ACETATE	79-20-9	3,700	690E	10,000	1,900E	10,000	10,000C	10,000	10,000C	3,700	690E	10,000	1,900E	10,000	1,900E	NA
METHYL ACRYLATE	96-33-3	110	27E	310	77E	10,000	2,700E	10,000	7,700E	110	27E	310	77E	10,000	2,700E	NA
METHYL CHLORIDE	74-87-3	[0.3] 3	[0.038]E	[0.3] 3	[0.038]E	[30] 300	[3.8] 38E	[30] 300	[3.8] 38E	[30] 300	[0.038]E	[0.3] 3	[0.038]E	[30] 300	[3.8] 38E	NA
METHYL ETHYL KETONE	78-93-3	[280] 400	[54] 76E	[580]	[110] 76E	10,000	[5,400] 7,600E	10,000	[10,000] 17,600E	[280] 400	[54] 76E	[580]	[110] 76E	10,000	[10,000] 17,600E	NA
METHYL ISOBUTYL KETONE	108-10-1	[19] 290	[2.9] 45E	[41] 820	[6.3] 130E	[1,900] 10,000	[290] 4,500E	[4,100] 10,000	[630] 10,000E	[19] 290	[2.9] 45E	[41] 820	[6.3] 130E	[1,900] 10,000	[630] 10,000E	NA
METHYL ISOCYANATE	624-83-9	0.21	0.029E	0.88	0.12E	21	2.9E	88	12E	0.21	0.029E	0.88	0.12E	21	2.9E	NA
METHYL N-BUTYL KETONE (2-HEXANONE)	591-78-6	1.1	0.27E	4.4	1.1E	110	27E	440	110E	1.1	0.27E	4.4	1.1E	110	27E	NA
METHYL METHACRYLATE	80-62-6	[190] 150	[26] 20E	[410] 620	[56] 84E	10,000	[2,600] 2,000E	10,000	[5,600] 8,400E	[190] 150	[26] 20E	[410] 620	[56] 84E	10,000	[5,600] 8,400E	NA
METHYL METHANESULFONATE	66-27-3	0.67	0.083E	2.6	0.32E	67	8.3E	260	32E	0.67	0.083E	2.6	0.32E	67	8.3E	NA

¹ For other options see Section 250.308

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REGULATED SUBSTANCE	CASRN	Used Aquifers												Non-Use Aquifers				Soil Buffer Distance (feet)
		TDS ≤ 2500						TDS > 2500						Residential		Non-Residential		
		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
METHYL PARATHION	298-00-0	[0.2] 0.1	[0.42] E 0.21	[0.2] 0.1	[0.42] E 0.21	[20] 10	[42] 21	[20] 10	[42] 21	[20] 100	[42] 210	[20] 100	[42] 210	[20] 100	[42] 210	E	30	
METHYL STYRENE (MIXED ISOMERS)	25013-15-4	[22] 8.4	[120] 47 E 200	[61] 35	[340] E 200	[2,200] 840	[12,000] 4,700	[6,100] 3,500	[34,000] 10,000	[22] 8.4	[120] 47 E	[61] 35	[340] 200	[22] 8.4	[120] 47 E	E	15	
METHYL TERT-BUTYL ETHER (MTBE)	1634-04-4	2	0.28 E	2	0.28 E	200	28 E	200	28 E	200	28 E	20	2.8 E	20	2.8 E	E	NA	
METHYLCHLOROPHENOXYACETIC ACID (MCPA)	94-74-6	3	1.2 E	3	1.2 E	300	120 E	300	120 E	300	120 E	3,000	1,200 E	3,000	1,200 E	E	NA	
METHYLENE BIS(2-CHLOROANILINE), 4,4'-	101-14-4	[0.51] 0.22	[3.9] 1.7 E	[2] 2.6	[15] 20 E	[51] 22	[390] 170	[200] 260	[1,500] 2,000	[0.51] 0.22	[3.9] 1.7 E	[2] 2.6	[15] 20 E	[0.51] 0.22	[3.9] 1.7 E	E	15	
METHYLNAPHTHALENE, 2-	91-57-6	[73] 15	[2,900] 600	[200] 41	[8,000] 1,600	[2,500] 1,500	[10,000] 60,000	2,500	[10,000] 100,000	[73] 15	[2,900] 600	[200] 41	[8,000] 1,600	[73] 15	[2,900] 600	E	15	
METHYLSTYRENE, ALPHA	98-83-9	[68] 260	[120] 460	[140] 720	[250] 1,300	[6,800] 10,000	[12,000] 10,000	[14,000] 10,000	[25,000] 10,000	[68] 260	[120] 460	[140] 720	[250] 1,300	[68] 260	[120] 460	E	30	
METOLACHLOR	51218-45-2	70	40 E	70	40 E	7,000	4,000 E	7,000	4,000 E	70	40 E	70	40 E	70	40 E	E	NA	
METIBUZIN	21087-64-9	7	2.4 E	7	2.4 E	700	240 E	700	240 E	7	2.4 E	7	2.4 E	7	2.4 E	E	NA	
MONOCHLOROACETIC ACID	79-11-8	7	0.78 E	7	0.78 E	700	78 E	700	78 E	7	0.78 E	7	0.78 E	7	0.78 E	E	NA	
NAPHTHALENE	91-20-3	10	25 E	10	25 E	1,000	2,500 E	1,000	2,500 E	37	300 E	140	1,100 E	37	300 E	E	15	
NAPHTHYLAMINE, 1-	134-32-7	0.037	0.3 E	0.14	1.1 E	3.7	30 E	14	110 E	14	4.6 E	140	1,100 E	37	300 E	E	NA	
NAPHTHYLAMINE, 2-	91-59-8	0.037	0.012 E	0.14	0.046 E	3.7	1.2 E	14	4.6 E	37	12 E	140	46 E	37	12 E	E	NA	
NAPROPAMIDE	15299-99-7	370	860 E	1,000	2,300 E	7,000	16,000 E	7,000	16,000 E	370	860 E	1,000	2,300 E	370	860 E	E	30	
NITROANILINE, M-	99-09-2	[0.21] 1.1	[0.033] E	[0.58] 3.1	[0.091] E	[21] 110	[3.3] 17 E	[58] 310	[9.1] 48 E	[0.21] 1.1	[0.033] E	[0.58] 3.1	[0.091] E	[0.21] 1.1	[0.033] E	E	NA	
NITROANILINE, O-	88-74-4	[0.21] 1.1	[0.038] E	[0.58] 3.1	[0.1] 5.5 E	[21] 110	[3.8] 200	[58] 310	[10] 550	[0.21] 1.1	[0.038] E	[0.58] 3.1	[0.1] 5.5 E	[0.21] 1.1	[0.038] E	E	NA	
NITROANILINE, P-	100-01-6	[0.21] 3.3	[0.031] E	[0.58] 13	[0.086] E	[21] 330	[3.1] 49 E	[58] 190	[8.6] 190	[0.21] 3.3	[0.031] E	[0.58] 13	[0.086] E	[0.21] 3.3	[0.031] E	E	NA	

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REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)	
		TDS ≤ 2500						TDS > 2500							
		Residential			Non-Residential			Residential			Non-Residential				
		100 X GW MSC	Generic Value	100 X MSC	Generic Value	100 X MSC	Generic Value	100 X MSC	Generic Value	100 X MSC	Generic Value	100 X MSC	Generic Value		
NITROBENZENE	98-95-3	[1.8] 7.3	[0.79] 3.2	[5.1] 20	[2.2] 8.7	[180] 730	[79] 320	[220] 870	[1,800] 7,300	[5,100] 20,000	[1,800] 7,300	[2,200] 8,700	[5,100] 20,000	[2,200] 8,700	NA
NITROGUANIDINE	556-88-7	70	7.8	70	7.8	7,000	780	7,000	780	7,000	70	7.8	70	7.8	NA
NITROPHENOL, 2-	88-75-5	29	5.9	82	17	2,900	590	8,200	1,700	29,000	5,900	17,000	82,000	17,000	NA
NITROPHENOL, 4-	100-02-7	6	4.1	6	4.1	600	410	600	410	6,000	4,100	6,000	4,100	NA	
NITROPROPANE, 2-	79-46-9	[0.0016] 0.0018	[0.00026] 1	[0.0068] 1	[0.0011] 0.0015	[0.16] 0.18	[0.026] 0.029	[0.68] 0.93	[0.11] 0.15	[0.016] 0.029	[0.068] 0.093	[0.016] 0.029	[0.068] 0.093	[0.016] 0.029	NA
NITROSODIETHYLAMINE, N-	55-18-5	[0.0001] 0.000045	[0.00001] 0.000008	[0.0004] 0.00058	[0.00007] 0.00001	[0.01] 0.0045	[0.0018] 0.0008	[0.043] 0.058	[0.0076] 0.01	[0.0018] 0.0004	[0.0043] 0.0058	[0.0018] 0.0008	[0.0043] 0.0058	[0.0018] 0.0008	NA
NITROSODIMETHYLAMINE, N-	62-75-9	[0.00031] 0.00014	[0.00004] 0.00001	[0.0013] 0.0018	[0.00017] 0.00024	[0.031] 0.014	[0.0041] 0.0019	[0.13] 0.18	[0.017] 0.024	[0.003] 0.0014	[0.0041] 0.0019	[0.003] 0.0014	[0.0041] 0.0019	[0.003] 0.0014	NA
NITROSO-DI-N-BUTYLAMINE, N-	924-16-3	[0.0027] 0.012	[0.0033] 0.015	[0.011] 0.048	[0.014] 0.059	[0.27] 1.2	[0.33] 1.5	[1.1] 4.8	[1.4] 5.9	[0.27] 1.2	[0.33] 1.5	[1.1] 4.8	[1.4] 5.9	[0.27] 1.2	NA
NITROSO-DI-N-PROPYLAMINE, N-	621-64-7	0.0094	0.0013	0.037	0.0051	0.94	0.13	3.7	0.51	9.4	1.3	37	5.1	37	NA
NITROSODIPHENYLAMINE, N-	86-30-6	13	20	53	83	1,300	2,000	3,500	5,500	3,500	5,500	3,500	5,500	3,500	30
NITROSO-N-ETHYLUREA, N-	759-73-9	[0.00047] 0.0008	[0.00005] 0.00009	[0.0019] 0.0096	[0.00022] 0.0011	[0.047] 0.08	[0.0054] 0.0092	[0.19] 0.96	[0.022] 0.11	[0.047] 0.092	[0.19] 0.96	[0.022] 0.11	[0.047] 0.092	[0.19] 0.96	NA
OCTYL PHTHALATE, DI-N-	117-84-0	[73] 150	10,000	[200] 300	10,000	300	10,000	300	10,000	300	10,000	300	10,000	300	5
OXAMYL (VYDATE)	23135-22-0	20	2.6	20	2.6	2,000	260	2,000	260	2,000	260	2,000	260	2,000	NA
PARAQUAT	1910-42-5	3	120	3	120	300	12,000	300	12,000	3	120	3	120	3	15
PARATHION	56-38-2	22	130	61	360	2,000	10,000	2,000	10,000	22	130	61	360	2,000	15
PCB-1016 (AROCLOR)	12674-11-2	0.26	72	0.72	200	25	6,900	25	6,900	0.26	72	0.72	200	0.26	10
PCB-1221 (AROCLOR)	11104-28-2	[0.13] 0.033	[0.63] 0.16	[0.52] 0.13	[2.5] 0.63	[13] 3.3	[63] 16	[52] 13	[250] 63	[0.13] 0.033	[0.63] 0.16	[0.52] 0.13	[2.5] 0.63	[0.13] 0.033	20

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REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)	
		TDS ≤ 2500						TDS > 2500							
		Residential			Non-Residential			Residential			Non-Residential				
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value		
PCB-1232 (AROCLOR)	11141-16-5	[0.13] 0.033	[0.5] E 0.13	[0.52] 0.13	[2] 0.5 E 0.13	[50] 13 E 50	[13] 3.3 E 50	[50] 13 E 50	[52] 13 E 50	[200] E 50	[0.13] 0.033	[0.5] E 0.13	[0.52] 0.13	[2] 0.5 E 0.13	20
PCB-1242 (AROCLOR)	53469-21-9	[0.13] 0.033	[16] 4 E 0.13	[0.52] 0.13	[62] 16 E 400	[10] 3.3 E 400	[1,200] E 400	[1,200] E 400	[10] 3.3 E 400	10	[0.13] 0.033	[16] 4 E 0.13	[0.52] 0.13	[62] 16 E 0.13	10
PCB-1248 (AROCLOR)	12672-29-6	[0.037] 0.033	[18] 16 E 0.13	[0.14] 0.13	[67] 62 E 1,600	[4] 3.3 E 1,600	[1,800] E 1,600	[1,800] E 1,600	[4] 3.3 E 1,600	5.4	[0.04] 0.033	[18] 16 E 0.13	[0.14] 0.13	[67] 62 E 0.13	10
PCB-1254 (AROCLOR)	11097-69-1	[0.037] 0.033	[75] 67 E 260	[0.14] 0.13	[280] E 260	[4] 3.3 E 6,700	[7,500] E 6,700	[7,500] E 6,700	[4] 3.3 E 6,700	5.7	[0.04] 0.033	[75] 67 E 0.13	[0.14] 0.13	[280] E 260	5
PCB-1260 (AROCLOR)	11096-82-5	[0.11] 0.033	[500] E 150	[0.43] 0.13	[1,900] E 590	[8] 3.3 E 15,000	[36,000] E 15,000	[36,000] E 15,000	[8] 3.3 E 15,000	8	[0.11] 0.033	[500] E 150	[0.43] 0.13	[1,900] E 590	5
PEBULATE	1114-71-2	180	300 E	510	860 E	9,200	10,000 C	10,000 C	9,200	9,200	180	300 E	510	860 E	30
PENTACHLOROBENZENE	608-93-5	2.9	230 E	8.2	660 E	74	5,900 E	5,900 E	74	74	74	5,900 E	74	5,900 E	10
PENTACHLOROETHANE	76-01-7	0.73	3.6 E	2.9	14 E	73	360 E	360 E	290	290	0.73	3.6 E	2.9	14 E	20
PENTACHLORONITROBENZENE	82-68-8	0.25	5 E	1	20 E	25	500 E	500 E	44	44	44	870 E	44	870 E	15
PENTACHLOROPHENOL	87-86-5	0.1	5 E	0.1	5 E	10	500 E	500 E	10	10	100	5,000 E	100	5,000 E	10
PHENACETIN	62-44-2	30	12 E	120	46 E	3,000	1,200 E	1,200 E	12,000	12,000	30,000	12,000 E	76,000	29,000 E	NA
PHENANTHRENE	85-01-8	110	10,000 E	110	10,000 E	110	10,000 E	10,000 E	110	10,000 E	110	10,000 E	110	10,000 E	10
PHENOL	108-95-2	[400] 200	[66] 33 E	[400] 200	[66] 33 E	[40,000] 3,300	[6,600] E	[6,600] E	[40,000] 3,300	[40,000] 3,300	[40,000] 3,300	[6,600] E	[40,000] 3,300	[6,600] E	NA
PHENYL MERCAPTAN	108-98-5	0.037	0.056 E	0.1	0.15 E	3.7	5.6 E	5.6 E	10	15	0.037	0.056 E	0.1	0.15 E	30
PHENYLENEDIAMINE, M-	108-45-2	22	3.1 E	61	8.6 E	2,200	310 E	310 E	6,100	860 E	22,000	3,100 E	61,000	8,600 E	NA
PHENYLPHENOL, 2-	90-43-7	[34] 35	[490] E	[130] 140	[1,900] E	[3,400] 3,500	[49,000] E	[49,000] E	[13,000] 14,000	[190,000] E	[34,000] 35,000	[190,000] C	[70,000] 190,000 C	[190,000] C	15
PHORATE	298-02-2	[0.19] 0.73	[0.41] E 1.6	[0.41] 2	[0.88] E 4.3	[19] 73	[41] E 160	[41] E 160	[41] E 200	[88] E 430	[0.19] 0.73	[0.41] E 1.6	[0.41] 2	[0.88] E 4.3	30
PHTHALIC ANHYDRIDE	85-44-9	7,300	2,300 E	20,000	6,200 E	190,000	190,000 C	190,000 C	190,000	190,000	190,000	190,000 C	190,000	190,000 C	NA
PICLORAM	1918-02-1	50	7.4 E	50	7.4 E	5,000	740 E	740 E	5,000	5,000	50	7.4 E	50	7.4 E	NA

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		TDS ≤ 2500						TDS > 2500						Non-Use Aquifers					
		Residential			Non-Residential			Residential			Non-Residential			Residential			Non-Residential		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	Soil Buffer Distance (feet)	
PROMETON	1610-18-0	10	9.8 E	10	9.8 E	1,000	980 E	1,000	980 E	1,000	980 E	10	9.8 E	10	9.8 E	NA			
PRONAMIDE	23950-58-5	[5] 770	[3.1] 470 E	[5] 770	[3.1] 470 E	[500]	[310] E	[500]	[310] E	[500]	[310] E	[5]	[3.1] 170 E	[5] 770	[3.1] E	NA			
PROPANIL	709-98-8	18	9.2 E	51	26 E	1,800	920 E	5,100	2,600 E	1,800	920 E	18	9.2 E	51	26 E	NA			
PROPANOL, 2-(ISOPROPYL ALCOHOL)	67-63-0	1,500	260 E	6,200	1,100 E	10,000	10,000 C	10,000	10,000 C	10,000	10,000 C	1,500	260 E	6,200	1,100 E	NA			
PROPAZINE	139-40-2	1	0.5 E	1	0.5 E	100	50 E	100	50 E	100	50 E	1	0.5 E	1	0.5 E	NA			
PROPHAM	122-42-9	[73] 10	[17] 2.4 E	[200]	[48] 2.4 E	[7,300]	[1,700] E	[20,000]	[4,800] E	[73]	[17] 2.4 E	[200] 10	[48] 2.4 E	[200] 10	[48] 2.4 E	NA			
PROPYLBENZENE, N-	103-65-1	150	290 E	410	780 E	5,200	9,900 E	5,200	9,900 E	150	290 E	410	780 E	150	290 E	30			
PROPYLENE OXIDE	75-56-9	0.28	0.049 E	1.1	0.19 E	28	4.9 E	110	19 E	0.28	0.049 E	1.1	0.19 E	1.1	0.19 E	NA			
PYRENE	129-00-0	13	2,200 E	13	2,200 E	13	2,200 E	13	2,200 E	13	2,200 E	13	2,200 E	13	2,200 E	10			
PYRIDINE	110-86-1	[0.97] 3.7	[0.11] E	[2] 10	[0.22] E	[97]	[11] 4.1 E	[200]	[22] E	[97]	[11] 4.1 E	[20] 100	[2.2] 1.1 E	[20] 100	[2.2] 1.1 E	NA			
QUINOLINE	91-22-5	[0.0055]	[0.018] E	[0.022]	[0.074] E	[0.55]	[1.8] E	[2.2]	[7.4] 29 E	[5.5]	[18] 7.4 E	[22] 87	[74] E	[22] 87	[74] E	20			
QUIZALOFOP (ASSURE)	76578-14-8	30	47 E	30	47 E	30	47 E	30	47 E	30	47 E	30	47 E	30	47 E	30			
RDX	121-82-4	0.2	0.057 E	0.2	0.057 E	20	5.7 E	20	5.7 E	0.2	0.057 E	0.2	0.057 E	0.2	0.057 E	NA			
RESORCINOL	108-46-3	7,300	850 E	20,000	2,300 E	190,000	85,000 E	190,000	190,000 C	7,300	850 E	20,000	850 E	20,000	2,300 E	NA			
RONNEL	299-84-3	180	280 E	510	800 E	4,000	6,200 E	4,000	6,200 E	180	280 E	510	800 E	180	280 E	30			
SIMAZINE	122-34-9	0.4	0.15 E	0.4	0.15 E	40	15 E	40	15 E	0.4	0.15 E	0.4	0.15 E	0.4	0.15 E	NA			
STRYCHNINE	57-24-9	1.1	0.89 E	3.1	2.5 E	110	89 E	310	250 E	1.1	0.89 E	3.1	2.5 E	1,100	890 E	NA			
STYRENE	100-42-5	10	24 E	10	24 E	1,000	2,400 E	1,000	2,400 E	10	24 E	1,000	2,400 E	1,000	2,400 E	30			
TEBUTHIURON	34014-18-1	50	83 E	50	83 E	5,000	8,300 E	5,000	8,300 E	50	83 E	50	83 E	50	83 E	30			
TERBACIL	5902-51-2	9	2.2 E	9	2.2 E	900	220 E	900	220 E	9	2.2 E	9	2.2 E	9	2.2 E	NA			
TERBUFOS	13071-79-9	[0.09]	[0.12] E	[0.09]	[0.12] E	[9] 4	[12] 5.5 E	[9] 4	[12] 5.5 E	[0.09]	[0.12] E	[0.09]	[0.12] E	[0.09]	[0.12] E	30			
TETRACHLOROBENZENE, 1,2,4,5-	95-94-3	1.1	5.1 E	3.1	14 E	58	270 E	58	270 E	1.1	5.1 E	3.1	14 E	58	270 E	20			
TETRACHLORODIBENZO-P- DIOXIN, 2,3,7,8- (TCDD)	1746-01-6	0.000003	0.032 E	0.00000	0.032 E	0.0003	3.2 E	0.0003	3.2 E	0.0003	3.2 E	0.0019	20 E	0.0019	20 E	5			
TETRACHLOROETHANE, 1,1,1,2-	630-20-6	7	18 E	7	18 E	700	1,800 E	700	1,800 E	7	18 E	700	1,800 E	700	1,800 E	30			

¹ For other options see Section 250.308

All concentrations in mg/kg

E - Number calculated by the soil to groundwater equation in Section 250.308

C - Cap

NA - The soil buffer distance option is not available for this substance

APPENDIX A
 TABLE 3 - MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN SOIL
 B. Soil to Groundwater Numeric Values¹

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)		
		TDS ≤ 2500						TDS > 2500								
		Residential			Non-Residential			Residential			Non-Residential					
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value			
TETRACHLOROETHANE, 1,1,2,2-	79-34-5	0.03	0.0093 E	0.03	0.0093 E	3	0.93 E	3	0.93 E	3	0.93 E	3	0.93 E	3	0.93 E	NA
	127-18-4	0.5	0.43 E	50	43 E	50	43 E	50	43 E	50	43 E	50	43 E	50	43 E	NA
TETRACHLOROPHENOL, 2,3,4,6-	58-90-2	[29] 110	[450] E 1,700	[61] 310	[950] E 4,800	[2,900] 11,000	[45,000] E 170,000	[6,100] 18,000	[95,000] E 190,000	[2,900] 18,000	[45,000] E 190,000	[6,100] 18,000	[95,000] E 190,000	[16,100] 18,000	[195,000] E 190,000	15
	78-00-2	0.00037	0.0046 E	0.001	0.012 E	0.037	0.46 E	0.1	1.2 E	0.37	4.6 E	0.1	1.2 E	0.37	4.6 E	15
TETRAETHYL LEAD	3689-24-5	[0.49] 1.8	[0.73] E 2.7	[1] 5.1	[1.5] 7.6 E	[49] 180	[73] E 270	[100] 510	[150] E 760	[0.49] E 1.8	[0.73] E 2.7	[100] 510	[150] E 760	[1] 5.1	[1.5] E 7.6	30
	109-99-9	2.5	0.55 E	13	2.8 E	250	55 E	1,300	280 E	2.5	0.55 E	13	2.8 E	2.5	0.55 E	NA
THIOFANOX	39196-18-4	1.1	0.12 E	3.1	0.34 E	110	12 E	310	34 E	1.1	0.12 E	3.1	0.34 E	1.1	0.12 E	NA
	137-26-8	18	47 E	51	130 E	1,800	4,700 E	3,000	7,800 E	18	47 E	51	130 E	18	47 E	20
THIRAM	108-88-3	100	44 E	100	44 E	10,000	4,400 E	10,000	4,400 E	10,000	4,400 E	10,000	4,400 E	10,000	4,400 E	NA
	108-44-1	[0.28] 0.37	[0.13] E 0.17	[1.1] 1.4	[0.51] E 0.65	[28] 37	[13] 17 E	[110] 140	[51] 65 E	[0.28] E 0.37	[0.13] E 0.17	[1.1] 1.4	[0.51] E 0.65	[1.1] 1.4	[0.51] E 0.65	NA
TOLUIDINE, M-	95-53-4	[0.28] 0.37	[0.32] E 0.42	[1.1] 1.4	[1.2] 1.6 E	[28] 37	[32] 42 E	[110] 140	[120] E 160	[280] E 370	[320] E 420	[1,100] E 1,400	[1,200] E 1,600	[1,100] E 1,400	[1,200] E 1,600	NA
	106-49-0	0.35	0.32 E	1.4	1.3 E	35	32 E	140	130 E	0.35	0.32 E	1.4	1.3 E	0.35	0.32 E	NA
TOLUIDINE, P-	8001-35-2	0.3	1.2 E	0.3	1.2 E	30	120 E	30	120 E	0.3	1.2 E	0.3	1.2 E	0.3	1.2 E	20
	2303-17-5	47	240 E	130	660 E	400	2,000 E	400	2,000 E	47	240 E	130	660 E	47	240 E	15
TRIBROMOMETHANE (BROMOFORM)	75-25-2	[10] 8	[4.4] 3.5 E	[10] 8	[4.4] 3.5 E	[1,000] 800	[440] E 350	[1,000] 800	[440] E 350	[1,000] 800	[440] E 350	[1,000] 800	[440] E 350	[1,000] 800	[440] E 350	NA
	76-13-1	[8,300] 6,300	[26,000] E 10,000 E	[17,000] E 10,000 E	[53,000] E 10,000 E	[17,000] E 10,000 E	[53,000] E 10,000 E	[17,000] E 10,000 E	[53,000] E 10,000 E	[17,000] E 10,000 E	[53,000] E 10,000 E	[17,000] E 10,000 E	[53,000] E 10,000 E	[17,000] E 10,000 E	[53,000] E 10,000 E	20
TRICHLOROETHANE, 1,1,2-	120-82-1	7	27 E	7	27 E	700	2,700 E	700	2,700 E	7	27 E	700	2,700 E	700	2,700 E	20
	108-70-3	4	31 E	4	31 E	400	3,100 E	400	3,100 E	4	31 E	400	3,100 E	4	31 E	15
TRICHLOROETHANE, 1,1,1-	71-55-6	20	7.2 E	20	7.2 E	2,000	720 E	2,000	720 E	20	7.2 E	2,000	720 E	200	72 E	NA
	79-00-5	0.5	0.15 E	0.5	0.15 E	50	15 E	50	15 E	0.5	0.15 E	50	15 E	5	1.5 E	NA

¹ For other options see Section 250.308
 All concentrations in mg/kg
 E - Number calculated by the soil to groundwater equation in Section 250.308
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APPENDIX A
TABLE 3 - MEDIUM-SPECIFIC CONCENTRATIONS (MSCs) FOR ORGANIC REGULATED SUBSTANCES IN SOIL
 B. Soil to Groundwater Numeric Values¹

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)
		TDS ≤ 2500						TDS > 2500						
		Residential			Non-Residential			Residential			Non-Residential			
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
TRICHLOROETHYLENE (TCE)	79-01-6	0.5	0.17 E	0.5	0.17 E	50	17 E	50	17 E	5	1.7 E	5	1.7 E	NA
TRICHLOROPHENOL, 2,4,5-	95-95-4	370	2,300 E	1,000	6,100 E	37,000	190,000 C	100,000	190,000 C	100,000	190,000 C	100,000	190,000 C	15
TRICHLOROPHENOL, 2,4,6-	88-06-2	[1.1] 3.7	[3.1] 11 E	[3.1] 10	[8.9] 29 E	[110]	[310] E	[310]	[890] E	[1,100]	[3,100] E	[3,100]	[8,900] E	20
TRICHLOROPHENOXACETIC ACID, 2,4,5- (2,4,5-T)	93-76-5	7	1.5 E	7	1.5 E	700	150 E	700	150 E	7,000	1,500 E	7,000	1,500 E	NA
TRICHLOROPHENOXYPROPIONIC ACID, 2,4,5- (2,4,5-TP)(SILVEX)	93-72-1	5	22 E	5	22 E	500	2,200 E	500	2,200 E	5	22 E	5	22 E	20
TRICHLOROPROPANE, 1,1,2-	598-77-6	18	3.1 E	51	8.7 E	1,800	310 E	5,100	870 E	18	3.1 E	51	8.7 E	NA
TRICHLOROPROPANE, 1,2,3-	96-18-4	4	3.2 E	4	3.2 E	400	320 E	400	320 E	400	320 E	400	320 E	NA
TRICHLOROPROPENE, 1,2,3-	96-19-5	[18] 0.21	[11] 0.12 E	[51] 0.88	[30] 0.52 E	[1,800]	[1,100] E	[5,100]	[3,000] E	[18]	[11] 0.12 E	[51] 0.88	[30] E	NA
TRIETHYLAMINE	121-44-8	1.5	0.36 E	6.2	1.5 E	150	36 E	620	150 E	1.5	0.36 E	6.2	1.5 E	NA
TRIFLURALIN	1582-09-8	0.5	0.96 E	0.5	0.96 E	50	96 E	50	96 E	0.5	0.96 E	0.5	0.96 E	30
TRIMETHYLBENZENE, 1,3,4- (TRIMETHYLBENZENE, 1,2,4-)	95-63-6	[1.6] 1.5	[9] 8.4 E	[3.5]	[20] 35 E	[160]	[900] E	[350]	[2,000] E	[160]	[900] E	[350]	[2,000] E	15
TRIMETHYLBENZENE, 1,3,5-	108-67-8	[1.6] 1.3	[2.8] 2.3 E	[3.5]	[6.2] 9.3 E	[160]	[280] E	[350]	[620] E	[1.6]	[2.8] 2.3 E	[3.5] 5.3	[6.2] E	30
TRINITROGLYCEROL (NITROGLYCERIN)	55-63-0	0.5	0.056 E	0.5	0.056 E	50	5.6 E	50	5.6 E	0.5	0.056 E	0.5	0.056 E	NA
TRINITROTOLUENE, 2,4,6-	118-96-7	0.2	0.023 E	0.2	0.023 E	20	2.3 E	20	2.3 E	0.2	0.023 E	0.2	0.023 E	NA
VINYL ACETATE	108-05-4	[55] 42	[6.5] 5 E	[120]	[14] 21 E	[5,500]	[650] E	[10,000]	[1,400] E	[55]	[6.5] 5 E	[120]	[14] 21 E	NA
VINYL BROMIDE (BROMOETHENE)	593-60-2	[0.14] 0.15	[0.068] 0.073 E	[0.58] 0.78	[0.28] 0.38 E	[14] 15	[6.8] 7.3 E	[58] 78	[28] 38 E	[1.4]	[0.68] 0.73 E	[5.8] 7.8	[2.8] E	NA
VINYL CHLORIDE	75-01-4	0.2	0.027 E	0.2	0.027 E	20	2.7 E	20	2.7 E	2	0.27 E	2	0.27 E	NA
WARFARIN	81-81-2	1.1	2.6 E	3.1	7.4 E	110	260 E	310	740 E	1,100	2,600 E	1,700	4,100 E	30
XYLENES (TOTAL)	1330-20-7	1,000	990 E	1,000	990 E	10,000	10,000 C	10,000	10,000 C	10,000	10,000 C	10,000	10,000 C	NA
ZINEB	12122-67-7	180	29 E	510	81 E	1,000	160 E	1,000	160 E	180	29 E	510	81 E	NA

¹ For other options see Section 250.308
 All concentrations in mg/kg
 E - Number calculated by the soil to groundwater equation in Section 250.308
 C - Cap
 NA - The soil buffer distance option is not available for this substance

APPENDIX A
Table 4 - Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Soil
A. Direct Contact Numeric Values

REGULATED SUBSTANCE	CASRN	Residential MSC 0-15 feet	Non-Residential MSCs				
			Surface Soil 0-2 feet		Subsurface Soil 2-15 feet		
ALUMINUM	7429-90-5	190,000	C	190,000	C	190,000	C
ANTIMONY	7440-36-0	88	G	1,100	G	190,000	C
ARSENIC	7440-38-2	12	G	53	G	190,000	C
BARIUM AND COMPOUNDS	7440-39-3	<u>[15,000]</u> <u>44,000</u>	G	190,000	C	190,000	C
BERYLLIUM	7440-41-7	440	G	5,600	G	190,000	C
BORON AND COMPOUNDS	7440-42-8	<u>[20,000]</u> <u>44,000</u>	G	190,000	C	190,000	C
CADMIUM	7440-43-9	<u>[47]</u> <u>110</u>	G	<u>[210]</u> <u>1,400</u>	G	190,000	C
CHROMIUM III	16065-83-1	190,000	C	190,000	C	190,000	C
CHROMIUM VI	18540-29-9	<u>[94]</u> <u>660</u>	G	<u>[420]</u> <u>8,400</u>	G	<u>[190,000]</u> <u>20,000</u>	<u>C</u> <u>N</u>
COBALT	7440-48-4	<u>[4,400]</u> <u>66</u>	G	<u>[56,000]</u> <u>840</u>	G	190,000	C
COPPER	7440-50-8	<u>[8,200]</u> <u>8,100</u>	G	100,000	G	190,000	C
CYANIDE, FREE	57-12-5	4,400	G	56,000	G	190,000	C
FLUORIDE	<u>16984-48-8</u>	<u>8,800</u>	<u>G</u>	<u>110,000</u>	<u>G</u>	<u>190,000</u>	<u>G</u>
IRON	7439-89-6	<u>[66,000]</u> <u>150,000</u>	G	190,000	C	190,000	C
LEAD	7439-92-1	500	U	1,000	S	190,000	C
LITHIUM	<u>7439-93-0</u>	<u>440</u>	<u>G</u>	<u>5,600</u>	<u>G</u>	<u>190,000</u>	<u>C</u>
MANGANESE	7439-96-5	<u>[31,000]</u> <u>10,000</u>	G	<u>[190,000]</u> <u>130,000</u>	C	190,000	C
MERCURY	7439-97-6	<u>[66]</u> <u>35</u>	G	<u>[840]</u> <u>450</u>	G	190,000	C
MOLYBDENUM	<u>7439-98-7</u>	<u>1,100</u>	<u>G</u>	<u>14,000</u>	<u>G</u>	<u>190,000</u>	<u>C</u>
NICKEL	7440-02-0	4,400	G	56,000	G	190,000	C
PERCHLORATE	<u>7790-98-9</u>	<u>150</u>	<u>G</u>	<u>2,000</u>	<u>G</u>	<u>190,000</u>	<u>G</u>
SELENIUM	7782-49-2	1,100	G	14,000	G	190,000	C
SILVER	7440-22-4	1,100	G	14,000	G	190,000	C
THALLIUM	7440-28-0	15	G	200	G	190,000	C
TIN	7440-31-5	130,000	G	190,000	C	190,000	C
VANADIUM	7440-62-2	1,500	G	20,000	G	190,000	C
ZINC	7440-66-6	66,000	G	190,000	C	190,000	C

All concentrations in mg/kg

G - Ingestion
 N - Inhalation
 C - Cap
 U - UBK Model
 S - SEGH Model

APPENDIX A
 Table 4 - Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Soil
 B. Soil to Groundwater Numeric Values

REGULATED SUBSTANCE	CASRN	Used Aquifers										Non-use Aquifers						Soil Buffer Distance (feet)			
		TDS = 2500					TDS > 2500					R			NR						
		R		NR		Generic Value	R		NR		Generic Value	R		NR		Generic Value	R		NR		
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value		100 X GW MSC		Generic Value		
ALUMINIUM	7429-90-5	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
ANTIMONY	7440-36-0	0.6	27	0.6	2,700	60	2,700	60	2,700	600	27,000	600	27,000	600	27,000	600	27,000	600	27,000	15	
ARSENIC	7440-38-2	[5] 1	[150] 29	[5] 1	[150] 29	[500] 100	[15,000] 5,000	[500] 100	[15,000] 2,900	[5,000] 1,000	[150,000] 29,000	[5,000] 1,000	[150,000] 29,000	[5,000] 1,000	[150,000] 29,000	[5,000] 1,000	[150,000] 29,000	[5,000] 1,000	[150,000] 29,000	15	
BARIUM AND COMPOUNDS	7440-39-3	200	8,200	200	8,200	20,000	190,000	20,000	190,000	20,000	190,000	20,000	190,000	20,000	190,000	20,000	190,000	20,000	190,000	15	
BERYLLIUM	7440-41-7	0.4	320	0.4	320	40	32,000	40	32,000	40	32,000	40	32,000	40	32,000	40	32,000	40	32,000	10	
BORON AND COMPOUNDS	7440-42-8	60	[6.7] 190	60	[6.7] 190	6,000	[670] 19,000	6,000	[670] 19,000	6,000	[670] 19,000	6,000	[670] 19,000	6,000	[670] 19,000	6,000	[670] 19,000	6,000	[670] 19,000	[NA] 30	
CADMIUM	7440-43-9	0.5	38	0.5	38	50	3,800	50	3,800	50	3,800	50	3,800	50	3,800	50	3,800	50	3,800	15	
CHROMIUM (III)	16065-83-1	10	190,000	10	190,000	1,000	190,000	1,000	190,000	1,000	190,000	1,000	190,000	1,000	190,000	1,000	190,000	1,000	190,000	5	
CHROMIUM (VI)	18540-29-9	10	190	10	190	1,000	19,000	1,000	19,000	1,000	19,000	1,000	19,000	1,000	19,000	1,000	19,000	1,000	19,000	15	
COBALT	7440-48-4	[73] 1	[8.1] 50	[200] 3	[22] 140	[7,300] 110	[810] 5,000	[7,300] 110	[810] 5,000	[20,000] 310	[2,200] 14,000	[73,000] 1,100	[8,100] 50,000	[22,000] 3,100	[190,000] 140,000	[22,000] 3,100	[190,000] 140,000	[22,000] 3,100	[190,000] 140,000	[NA] 15	
COPPER	7440-50-8	100	[36,000] 43,000	100	[36,000] 43,000	10,000	190,000	10,000	190,000	10,000	190,000	10,000	190,000	10,000	190,000	10,000	190,000	10,000	190,000	10	
CYANIDE, FREE	57-12-5	20	200	20	200	2,000	20,000	2,000	20,000	2,000	20,000	2,000	20,000	2,000	20,000	2,000	20,000	2,000	20,000	20	
FLUORIDE	16984-48-8	400	44	400	44	40,000	4,400	40,000	4,400	40,000	4,400	40,000	4,400	40,000	4,400	40,000	4,400	40,000	4,400	20	
IRON	7439-89-6	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
LEAD	7439-92-1	0.5	450	0.5	450	50	45,000	50	45,000	50	45,000	50	45,000	50	45,000	50	45,000	50	45,000	10	
LITHIUM	7439-93-2	7	2,200	20	6,000	730	190,000	20	190,000	2,000	190,000	2,000	190,000	2,000	190,000	2,000	190,000	2,000	190,000	10	
MANGANESE	7439-96-5	[NA] 30	[NA] 30	[NA] 30	[NA] 30	3,000	[NA] 3,000	3,000	[NA] 3,000	3,000	[NA] 3,000	3,000	[NA] 3,000	3,000	[NA] 3,000	3,000	[NA] 3,000	3,000	[NA] 3,000	[NA] 15	
MERCURY	7439-97-6	0.2	10	0.2	10	20	1,000	20	1,000	20	1,000	20	1,000	20	1,000	20	1,000	20	1,000	15	
MOLYBDENUM	7439-98-7	4	650	4	650	400	65,000	400	65,000	400	65,000	400	65,000	400	65,000	400	65,000	400	65,000	15	
NICKEL	7440-02-0	10	650	10	650	1,000	65,000	1,000	65,000	1,000	65,000	1,000	65,000	1,000	65,000	1,000	65,000	1,000	65,000	15	
PERCHLORATE	7790-98-9	2.6	0.29	7.2	0.8	260	29	260	29	720	80	2,600	290	7,200	800	26,000	290	7,200	800	NA	
SELENIUM	7782-49-2	5	26	5	26	500	2,600	500	2,600	500	2,600	500	2,600	500	2,600	500	2,600	500	2,600	20	
SILVER	7440-22-4	10	84	10	84	1,000	8,400	1,000	8,400	1,000	8,400	1,000	8,400	1,000	8,400	1,000	8,400	1,000	8,400	20	
THALLIUM	7440-28-0	0.2	14	0.2	14	20	1,400	20	1,400	20	1,400	20	1,400	20	1,400	20	1,400	20	1,400	15	

¹ For other options see Section 250.308

All concentrations in mg/kg

R - Residential

NR - Non-Residential

[G - Ingestion]

[H - Inhalation]

[C - Cap]

[U - UBK Model]

[S - SEGH Model]

NA - Not Applicable

APPENDIX A
 Table 4 - Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Soil
 B. Soil to Groundwater Numeric Values

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)		
		TDS = 2500						TDS > 2500								
		R		NR		R		NR		R		NR				
		100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value			
TIN	7440-31-5	2,200	[240] 190,000	6,100	[680] 190,000	190,000	[24,000] 190,000	190,000	[68,000] 190,000	190,000	[68,000] 190,000	190,000	190,000	190,000	[NA] 10	
VANADIUM	7440-62-2	26	26,000	72	72,000	2,600	190,000	26,000	190,000	7,200	190,000	26,000	190,000	72,000	190,000	5
ZINC	7440-66-6	200	12,000	200	12,000	20,000	190,000	20,000	190,000	20,000	190,000	190,000	190,000	190,000	15	

¹ For other options see Section 250.308
 All concentrations in mg/kg
 R - Residential
 NR - Non-Residential
 [G - Ingestion]
 [H - Inhalation]
 [C - Cap]
 [U - UBK Model]
 [S - SEGH Model]
 NA - Not Applicable

APPENDIX A
TABLE 5 – PHYSICAL AND TOXICOLOGICAL PROPERTIES
A. ORGANIC REGULATED SUBSTANCES

Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ⁻¹	[RfD] [mg/kg-d] [RfC] [mg/m ³]	[CSFI (mg/kg-d)-1] IUR (µg/m ³) ⁻¹	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K/yr ⁻¹)
ACENAPHTHENE	83-32-9	0.06 I		[0.06] [R]		4,900		3.8	1,5,6				279	1.24
ACENAPHTHYLENE	208-96-8	0.06 S		[0.06] [S]		4,500		16.1	5,6,7				280	2.11
ACEPHATE	30560-19-1	0.004 I	0.0087 I			3		818,000	6				340	
ACETALDEHYDE	75-07-0		[0.0077] [R]	[0.0026] I 0.009 I	[0.0077] I 0.0000022 I	4.1 X	X	1,000,000	1	13,100	15,100	X	20	
ACETONE	67-64-1	[0.1] 0.9 I		[8.86] 31 D [0.017] I 0.06		0.31 X	X	1,000,000	1	13,100	15,000	X	56	18.07
ACETONITRILE	75-05-8			[0.1] [R]		0.5 X	X	1,000,000	1	13,100	15,000	X	82	4.50
ACETOPHENONE	98-86-2	0.1 I		[0.1] [R]		170		5,500	1			X	203	
ACETYLAMINOFLUORENE, 2- (2AAF)	53-96-3		3.8 C		[3.8] C 0.0013 C	1,600		10.13	7				303	0.69
ACROLEIN	107-02-8	[0.02] [H] 0.0005 I		[0.000005] I 0.00002 I		0.56 X	X	208,000	1,2,4	13,100	15,100	X	53	4.50
ACRYLAMIDE	79-06-1	0.0002 I	4.5 I	[0.0002] [R]	[4.55] I 0.0013 I	25 X	X	2,151,000	4	13,000	15,000	[X]	[192.6] 193	
ACRYLIC ACID	79-10-7	0.5 I		[0.000286] I 0.001 I		29 X	X	1,000,000	2	13,000	14,900	X	141	1.39
ACRYLONITRILE	107-13-1	[0.001] [H] 0.04 D	0.54 I	[0.000571] I 0.002 I	[0.238] I 0.000068 I	11 X	X	73,500	1	13,100	15,100	X	77	5.50
ALACHLOR	15972-60-8	0.01 I	[0.08] [H] 0.056 C	[0.01] [R]	[0.08] [R]	110		140	2				[100] 378	
ALDICARB	116-06-3	0.001 I		[0.001] [R]		22		6,000	2				287	0.40
ALDICARB SULFONE	1646-88-4	0.001 I				10		8,000	5				317	
ALDICARB SULFOXIDE	1646-87-3	0.001 I				0.22		330,000	5				307	
ALDRIN	309-00-2	0.00003 I	17 I	[0.00003] [R]	[17.15] I 0.00049 I	48,000		0.02	4,5,6				[145] 330	0.22
ALLYL ALCOHOL	107-18-6	0.005 I		[0.005] [R] 0.0003 P		3.2 X	X	1,000,000	2	13,100	15,000	X	97	18.07
AMETRYN	834-12-8	0.009				389		185	5				345	
AMINOBIPHENYL, 4-	92-67-1		21 C		[21] 0.006 C	110		1,200	5				302	18.07
AMITROLE	61-82-5		0.94 C		[0.945] C 0.00027 I	120		280,000	4				[200] 258	0.69
AMMONIA	7664-41-7	0.97 H		[0.0286] I 0.1 I		3 X	X	310,000	2,5,7	13,100	15,000	X	[-33.3] -33	
AMMONIUM SULFAMATE	7773-06-0	0.2 I		[0.2] [R]		3		2,160,000	10				[200] 603	

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Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ¹	[RfD] (mg/kg-d) [RfC] (mg/m ³)	[CSFI] (mg/kg-d)-1 [UR] (µg/m ³)-1	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K)(yr ⁻¹)
ANILINE	62-53-3	0.007 [N] P	0.0057 I	[0.000286] I [0.001] [R]	[0.0056] C [0.0000016]	190	X	33,800	1	13,000	14,900	X	184	
ANTHRACENE	120-12-7	0.3 I		[0.3] [R]		21,000		0.066	1.5,6,7,8,9				340	0.28
ATRAZINE	1912-24-9	0.035 I	[0.222] [H] [0.23] C	[0.035] [R]	[0.222] [H]	130		70	2,4,5				[200] 313	
AZINPHOS-METHYL (GUTHION)	86-50-9	0.003 D		0.01 D		407.4		31.5	1.2				421	
BAYGON (PROPOXUR)	114-26-1	0.004 I		[0.004] [R]		31		2,000	2,4,5				decomp.	4.50
BENOMYL	17804-35-2	0.05 I				1,900		2	5				520	
BENTAZON	25057-89-0	0.03 I				13		500	2				415	
BENZENE	71-43-2	[0.003] [N] [0.004] I	[0.029] I [0.055] I	[0.0017] [N] [0.03] I	[0.027] I [0.000078] C	58	X	1,780.5	1,2,3,4	13,100	15,000	X	81	0.35
BENZIDINE	92-87-5	0.003 I	230 I	[0.003] [R]	[230] [R] [0.067] I	530,000		520	1,2,4				400	15.81
BENZO[ANTHRA]CENE	56-55-3		0.73 N		[0.31] [T] [0.00011] C	350,000		0.011	1,5,6				438	0.19
BENZO[A]PYRENE	50-32-8		7.3 I		[3.1] [N] [0.0011] C	910,000		0.0038	1,5,6				495	0.24
BENZO[B]FLUORANTHENE	205-99-2		0.73 N		[0.31] [T] [0.00011] C	550,000		0.0012	5,6,7				357	0.21
BENZO[GHI]PERYLENE	191-24-2	0.06 S		[0.06] [S]		2,800,000		0.00026	1,5,6				500	0.19
BENZO[K]FLUORANTHENE	207-08-9		0.073 N		[0.031] [T] [0.00011] C	4,400,000		0.00055	5,6,7				480	0.06
BENZOIC ACID	65-85-0	4 I		[4] [R]		32		2,700	2,3,4,5			X	249	
BENZOTRICHLORIDE	98-07-7		13 I			920		53	1,5,13				221	121,413.60
BENZYL ALCOHOL	100-51-6	[0.3] [H] P		[0.3] [H]		100		40,000	1,2,3			X	205	
BENZYL CHLORIDE	100-44-7	0.002 P	0.17 I	0.001 P	[0.1715] C [0.000049]	190	X	493	1	13,000	15,000	X	179	20.90
BETA PROPIOLACTONE	57-57-8		14 C		0.004 C	4	X	370,000	2	13,100	15,000	X	162	0.01
BHC, ALPHA	319-84-6	0.008 D	6.3 I	[0.0006] [S]	[6.3] I [0.0018]	1,800		1.7	4,5,6,7				288	0.94
BHC, BETA-	319-85-7	[0.0006] [D]	1.8 I	[0.0006] [D]	[1.855] I [0.00053]	2,300		0.1	6				[60] 304	1.02
[BHC, DELTA-]	[319-86-8]	[0.0006] [S]		[0.0006] [S]		[1,900]		[8]	[6]				[60]	[1.26]
BHC, GAMMA (LINDANE)	58-89-9	0.0003 I	[1.3] [1.1] C	[0.0003] [R]	[1.085] C [0.00031]	1,400		7.3	4,5,6				323	1.05

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APPENDIX A
TABLE 5 – PHYSICAL AND TOXICOLOGICAL PROPERTIES
A. ORGANIC REGULATED SUBSTANCES

Regulated Substance	CAS	RD0 (mg/kg-d)	CSFo (mg/kg-d) ¹	[RfD] (mg/kg-d) RfC (mg/m ³)	[CSFI (mg/kg-d)-1] IUR (µg/m ³)-1	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K)(yr ⁻¹)
BIPHENYL, 1,1-	92-52-4	0.05 I		[0.05] [r]		1,700		7.2	1				255	18.07
BIS(2-CHLOROETHOXY)METHANE	111-91-1	0.003 P				61		100,500	4.6, 7.9, 10.1			X	218	
BIS(2-CHLOROETHYL)ETHER	111-44-4		1.1 I		[1.155] I 0.00033	76	X	10,200	1.4, 5	13,000	14,900	X	179	0.69
BIS(2-CHLORO-ISOPROPYL)ETHER	108-60-1	0.04 I	0.07 H	[0.04] [r]	[0.035] H 0.00001	62	X	1,700	5	13,000	14,900	X	189	0.69
BIS(CHLOROMETHYL)ETHER	542-98-1		220 I		[217] I 0.062	16	X	22,000	6	13,100	15,100	X	105	57,270.57
BIS(2-ETHYLHEXYL) PHTHALATE	117-81-7	0.02 I	0.014 I	[0.02] [r]	[0.014] [M] 0.0000024 C	87,000		0.285	4, 5, 6			X	384	0.65
BISPHENOL A	80-05-7	0.05 I				1,500		120	4				220	0.69
BROMACIL	314-40-9	0.1 M				58		815	2				421	
BROMOCHLOROMETHANE	74-97-5	0.01 M				27	X	16,700	4	13,100	15,000	X	68	
BROMODICHLOROMETHANE	75-27-4	0.02 I	0.062 I	[0.02] [r]	[0.1295] C 0.000037	93	X	4,500	6	13,100	15,000	X	87	
BROMOMETHANE	74-83-9	0.0014 I		[0.0014] I 0.005		170	X	17,500	2	13,100	15,000	X	4	6.66
BROMOXYNIL	1689-84-5	0.02 I				300		130	2				329	
BROMOXYNIL OCTANOATE	1689-99-2	0.02 I				18,000		0.08	12				414	5.75
BUTADIENE, 1,3-	106-99-0		3.4 C	0.002 I	[0.98] I 0.00003	120	X	735	1	13,200	15,000	X	4.5	4.50
BUTYL ALCOHOL, N-	71-36-3	0.1 I		[0.1] [r]		3.2	X	74,000	1	13,000	14,900	X	118	4.68
BUTYLATE	2008-41-5	0.05 I				540	X	45	2	13,200	15,200	X	138	
BUTYLBENZENE, N-	104-51-8	0.04 N				2,500	X	15	1.6, 7	13,100	15,100	X	[183.1] 183	
BUTYLBENZENE, SEC-	135-98-8	0.04 N				890	X	17	1.6, 7	13,100	15,000	X	[173.5] 174	
BUTYLBENZENE, TERT-	98-06-6	0.04 N				680	X	30	1.6, 7	13,100	15,000	X	169	
BUTYLBENZYL PHTHALATE	85-68-7	0.2 I	0.0019 P	[0.2] [r]		34,000		2.69	4, 5, 6			X	370	1.39
CAPTAN	133-06-2	0.13 I	[0.0035] [H] 0.0023 C	[0.13] [r]	[0.0023] I 0.0000006 C 6	200		0.5	4				259	589.39
CARBARYL	63-25-2	0.1 I		[0.1] [r]		190		120	2, 4, 5				315	4.22
CARBAZOLE	86-74-8		0.02 H			2,500		1.2	1, 5, 6				355	
CARBOFURAN	1563-66-2	0.005 I		[0.005] [r]		43		700	2				[200] 311	

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Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ⁻¹	[RfDI (mg/kg-d)] [RfC (mg/m ³)]	[CSFI (mg/kg-d) ⁻¹] [IUR (μg/m ³) ⁻¹]	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K/yr ⁻¹)
CARBON DISULFIDE	75-15-0	0.1 I		[0.2] 0.7 I		300	X	2,100	1,2,3	13,100	15,100	X	46	
CARBON TETRACHLORIDE	56-23-5	0.0007 I	0.13 I	[0.00057] [N] 0.13 D	[0.0525] I 0.000015	160	X	795	1,2,3	13,100	15,000	X	77	0.07
CARBOXIN	5234-68-4	0.1 I				260		170	5,6,8				407	
CHLORAMBEN	133-90-4	0.015 I		[0.015] [r]		20		700	2				210	
CHLORDANE	57-74-9	0.0005 I	0.35 I	[0.0002] I 0.0007	[0.35] I 0.0001	98,000		0.056	4,5,7				[175] 351	[0.091] 0.09
CHLORO-1,1-DIFLUOROETHANE, 1-	75-68-3			[14.3] 50 I		22	X	1,400	4	13,100	15,000	X	[-9.2] -9	
CHLORO-1-PROPENE, 3- (ALLYL CHLORIDE)	107-05-1	[0.00028] [r]	0.021 C	[0.000286] I 0.001	[0.021] C 0.000006	48	X	3,300	1,3,5,7,10	13,100	15,000	X	45	18.07
CHLOROACETOPHENONE, 2-	532-27-4	[0.0000] [r] 857		[0.000008] [r] 0.00003		76		1,100	3				247	4.50
CHLOROANILINE, P-	106-47-8	0.004 I	0.2 P	[0.004] [r]		460		3,900	1				232	
CHLOROBENZENE	108-90-7	0.02 I		[0.00571] [H] 0.05 P		200	X	490	3	13,100	15,000	X	132	0.84
CHLOROBENZILATE	510-15-6	0.02 I	[0.27] 0.11 [H] C	[0.02] [r]	[0.273] [H] 0.000031 C	2600		13	4			[X]	415	3.60
CHLOROBUTANE, 1-	109-69-3	0.4 [H] P				580	X	680	1,2,3,4	13,200	15,000	X	[78.5] 79	
CHLORODIBROMOMETHANE	124-48-1	0.02 I	0.084 I	[0.02] [r]	[0.0945] C 0.000027	83	X	4,200	4,6,7,9	13,100	15,100	X	116	1.39
CHLORODIFLUOROMETHANE	75-45-6			[14] 50 I		59	X	2,899	4	13,200	15,000	X	[-40.8] -41	
CHLOROETHANE	75-00-3	0.4 [r] N	0.0029 N	[2.86] 10 I	[0.0029] [N] I	42	X	5,700	1	13,100	15,000	X	12	4.50
CHLOROFORM	67-66-3	0.01 I	[0.0061] [r]	[0.00009] [N] 0.088 D	[0.0805] I 0.000023	56	X	8,000	1,2,3	13,100	15,000	X	61	0.01
CHLORONAPHTHALENE, 2-	91-58-7	0.08 I		[0.08] [r]		8,500		11.7	1				256	
CHLORONITROBENZENE, P-	100-00-5	0.001 P	[0.018] [H] 0.0063 P	[0.00017] [r] 0.0006 P		480		220	1				242	
CHLOROPHENOL, 2-	95-57-8	0.005 I		[0.005] [r]		400	X	24,000	1,3,4	12,900	14,900	X	175	
CHLOROPRENE	126-99-8	0.02 H		[0.002] H 0.007		50	X	1,736	9	13,100	15,000	X	59	0.69
CHLOROPROPANE, 2-	75-29-6			[0.0286] H 0.1		260	X	3,100	1,3,5	13,200	15,000	X	[47.2] 47	

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CHLOROTHALONIL	1897-45-6	0.015 I	[0.011] [H] 0.0031 C		[0.0031] 0.0000008 C g	980		0.6	2				350	
CHLOROTOLUENE, O-	95-49-8	0.02 I				780	X	422	14,15	13,100	15,000	X	[158.97] 159	
CHLOROTOLUENE, P-	106-43-4	0.07 P				375	X	106	12	13,000	14,900	X	162	
CHLOROPYRIFOS	2921-88-2	0.003 I		[0.003] [r]		4,600		1.12	2.4,6.7				[200] 377	
CHLORSULFURON	64902-72-3	0.05 I				11		192	2.5-6.9				[152] 531	
CHLORTHAL-DIMETHYL (DACTHAL) (DCPA)	1861-32-1	0.01 I				6,500		0.5	2.5,7				360	1.37
CHRYSENE	218-01-9		0.0073 N		[0.0031] [r] 0.000011 C	490,000		0.0019	1				448	[0.126] 0.13
CRESOL(S)	1319-77-3	0.005 S		0.06 C		25	X	20,000	2	13,000	14,900	X	139	5.16
CRESOL, 4,6-DINITRO-O-	534-52-1	0.0001 P				257		150	4				312	6.02
CRESOL, O- (METHYLPHENOL, 2-)	95-48-7	0.05 I				[97] 22	X	2,500	3.5,6	13,000	14,900	[X]	191	18.07
CRESOL, M (METHYLPHENOL, 3-)	108-39-4	0.05 I				35		2,500	2			X	202	5.16
CRESOL, P (METHYLPHENOL, 4-)	106-44-5	0.005 H				49		22,000	6				202	9.03
CRESOL, P-CHLORO-M-	59-50-7	0.005 S				780		3,846	2				235	
CROTONALDEHYDE	4170-30-3		1.9 S		[1.9] [Sr]	5.6	X	180,000	3	13,000	14,900	X	104	18.07
CROTONALDEHYDE, TRANS-	123-73-9		1.9 H		[1.9] [Hr]	6.1	X	156,000	1	13,100	15,100	X	104	18.07
CUMENE (ISOPROPYL BENZENE)	98-82-8	0.1 I		[0.11] 0.4 I		2,800	X	50	1.5,6	13,100	15,100	X	152	15.81
CYANAZINE	21725-46-2	0.002 M	0.84 H			199		171	2.5				369	
CYCLOHEXANE	110-92-7			6 I		479	X	55	1.2,4.5,6	13,100	15,100	X	81	
CYCLOHEXANONE	108-94-1	5 I		[5] [r]		66	X	36,500	1.2,4.5	13,000	14,900	X	157	
CYFLOTHRIN	68359-37-5	0.025 I				130,000	[X]	0.001	2	[13,000]	[15,000]	[X]	448	
CYROMAZINE	66215-27-8	0.0075 I				1,200		11,000	12				222	
DDD, 4,4'-	72-54-8	0.002 P	0.24 I		[0.2415] C 0.000069	44,000		0.16	5,6,7				[193] 350	0.02
DDE, 4,4'-	72-55-9		0.34 I		[0.34] C 0.000097	87,000		0.04	5				348	0.02
DDT, 4,4'-	50-29-3	0.0005 I	0.34 I	[0.0005] [r]	[0.34] I 0.000097	240,000		0.0055	5,6,7				280	0.02

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DI(2-ETHYLHEXYL)ADIPATE	103-23-1	0.6 I	0.0012 I			47,000,000		200	5	[13,000]	[14,900]	X	214	4.50
DIALLATE	2303-16-4		0.061 H		[0.061] [Hr]	190	[X]	40	2,4,6,8	[12,900]	[14,900]	X	[150] 328	1.39
DIAMINOTOLUENE, 2,4-	95-80-7		[3.2] 3.8 [H] C		[4] 0.0011 C	36		7,470	4			X	292	0.69
DIAZINON	333-41-5	[0.0009] [H] 0.0007 D		[0.0009] [Hr]		500		50	2,4,6,8				306	
DIBENZO[A,H]ANTHRACENE	53-70-3		7.3 N		[3-1] [T] 0.0012 C	1,800,000		0.0006	1,5,6				524	0.13
DIBENZOFURAN	132-64-9	0.001 P				10,233		4.48	1,6,7,9				287	7.23
DIBROMO-3-CHLOROPROPANE, 1,2-	96-12-8	[0.0005 71] [H] P	[1.4] 0.8 [H]	[0.00057 I 1] 0.0002 P	[0.00242] [H] 0.006 P	140	X	1,000	4	13,000	15,000	X	196	0.69
DIBROMOBENZENE, 1,4-	106-37-6	0.01 I				1,600		20	1				[220.4] 220	
DIBROMOETHANE, 1,2-(ETHYLENE DIBROMIDE)	106-93-4	[0.0005 [Hr 71] 0.009 I]	[85] 2 I	[0.00057 [H] 1] 0.009 I	[0.77] I 0.0006	54	X	4,150	1,2,3,5	13,100	15,100	X	131	2.11
DIBROMOMETHANE	74-95-3	0.01 H				110	X	11,400	1	13,100	15,100	X	96	4.50
DIBUTYL PHTHALATE, N-	84-74-2	0.1 I				1,600		400	1,2,3			X	340	11.00
DICAMBA	1918-00-9	0.03 I				0.27		5,600	4,5,6,8,10				329	
DICHLOROACETIC ACID	76-43-6	0.004 I				8.1	X	1,000,000	1	12,900	14,900	X	194	
DICHLORO-2-BUTENE, 1,4-	764-41-0				[9.3] [H] 0.0042 P	180	X	850	9	13,100	15,000	X	156	
DICHLORO-2-BUTENE, TRANS-1,4-	110-57-6				0.0042 S	215	X	850	9	12,900	14,800	X	155	
DICHLOROBENZENE, 1,2-	95-50-1	0.09 I				350	X	147	1,4,5,6,7	13,100	15,100	X	180	0.69
DICHLOROBENZENE, 1,3-	541-73-1	[0.03] N 0.003				360	X	106	1	13,100	15,100	X	173	0.69
DICHLOROBENZENE, P.	106-46-7	[0.03] [N] 0.07 D	[0.024] [H] 0.0054 C	[0.229] 0.8 I	[0.022] [N] 0.000011 C	510	X	82.9	1	12,900	14,900		174	0.69
DICHLOROBENZIDINE, 3,3'-	91-94-1		0.45 I		[1.19] C 0.00034	22,000		3.11	4,5,6				368	0.69
DICHLORODIFLUOROMETHANE (FREON 12)	75-71-8	0.2 I				360	X	280	1	13,200	15,000	X	-30	0.69
DICHLOROETHANE, 1,1-	75-34-3	[0.1] 0.2 P	0.0057 C	[0.143] 0.5 H	[0.0056] C 0.0000016	52	X	5,000	2	13,100	15,000	X	57	0.16

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DICHLOROETHANE, 1,2-	107-06-2	[0.03] [N] 0.02 P	0.091 I	[0.23] 2.4 D 0.00026	[0.091] I 0.000026	38	X	8,412	1,2,3,4	13,100	15,000	X	83	[0.69] 0.07
DICHLOROETHYLENE, 1,1-	75-35-4	[0.009] I 0.05	[0.6] [I]	[0.009] 0.2 I 0.01 [I]	[0.175] [I]	65	X	2,500	1,4,5	13,100	15,000	X	32	0.19
DICHLOROETHYLENE, CIS-1,2-	156-59-2	0.01 [I] P		[0.01] [I]		49	X	3,500	1	13,100	15,000	X	60	0.01
DICHLOROETHYLENE, TRANS-1,2-	156-80-5	0.02 I		[0.02] 0.06 [I] P		47	X	6,300	1	13,100	15,000	X	48	0.01
DICHLOROMETHANE (METHYLENE CHLORIDE)	75-09-2	0.06 I	0.0075 I	[0.857] 1 [H] D	[0.00165] 0.0000004 I Z	16	X	20,000	1,2,3	13100	15,000	X	40	4.50
DICHLOROPHENOL, 2,4-	120-83-2	0.003 I		[0.003] [I]		160		4,500	1				210	5.88
DICHLOROPHENOXACETIC ACID, 2,4- (2,4-D)	94-75-7	0.01 I		[0.01] [I]		59		677	4,5,6,7,10				215	1.39
DICHLOROPROPANE, 1,2-	78-87-5	0.09 D	[0.068] [H] 0.036 C	[0.0011] 0.004	[0.036] C 0.00001	47	X	2,700	1,3,4	13,100	15,000	X	96	0.10
DICHLOROPROPENE, 1,3-	542-75-6	0.03 I	0.1 I	[0.0057] I 0.02	[0.014] I 0.000004	27	X	2,700	6	13,100	15,000	X	108	22.38
DICHLOROPROPIONIC ACID, 2,2- (DALAPON)	75-99-0	0.03 I		[0.03] [I]		62	X	500,000	5	13,000	14,900	X	190	2.11
DICHLOROVOS	62-73-7	0.0005 I	0.29 I	[0.000143] I 0.00005	[0.291] C 0.000083	50		10,000	2,4,5			X	[140] 234	
DICYCLOPENTADIENE	77-73-6	[0.03] [H] 0.008 P		[0.000057] [H] 1] 0.007 P		810	X	40	5	13,000	14,900	[X]	167	
DIELDRIN	60-57-1	0.00005 I	16 I	[0.00005] [I]	[16.1] I 0.0046	11,000		0.17	4,5,6			[X]	385	0.12
DIETHANOLAMINE	111-42-2			0.003 C		4		1,000,000	2,3,9			X	269	
DIETHYL PHTHALATE	84-66-2	0.8 I		[0.8] [I]		81		1,080	4,5,6			X	298	2.25
DIFLUBENZURON	35367-38-5	0.02 I				1,000		0.2	2				201	
DIISOPROPYL METHYLPHOSPHONATE	1445-75-6	0.08 I				10	X	160,000	9	13,000	14,900	X	190	
DIMETHOATE	60-51-5	0.0002 I		[0.0002] [I]		110		25,000	4				[200] 361	2.26
DIMETHOXYBENZIDINE, 3,3-	119-90-4		0.014 H			1,300		60	9				331	0.69
DIMETHURIN	70-38-2	0.3 M				27,000		0.036	13				353	

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DIMETHYLAMINOAZOBENZENE, P-	60-11-7		4.6 C		[4.55] C 0.0013	1,000		13.6	7				[200] 335	4.50
DIMETHYLANILINE, N,N-	121-59-7	0.002 I				180	X	1,200	5,6,7,9	14,900		X	192	0.69
DIMETHYLBENZIDINE, 3,3-	119-93-7		[9.2] 11 H		[9.2] 11 H	22,000		1,300	10			[X]	300	18.07
DIMETHYL METHYLPHOSPHONATE	756-79-6	0.06 P	0.0017 P			5	X	1,000,000	14	13,000	14,900	X	181	
DIMETHYLPHENOL, 2,4-	105-67-9	0.02 I		[0.02] [r]		130		7,869	1,4,6,7			X	211	18.07
DINITROBENZENE, 1,3-	99-65-0	0.0001 I		[0.0001] [r]		150		523	3,5,6,7				[300] 291	0.69
DINITROPHENOL, 2,4-	51-28-5	0.002 I		[0.002] [r]		0.79		5,600	2,4,5,6,7				332	0.48
DINITROTOLUENE, 2,4-	121-14-2	0.002 I	0.31 C	[0.002] [r]	[0.31] C 0.000089	51		270	4,5,6				300	0.69
DINITROTOLUENE, 2,6- (2,6-DNT)	606-20-2	0.001 P		[0.001] [r]		74		200	6				300	0.69
DINOSEB	88-85-7	0.001 I		[0.001] [r]		120		50	5				223	1.03
DIOXANE, 1,4-	123-91-1	0.1 D	0.011 I	3.6 D	[0.027] C 0.0000077	7.8	X	1,000,000	5	13,000	14,900	X	101	0.69
DIPHENAMID	957-51-7	0.03 I				200		260	5				210	
DIPHENYLAMINE	122-39-4	0.025 I		[0.025] [r]		190		300	3				302	4.50
DIPHENYLHYDRAZINE, 1,2-	122-66-7		0.8 I		[0.77] I 0.00022	660		0.252	6				309	0.69
DIQUAT	85-00-7	0.0022 I		[0.0022] [r]		2.6		700,000	5				355	
DISULFOTON	298-04-4	0.00004 I		[0.00004] [r]		1,000	[X]	25	4,5,6	[13,400]	[15,400]	X	[133] 332	6.02
DITHIANE, 1,4-	505-29-3	0.01 I				22.7	X	3,000	15	13,000	14,900		199	
DIURON	330-54-1	0.002 I		[0.002] [r]		300		42	2,4,5				354	
ENDOSULFAN	115-29-7	0.006 I		[0.006] [r]		2,000		0.48	4				[106] 401	2.78
ENDOSULFAN I (ALPHA)	959-98-8	0.006 S		[0.006] [r]		2,000		0.5	6				[200] 401	
ENDOSULFAN II (BETA)	33213-65-9	0.006 S		[0.006] [r]		2,300		0.45	6				390	
ENDOSULFAN SULFATE	1031-07-8	0.006 S		[0.006] [r]		2,300		0.117	7,9				[200] 409	
ENDOTHALL	145-73-3	0.02 I		[0.02] [r]		120		100,000	2				[200] 350	
ENDRIN	72-20-8	0.0003 I		[0.0003] [r]		11,000		0.23	4,6,7,9				245	

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EPICHLOROHYDRIN	106-89-8	[0.002] [H] 0.006 P	0.0099 I	[0.000286] I 0.001	[0.0042] I 0.0000012	35	X	65,800	1,3,4	13,000	14,900	X	116	4.50
ETHEPHON	16672-87-0	0.005 I				2		1,240,000	12				201	
ETHION	563-12-2	0.0005 I		[0.0005] [Ir]		8,700		0.85	4,6,9,10			X	[200] 415	
ETHOXYETHANOL, 2- (EGEE)	110-80-5	0.4 H		[0.057] 0.2 I		12	X	1,000,000	2	13,200	15,000	X	136	4.50
ETHYL ACETATE	141-78-6	0.9 I		[0.9] [Ir]		59	X	80,800	1,2,3,4,5,6	13,100	15,000	X	77	18.07
ETHYL ACRYLATE	140-88-5		0.048 H		[0.048] [Hr]	110	X	15,000	1,2,6	13,100	15,100	X	100	18.07
ETHYL BENZENE	100-41-4	0.1 I		[0.286] 1 I		220	X	161	1,3,4	13,100	15,000	X	136	1.11
ETHYL DIPROPYLTHIOCARBAMATE, S- (EPTC)	759-94-4	0.025 I				240	X	365	2	12,900	14,900	X	127	
ETHYL ETHER	60-29-7	0.2 I		[0.2] [Ir]		68	X	60,400	1	13,100	15,100	X	35	
ETHYL METHACRYLATE	97-63-2	0.09 H		[0.09] [Hr]		22	X	4635.5	9,10	13,100	15,000	X	117	
ETHYLENE GLYCOL	107-21-1	2 I		[2] 0.4 [Ir] C		4.4	X	1,000,000	2	13,100	15,100	X	198	10.54
ETHYLENE THIOUREA (ETU)	96-45-7	0.0008 I		[0.11] [H] C 0.045 C	[0.045] C 0.000013	0.23		20,000	2				347	4.50
ETHYL-NITROPHENYL PHENYLPHOSPHOROTHIOATE	2104-64-5	0.00001 I				1,200		3.1	4				215	
FENAMIPHOS	22224-92-6	0.00025 I		[0.00025] [Ir]		300		329	2				[200] 390	
FENVALERATE (PYDRIN)	51630-58-1	0.025 I				4,400		0.085	5	[20,500]	[25,800]	X	300	
FLUOMETURON	2164-17-2	0.013 I				68		97.5	2,5,6,8				318	
FLUORANTHENE	206-44-0	0.04 I		[0.04] [Ir]		49,000		0.26	1,5,6				375	0.29
FLUORENE	86-73-7	0.04 I		[0.04] [Ir]		7,900		1.9	1				298	2.11
FLUOROTRICHLOROMETHANE (FREON 11)	75-69-4	0.3 I		[0.2] 0.2 H		130	X	1,090	1,4,5,6	13,100	15,000	X	24	0.35
FONOFOS	944-22-9	0.002 I		[0.002] [Ir]		1,100	[X]	13	5,6,8	[13,400]	[15,500]	X	[130] 324	
FORMALDEHYDE	50-00-0	0.2 I		[0.0011] D 0.0098	[0.0455] I 0.000013	3.6	X	55,000	1	13,100	15,100	X	-21	18.07
FORMIC ACID	64-18-6	2 H		[2] 0.003 [Hr] P		0.54	X	1,000,000	2	13,000	14,900	X	101	18.07
FOSETYL-AL	39148-24-8	3 I				310		120,000	2				464	
FURAN	110-00-9	0.001 I				130	X	10,000	1	13,100	15,000	X	[31.36] 31	2.25

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FURFURAL	98-01-1	0.003 I		[0.0143] H 0.05		6.3	X	91,000	1,2,3	13,000	14,900	X	162	
GLYPHOSATE	1071-83-6	0.1 I		[0.1] [r]		3,500		12,000	1,5,6				[186] 417	
HEPTACHLOR	76-44-8	0.0005 I	4.5 I	[0.0005] [r]	[4.55] I 0.0013	6,800		0.18	4,6,7				310	46.84
HEPTACHLOR EPOXIDE	1024-57-3	0.00013 I	9.1 I	[0.00013] [r]	[9.1] I 0.0026	21,000		0.311	4,6,7,9				[200] 341	0.23
HEXACHLOROBENZENE	118-74-1	0.0008 I	1.6 I	[0.0008] [r]	[1.61] I 0.00046	3,800		0.006	1,4,5				319	0.06
HEXACHLOROBUTADIENE	87-68-3	[0.0002] [H] 0.001 P	0.078 I	[0.0002] [Hr] 0.00022 I	[0.077] I 0.000022	4,700		2.89	4,5,6,7			X	215	0.69
HEXACHLOROCYCLOPENTADIENE	77-47-4	0.006 I		[0.00006] [H] 0.0002 I		7,200		1.8	5,6,7			X	239	4.50
HEXACHLOROETHANE	67-72-1	0.001 I	0.014 I	[0.001] [r]	[0.014] I 0.000004	2,200	X	50	1	13,000	15,000		187	0.69
HEXANE	110-54-3	0.06 H		[0.0571] I 0.7		3,600	X	9.5	1,5,6	13,100	15,000	X	69	
HEXAZINONE	51235-04-2	0.033 I				41		330,000	1,2				408	
HEXYTHIAZOX (SAVEY)	78587-05-0	0.025 I				6,500		0.5	2				539	
HMX	2691-41-0	0.05 I				4		5	16				436	
HYDRAZINE/HYDRAZINE SULFATE	302-01-2		3 I	0.0002 C	[17] I 0.0049	0.0053	X	1,000,000	2	13,000	15,000	X	[113.5] 114	18.07
HYDROQUINONE	123-31-9	0.04 [H] P	0.056 P	[0.04] [Hr]	[0.31] [r] 0.00011 C	10		70,000	2,3,5				285	18.07
INDENO[1,2,3-cd]PYRENE	193-39-5		0.73 N			31,000,000		0.062	5				536	0.17
IPRODIONE	36734-19-7	0.04 I				1,100		13	2				545	
ISOBUTYL ALCOHOL	78-83-1	0.3 I		[0.3] [r]		60	X	81,000	1,2,3,4,5	13,000	14,900	X	108	17.57
ISOPHORONE	78-59-1	0.2 I	0.00095 I	[0.2] 2 [r] C	[0.00095] [r]	31		12,000	2,4,5			X	215	4.50
ISOPROPYL METHYLPHOSPHONATE	1832-54-8	0.1 I				1.64		50,000	13			X	230	
KEPONE	143-50-0	0.0005 D	16 C		[16.1] C 0.0046	55,000		7.6	4				350	0.17
MALATHION	121-75-5	0.02 I		[0.02] [r]		1,300	[X]	143	4	[14,000]	[16,300]	X	[157] 351	2.46
MALEIC HYDRAZIDE	123-33-1	0.5 I		[0.5] [r]		2.8		6,000	4				260	

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APPENDIX A
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Regulated Substance	CAS	RD50 (mg/kg-d)	CSFo (mg/kg-d) ¹	[RfD] (mg/kg-d) [RfC] (mg/m ³)	[CSFI (mg/kg-d)-1] (UR (µg/m ³) ⁻¹)	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K)(yr ⁻¹)
MANEB	12427-38-2	0.005 I				1		23	9, 13				351	
MERPHOS OXIDE	78-48-8	0.00003 I				53,000	[X]	2.3	8,10,12	[15,100]	[15,100]	X	[150] 392	
METHACRYLONITRILE	126-98-7	0.0001 I		[0.0002] H 0.0007		21	X	25,700	1	13,100	15,100	X		90
METHAMIDOPHOS	10285-92-6	0.00005 I				5		2,000,000	5				223	
METHANOL	67-56-1	0.5 I		[0.5] 4 [r] C		2.8	X	1,000,000	2	13,100	15,100	X	65	36.14
METHOMYL	16752-77-5	0.025 I		[0.025] [r]		20		58,000	2				[144] 228	
METHOXYCHLOR	72-43-5	0.005 I		[0.005] [r]		63,000		0.045	4,5,6				346	0.69
METHOXYETHANOL, 2-	109-86-4	[0.001] [r] 0.003 P		[0.00571] I 0.02			X	1,000,000	2	13,100	15,000	X	[124.3] 124	4.50
METHYL ACETATE	79-20-9	1 H				30	X	243,500	4,5,6	13,100	15,100	X	[56.9] 57	
METHYL ACRYLATE	96-33-3	0.03 H				55	X	52,000	1,2,5	13,100	15,100	X	70	18.07
METHYL CHLORIDE	74-87-3	0.004 M	0.013 H	[0.029] [D] 0.09 I	[0.0063] H 0.0000018	6	X	6,180	1,2,3,4	13,200	15,000	X	-24	4.50
METHYL ETHYL KETONE	78-93-3	0.6 I		[0.286] 5 I		32	X	275,000	1,2,3,4,5	13,100	15,100	X	80	2.57
METHYL ISOBUTYL KETONE	108-10-1	0.08 H		[0.023] 3 [r] I		17	X	19,550	1,2,4,5	13,100	15,100	X	117	18.07
METHYL ISOCYANATE	524-83-9			0.001 C		10	X	100,000	7	13,000	15,000	X	40	
METHYL N-BUTYL KETONE (2-HEXANONE)	591-78-6	0.04 N		0.005 N		54	X	17,500	1	13,100	15,100	X	128	
METHYL METHACRYLATE	80-62-6	1.4 I		[0.2] 0.7 I		10	X	15,600	1	13,100	15,100	X	100	4.50
METHYL METHANESULFONATE	66-27-3		0.099 C		[0.098] C 0.000028	5.2		200,000	2			X	203	
METHYL PARATHION	298-00-0	0.00025 I		[0.00025] [r]		790	[X]	25	4,5,6	[13,500]	[15,600]	[X]	[133] 348	3.61
METHYL STYRENE (MIXED ISOMERS)	25013-15-4	0.006 H		[0.011] H 0.04		2,200	X	89	9	13,100	15,000	X	163	
METHYL TERT-BUTYL ETHER (MTBE)	1634-04-4	[0.857] [r]	0.0018 C	[0.857] 3 I	[0.0018] C 0.0000002 C 6	12	X	45,000	1,2,4,6	13,100	15,100	X	56	0.69
METHYLCHLOROPHENOXYACETIC ACID (MCPA)	94-74-6	0.0005 I				112		1,000	5,6,8,9				287	1.39
METHYLENE BIS(2-CHLOROANILINE), 4,4'-	101-14-4	[0.0007] [r] 0.002 P	[0.13] 0.1 [r] P	[0.0007] [r] I	[0.13] [H] 0.00043 C	3,000		13.9	10				379	

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Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ¹	[RfDi (mg/kg-d)] [RfC (mg/m ³)]	[CSFI (mg/kg-d)-1] [UR (μg/m ³)-1]	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K)(yr ⁻¹)
METHYLNAPHTHALENE, 2-	91-57-6	[0.02] [S] 0.004 I		[0.00086] [I] 0.003 S		16,000		25	1			[X]	241	
METHYLSTYRENE, ALPHA	98-83-9	0.07 H				660	X	560	9	13,100	15,100	X	[165.4] 165	
METOLACHLOR	51218-45-2	0.15 I				182	X	530	1.5	13,000	15,000	X	100	
METIBUZIN	21087-64-9	0.025 I				95		1,200	1.5				367	
MONOCHLOROACETIC ACID	79-11-8	0.01 M				0.24	X	858,000	17	13,000	14,900		189	
NAPHTHALENE	91-20-3	0.02 I		[0.00086] I 0.003 I		950		30	3				218	0.98
NAPHTHYLAMINE, 1-	134-32-7		1.8 S		[1.8] S 0.00051	3,200		1,690	2				301	0.69
NAPHTHYLAMINE, 2-	91-59-8		1.8 C		[1.8] C 0.00051	87		6.4	6				306	0.69
NAPROPAMIDE	15299-99-7	0.1 I				880		70	2				399	
NITROANILINE, M-	99-09-2	[0.0005 [S] 71] P 0.0003	0.021 P			18		100	3				306	
NITROANILINE, O-	88-74-4	[0.0005 [Hr 71] 0.003] P				27		1,200	6				284	
NITROANILINE, P-	100-01-6	[0.0005 [S] 71] 0.004 P	0.02 P			15		800	2				332	
NITROBENZENE	98-95-3	[0.0005] I 0.002				130		2,000	2			X	211	0.64
NITROGUANIDINE	556-98-7	0.1 I				0.13		4,400	9				231	
NITROPHENOL, 2-	88-75-5	0.008 S		[0.008] [S]		37		2,100	1,2,3,4,5,6				215	9.01
NITROPHENOL, 4-	100-02-7	0.008 N		[0.008] [N]		230		16,000	2				279	25.81
NITROPROPANE, 2-	79-46-9	[0.00571] [I] [9.4] J	[9.4] [Hr J	[0.00571] I 0.02 I	[9.4] H 0.0027	20	X	16,700	1,3,4,5	13,000	14,900	X	120	0.69
NITROSODIETHYLAMINE, N-	55-18-5		150 I		[151] I 0.043	26	X	93,000	10	13,000	14,900	X	176	0.69
NITROSODIMETHYLAMINE, N-	62-75-9	0.000008 P	51 I		[49] 0.014 I	8.5	X	1,000,000	2	13,000	14,900	X	154	0.69
NITROSO-DI-N-BUTYLAMINE, N-	924-16-3		5.4 I		[5.6] 0.016 I	450		1,200	0.13			X	235	0.69
NITROSODI-N-PROPYLAMINE, N-	621-64-7	[0.095] [D]	7 I	[0.095] [D]	[7] 0.002 C	11		9,900	6			X	206	0.69

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A. ORGANIC REGULATED SUBSTANCES

Regulated Substance	CAS	RTDo (mg/kg-d)	CSFo (mg/kg-d) ¹	[RfD] (mg/kg-d) [RfC] (mg/m ³)	[CSFI (mg/kg-d)-1] [UR (µg/m ³)- ¹	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K)(yr ⁻¹)
NITROSODIPHENYLAMINE, N-	86-30-6	0.02 P	0.0049 I		[0.009] C 0.0000026	580		35	1				269	3.72
NITROSO-N-ETHYLUREA, N-	759-73-9		[1.40] Z ¹ C		[27] C 0.0077	2		13,000	9				[125] Z23	1,734.48
OCTYL PHTHALATE, Di-N-	117-84-0	[0.02] [H] 0.04 P		[0.02] [Hr] [0.025] [r]		980,000,000		3	5			X	234	0.69
OXAMYL (NYDATE)	23135-22-0	0.025 I		[0.025] [r]		7.1		280,000	2				[101] Z34	
PARAQUAT	1910-42-5	0.0045 I				16,200		660,000	6.8				352	
PARATHION	56-38-2	0.006 H		[0.006] [Hr]		2,300		20	2,4,5,6,7			X	375	
PCB-1016 (AROCLOR)	12674-11-2	0.00007 I	[0.09] 0.07 [N]	[0.00007] [r]	[0.09] [Nr] 0.00002 [I]	110,000		0.25	5			X	[340] Z25	
PCB-1221 (AROCLOR)	11104-28-2		[0.5] Z [S]		b [S] [0.5] [S]	1,900		0.59	5			X	[340] Z25	
PCB-1232 (AROCLOR)	11141-16-5		[0.5] Z [S]		[0.5] [S] 0.00057 [I]	1,500		1.45	7			X	[340] Z25	
PCB-1242 (AROCLOR)	53469-21-9		[0.5] Z [N]		[0.5] [Nr] 0.00057 [I]	48,000		0.1	5			X	[340] Z25	
PCB-1248 (AROCLOR)	12672-29-6		[1.8] Z [S]		[1.8] [S] 0.00057 [I]	190,000		0.054	7,9,11			X	340	
PCB-1254 (AROCLOR)	11097-69-1	0.00002 I	[1.8] Z [N]	[0.00002] [r]	[1.8] [Nr] 0.00057 [I]	810,000		0.057	5			X	[340] Z25	
PCB-1260 (AROCLOR)	11096-82-5		[0.6] Z [N]		[0.6] [Nr] 0.00057 [I]	1,800,000		0.08	5				385	
PEBULATE	1114-71-2	0.05 H				630	[X]	92	5	[13,000]	[14,900]	X	[142] Z03	
PENTACHLOROBENZENE	608-93-5	0.0008 I		[0.0008] [r]		32,000		0.74	1,5,6,7				277	0.37
PENTACHLOROETHANE	76-01-7		0.09 P			1,905	X	480	1.3	13,100	15,100	X	160	
PENTACHLORONITROBENZENE	82-68-8	0.003 I	0.26 H	[0.003] [r]	[0.26] [Hr]	7,900		0.44	4,6,8				328	0.36
PENTACHLOROPHENOL	87-86-5	0.03 I	0.12 I	[0.03] [r]	[0.12] [r] 0.0000046 C	20,000		14	1,2,4,5				310	0.17

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PHENACETIN	62-44-2		0.0022 C		[0.0022] C 0.0000006 C 3	110		763	2,3,9				[200] 341	4.50
PHENANTHRENE	85-01-8	0.3 S		[0.3] [Sr]		38,000		1.1	1,4,5				341	0.63
PHENOL	108-95-2	[0.6] 0.3 I		[0.6] 0.2 [I] C		22	X	84,300	1,2,3,4	13,000	14,900	[X]	182	36.14
PHENYL MERCAPTAN	108-98-5	0.0001 H				582	X	653	5,9	13,000	15,000	X	170	4.50
PHENYLENEDIAMINE, M-	108-45-2	0.006 I		[0.006] [I]		12		351,000	3				286	18.07
PHENYLPHENOL, 2-	90-43-7		[0.00194] H 0.0019			5,700		700	5				280	
PHORATE	298-02-2	0.0002 H		[0.0002] [H]		810	[X]	50	2	[13,100]	[15,100]	X	[118] 319	
PHTHALIC ANHYDRIDE	85-44-9	2 I		[0.0343] [H] 0.02 C		79		6,170	2				285	13,490.40
PICLORAM	1918-02-1	0.07 I			[2] I 0.00057	15		430	2				373	
POLYCHLORINATED BIPHENYLS (AROCLOS) (PCBS)	1336-36-3		2 I					0.0505	10,13				360	
PROMETON	1610-18-0	0.015 I				346		750	2,5				347	
PROPANAMIDE	23950-58-5	0.075 I		[0.075] [I]		200		15	2				321	
PROPANIL	709-98-8	0.005 I				160		225	2				355	
PROPANOL, 2-(ISOPROPYL ALCOHOL)	67-63-0			2 C		25	X	1,000,000	2	13,000	14,900	X	82	
PROPANE	139-40-2	0.02 I				155		8.6	1,5			X	318	
PROPHAM	122-42-9	0.02 I				51		250	5				257	
PROPYLBENZENE, N-	103-65-1	0.04 N				720	X	52	6	13,100	15,100	X	[159,2] 159	
PROPYLENE OXIDE	75-56-9	[0.00857] [I]	0.24 I	[0.00857] I 0.03	[0.013] I 0.0000037	25	X	405,000	1	13,100	15,000	X	34	
PYRENE	129-00-0	0.03 I		[0.03] [I]		68,000		0.132	1				393	0.07
PYRIDINE	110-96-1	0.001 I		[0.001] [I]		0.0066	X	1,000,000	2	13,100	15,000	X	115	18.07
QUINOLINE	91-22-5		[12] 3 [H] I			1,300		60,000	1,3,5		[14,900]	X	[237.7] 238	12.65
QUINALOFOP (ASSURE)	76578-14-8	0.009 I				580		0.3	2				220	
RDX	121-82-4	0.003 I	0.11 I		0.0000031 I	70		59.9	1.9				353	

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RESORCINOL	108-46-3	2 IE				2		717,000					280	
RONNEL	299-84-3	0.05 H				580		40	2				[151] 349	
SIMAZINE	122-34-9	0.005 I	0.12 H	[0.005] [I]	[0.12] [Hr]	110		5	5				225	
STRYCHNINE	57-24-9	0.0003 I		[0.0003] [I]		280		143	5				270	4.50
STYRENE	100-42-5	0.2 I		[0.286] I		910	X	300	5	13,100	15,100	X	145	1.20
TEBUTHIURON	34014-18-1	0.07 I				620		2,500	2				394	
TERBACIL	5902-51-2	0.013 I				53		710	2				396	
TERBUFOS	13071-79-9	0.00025 H		[0.00025] [Hr]		510	[X]	5	6	[13,000]	[15,000]	X	[69] 332	
TETRACHLOROBENZENE, 1,2,4,5-	95-94-3	0.0003 I		[0.0003] [I]		1,800		0.583	1,5,6,7				245	0.69
TETRACHLORODIBENZO-P-DIOXIN, 2,3,7,8-(TCDD)	1746-01-6	0.00000 D	[150000] [H] 130000 C	[0.000000] [H] 4	[150000] [H] 38 C	4,300,000		0.0000193	6				412	0.21
TETRACHLOROETHANE, 1,1,1,2-	630-20-6	0.03 I	0.026 I	[0.03] [I]	[0.0259] I 0.0000074	980	X	1100	1	13,000	14,600	X	[130.5] 131	3.79
TETRACHLOROETHANE, 1,1,2,2-	79-34-5	[0.06] [N] 0.004 P	0.2 I	[0.06] [N]	[0.203] I 0.000058	79	X	2,860	2	13,100	15,100	X	147	0.56
TETRACHLOROETHYLENE (PCE)	127-18-4	0.01 I	0.052 N	[0.14] 0.5 N	[0.0203] 0.0000005 N	300	X	162	1,2,3,4,5	13,100	15,000	X	121	0.03
TETRACHLOROPHENOL, 2,3,4,6-	58-90-2	0.03 I		[0.03] [I]		6,200		183	6				[150] 288	0.69
TETRAETHYL LEAD	78-00-2	0.000000 I		[0.000000] [I]		4,900		0.8	5			X	[200] 202	4.50
TETRAETHYLDITHIOPYROPHOSPHATE	3689-24-5	0.0005 I		[0.0005] [I]		550	[X]	25	2	[13,000]	[14,900]	X	[136] 349	
TETRAHYDROFURAN	109-99-9	0.2 N	0.0076 N	0.3 N	0.0000019 N 4	43	X	300,000	1,6,7	13,100	15,100	X	66	
THIOFANOX	39196-18-4	0.0003 H				0.022		5,200	9				280	
THIRAM	137-26-8	0.005 I		[0.005] [I]		1,000		30	4				[200] 339	
TOLUENE	106-88-3	[0.2] 0.08 I		[0.114] 5 I		130	X	532.4	1,2,3,4	13,100	15,000	X	111	9.01
TOLUIDINE, M-	108-44-1		[0.24] 0.18 S		[0.24] [Sr] 0.000051 S	140		15,030	6			X	203	
TOLUIDINE, O-	95-53-4		[0.24] 0.18 C		[0.24] [Hr] 0.000051 C	410		15,000	1,3,5			X	200	18.07
TOLUIDINE, P-	106-49-0		0.19 H		[0.19] [Hr]	320		7410	1,2,3				200	

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 [r = route-to-route extrapolation]
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APPENDIX A
TABLE 5 – PHYSICAL AND TOXICOLOGICAL PROPERTIES
A. ORGANIC REGULATED SUBSTANCES

Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ¹	[RfDi (mg/kg-d)] RfC (mg/m ³)	[CSFI (mg/kg-d) ⁻¹] IUR (µg/m ³) ⁻¹	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K/yr ⁻¹)
TOXAPHENE	8001-35-2	[0.001] [D]	1.1 I	[0.001] [D] ^r	[1.12] 0.00032 I	1,500		3	2,4,5				432	
TRIALATE	2303-17-5	0.013 I				2,000		4	5			X	[117] 343	
TRIBROMOMETHANE (BROMOFORM)	75-25-2	0.02 I	0.0079 I	[0.02] [I] ^r	[0.00385] 0.0000011 I	130	X	3,050	1,2,3,4	15,100	15,100	X	149	0.69
TRICHLORO-1,2,2-TRIFLUOROETHANE, 1,1,2-	76-13-1	30 I		[8.57] 30 H		1,200	X	170	1	13,100	15,000	X	[47.7] 48	0.35
TRICHLOROBENZENE, 1,2,4-	120-82-1	0.01 I	0.0036 C	[0.0571] [H] 0.004 P		1,500		44.4	1,4,6,7			X	213	0.69
TRICHLOROBENZENE, 1,3,5-	108-70-3	0.006 M		[0.0571] S 0.004		3,100		5.8	5				208	
TRICHLOROETHANE, 1,1,1-	71-55-6	[0.28] 2 [N]		[0.63] 5 I		100	X	1,495	1,4,5,6	13,100	15,000	X	74	0.05
TRICHLOROETHANE, 1,1,2-	79-00-5	0.004 I	0.057 I	[0.004] [I] ^r	[0.056] 0.000016	76	X	4,420	1	13,100	15,100	X	114	0.03
TRICHLOROETHYLENE (TCE)	79-01-6	0.006 N	0.011 N	[0.143] 0.5 D	[0.00595] N	93	X	1,100	1	13,100	15,000	X	87	0.02
TRICHLOROPHENOL, 2,4,5-	95-95-4	0.1 I		[0.1] [I] ^r		2,400		1,000	1,2,4				246	0.14
TRICHLOROPHENOL, 2,4,6-	88-06-2	[0.0003] [M] 0.001 P	0.011 I	[0.0003] [M] ^r	[0.01085] 0.0000031	1,100		850	1,2,4,5				246	0.14
TRICHLOROPHENOXYACETIC ACID, 2,4,5- (2,4,5-T)	93-76-5	0.01 I		[0.01] [I] ^r		43		278	2,4,5				279	1.39
TRICHLOROPHENOXYPROPIONIC ACID, 2,4,5-(2,4,5-TP)(SILVEX)	93-72-1	0.008 I		[0.008] [I] ^r		1,700		140	2				[200] 353	
TRICHLOROPROPANE, 1,1,2-	598-77-6	0.005 I				24	X	2,700	14	13,100	15,000	X	117	
TRICHLOROPROPANE, 1,2,3-	96-18-4	0.006 I	7 H	[0.0014] N 0.005	[7] [I] ^r	280	X	1,896	1,4,6	13,100	15,100	X	157	0.35
TRICHLOROPROPENE, 1,2,3-	96-19-5	[0.005] [H] 0.01 P		0.001 P		190	X	2,700	14	13,100	15,000	X	142	
TRIETHYLAMINE	121-44-8			0.007 I		51	X	55,000	1,4	13,100	15,100	X	90	
TRIFLURALIN	1562-09-8	0.0075 I	0.0077 I	[0.0075] [I] ^r	[0.0077] [I] ^r	720		4	2,5,6,7				[139] 382	
TRIMETHYLBENZENE, 1,3,4- (TRIMETHYLBENZENE, 1,2,4-)	95-63-6	0.05 [N] P		[0.0017] [N] 0.007 P		2,200	X	56	1	13,100	15,000	X	169	4.50
TRIMETHYLBENZENE, 1,3,5-	108-67-8	0.05 N		[0.0017] [N] 0.006 P		660	X	48.9	1	13,100	15,100	X	[164.7] 165	
TRINITROGLYCEROL (NITROGLYCERIN)	55-63-0	0.0001 P	0.017 N				X	1,800	2,3,5	13,000	15,000	X	190	18.07
TRINITROTOLUENE, 2,4,6-	118-96-7	0.0005 I	0.03 I			1		100	2				240	

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 [r = route-to-route extrapolation]
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APPENDIX A
TABLE 5 – PHYSICAL AND TOXICOLOGICAL PROPERTIES
A. ORGANIC REGULATED SUBSTANCES

Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ⁻¹	[RfD] (mg/kg-d) [RfC] (mg/m ³)	[CSFI (mg/kg-d) ⁻¹] IUR ₃ (µg/m ³) ⁻¹	Koc	VOC?	Aqueous Sol (mg/L)	Aqueous Sol Reference ¹	TF Vol from Surface Soil	TF Vol from SubSurface Soil	Organic Liquid	Boiling Point (degrees C)	Degradation Coefficient (K)(yr ⁻¹)
VINYL ACETATE	108-05-4	1 [0] [H]		[0.0571] I 0.2		2.8	X	20,000	1	13,200	15,000	X	73	
VINYL BROMIDE (BROMOETHENE)	593-60-2	[0.00085 7]	[0.11] [H]	[0.000857] I 0.003	[0.11] H 0.000032	150	X	4,180	12	13,100	15,000	X	[15.8] 16	0.09
VINYL CHLORIDE	75-01-4	0.003 I	[1.5] 0.72 I	[0.029] 0.1 I	[0.03] I 0.0000044	10	X	2,700	1	13,200	15,000	X	-13	0.09
WARFARIN	81-81-2	0.0003 I		[0.0003] [I]		910		17	4				356	4.50
XYLENES (TOTAL)	1330-20-7	[2] 0.2 I		[0.12] 0.1 I		350	X	175	13	13,100	15,000	X	140	0.69
ZINEB	12122-67-7	0.05 I				19		10	4				474	

¹ Aqueous solubility references are keyed to the numbered list found at 250.304(f). Where there are multiple sources cited, the table value is the median of the values in the individual references.

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 H = Health Effects Assessment Summary Table (HEAST)
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 M = EPA Drinking Water Regulations and Health Advisories
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 P = EPA Provisional Peer-Reviewed Toxicity Value
 [r = route-to-route extrapolation]
 S = surrogate
 T = TEF
 TE = TERA ITER Peer-Reviewed Value

APPENDIX A
Table 5 – Physical and Toxicological Properties
B. Inorganic Regulated Substances

Regulated Substance	CAS	RfDo (mg/kg-d)	CSFo (mg/kg-d) ⁻¹	[RfDi (mg/kg-d)] RfC (mg/m ³) ⁻¹	[CSFi (mg/kg-d) ⁻¹] IUR (µg/m ³) ⁻¹	Kd
ALUMINUM	7429-90-5	<u>1</u> [N] P		[0.001] [N] 0.005 P		9.9
ANTIMONY	7440-36-0	0.0004 I		[0.0004] [Ir]		45
ARSENIC	7440-38-2	0.0003 I	1.5 I	[0.0003] [Ir] 0.000015 C	[15] 0.0043 I	29
BARIUM AND COMPOUNDS	7440-39-3	[0.07] <u>0.2</u> I		[0.0001] 0.0005 H		41
BERYLLIUM	7440-41-7	0.002 I		[0.0000571]] 0.00002 [Ir] s	[8.4] 0.0024 I	790
BORON AND COMPOUNDS	7440-42-8	[0.09] <u>0.2</u> I		[0.0057] 0.02 H		3
CADMIUM	7440-43-9	0.0005 I	[0.38] [C]	[0.0005] [Ir] 0.00001 D	[6.3] 0.0018 I	75
CHROMIUM III	16065-83-1	1.5 I				1,800,000
CHROMIUM VI	18540-29-9	0.003 I		[0.00003] 0.000008 I	[42] 0.084 I	19
COBALT	7440-48-4	[0.02] <u>0.0003</u> [N] P		[0.0000057] [D] 0.000006 P	0.009 P	45
COPPER	7440-50-8	[0.0371] 0.037 H				[360] 430
CYANIDE, FREE	57-12-5	0.02 I		[0.02] [Ir]		9.9
FLUORIDE	16984-48-8	0.04 C		0.013 C		
IRON	7439-89-6	[0.3] <u>0.7</u> [N] P		[0.3] [Nr]		25
LEAD	7439-92-1		0.0085 C		[0.042] 0.000012 C	[890] 900
LITHIUM	7439-93-2	0.002 P				300
MANGANESE	7439-96-5	[0.14] <u>0.047</u> I		[0.0000143] 0.00005 I		65
MERCURY	7439-97-6	[0.0003] [M] 0.00016 C		[0.000086] 0.0003 I		52
MOLYBDENUM	7439-98-7	0.005 I				20
NICKEL	7440-02-0	0.02 I		[0.000057] 0.00009 D	[0.84] 0.00024 Is	65
NITRATE NITROGEN	14797-55-8	1.6 I				
NITRITE NITROGEN	14797-65-0	0.1 I				
PERCHLORATE	7790-98-9	0.0007 I				0
SELENIUM	7782-49-2	0.005 I		[0.005] <u>0.02</u> [Ir] C		5
SILVER	7440-22-4	0.005 I		[0.005] [Ir]		8.3
THALLIUM	7440-28-0	0.00007 I		[0.00007] [Ir]		71
TIN	7440-31-5	0.6 H		[0.6] [Hr]		250
VANADIUM	7440-62-2	0.007 H		[0.000057] [D]		1,000
ZINC	7440-66-6	0.3 I		[0.3] [Ir]		62

Toxicity Value Sources:

C = California EPA Cancer Potency Factor

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H = Health Effects Assessment Summary Table (HEAST)

I = Integrated Risk Information System (IRIS)

[M] = EPA Drinking Water Regulations and Health Advisories

[N] = EPA NCEA Provisional Values

P = EPA Provisional Peer-Reviewed Toxicity Value

[r] = route-to-route extrapolation

s = surrogate

APPENDIX A
Table 6 - Threshold of Regulation Compounds

REGULATED SUBSTANCE	CASRN	ALL AQUIFER GROUNDWATER MSC (µg/L)	Residential Soil MSC (mg/kg) 0-15 feet	Non-Residential Soil MSCs		Soil to Groundwater (mg/kg)
				Surface Soil (mg/kg) 0-2 feet	Subsurface Soil (mg/kg) 2-15 feet	
ACETIC ACID	64-19-7	5	100	100	100	0.5
ACETIC ANHYDRIDE	108-24-7	5	100	100	100	0.5
AMYL ACETATE, N-	628-63-7	5	100	100	100	0.5
AMYL ACETATE, SEC-	626-38-0	5	100	100	100	0.5
ANTU (ALPHA-NAPHTHYLTHIOUREA)	86-88-4	5	100	100	100	0.5
AZINPHOS-METHYL (GUTHION)	86-50-0	5	100	100	100	0.5
[BETA PROPIOLACTONE]	[57-57-8]	[5]	[100]	[100]	[100]	[0.5]
BHC, DELTA	319-86-8	5	100	100	100	0.5
BIS(2-CHLOROETHOXY)METHANE	111-91-1	5	100	100	100	0.5
BROMOPHENYL PHENYL ETHER, 4-	101-55-3	5	100	100	100	0.5
BUTYL ACETATE, N-	123-86-4	5	100	100	100	0.5
BUTYL ACETATE, SEC-	105-46-4	5	100	100	100	0.5
BUTYL ACETATE, TERT-	540-88-5	5	100	100	100	0.5
BUTYLAMINE, N-	109-73-9	5	100	100	100	0.5
CALCIUM CHROMATE	13765-19-0	5	100	100	100	0.5
CALCIUM CYANAMIDE	156-62-7	5	100	100	100	0.5
CARBONYL FLUORIDE	353-50-4	5	100	100	100	0.5
CATECHOL	120-80-9	5	100	100	100	0.5
CHLOROACETALDEHYDE	107-20-0	5	100	100	100	0.5
CHLOROETHYL VINYL ETHER, 2-	110-75-8	5	100	100	100	0.5
CHLOROPHENYL PHENYL ETHER, 4-	7005-72-3	5	100	100	100	0.5
[CYCLOHEXANE]	[10-82-7]	[5]	[100]	[100]	[100]	[0.5]
DECABORANE	17702-41-9	5	100	100	100	0.5
[DIBENZOFURAN]	[132-64-9]	[5]	[100]	[100]	[100]	[0.5]
[DICHLORO-2-BUTENE, TRANS-1,3-]	[110-57-6]	[5]	[100]	[100]	[100]	[0.5]
DIETHANOLAMINE	111-42-2	5	100	100	100	0.5
DIETHYLAMINE	109-89-7	5	100	100	100	0.5
DIGLYCIDYL ETHER (DGE)	7/5/2238	5	100	100	100	0.5
DIMETHYL PHTHALATE	131-11-3	5	100	100	100	0.5
DIMETHYL SULFATE	77-78-1	5	100	100	100	0.5
DIMETHYLPHENETHYLAMINE, ALPHA, ALPHA-	122-09-8	5	100	100	100	0.5
[DINITRO-O-CRESOL, 4,6-]	[534-52-1]	[5]	[100]	[100]	[100]	[0.5]
DIOXATHION	78-34-2	5	100	100	100	0.5
ETHYL METHANESULFONATE	62-50-0	5	100	100	100	0.5
ETHYLAMINE	75-04-7	5	100	100	100	0.5
ETHYLENE CHLORHYDRIN	107-07-3	5	100	100	100	0.5
FAMPHUR	52-85-7	5	100	100	100	0.5
FENSULFOTHION	115-90-2	5	100	100	100	0.5
HEXACHLOROPROPENE	1888-71-7	5	100	100	100	0.5
[HEXANONE, 2- (METHYL N-BUTYL KETONE)]	[591-78-6]	[5]	[100]	[100]	[100]	[0.5]
IODOMETHANE	74-88-4	5	100	100	100	0.5
ISOAMYL ACETATE	123-92-2	5	100	100	100	0.5
ISOBUTYL ACETATE	110-19-0	5	100	100	100	0.5
ISODRIN	465-73-6	5	100	100	100	0.5

¹ The value in the table is 100 times the groundwater MSC.
The option to use the SPLP is also available to calculate the soil to groundwater numeric value (See Section 250.310)

APPENDIX A
Table 6 - Threshold of Regulation Compounds

REGULATED SUBSTANCE	CASRN	ALL AQUIFER GROUNDWATER MSC (µg/L)	Residential Soil MSC (mg/kg) 0-15 feet	Non-Residential Soil MSCs		Soil to Groundwater (mg/kg)
				Surface Soil (mg/kg) 0-2 feet	Subsurface Soil (mg/kg) 2-15 feet	
ISOPHORONE DIISOCYANATE	4098-71-9	5	100	100	100	0.5
ISOSAFROLE	120-58-1	5	100	100	100	0.5
[LITHIUM]	7439-93-2	[5]	[100]	[100]	[100]	[0.5]
LITHIUM HYDRIDE	7580-67-8	5	100	100	100	0.5
MANGANESE CYCLOPENTADIENYL TRICARBONYL	12079-65-1	5	100	100	100	0.5
METHYL HYDRAZINE	60-34-4	5	100	100	100	0.5
METHYL ISOAMYL KETONE	110-12-3	5	100	100	100	0.5
METHYL ISOCYANATE	624-83-9	5	100	100	100	0.5
METHYL MERCAPTAN	74-93-1	5	100	100	100	0.5
METHYLAMINE	74-89-5	5	100	100	100	0.5
[METHYLCHLOROPHENOXYACETIC ACID (MCPA)]	[94-74-9]	[5]	[100]	[100]	[100]	[0.5]
MEVINPHOS	7786-34-7	5	100	100	100	0.5
MONOCROTOPHOS	6923-22-4	5	100	100	100	0.5
NAPHTHOQUINONE, 1,4-	130-15-4	5	100	100	100	0.5
NITRIC ACID	7697-37-2	5	100	100	100	0.5
NITROQUINOLINE-1-OXIDE, 4-	56-57-5	5	100	100	100	0.5
OSMIUM TETROXIDE	20816-12-0	5	100	100	100	0.5
PENTABORANE	19624-22-7	5	100	100	100	0.5
PENTACHLOROETHANE	76-01-7	5	100	100	100	0.5
PERCHLOROMETHYL MERCAPTAN	594-42-3	5	100	100	100	0.5
[PHENYL MERCAPTAN]	[108-98-5]	[5]	[100]	[100]	[100]	[0.5]
PICOLINE, 2-	109-06-8	5	100	100	100	0.5
PROPANOL, 1-	71-23-8	5	100	100	100	0.5
PROPANOL, 2- (ISOPROPYL ALCOHOL)	67-63-0	5	100	100	100	0.5
PROPIONIC ACID	79-09-4	5	100	100	100	0.5
PROPIONITRILE (ETHYL CYANIDE)	107-12-0	5	100	100	100	0.5
PROPYLENE IMINE	75-55-8	5	100	100	100	0.5
PYRETHRUM	8003-34-7	5	100	100	100	0.5
QUINONE (p-BENZOQUINONE)	106-51-4	5	100	100	100	0.5
[RESORCINOL]	[108-46-3]	[5]	[100]	[100]	[100]	[0.5]
SELENIUM HEXAFLUORIDE	7783-79-1	5	100	100	100	0.5
SODIUM BISULFITE	7631-90-5	5	100	100	100	0.5
SULFIDE	18496-25-8	5	100	100	100	0.5
SULFUR MONOCHLORIDE	10025-67-9	5	100	100	100	0.5
SULFURIC ACID	7664-93-9	5	100	100	100	0.5
TELLURIUM	13494-80-9	5	100	100	100	0.5
TELLURIUM HEXAFLUORIDE	7783-80-4	5	100	100	100	0.5
TEPP (TETRAETHYL PYROPHOSPHATE)	107-49-3	5	100	100	100	0.5
[TETRAHYDROFURAN]	[109-99-9]	[5]	[100]	[100]	[100]	[0.5]
TETRANITROMETHANE	509-14-8	5	100	100	100	0.5
THIONAZIN	297-97-2	5	100	100	100	0.5
[TRIETHYLAMINE]	[121-44-8]	[5]	[100]	[100]	[100]	[0.5]
TRIETHYLPHOSPHOROTHIOATE, O,O,O-	126-68-1	5	100	100	100	0.5
[TRINITROGLYCEROL (NITROGLYCERIN)]	[55-63-0]	[5]	[100]	[100]	[100]	[0.5]

¹ The value in the table is 100 times the groundwater MSC.

The option to use the SPLP is also available to calculate the soil to groundwater numeric value (See Section 250.310)

APPENDIX A			
Table 7			
DEFAULT VALUES FOR CALCULATING MEDIUM-SPECIFIC CONCENTRATIONS FOR LEAD			
Input Values Used in UBK Model for Lead			
(for residential exposure scenario)			
Geometric Standard Deviation (GSD)	1.42 (default)	Drinking water intake	Model default
Outdoor air lead concentration	0.2 µg/m ³ (default)	Soil lead level	495 µg/g
Indoor air lead concentration (% of outdoor)	30	Indoor dust lead level	495 µg/g
Time spent outdoors	Model default	Soil/dust ingestion weighting factor (%)	45
Ventilation rate	Model default	Paint lead intake	Model default
Lung absorption	Model default	Maternal contribution method	Infant model
Dietary lead intake	Model default	Mother's blood lead at birth	7.5 µg/dL blood (model default)
GI method/bioavailability	Non-linear	Target blood lead level	10 µg/dL blood level
Lead concentration in drinking water	4.00 µg/L (default)		

Input Values Used in SEGH Equation	
(for nonresidential exposure scenario)	
Concentration of lead in soil (S)	987 µg/g
Target blood lead level in adults (T)	20 µg/dL blood
Geometric standard deviation of blood lead distribution (G)	1.4
Baseline blood lead level in target population (B)	4 µg/dL blood
Number of standard deviations corresponding to degree of protection required for the target population (n)	1.645 (for 95% of population)
Slope of blood lead to soil lead relationship (δ)	7.5 µg/dL blood per µg/g soil

REFERENCE

WIXSON, B.G. (1991). The Society for Environmental Geochemistry and Health (SEGH) Task Force Approach to the Assessment of Lead in Soil. Trace Substances in Environmental Health. 11-20.

TABLE 8
CONSTITUENTS OF POTENTIAL ECOLOGICAL CONCERN

<i>METALS</i>	<i>ORGANICS cont'd</i>
Arsenic III	Dichlorobenzene, 1,2-
Arsenic V	Dichlorobenzene, 1,3-
Barium	Dichlorobenzene, 1,4-
Beryllium	Dieldrin
Cadmium	Diethyl phthalate
Chromium III	Di-n-butyl phthalate
Chromium VI	Endosulfan (mixed isomers)
Cobalt	Endosulfan, alpha
Copper	Endosulfan, beta
Iron	Endrin
Lead	Ethylbenzene
Manganese	Fluoranthene
Mercury, inorganic	Fluorene
Mercury, methyl	Heptachlor
Molybdenum	Hexachloroethane
Nickel	Hexachlorocyclohexane (Lindane)
Selenium	Kepone *
Vanadium	Malathion
Zinc	Methoxychlor
Cyanide	Mirex *
	Naphthalene
<i>ORGANICS</i>	Pentachlorobenzene
Acenaphthene	Pentachlorophenol
Aldrin *	Polynuclear aromatic hydrocarbons
Benzene	Polychlorinated biphenyls (PCB)
Benzo(a)pyrene	Phenanthrene
Biphenyl	Pyrene
Bis(2-ethylhexyl)phthalate	Tetrachloroethane, 1,1,2,2-
Bromophenyl phenyl ether, 4-	Tetrachloroethylene
Butylbenzyl phthalate	Tetrachloromethane
Chlordane *	Toluene
Chlorobenzene	Toxaphene
DDT (and metabolites)	Tribromomethane
Diazinon	Trichlorobenzene, 1,2,4-
Dibenzofuran	Trichloroethane, 1,1,1-
Dichlorobenzene, 1,1-	Trichloroethylene
	Xylenes

11/24/2001

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 253]

Administration of the Uniform Environmental Covenants Act

The Environmental Quality Board (Board) proposes to add Chapter 253 (relating to Administration of the Uniform Environmental Covenants Act). The proposed regulations address ambiguities in 27 Pa.C.S. §§ 6501—6517 (relating to Uniform Environmental Covenants Act) (UECA) and establish procedural interfaces with other statutes.

This proposal was adopted by the Board at its meeting of December 15, 2009.

A. *Effective Date*

These regulations will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information, contact Troy Conrad, Director, Land Recycling Program, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 783-7816; or Kurt Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site (<http://www.depweb.state.pa.us>).

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 6515 of the UECA (relating to Environmental Quality Board), which grants the Board the power and the duty to promulgate regulations for the proper performance of the work of the Department under the UECA; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department. Section 6515 of the UECA also explicitly grants the Board the power to develop fees by regulation for environmental covenants.

D. *Background and Purpose*

The UECA was signed into law in this Commonwealth on December 18, 2007. The UECA was based on a National model act developed by the National Conference of Commissioners on Uniform State Laws. The UECA provides for the creation of environmental covenants to ensure the long-term stewardship of activity and use limitations on property remediated under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908) (Act 2) or the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104) (Tank Act). These limitations are restrictions on the use of the remediated property (“institutional controls”) or the maintenance of a “structure” needed to

control the movement of regulated substances through the environment (“engineering controls”). The environmental covenant is a property interest with a holder and is capable of being transferred and may be enforced by multiple parties, including the Department. Finally, the environmental covenant is recorded with the county recorder of deeds where the property is located, giving future landowners and developers notice of the activity and use limitations. Once the Department develops a formal registry containing all covenants, as required under section 6512 of the UECA (relating to registry; substitute notice) of the UECA, only a simple notice will need to be recorded with the county recorder of deeds where the property is located.

Although the UECA does contain relatively detailed procedural requirements, the Department determined that regulations under the UECA would be necessary to address ambiguities in the statute and to establish procedural interfaces with the Tank Act and Act 2. Collection of the fee will support the Department's review of environmental covenants and the development and maintenance of the electronic registry of environmental covenants that section 6512 of the UECA requires the Department to develop and maintain.

The UECA does not require review of proposed regulations under the statute by any particular advisory committee. However, the Department has had discussions with several outside groups concerning the proposed rulemaking. The Department presented the proposed rulemaking to the Cleanup Standards Scientific Advisory Board (CSSAB). The proposal was discussed and supported at the CSSAB board meeting held on September 1, 2009; no formal motion supporting the proposed rulemaking was considered due to a lack of a quorum at the meeting. The proposed rulemaking was also discussed with the Storage Tank Advisory Committee (STAC) on September 8, 2009. The STAC did not take any formal action on the proposed rulemaking at that meeting.

E. *Summary of Regulatory Requirements*

As noted, the proposed rulemaking is intended to supplement the UECA and tie the statute together with the Commonwealth's existing risk-based corrective action programs. The Department developed the proposed rulemaking to provide the regulated community and program staff a straightforward step-by-step outline of when environmental covenants are required to be used, how they are created, what they must contain and when they must be submitted to the Department. While there is some overlap with the UECA when necessary, the Department did not include those portions of the UECA that were clear in the statute and did not pertain to the process for creating and implementing an environmental covenant. Those items include enforcement of the environmental covenant and the various parts of the UECA outlining the legal effect of creating an environmental covenant.

The contents of the proposed rulemaking are discussed as follows, with special attention to those provisions that clarify a portion of the UECA.

§ 253.1. *Definitions.*

This is the definitions section of the proposed rulemaking. For ease of understanding, the definitions from the UECA are included in this section. Several definitions not in the UECA are included in the proposed rule-

making, including "final report," "instrument," "political subdivision," "remedial action completion report," "storage tank act" and "UECA."

§ 253.2. *Contents and form of environmental covenant.*

This section describes what must be included in an environmental covenant and what may be included as appropriate; it follows section 6504 of the UECA (relating to contents of environmental covenant). Subsection (c) affirms that the Department may require the permitted information from subsection (b) or other conditions appropriate to the remediation. Subsection (e) makes it clear that the Department's model covenant should be used, although the Department will accept alternative language in the appropriate case. The model covenant is an evolving document drafted with a significant amount of input from the regulated community. Finally, subsection (f) allows for the special situation where an environmental covenant covers commonly owned property in a common interest community.

§ 253.3. *Notice of environmental covenant.*

This section describes who is to receive notice of the environmental covenant and when; it tracks section 6507 of the UECA (relating to notice). Subsection (c) allows for waivers of required notice and establishes a procedure for persons interested in receiving such a waiver.

§ 253.4. *Requirements for and waiver of environmental covenants.*

Section 253.4 outlines when environmental covenants are required as well as the procedures for the Department's waiver of the requirement for an environmental covenant. The basic requirement for use of an environmental covenant is contained in section 6517(a) of the UECA (relating to relationship to other laws). The proposed rulemaking states that, "[u]nless waived by the Department, engineering controls or institutional controls used to demonstrate or maintain attainment of a remediation standard under the Land Recycling Act or the Storage Tank Act shall be implemented through an Environmental Covenant." The Department's position is that an environmental covenant must be used whenever a cleanup does not meet an unrestricted use cleanup standard, including the nonresidential Statewide health standard. Subsection (a) goes on to note that although not required, an environmental covenant may be used with other types of environmental response projects.

Subsection (b) clarifies that where land use restrictions are to be used in special industrial area cleanups under section 305 of Act 2 (35 P. S. § 6026.305), they are to be in the form of an environmental covenant.

Subsections (c) and (d) establish requirements relating to the process for and timing of submission of requests for Department waiver of the requirement to use environmental covenants in Chapters 245 and 250 (relating to administration of the storage tank and spill prevention program; and administration of land recycling program) cleanups. Subsection (c) sets out requirements for remediations done to the background or Statewide health standard; Subsection (d) describes the requirements for site-specific standard cleanups. These subsections require requests to be in writing and establish that the Department will respond in writing as well.

Subsection (e) relates to a provision in section 6517(a)(3) of the UECA (relating to relationship to other laws). Section 6517(a)(3) establishes special provisions relating to the use of environmental covenants at Federally-owned property. Subsection (e) makes it clear

that the requirement to use environmental covenants at those properties is not waived by the UECA but delayed until such time as the property is transferred out of Federal government control. Until the time of transfer, the activity and use limitations must be memorialized in an installation's master plan or similar remedial documentation. It also requires notification of the Department in the event of transfer.

§ 253.5. *Submission of environmental covenants and related information.*

This is an important section because it addresses ambiguities in the UECA in terms of establishing procedural interfaces between the statute and existing remedial action programs in this Commonwealth. This proposed section establishes the time frames for submission of draft and final signed environmental covenants to the Department.

It also clarifies that the remediator needs to develop and submit a list of all owners of prior interests in the property. This list is important in terms of who needs to receive notice of the environmental covenant (§ 253.3). It is also necessary so the Department can determine if subordination should be required (§ 253.8) as holders of prior interests are not subject to the environmental covenant under the UECA unless they agree to subordinate their interest to the covenant (see section 6503(d) of the UECA (relating to nature of rights; subordination of interests).

Subsection (a) relates to remediations under the background standard or the Statewide health standard that will include an environmental covenant, and requires submission of a draft covenant to the Department 30 days prior to the submission of the Final Report or Remedial Action Completion Report.

Subsection (b) relates to remediations under the site-specific standard that will include an environmental covenant. Because there is typically Department review of intermediate reports in these cleanups, the draft covenant shall be submitted to the Department 30 days prior to submission of those reports. This subsection also acknowledges that even with site-specific cleanups it is possible that there will be no intermediate reports submitted, and so in that case the proposed rulemaking requires submission of a draft covenant to the Department 30 days prior to the submission of the Final Report or Remedial Action Completion Report.

The Department believes that submission of the draft environmental covenants prior to the submission of these cleanup reports is critical to keeping the process moving smoothly, with the goal of attaining Act 2 standards at contaminated sites in this Commonwealth. By having the opportunity to review and discuss draft covenants with the remediator, the Department hopes that delay in approving Final Reports or Remedial Action Completion Reports due to problems with draft covenants can be minimized to the greatest extent possible.

Subsection (c) requires submission to the Department of information regarding each person occupying or otherwise in possession of the real property subject to the environmental covenant and each person holding a recorded interest in that property. Again, this information is important for meeting the notice requirements of the UECA as well as making sure that all persons occupying the property are aware of the activity and use limitations for the property.

Subsection (d) contemplates that the Department and remediator have worked out all issues with the covenant

prior to submission of the report demonstrating attainment of a cleanup standard and requires submission of final signed covenants with these reports.

Finally, subsection (e) makes it clear that the signed covenant shall be recorded with the recorder of deeds for the county where the property is located, as well as the time frame for providing the Department with proof of recordation. Because the environmental covenant is a property interest, recording is a crucial part of the process of creating an effective instrument for long-term stewardship of activity and use limitations on the property that is remediated.

§ 253.6. *Requirements for county recorder of deeds.*

This proposed section contains two provisions relating to the recordation of environmental covenants with county recorder of deeds. Subsection (a) requires the recorder of deeds to provide proof of recordation in a timely manner, and subsection (b) makes it clear that environmental covenants, as negative restrictions, generally have no or negative value and so should not be routinely subject to the Realty Transfer Tax.

§ 253.7. *Fees.*

This section establishes fees for the review of environmental covenants by the Department. This section also contains an exemption from the requirement to pay a fee for environmental covenants submitted to convert a prior instrument where the person submitting the environmental covenant did not cause or contribute to the contamination described in the environmental covenant. Finally, subsection (c) requires the Department to review the fee at least every 3 years and report to the Board as to whether the fee continues to meet the Department's cost of administering the program.

§ 253.8. *Subordination.*

This section tracks the UECA language regarding subordination, and is included for reference.

§ 253.9. *Duration.*

In two situations an environmental covenant can be terminated through action outside of the specific terms of the covenant—*eminent domain* and *judicial termination*. In both instances, a Department determination is required for the termination to occur. This section establishes a process for requesting the Department action in an appropriate proceeding.

§ 253.10. *Conversion and waiver of conversion.*

For persons researching activity and use limitations at properties in this Commonwealth to have a clear understanding of the complete universe of properties with activity and use limitations, section 6517(b) of the UECA requires an instrument that establishes activity and use limitations under Act 2 or the Tank Act created prior to February 2008 to be converted to an environmental covenant by February 2013. By converting these prior instruments to covenants and including them in the Department's registry, the limitations will have the legal protection afforded by the UECA and be readily available and transparent to property developers with a minimum of effort on their part. The term "instrument" is defined in § 253.1 (relating to definitions) as a "deed restriction, restrictive covenant or other similar document that imposes activity or use limitations filed or required by the Department to be filed with a Recorder of Deeds."

The Department is conducting an internal review to identify all sites and anticipates targeted outreach to owners of property identified as being subject to a prior "instrument."

This proposed section establishes requirements related to this conversion requirement and provides a temporal waiver for a certain class of prior instruments. Subsection (b) requires the current property owner to convert the prior instrument and states that the Department will not require (but may allow) the new environmental covenant to contain activity and use limitations not contained in either the existing instrument or a "Department-approved postremediation care plan."

Subsections (c) and (d) contain the conditional temporal waiver noted previously. This subsection waives the requirement to convert the prior "instrument" until the current property owner transfers the property, so long as the owner requests the waiver and provides the Department with proof that the prior instrument was recorded with the recorder of deeds in the county where the property is located.

Finally, proposed subsection (e) notes that the Department may waive the requirement to convert a prior instrument outright, and that a waiver will be issued in writing.

§ 253.11. *Assignment of Interest.*

Section 6510 of the UECA (relating to amendment or termination by consent) requires the Department to consent to several categories of changes relating to the holder, or grantor, of the environmental covenant. This proposed section outlines the requirements applicable to a request.

F. *Benefits, Costs and Compliance*

Benefits

The proposed rulemaking will assist the Department and the regulated community in implementing the UECA and will serve the dual purposes of enhancing the protection of human health and the environment, while promoting the safe reuse of contaminated brownfields sites. Brownfield redevelopment in this State has been successful largely because regulators, property owners, and communities have accepted that contamination can be left in place with the proper land use controls to allow redevelopment—without presenting any significant risk to human health or the environment.

The proposed rulemaking provides better legal tools to ensure that future generations understand the reasons why land use restrictions have been imposed and why certain long-term maintenance/monitoring might be needed. Regulators and the community can have confidence that environmental land use restrictions will be enforced in perpetuity. The proposed rulemaking allows all parties to have a clear understanding of how the UECA will be implemented going forward.

Compliance Costs

The Department does not anticipate any increased costs to the regulated community as a result of the proposed rulemaking, except for the fee proposed in § 253.7 (relating to fees). The activity and use limitations are necessary to demonstrate attainment or maintenance of an Act 2 standard; the proposed rulemaking does not expand the use of the limitations. The obligation to use environmental covenants to implement those activity and use limitations is established by the UECA and not these proposed rules.

Based on historical data developed in administering the UECA program since February 2008 (the effective date of the UECA), the Department projects that approximately 300 environmental covenants will be submitted for review

and approval annually. Therefore, the fees collected under the regulation are projected to be around \$105,000 per year.

Compliance Assistance Plan

It is not anticipated that the Commonwealth will provide sources of financial assistance to aid in compliance with this proposed rulemaking. As noted in Section E, of this preamble, the Department will target outreach to property owners whose properties are identified as being subject to the conversion requirement in section 6517(b) of the UECA. Finally, the Department developed a model environmental covenant and will develop policies, guidance and factsheets as needed to explain particular aspects of how implementation of the UECA fits in with other parts of the remediation process.

Paperwork Requirements

The proposed rulemaking does not establish any new paperwork requirements. Submission of the various documents is required by the UECA; the proposed rulemaking merely formalizes the manner and timing of those submissions along with the Department's responses.

G. Pollution Prevention

The proposed regulations relate to pollution that has already been released into the environment. The use of environmental covenants should ensure long-term stewardship of activity and use limitations, however, helping to ensure that existing problems do not get worse through inattention or further spread of pollution through the environment. The proposed regulation does not directly promote a multimedia pollution prevention approach.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 24, 2010, the Department submitted a copy of the notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. 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 regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

J. Public Comments

Written Comments: Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulations to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments,

suggestions or objections must be received by the Board by April 5, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 5, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments: Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by April 5, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,
Chairperson

Fiscal Note: 7-454. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE VI. GENERAL HEALTH AND SAFETY
CHAPTER 253. ADMINISTRATION OF THE UNIFORM ENVIRONMENTAL COVENANTS ACT

Sec.	
253.1.	Definitions.
253.2.	Contents and form of environmental covenant.
253.3.	Notice of environmental covenant.
253.4.	Requirements for and waiver of environmental covenants.
253.5.	Submission of environmental covenants and related information.
253.6.	Requirements for county recorder of deeds.
253.7.	Fees.
253.8.	Subordination.
253.9.	Duration.
253.10.	Conversion and waiver of conversion.
253.11.	Assignment of interest.

§ 253.1. Definitions.

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

Activity and use limitations—

- (i) Restrictions or obligations with respect to real property created under this chapter.
- (ii) The term includes engineering controls and institutional controls.

Agency—Any of the following:

- (i) The Department.
- (ii) A Federal agency which determines or approves an environmental response project pursuant to which the environmental covenant is created.

*Common interest community—*A condominium, cooperative or other real property, with respect to which a person, by virtue of ownership of a parcel of real property or of ownership of an interest in real property, is obligated to pay for property taxes, insurance premiums, maintenance or improvement of other real property described in a recorded covenant which creates the common interest community.

Engineering controls—

(i) Remedial actions directed exclusively toward containing or controlling the migration of regulated substances through the environment.

(ii) The term includes slurry walls, liner systems, caps, leachate collection systems and groundwater recovery trenches.

*Environmental covenant—*A servitude arising under an environmental response project which imposes activity and use limitations.

*Environmental response project—*A plan or work performed for environmental remediation of real property conducted under one of the following:

(i) A Federal program governing environmental remediation of real property.

(ii) A Commonwealth program governing environmental remediation of real property.

(iii) Incident to closure of a solid or hazardous waste management unit if the closure is conducted with approval of an agency.

(iv) A Commonwealth voluntary cleanup program authorized by statute.

*Final report—*A report filed with the Department by a remediator documenting attainment of a standard under the Land Recycling Act under § 250.204, § 250.312 or § 250.411 (relating to final report).

*Holder—*A person that is the grantee of an environmental covenant as specified in section 6503(a) of the UECA (relating to nature of rights; subordination of interests).

Institutional controls—

(i) Measures undertaken to limit or prohibit certain activities which may interfere with the integrity of a remedial action or result in exposure to regulated substances at a site.

(ii) The term includes fencing and restrictions on the future use of the site.

*Instrument—*A deed restriction, restrictive covenant or other similar document that imposes activity or use limitations filed or required by the Department to be filed with a recorder of deeds.

*Land Recycling Act—*The Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Person—

(i) Any individual, corporation, partnership, association or other entity recognized by law as the subject of rights, duties or obligations.

(ii) The term includes the United States of America, a Federal agency, the Commonwealth, an agency or instrumentality of this Commonwealth and a political subdivision.

*Political subdivision—*Any county, city, borough, township, or incorporated town.

*Record—*Information which is:

(i) Inscribed on a tangible medium or stored in an electronic or other medium.

(ii) Retrievable in perceivable form.

*Remedial Action Completion Report—*A corrective action report filed with the Department by a remediator documenting attainment of a Land Recycling Act standard

pursuant to the Storage Tank Act under either § 245.310(b) or § 245.313 (relating to site characterization report; and remedial action completion report).

*State—*A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

*Storage Tank Act—*The Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

*UECA—*The Uniform Environmental Covenants Act (27 Pa.C.S. §§ 6501—6517).

§ 253.2. Contents and form of environmental covenant.

(a) An environmental covenant must contain the following:

(1) A statement that the instrument is an environmental covenant executed under this chapter.

(2) A legally sufficient description of the real property subject to the environmental covenant.

(3) A brief narrative description of the contamination and the remedy.

(4) A description of the activity and use limitations on the real property.

(5) An identification of every holder.

(6) The signatures, with the formalities required for a deed, by the following:

(i) The agency, unless there is a deemed approval under subsection (c)(4).

(ii) Every holder.

(iii) Every owner in fee simple of the real property subject to the environmental covenant, unless waived by the agency.

(7) The name and location of any administrative record for the environmental response project reflected in the environmental covenant.

(b) An environmental covenant may contain other information, restrictions and requirements agreed to by the persons who signed it, including the following:

(1) The requirements for notice following transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for or proposals for any site work affecting the contamination on the property subject to the environmental covenant.

(2) The requirements for periodic reporting describing compliance with the environmental covenant.

(3) The rights of access to the property granted in connection with implementation or enforcement of the environmental covenant.

(4) The restriction or limitation on amendment or termination of the environmental covenant in addition to those contained in sections 6509 and 6510 of the UECA (relating to duration; and amendment or termination by consent).

(5) The rights of the holder in addition to its right to enforce the environmental covenant under section 6511 of the UECA (relating to enforcement of environmental covenant).

(6) A detailed narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure and the location and extent of the contamination.

(7) Any limitations on the duration of the environmental covenant.

(c) Agency review will be as follows:

(1) Prior to signing a covenant, an agency may review the covenant and provide its conditions for approval, including subordination under § 253.8 (relating to subordination).

(2) In addition to other conditions for its approval of an environmental covenant, an agency may require those persons specified by the agency that have interests in the real property to sign the covenant.

(3) Except as set forth in paragraph (4), signature by an agency on an environmental covenant constitutes its approval of the environmental covenant. Disapprovals of an environmental covenant by the Department will be made in writing to the person submitting the environmental covenant.

(4) Failure of the Department to approve or disapprove an environmental covenant within 90 days of receipt of all information reasonably required by the Department to make a determination shall be deemed an approval of the environmental covenant, unless the Department and the remediator agree to an extension of time.

(5) The date the Department receives the necessary copies of the signed final covenant, and the information reasonably required by the Department to make a determination concerning the approval or disapproval of the covenant, shall be designated as the "date of receipt" under section 6504(c)(4) of the UECA (relating to contents of environmental covenant).

(d) The Department may require the covenant to include any of the permitted items referenced in subsection (b) or require other conditions referenced in section 6504(c) of the UECA if the items or conditions are applicable to the implementation of a remedy including any postremediation care plan that is part of the remediation.

(e) An environmental covenant will be in the form of the Model Covenant posted on the Department's web site or any other form acceptable to the agency.

(f) If the environmental covenant covers commonly owned property in a common interest community, the covenant may be signed by any person authorized by the governing board of the owners association.

§ 253.3. Notice of environmental covenant.

(a) The environmental covenant will indicate when copies of it will be provided and by whom. A grantor, a holder or any person who signed the environmental covenant may be designated as the individual responsible for distributing copies of the environmental covenant. File-stamped copies shall be provided no later than 60 days after the recording of the environmental covenant by the county recorder of deeds.

(b) The environmental covenant will indicate to whom copies of it will be provided. Unless waived by the Department in writing, copies shall be provided to the following persons:

(1) Each person who signed the environmental covenant.

(2) Each person holding a recorded interest in that portion of the real property subject to the environmental covenant.

(3) Each person in possession of that property.

(4) Each political subdivision in which that property is located.

(5) Other persons designated by the agency, based upon the rights or interests that the other persons have in receiving a copy of the environmental covenant.

(c) A person submitting an environmental covenant to an agency may request waiver of the requirement that copies of the environmental covenant be provided. The request must be in writing and include the reasons for the requested waiver. The information shall be provided no later than the date the draft environmental covenant is submitted to the agency.

§ 253.4. Requirements for and waiver of environmental covenants.

(a) Unless waived by the Department, engineering controls or institutional controls used to demonstrate or maintain attainment of a remediation standard under the Land Recycling Act or the Storage Tank Act shall be implemented through an environmental covenant. An environmental covenant may be used with other types of environmental response projects.

(b) Remediation measures undertaken pursuant to the special industrial area provisions of the Land Recycling Act which include land use restrictions limiting use of the property to the intended purpose shall implement those land use restrictions in the form of an environmental covenant.

(c) For remediations under the background standard or the Statewide health standard that require an environmental covenant, requests and justifications for waivers shall be submitted to the Department in writing at least 30 days prior to submission of the Remedial Action Completion Report or the Final Report. Any waivers that are granted by the Department will be issued in writing.

(d) For remediations under the site-specific standard that require an environmental covenant, requests and justifications for waivers shall be submitted to the Department in writing either as part of the Remedial Action Plan (under Chapter 245 (relating to administration of the storage tank and spill prevention program)) or as part of the Cleanup Plan (under Chapter 250 (relating to administration of land recycling program)). Waivers that are granted by the Department will be issued in writing.

(e) An environmental covenant will not be required, but may be used, for property owned by the Federal government before transfer of the property to a non-Federal entity or individual. At least 120 days before the transfer of a property owned by the Federal government, at which engineering or institutional controls are used to demonstrate or maintain attainment of a remediation standard under the Land Recycling Act or the Storage Tank Act, the Department shall be notified of the proposed transfer of the property and be provided with a draft environmental covenant. The requirement for providing notice and a draft environmental covenant to the Department shall be incorporated into an installation's master plan or other similar and appropriate remedial documentation.

§ 253.5. Submission of environmental covenants and related information.

(a) For remediations under the background standard or the Statewide health standard that will include an environmental covenant, the remediator shall draft the environmental covenant and provide an unsigned draft of the covenant at least 30 days prior to submission of the Remedial Action Completion Report or the Final Report to

the Department. At the time the draft is submitted to the Department, the remediator shall also submit a separate document that identifies all owners of recorded interests in the property and the nature of their interest.

(b) For remediations under the site-specific standard that will include an environmental covenant, the remediator shall draft the environmental covenant and provide an unsigned draft of the covenant either as part of the Remedial Action Plan (under Chapter 245) or as part of the Cleanup Plan (under Chapter 250). If no Remedial Action Plan or Cleanup Plan is required, the draft environmental covenant shall be submitted to the Department at least 30 days before submittal of the remedial Action Completion Report or the Final Report. At the time the draft is submitted the remediator shall also submit a separate document which identifies all owners of recorded interests in the property and the nature of their interest.

(c) The person who submits the environmental covenant to the agency shall provide the agency with the name and current address of each person occupying or otherwise in possession of the real property subject to the environmental covenant and each person owning a recorded interest in that property. The information shall be provided no later than when the unsigned draft of the environmental covenant is submitted to the agency.

(d) All necessary copies of the final environmental covenant shall be signed and submitted along with the Remedial Action Completion Report or the Final Report.

(e) Within 60 days after the environmental covenant has been approved and signed by the Department, the person who submitted the environmental covenant shall provide the Department with proof of recordation of either the approved environmental covenant or the substitute notice allowed by section 6512 (b) of the UECA (relating to registry; substitute notice).

§ 253.6. Requirements for county recorder of deeds

(a) Within 45 days after the filing of an environmental covenant, or the substitute notice allowed by section 6512 of the UECA (relating to registry; substitute notice), with a county recorder of deeds, the recorder of deeds shall provide the person who filed the document with a copy of the recorded document which indicates where the recorder has indexed the document.

(b) The county recorder of deeds may not require the payment of the Realty Transfer Tax, set forth in section 1102-C of the Tax Reform Code of 1971 (72 P. S. § 8102-C), unless the environmental covenant includes a statement of value in the form used by the Department of Revenue that indicates that the environmental covenant has a specified dollar value.

§ 253.7. Fees.

(a) A nonrefundable fee of \$350 shall be submitted to the Department with each covenant appropriately signed by all parties other than the Department.

(b) A fee is not required for environmental covenants submitted under § 253.10 (relating to conversion and waiver of conversion) where the person submitting the environmental covenant did not cause or contribute to the contamination described in the environmental covenant.

(c) At least every 3 years, the Department will provide the EQB with an evaluation of the fees in this chapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administer-

ing the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.

§ 253.8. Subordination.

(a) As a condition of approving an environmental covenant, the Department may require that an owner of a prior interest subordinate its interest to the environmental covenant.

(b) If the Department requires subordination of a prior interest to the environmental covenant, it will notify the person submitting the draft environmental covenant and the owner of the prior interest of this condition in writing.

(c) A subordination agreement may be contained in the environmental covenant or in a separate record. If contained in a separate record, a copy of the subordination document and proof of recordation shall be provided to the Department prior to approval of the environmental covenant.

(d) An agreement to subordinate affects the priority of the person's interest but does not impose an affirmative obligation on the person with respect to the environmental covenant nor does it affect the person's existing environmental liabilities.

§ 253.9. Duration.

(a) *Duration of covenant.* An environmental covenant is perpetual unless terminated in accordance with section 6509 of the UECA (relating to duration).

(b) *Eminent domain.* When the Department is the agency referenced in section 6509(a)(5) of the UECA, notice and request for consent must be made in writing and submitted to the Department at least 30 days prior to commencement of the eminent domain proceeding.

(c) *Judicial termination or amendment.* Where the Department is the agency referenced in section 6509(b) of the UECA, the notice and request for determination must be made in writing and submitted to the Department at least 90 days prior to commencement of the judicial proceeding.

§ 253.10. Conversion and waiver of conversion.

(a) An instrument created before February 18, 2008, to demonstrate attainment or maintenance of a standard under the Land Recycling Act or to demonstrate satisfaction of a corrective action requirement under the Storage Tank Act shall be converted to an environmental covenant by February 18, 2013, unless waived by the Department or this section.

(b) The current owner of a property subject to an instrument covered in subsection (a) shall have the responsibility to convert the existing instrument to an environmental covenant in accordance with the requirements of the UECA and this chapter. The Department will not require, but may allow, the environmental covenant to contain activity and use limitations not contained in the existing instrument or a Department-approved postremediation care plan.

(c) The obligation to convert an instrument covered in subsection (a) shall be waived until the property is transferred if the current owner of the property requests the waiver in writing and provides the Department with proof of recordation of the instrument covered by subsection (a).

(d) If the conditions of subsection (c) are met, the instrument shall be converted to an environmental covenant at the time of transfer of the property in accordance with the UECA and this chapter.

(e) The Department may waive the requirement to convert an instrument. Waivers that are granted by the Department will be issued in writing.

§ 253.11. Assignment of Interest.

When the Department's consent is required for a holder to assign its interest, or for the removal and replacement of a holder, request for the consent must be made in writing and submitted to the Department at least 30 days prior to the assignment.

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