

PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The Courts
Canine Health Board
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Fish and Boat Commission
Health Care Cost Containment Council
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Board of Chiropractic
State Board of Cosmetology
State Board of Nursing
State Board of Physical Therapy
State Employees' Retirement Board
Susquehanna River Basin Commission

Detailed list of contents appears inside.



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No. 424, March 2010

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CONTENTS

THE GOVERNOR

Amendment no. 1 to proclamation of disaster emergency 1489

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT
Notice of disbarment 1499

LOCAL COURT RULES

Clarion County
Supplementing the rules of criminal procedure; promulgated by the Supreme Court of Pennsylvania . 1490

Schuylkill County
In re: 237 Pa. Code chapter 16; post-dispositional procedures; administrative order 2010.1; juvenile rules; no. ad-19-2010 1498

RULES OF CIVIL PROCEDURE
In re: adoption of rule 233.1 of the rules of civil procedure; no. 522; civil procedural rules 1490

EXECUTIVE AGENCIES

CANINE HEALTH BOARD
Notices
Public meeting 1537

DEPARTMENT OF BANKING
Notices
Actions on applications 1537
Maximum lawful rate of interest for residential mortgages for the month of April 2010 1538

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Notices
Proposed exchange of lands 1538

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices
Applications, actions and special notices 1539
Bid opportunity (3 documents) 1581, 1582
Chesapeake Bay Watershed Implementation Plans meeting 1582
Clean Air Interstate Rule (CAIR); proposed 2014 annual and ozone season CAIR nitrogen oxides (NOx) allowance allocations 1582
Interstate pollution transport reduction; proposed 2010 ozone season NOx emission limits for non-electric generating units 1594
Recycling grant awards under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101 1597

DEPARTMENT OF GENERAL SERVICES
Notices
Real estate for sale (2 documents) 1599

DEPARTMENT OF HEALTH

Notices
Long-term care nursing facilities; requests for exception 1599
Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); minimum technology standards 1600

DEPARTMENT OF REVENUE

Notices
Pennsylvania Golden Millions instant lottery game . 1600
Pennsylvania Mother’s Day Surprise instant lottery game 1603

DEPARTMENT OF TRANSPORTATION

Notices
Sale of land no longer needed for transportation purposes 1606
Watercraft trailer forfeiture; maximum amount 1607

FISH AND BOAT COMMISSION

Rules and Regulations
Fishing 1500
Boating 1503

Proposed Rulemaking
Fishing 1530

Notices
Boat and marine forfeiture; maximum amount 1607

HEALTH CARE COST CONTAINMENT COUNCIL
Notices
Continued Collection of Laboratory Data for the purposes of risk adjusting healthcare outcomes; announces a 30-day public comment period 1607

HISTORICAL AND MUSEUM COMMISSION
Notices
National register nominations to be reviewed by the Historic Preservation Board 1609

INDEPENDENT REGULATORY REVIEW COMMISSION
Notices
Action taken by the Commission 1610
Notice of filing of final rulemakings 1612

INSURANCE DEPARTMENT
Notices
Application and request for a certificate of authority to provide a continuing care retirement community by Somerset Care, Inc. 1613
List of names of qualified unlicensed reinsurers . . . 1613
Qualified annuity contractors for awarded periodic medical professional liability payments 1614

PENNSYLVANIA GAMING CONTROL BOARD
Rules and Regulations
Temporary table game rules for Pai Gow, Minibaccarat, Midibaccarat, Baccarat and Spanish 21 1504

Now Available Online at <http://www.pabulletin.com>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking

Streamlining the rate increase procedures for small motor carriers 1531

Notices

Service of notice of motor carrier applications 1615
 Telecommunications 1615

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearing scheduled 1615

STATE BOARD OF CHIROPRACTIC

Statements of Policy

Patient records—statement of policy 1534

STATE BOARD OF COSMETOLOGY

Notices

Bureau of Professional and Occupational Affairs v. Thomas Santoro; doc. no. 1764-45-2008 1616

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v.:
 Stefanie Anne Cannon, RN; doc. no. 1781-51-2009 1616
 Joann Johnson Ferguson, RN; doc. no. 1476-51-2009 1616
 Diane Finnegan, LPN; doc. no. 0355-51-2009 1617
 Marsha A. Garvey, LPN; doc. no. 2011-51-2009 ... 1617
 Deborah R. Jones, RN; doc. no. 2055-51-2007 1617

STATE BOARD OF PHYSICAL THERAPY

Notices

Bureau of Professional and Occupational Affairs v. Andrea L. Katine; doc. no. 1142-65-2009 1617

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 1617

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Public hearing and meeting 1618

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.

4 Pa. Code (Administration)

Adopted Rules

1	8
5	11, 398
6	12, 212, 399
7a	14, 16
241	971
247	972, 973

Statements of Policy

9	888, 1406
---	-----------

22 Pa. Code (Education)

Adopted Rules

4	240
---	-----

25 Pa. Code (Environmental Protection)

Proposed Rules

78	623
92	847
92a	847
96	876
121	703
127	703
129	420
250	1297
253	1379
901	1201

40 Pa. Code (Liquor)

Adopted Rules

1	1149
3	1149
5	1149
7	1149
11	1149
13	1149
17	1149

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

16	250
18	250
25	1404
27	842
33	1082

Proposed Rules

15	623
16	884
18	884
29	440

Statements of Policy

5	1534
---	------

52 Pa. Code (Public Utilities)

Proposed Rules

23	1531
57	1203
59	1203
65	1203
67	1203

Statements of Policy

69	1210
----	------

55 Pa. Code (Public Welfare)

Adopted Rules

501	29
-----	----

Statement of Policy

2600	1411
------	------

58 Pa. Code (Recreation)

Adopted Rules

61	254
73	257
75	620, 1500
79	1500
111	1503
435a	975, 1082
437a	975
461a	1082
463a	1082
465a	416, 1082
491a	254
501a	1082
521	985, 1156
527	1156
529	844
531	985
533	985
535	1504
537	985
541	1504
543	1504
545	1504
549	985
551	1504
553	1156
555	1156
557	1156
559	1156
561	1156
563	1156
565	1156

Proposed Rules

61	427
65	427
69	1530
75	429
433a	434

201 Pa. Code (Judicial Administration)

Adopted Rules

7	19
19	218

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83	513
87	700
89	700
93	700
213	513

Proposed Rules

83 1066

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 19, 518, 1395, 1490

1000 1395

1910 413, 586

3000 19, 700

Proposed Rules

3000 413

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1396

2 1397

5 1068, 1397

10 1068

Proposed Rules

5 21

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 222, 518

2 222

3 222, 1073

4 222

5 222, 518

8 1073

11 222, 518

13 222

16 21

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

100 1146

Proposed Rules

500 522

249 Pa. Code (Philadelphia Rules)

Unclassified 237, 1075

252 Pa. Code (Allegheny County Rules)

Unclassified 1399

255 Pa. Code (Local Court Rules)

Unclassified 23, 24, 237, 238, 414, 415, 523, 701,

702, 838, 840, 969, 1079, 1080, 1147, 1403, 1490, 1498

THE GOVERNOR

Amendment No. 1 to Proclamation of Disaster Emergency

March 9, 2010

Whereas, on February 6, 2010, I declared a State of Disaster Emergency in response to a severe winter snowstorm that impacted the Commonwealth beginning on February 5, 2010; and

Whereas, a second severe winter snowstorm impacted the Commonwealth beginning on February 9, 2010; and

Whereas, state agency investigations of these severe winter snowstorms reveal the need for an increase to the original amount of \$1,000,000.00 in unused appropriated funds, which was transferred to the Pennsylvania Emergency Management Agency for disaster-related expenses.

Now Therefore, pursuant to the provisions of subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq., as amended), I do hereby amend my February 6, 2010, Proclamation as follows:

1. I hereby transfer up to \$5,000,000.00 in unused appropriated funds to the Pennsylvania Emergency Management Agency for disaster-related expenses, thus increasing the original amount of \$1,000,000.00 to \$5,000,000.00.
2. This Amendment to the February 6, 2010, Proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this ninth day of March in the year of our Lord two thousand ten, and of the Commonwealth the two hundred and thirty-fourth.



Governor

[Pa.B. Doc. No. 10-492. Filed for public inspection March 19, 2010, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

In Re: Adoption of Rule 233.1 of the Rules of Civil Procedure; No. 522; Civil Procedural Rules

Order

Per Curiam:

And Now, this 8th day of March, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 38 Pa.B. 5590 (October 11, 2008), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 955 No. 1):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 233.1 of the Pennsylvania Rules of Civil Procedure is adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 8, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 233.1. Frivolous Litigation. *Pro Se* Plaintiff. Motion to Dismiss.

(a) Upon the commencement of any action filed by a *pro se* plaintiff in the court of common pleas, a defendant may file a motion to dismiss the action on the basis that:

(1) the *pro se* plaintiff is alleging the same or related claims which the *pro se* plaintiff raised in a prior action against the same or related defendants; and

(2) these claims have already been resolved pursuant to a written settlement agreement or a court proceeding.

(b) The court may stay the action while the motion is pending.

(c) Upon granting the motion and dismissing the action, the court may bar the *pro se* plaintiff from pursuing additional *pro se* litigation against the same or related defendants raising the same or related claims without leave of court.

(d) The court may *sua sponte* dismiss an action that is filed in violation of a court order entered under subdivision (c).

Official Note: A *pro se* party is not barred from raising counterclaims or claims against other parties in litigation that the *pro se* plaintiff did not institute.

(e) The provisions of this rule do not apply to actions under the rules of civil procedure governing family law actions.

Explanatory Comment

It has come to the attention of the Supreme Court that certain litigants are abusing the legal system by repeatedly filing new litigation raising the same claims against the same defendant even though the claims have been

previously adjudicated either through settlement or through court proceedings. New Rule 233.1 provides relief to a defendant who has been subjected to this type of repetitive litigation. While attorneys are subject to the rules of disciplinary procedure, no analogous rule exists to curb this type of abuse when done by a *pro se* party.

Upon the filing of an action by a *pro se* plaintiff, a defendant may file a motion to dismiss a pending action provided that (1) the *pro se* plaintiff is alleging the same or related claims against the same or related defendants, and (2) the claims have already been resolved pursuant to a settlement agreement or a court proceeding. The new rule also gives the trial court discretion to bar the *pro se* litigant from filing further litigation against the same or related defendants raising the same or related claims without leave of court.

[Pa.B. Doc. No. 10-493. Filed for public inspection March 19, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLARION COUNTY

Supplementing the Rules of Criminal Procedure; Promulgated by the Supreme Court of Pennsylvania

Table of Contents

L.R.Crim.P. 101	Construction
L.R.Crim.P. 102	Citing the Clarion County Procedural Rules
L.R.Crim.P. 103	Definitions
L.R.Crim.P. 104	Design of Forms
L.R.Crim.P. 106	Continuances
L.R.Crim.P. 114	Service of Orders and Court Notices
L.R.Crim.P. 117	Coverage—Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail
L.R.Crim.P. 120	Entry of Appearance
L.R.Crim.P. 131	Location of Preliminary Hearings; Central Court
L.R.Crim.P. 507(B)	Approval of Police Complaints by Attorney for the Commonwealth
L.R.Crim.P. 520	Bail Before Verdict
L.R.Crim.P. 528	Requirements for Real Estate Bail
L.R.Crim.P. 543	Local Scheduling Procedures
L.R.Crim.P. 570	Pretrial Conferences
L.R.Crim.P. 571	Arraignment
L.R.Crim.P. 579	Time for Omnibus Pretrial Motion and Service
L.R.Crim.P. 590.1	Plea Negotiations
L.R.Crim.P. 590.2	Last Day to Enter Negotiated Plea
L.R.Crim.P. 620	Waiver of Jury Trial

Clarion County Local Rules of Criminal Procedure

Scope of Rules, Construction and Definitions

Rule L.R.Crim.P. 101. Construction.

These rules shall be construed using the same rules of construction as are used in construing the Pennsylvania Rules of Criminal Procedure.

Rule L.R.Crim.P. 102. Citing the Clarion County Procedural Rules.

These rules shall be known as the Clarion County Rules of Criminal Procedure and shall be cited as "L.R.Crim.P."

Rule L.R.Crim.P. 103. Definitions.

The words and phrases when used in any L.R.Crim.P. shall have the same meaning ascribed to them in the Pennsylvania Rules of Criminal Procedure, unless specifically defined in a L.R.Crim.P.

Rule L.R.Crim.P. 104. Design of Forms.

The design of all forms used by the court pursuant to these Rules shall be determined by the court administrator of Clarion County in consultation with the president judge. Any forms contained in these local rules are for the convenience of the parties; the use of specific forms is not required as long as all the information required is provided in a filing.

Rule L.R.Crim.P. 106. Continuances.

(A) All motions for continuance shall be in writing and be signed by counsel for the moving party, or by an unrepresented defendant, and shall include a statement of the specific reason(s) for the request.

(1) The motion shall include a statement that the opposing counsel or unrepresented defendant has been made aware of the motion and either does not object or does object to a continuance, and the reasons for any objection.

(2) A motion for continuance shall be substantially in the form prescribed by Form 106.1 of these Rules.

(3) When appropriate, a motion for continuance shall have attached thereto a waiver of Pa.R.Crim.P. 600 signed by the defendant.

Form 106.1

IN THE COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

vs.

NO. _____ CR _____

MOTION FOR CONTINUANCE

AND NOW, _____, _____, comes the _____ by attorney, _____, and moves for a continuance as follows:

1. This case is scheduled for _____ hearing, or _____ argument, or _____ other (describe proceeding): _____ on _____, _____, at _____ m. before judge _____.

2. The other party is represented by _____.

3. The proceeding was scheduled by order or notice dated _____, _____.

4. The proceeding _____ has or _____ has not been previously continued. The party filing this motion has obtained a continuance _____ time(s).

5. A continuance is requested because: (If a continuance is requested because of a conflicting proceeding in another court, state: (1) the names of the parties, (2) the court, (3) the nature of the proceeding, (4) the date, time and expected duration of the proceeding, (5) the date of the order or notice scheduling the proceeding, (6) whether the party has moved for a continuance of that proceeding and the results of the motion, and (7) attach a copy of the order or notice. If a continuance is requested because of an unavailable witness, state: (1) the name of the witness, (2) the specific reason the witness is unavailable at the time scheduled, and (3) the length of time the witness will be unavailable.) _____

6. Check all that apply:

(a) Opposing counsel or unrepresented defendant has been made aware of this motion and does not object.

(b) Opposing counsel or unrepresented defendant has been made aware of this motion and does object for the following reason(s): _____

(c) Opposing counsel or unrepresented defendant has not been made aware of this motion for the following reason(s): _____

7. The proceeding, when heard, will not exceed _____ hours or _____ days.

8. I specifically request a continuance to the next available date.

Respectfully submitted,

Rule L.R.Crim.P. 114. Orders and Court Notices.

(B)(2) The clerk of courts shall serve all court orders, unless the court directs the court administrator to make service. When the court directs the court administrator to make service, the person serving the order shall mark clearly on the order the date and upon whom it was served and shall place his or her initials on the order. If no such notation is marked on the order at the time it is filed with the clerk of courts, the clerk of courts shall serve it.

When notices (not orders) are sent directly to criminal defendants, court administration and/or court staff shall be responsible for service and shall provide a copy of the notice to the clerk of courts for filing. Those instances in which defendants receive notice directly from the court include, but are not limited to, sentence and pleas court, criminal pre-trial conferences and summary appeal hearings.

(B)(3) When entering an appearance pursuant to Pa.R.Crim.P. 120, an attorney shall indicate whether service upon that attorney in the particular case will be permitted by the methods set forth in Pa.R.Crim.P. 114(B)(3)(a)(iv), relating to service in a designated courthouse mailbox, and/or Pa.R.Crim.P. 114(B)(3)(a)(vi), relating to service by facsimile, as provided in Form 120 of these rules.

Rule L.R.Crim.P. 117. Coverage—Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

(A) All magisterial district court offices shall be open from 8 a.m. through 4 p.m. Monday through Friday except on those dates established as court holidays. The president judge may establish additional or alternate hours at any time in order to meet the needs of the public and the court. At any time a magisterial district judge is absent from his/her office during normal business hours, he/she shall arrange for coverage by another district judge of the 18th Judicial District.

(B) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection From Abuse Act and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d) shall be in accordance with the traditional on-call system as presently established. The president judge shall assign a magisterial district judge to be responsible for the preparation of the on-call schedule. The magisterial district judge designated to prepare the on-call schedule shall supply a copy of that schedule to each magisterial district judge, Clarion County Office of Emergency Services, the District Attorney, the president judge and court administrator. Any changes to the established schedule shall be made in writing and provided to the same persons in receipt of the original on-call schedule.

(C) The on-call magisterial district judge shall be available without unreasonable delay at his or her established office or, at the discretion of the on-call magisterial district judge, advanced communication technology may be utilized in those instances where it is allowable by the Rules of Criminal Procedure. The on-call magisterial district judge shall be available from the close of business at 4:00 p.m. until the opening of business the following day at 8:00 a.m. Weekend on-call shall be from 4:00 p.m. on Friday through 8:00 a.m. on Monday. Holiday on-call shall begin at 4:00 p.m. the day before the holiday and end at 8:00 a.m. the business day following the holiday.

(D) Magisterial district judges, the clerk of courts and the warden of Clarion County Corrections, or his designee, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure. The warden of Clarion County Corrections or his designee will accept only monetary bonds; real estate bonds may only be posted through the clerk of courts or the magisterial district court offices.

Rule L.R.Crim.P. 120. Entry of Appearance.

The entry of appearance required by Pa.R.Crim.P. 120(A) shall be substantially in the following form:

Form 120

IN THE COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

vs. :

NO. _____ CR _____
(Case No.) (Year)
OTN: _____

(Name of Defendant)

Entry of Appearance

To the Clerk of Courts:

Please enter my appearance for the defendant in the above-captioned case.

Name and address of Attorney for Defendant:

Name: _____

Supreme Court ID No.: _____

Firm: _____

Address: _____

Phone No: _____

Fax No.: _____

Email Address: _____
(optional)

Check Applicable: Privately Retained
 Public Defender

Service is permitted by the following means:

- Assigned mailbox in the office of the clerk of courts
- Facsimile or Other Electronic Means

(Signature of Attorney for Defendant) (Date)

Rule L.R.Crim.P. 131. Location of Preliminary Hearing; Central Court.

Pursuant to the authority contained in Pa.R.Crim.P. 131(B), the president judge of the Court of Common Pleas of Clarion County, Pennsylvania, has determined that local conditions require the establishment of procedures whereby preliminary hearings in criminal cases, filed in all magisterial districts, shall be held at a central location. The president judge shall issue an administrative order designating the place and time for preliminary hearings. Said court shall hereinafter be referred to as Central Court.

The president judge may grant an exception to this general rule in cases where there are multiple defendants or where there are serious charges, at the request of the magisterial district judge in whose district the crimes allegedly occurred. The magisterial district judge shall provide the president judge with information to support the request, including the nature of the charges, the number of potential witnesses, the expected length of the hearing, any security concerns, and any other relevant factors. The president judge will then either grant or deny the request and communicate the decision in writing to all magisterial district judges. If possible, in cases involving more than one defendant, the magisterial district judge shall hold the hearings for co-defendants on the same date.

Rule L.R.Crim.P. 507(B). Approval of Police Complaints by Attorney for the Commonwealth.

The District Attorney of Clarion County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses:

Title 18 Use or Possession of Electric or
Section 908.1 Electronic Incapacitation Device (intent to commit felony)

Title 18 Manufacture, Distribution, Use or
Section 909 Possession of Devices for Theft of Telecommunications Services

Title 18 Section 910	Manufacture, etc. of Devices for Theft of Telecommunication Services	Title 18 Section 2905	Interference with Custody of Committed Persons
Title 18 Section 911	Corrupt Organizations	Title 18 Section 2906	Criminal Coercion
Title 18 Section 913	Possession of Firearm or Other Dangerous Weapon in Court Facility	Title 18 Section 2907	Disposition of Ransom
Title 18 Section 2102	Desecration of Flag	Title 18 Section 3121	Rape
Title 18 Section 2103	Insults to National or Commonwealth Flag	Title 18 Section 3122.1	Statutory Sexual Assault
Title 18 Section 2501	Criminal Homicide	Title 18 Section 3123	Involuntary, Deviate Sexual Intercourse
Title 18 Section 2502(a)	Murder, First Degree	Title 18 Section 3124.1	Sexual Assault
Title 18 Section 2502(b)	Murder, Second Degree	Title 18 Section 3124.2	Institutional Sexual Assault
Title 18 Section 2502(c)	Murder, Third Degree	Title 18 Section 3125	Aggravated Indecent Assault
Title 18 Section 2503	Manslaughter, Voluntary	Title 18 Section 3126(a)(4), (5), (6), (7), (8)	Indecent Assault
Title 18 Section 2504	Manslaughter, Involuntary	Title 18 Section 3129	Sexual Intercourse with Animal
Title 18 Section 2505	Causing or Aiding Suicide	Title 18 Section 3204	Medical Consultation and Judgment
Title 18 Section 2506	Drug Delivery Resulting in Death	Title 18 Section 3205	Informed Consent
Title 18 Section 2603	Criminal Homicide of Unborn Child	Title 18 Section 3206	Parental Consent
Title 18 Section 2604	Murder of an Unborn Child	Title 18 Section 3209	Spousal Notice
Title 18 Section 2605	Voluntary Manslaughter of an Unborn Child	Title 18 Section 3210	Determination of Gestational Age
Title 18 Section 2606	Aggravated Assault of an Unborn Child	Title 18 Section 3211	Abortion on Unborn Child of 24 or More Weeks Gestational Age
Title 18 Section 2701	Simple Assault Against Child 12 or under	Title 18 Section 3212	Infanticide
Title 18 Section 2702	Aggravated Assault	Title 18 Section 3213	Prohibited Acts
Title 18 Section 2704	Assault by Life Prisoner	Title 18 Section 3216	Fetal Experimentation
Title 18 Section 2708	Use of Tear or Noxious Gas in Labor Disputes	Title 18 Section 3218	Criminal Penalties
Title 18 Section 2710	Ethnic Intimidation	Title 18 Section 3301(a)(c)(f)	Arson and Related Offenses
Title 18 Section 2713	Neglect of Care-Dependent Person	Title 18 Section 3302	Catastrophe, Causing, or Risking
Title 18 Section 2714	Unauthorized Administration of Intoxicant	Title 18 Section 3303	Failure to Prevent Catastrophe
Title 18 Section 2715	Threat to Use Weapons of Mass Destruction	Title 18 Section 3502	Burglary (F1 only)
Title 18 Section 2716	Weapon of Mass Destruction	Title 18 Section 3701	Robbery
Title 18 Section 2901	Kidnapping	Title 18 Section 3702	Robbery of a Motor Vehicle
Title 18 Section 2904	Interference with the Custody of Children		

Title 18 Section 3921	Theft by Unlawful Taking (over \$25,000)	Title 18 Section 4305	Dealing in Infant Children
Title 18 Section 3922	Theft by Deception (over \$25,000)	Title 18 Section 4583.1	Aggravated Jury Tampering
Title 18 Section 3923	Theft by Extortion (over \$25,000)	Title 18 Section 4701	Bribery, Official and Political Matters
Title 18 Section 3924	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$25,000)	Title 18 Section 4702	Threats, Official and Political Matters
Title 18 Section 3925	Theft by Receiving Stolen Property (during disaster and/or over \$25,000)	Title 18 Section 4703	Retaliation for Past Official Action
Title 18 Section 3926	Theft of Services (over \$25,000)	Title 18 Section 4902	Perjury
Title 18 Section 3927	Theft by Failure to Make Required Disposition of Funds Received (over \$25,000)	Title 18 Section 4909	Witness Taking Bribe
Title 18 Section 3930	Theft of Trade Secrets by Force, Violence, or Burglary	Title 18 Section 4910	Tampering with or Fabricating Physical Evidence
Title 18 Section 3931	Theft of Unpublished Dramas and Musical Compositions	Title 18 Section 4952	Intimidation of Witnesses or Victims (Felonies only)
Title 18 Section 3932	Theft of Leased Property (over \$25,000)	Title 18 Section 4953	Retaliation Against Victim, Witness, or Party
Title 18 Section 3934	Theft from a Motor Vehicle (over \$25,000)	Title 18 Section 4953.1	Retaliation Against Prosecutor or Judicial Officer
Title 18 Section 4102	Simulating Objects of Antiquity, Rarity, etc.	Title 18 Section 5103	Unlawfully Listening into Deliberations of Jury
Title 18 Section 4103	Fraudulent Destruction, Removal or Concealment of Recordable Instruments	Title 18 Section 5106	Failure to Report Injuries by Firearm or Criminal Act
Title 18 Section 4105	Bad Checks (over \$75,000)	Title 18 Section 5108	Compounding
Title 18 Section 4106	Access device fraud (over \$25,000)	Title 18 Section 5109	Barratry
Title 18 Section 4107	Deceptive or Fraudulent Business Practices	Title 18 Section 5110	Contempt of General Assembly
Title 18 Section 4107.1	Deception Relating to Kosher Food Products	Title 18 Section 5111	Dealing in Proceeds of Unlawful Activities
Title 18 Section 4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	Title 18 Section 5301	Official Oppression
Title 18 Section 4108	Commercial Bribery and Breach of Duty	Title 18 Section 5302	Speculating or Wagering on Official Action or Information
Title 18 Section 4109	Rigging Public Contest	Title 18 Section 5508	Disrupting Meetings
Title 18 Section 4112	Receiving Deposits; Failed Institution	Title 18 Section 5509	Desecration or Sale of Venerated Objects
Title 18 Section 4116	Copying; Recording Devices	Title 18 Section 5510	Abuse of Corpse
Title 18 Section 4116.1	Unlawful Operation of Recording Device in Motion Picture Theater	Title 18 Section 5511.3	Assault with Biological Agents on Animals
Title 18 Section 4117	Insurance Fraud (over \$25,000)	Title 18 Section 5512	Lotteries
Title 18 Section 4120	Identity Theft (victim over 60, or total value over \$2,000)	Title 18 Section 5513	Gambling Devices
Title 18 Section 4301	Bigamy	Title 18 Section 5514	Pool Selling and Bookmaking
Title 18 Section 4302	Incest	Title 18 Section 5515	Prohibiting Paramilitary Training
Title 18 Section 4303	Concealing Death of Child	Title 18 Section 5516	Facsimile Weapons of Mass Destruction

Title 18 Section 5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications	Title 18 Section 7303	Sale or Illegal Use of Certain Solvents and Noxious Substances
Title 18 Section 5705	Possession, Sale, Distribution, Manufacture, or Advertisement of Interception Devices	Title 18 Section 7304	Illegal Sale or Use of Certain Fire Extinguishers
Title 18 Section 5903	Obscene and other Sexual Materials and Performances	Title 18 Section 7306	Incendiary Devices
Title 18 Section 5902	Prostitution and Related Offenses (Felonies only)	Title 18 Section 7307	Out of State Convict Made Goods
Title 18 Section 5904	Public Exhibition of Insane or Deformed Person	Title 18 Section 7308	Unlawful Advertising of Insurance Business
Title 18 Section 6110.1	Possession of Firearm by Minor	Title 18 Section 7309	Unlawful Coercion in Contracting Insurance
Title 18 Section 6111	Sale or Transfer of Firearms	Title 18 Section 7310	Furnishing Free Insurance
Title 18 Section 6115	Loans, Lending, Giving Firearms Prohibited	Title 18 Section 7311	Unlawful Collection Agency Practices
Title 18 Section 6142	Locking Device for Firearms	Title 18 Section 7312	Debt Pooling
Title 18 Section 6303	Sale of Starter Pistols	Title 18 Section 7313	Buying or Exchanging Federal Food Order Coupons, Stamps, Authorization Cards or Access Devices
Title 18 Section 6304	Sale and Use of Air Rifles	Title 18 Section 7314	Fraudulent Traffic in Food Orders
Title 18 Section 6312	Sexual Abuse of Children	Title 18 Section 7315	Unauthorized Disposition of Donated Food Commodities
Title 18 Section 6319	Solicitation of Minors to Traffic Drugs	Title 18 Section 7316	Keeping Bucket-Shop
Title 18 Section 6320	Sexual Exploitation of Children	Title 18 Section 7317	Accessories, Bucket-Shop
Title 18 Section 6703	Military Decorations	Title 18 Section 7318	Maintaining Bucket-Shop Premises
Title 18 Section 6704	Fraud on Association Having Grand Lodge	Title 18 Section 7319	Bucket-Shop Contracts
Title 18 Section 6707	False Registration of Domestic Animals	Title 18 Section 7321	Lie Detector Tests
Title 18 Section 6709	Use of Union Labels	Title 18 Section 7322	Demanding Property to Secure Employment
Title 18 Section 6710	Unauthorized Use of Registered Insignia	Title 18 Section 7323	Discrimination on Account of Uniform
Title 18 Section 6711	Retention of Military Property After Notice to Return	Title 18 Section 7324	Unlawful Sale of Dissertations, Thesis, Term papers
Title 18 Section 6712	Use of Carts, Cases, Trays, Baskets, Boxes, and Other Containers	Title 18 Section 7326	Disclosure of Confidential Tax Information
Title 18 Section 6901	Extension of Water Line	Title 18 Section 7328	Operation of Certain Establishments
Title 18 Section 6910	Unauthorized Sale of Tickets	Title 18 Section 7361	Worldly Employment or Business
Title 18 Section 7102	Drugs to Race Horses	Title 18 Section 7503	Interest of Certain Architects in Public Works Contracts
Title 18 Section 7103	Horse Racing	Title 18 Section 7504	Appointment of Special Police
Title 18 Section 7104	Fortune Telling	Title 18 Section 7505	Violation of Government Rules Regarding Traffic
Title 18 Section 7107	Unlawful Actions by Athlete Agents	Title 18 Section 7506	Violation of Rules Regarding Conduct on Commonwealth Property
Title 18 Section 7302	Sale and Labeling of Solidified Alcohol		

- Title 18
Section 7507 Breach of Privacy by Using a Psychological-Stress Evaluator, an Audio-Stress Monitor or a Similar Device without Consent
- Title 18
Section 7509 Furnishing Drug free urine
- Title 18
Section 7515 Contingent Compensation
- Title 18
Section 7611 Unlawful Use of Computer and Other Computer Crimes
- Title 18
Section 7612 Disruption of Service
- Title 18
Section 7613 Computer Theft
- Title 18
Section 7614 Unlawful Duplication
- Title 18
Section 7615 Computer Trespass
- Title 18
Section 7616 Distribution of Computer Virus
- Title 18
Section 7661 Unlawful Transmission of Electronic Mail
- Title 75
Section 3732 Homicide by Vehicle
- Title 75
Section 3735 Homicide by Vehicle while DUI
- Title 75
Section 3735.1 Aggravated Assault by Vehicle while DUI
- Title 75
Section 3742 Accidents Involving Death or Personal Injury (*felonies only*)
- Title 75
Section 3742.1 Accidents Involving Death or Personal Injury While Not Properly Licensed (*felonies only*)
- Title 35
Section 780-113(a)
- (1) Manufacture/Sale/Delivery of Adulterated Drug
 - (2) Adulteration of Controlled Substance
 - (3) False Advertisement
 - (4) Removal of Detained Substance
 - (5) Adulteration of Sellable Controlled Substance
 - (6) Forging ID Under Act
 - (7) Defraud Trademark
 - (8) Selling Defrauded Trademark
 - (9) Having Equipment to Defraud
 - (10) Illegal Sale of Nonproprietary Drug
 - (11) Illegal Pharmacy Operations
 - (12) Acquisition by Fraud-Heroin, Marijuana
 - (13) Dispense of Drugs to Drug Dependent Person
 - (14) Delivery by Practitioner
 - (15) Illegal Retail Sale
 - (17) Dispensing of Drugs without Label
 - (18) Illegal Sale Container
 - (19) Intentional Unauthorized Purchase
 - (20) Divulging Trade Secret
- (21) Failure to Keep Records
 - (22) Refusal of Inspection
 - (23) Unauthorized Removal of Seals
 - (24) Failure to Obtain License
 - (25) Manufacture by Unauthorized Party
 - (26) Distribution by Registrant of Controlled Substance
 - (27) Use of Fictitious Registration Number
 - (28) False Application Material
 - (29) Production of Counterfeit Trademarks
 - (30) Possession with Intent to Deliver
 - (34) Ad for Drug Paraphernalia
 - (35) Illegal Sale of Non-Controlled Substance
 - (36) Designer Drugs
 - (37) Possession of Steroids
 - (38) Unlawful Manufacture of Methamphetamine
- Title 42
Section 4583.1 Aggravated jury tampering
- shall not hereafter be accepted by any judicial officer unless the criminal complaint has the approval of an attorney for the Commonwealth prior to filing.
- Rule L.R.Crim.P. 520. Bail Before Verdict.**
- Monetary bond may be posted outside of regularly scheduled work hours with a magisterial district judge, the clerk of courts or the warden of Clarion County Corrections with the following provisions.
- (A) Bonds required prior to the verdict or other case disposition in the amount of ONE THOUSAND (\$1,000.00) DOLLARS and NO CENTS or less shall be posted with the warden at Clarion County Corrections.
- (B) Bonds required prior to verdict or other case disposition in the amount of more than ONE THOUSAND (\$1,000.00) DOLLARS and NO CENTS shall be posted with "on-call" magisterial district judge.
- (C) All property bonds must be posted during regular business hours with the clerk of courts of Clarion County.
- Rule L.R.Crim.P. 528. Requirements for Real Estate Bail.**
- (A) If real estate is offered as bail set for a defendant, whether before an issuing authority or the court, the owner of the real estate, to qualify as surety and post real estate as bail, must file a letter from an attorney licensed in Pennsylvania which contains the following:
- (1) The assessed value and fair market value of the real estate as contained among the assessment records of the county in which the real estate is located or alternatively, a real estate appraisal prepared by a certified Pennsylvania real estate appraiser establishing the fair market value for the real estate.
 - (2) The exact name(s) of the record title holder(s).
 - (3) A list of liens against the real estate together with the amount of the lien of record, the actual current payoff amount of the lien, and the date the lien was entered.
 - (4) A list of all unpaid taxes due and owing.
 - (5) A certification that a lien search has been completed and the attorney finds that after subtracting any outstanding liens from the fair market value of the real estate, here remains a sufficient amount of equity to cover the amount of the bond to be posted.

(B) The clerk of courts shall make the determination of whether the net value of the property is sufficient to satisfy the monetary condition. For property located outside the Commonwealth but within the United States, the clerk of courts may impose reasonable conditions designed to perfect a lien.

Rule L.R.Crim.P. 552. Local Scheduling Procedures.

(A) Annually, by the first day of December, the court administrator shall publish a case tracking schedule for the succeeding year setting forth the following pertinent dates that affect each criminal case, with the appropriate schedule to be set in motion by the date the defendant either waives his or her preliminary hearing or is bound over following the preliminary hearing:

(1) The date of the court arraignment, which shall be the first available arraignment date at least 40 days after the preliminary hearing is held or waived.

(2) The date for the criminal conferences as required by L.R.Crim.P. L590.1.

(3) The date of the pretrial conference, which shall follow the final criminal conference and precede jury selection.

(4) The date representing Defendant's last day to enter a negotiated plea, as set forth in L.R.Crim.P. L590.2;

(5) The date of jury selection.

(B) The court administrator shall immediately, after publishing said schedule, provide copies to each sitting magisterial district judge, the district attorney's office, the public defender's office, and each member of the county criminal defense bar known to the court administrator. Copies shall also be available free of charge at all times in the court administrator's office.

(C) (1) At the time defendant is bound over to court or waives his preliminary hearing, the magisterial district judge shall complete a Case Tracking Information Form and distribute as indicated on the form.

(2) The Case Tracking Information Form shall set forth the date and time the defendant and his or her attorney must appear in Court for arraignment (unless waived), two criminal conferences as required by L.R.Crim.P. L590.1, the last date to enter a negotiated plea as set forth in L.R.Crim.P. L590.2, pretrial conference and jury selection. The dates established by the Case Tracking Information Form shall be deemed orders of court and may not be changed except by leave of court.

(3) The magisterial district judge shall orally advise the defendant and counsel of the time, date, and place of arraignment and that the failure to appear at such arraignment may result in the defendant's arrest and forfeiture of bond.

(4) The magisterial district judge shall require the defendant to sign the Case Tracking Information Form indicating the defendant is aware of the time and place of arraignment and of the obligation to appear at the arraignment and other proceedings noted thereon.

Rule L.R.Crim.P. 570. Pretrial Conference.

(A) The pretrial conference shall take place on the date set in the Case Tracking Information Form pursuant to L.R.Crim.P. L543(C)(2).

(B) The defendant shall attend the pretrial conference or be available by telephone at the time of the pretrial conference, unless the court excuses the defendant in advance.

(C) The court shall conduct the pretrial conference in accordance with Pa.R.Crim.P. 570. Counsel in attendance at the pretrial conference shall be prepared and authorized to address the following topics:

(1) the terms and procedures for pretrial discovery and inspection,

Comment: Commonwealth and defense counsel shall make a good faith effort to resolve all pretrial discovery and inspection issues prior to the pretrial conference.

(2) all motions including those for pretrial discovery and inspection,

(3) the simplification or stipulation of factual issues, including admissibility of evidence,

(4) the qualification of exhibits, such as pictures, documents, confessions, and records, as evidence to avoid unnecessary delay,

(5) the number of witnesses who are to give testimony of a cumulative nature,

(6) pleas to various counts of the information(s) and whether the jury should be informed of such pleas,

(7) the *nolle prosequi* or other disposition of some counts of the information(s),

(8) all objections or defenses which are capable of determination before trial,

Comment: The attorneys should raise the legal and evidentiary issues which may need to be resolved before or during trial which counsel know or reasonably should know about, and provide the court with legal authority in support of their positions.

(9) whether a defense of alibi, or insanity, or diminished responsibility resulting from other mental infirmity, or other defenses will be raised at trial, as to which appropriate rulings may be made,

(10) the time needed for completion of jury selection and trial and the date(s) of the trial,

Comment: Before the date of the pretrial conference, the attorneys shall communicate with each other and agree upon the number of days needed to complete the trial and select a trial date or dates from the list of available dates provided by the court.

(11) the availability of all persons who may testify at trial on the date(s) selected,

Comment: Before the date of the pretrial conference, the attorneys, or someone acting on their behalf, shall use all reasonable efforts to contact all potential witnesses and determine whether they are available to testify on the date(s) selected. If there is any issue concerning the availability of any witness, the attorney for the party who wants to call the witness shall raise the issue at the pretrial conference to be addressed by the court. If he or she fails to raise the issue, then the unavailability of a witness due to lack of notice and confirmation of his or her availability shall not be grounds for a continuance of the trial. This rule is not intended to change Pa.R.Crim.P. 573(C).

(12) any other matters which may aid in the disposition of the proceeding.

Comment: Before the date of the pretrial conference, the attorneys shall discuss the topics listed in L.R.

570(B)(1) through (12) and when possible, reach agreements which may aid in the disposition of the proceeding.

(D) Defendants who are not represented by counsel shall be required to comply with this Local Rule.

Rule L.R.Crim.P. 571. Arraignment.

(A) Arraignment shall be held in open court at such times designated by the court administrator in the annual case tracking schedule.

(B) Waiver of Appearance at Arraignment:

(1) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a waiver of arraignment in the clerk of courts office in the form prescribed by the court administrator. A copy of the waiver shall be served upon the district attorney pursuant to Pa.R.Crim.P. 576.

(2) If a written waiver of arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pretrial motion and requests pursuant to Pa.R.Crim.P. 572, 573, 578 and 579 and for the purpose of scheduling further dates pursuant to these rules.

Rule L.R.Crim.P. 579. Time for Omnibus Pretrial Motion and Service.

(A) Any omnibus pretrial motion shall be filed within thirty (30) days after arraignment, or if arraignment is waived within thirty (30) days after the date set for arraignment.

(B) If an omnibus pretrial motion is not filed within thirty (30) days after arraignment, the defendant shall set forth in the motion the specific reasons it was not timely filed.

(C) If the reasons are not stated within the motion, the court may dismiss the motion for that reason alone.

Rule L.R.Crim.P. 590.1. Plea Negotiations.

(A) At the time a defendant either waives his preliminary hearing or is bound over following a preliminary hearing, he will be given two specific dates for criminal conferences based on the annual case tracking schedule published by the court administrator. Each conference shall be held at a location and at times designated by the court administrator. Defense counsel will be required to attend each conference in person, unless leave of court is obtained prior to the time of the conference. Defense counsel is not required to attend if the defendant has previously entered a plea of guilty or *nolo contendere*, a plea date is already scheduled, or the matter is being considered for ARD disposition.

(B) For each criminal conference:

(1) The district attorney shall have an attorney for the Commonwealth available with authority to discuss the case on behalf of the Commonwealth in each case. The attorney for the Commonwealth and defense counsel shall attend the conference at the designated location and discuss each case and, at the discretion of counsel, the defendant may participate in all or part of those discussions.

(2) At the end of the conference, a Criminal Conference Form, in a form set forth by the court administrator, shall be filled out and signed by the attorney for the Commonwealth and defense counsel. The original Criminal Conference Form shall be submitted to the court administrator by the district attorney's office. A copy of the form

shall be retained by the attorney for the Commonwealth and by defense counsel. After recording the necessary information from the forms, the court administrator shall deliver the original form to the clerk of courts office so that it may be filed in the official court file.

(3) Any plea reached at the conclusion of a criminal conference shall be entered before the court on a date set by the court administrator.

(4) A scheduled conference may not be continued until another date unless ordered by the court upon written motion filed by a party.

Rule L.R.Crim.P. 590.2. Last Day to Enter a Negotiated Plea.

(A) A deadline shall exist, after which the court will not accept a negotiated plea to a lesser or reduced offense except upon a showing of extraordinary circumstances. This deadline, known as the "last day to enter a negotiated plea," shall be published by the court administrator in its annual case tracking schedule prepared pursuant to L.R.Crim.P. L543. The last day to enter a negotiated plea shall be included on the Case Tracking Information Form issued to the defendant by the magisterial district judge pursuant to L.R.Crim.P. L543. If no plea agreement has been reached by the date set, the defendant shall (1) proceed to trial; or (2) enter an "open" plea as charged that is in no way a negotiated plea.

(B) The defendant, defense counsel, and an attorney for the Commonwealth with the authority to take a position on behalf of the Commonwealth shall appear in person in court on the last day to enter a negotiated plea.

(C) A colloquy form shall be presented to the judge at the time any plea is to be entered in open court with the agreement attached.

Rule L.R.Crim.P. 620. Waiver of Jury Trial.

The last day for a defendant to waive a jury trial shall be at the Pretrial Conference unless upon good cause shown the Court allows such a waiver after that date.

JAMES G. ARNER,
President Judge

[Pa.B. Doc. No. 10-494. Filed for public inspection March 19, 2010, 9:00 a.m.]

SCHUYLKILL COUNTY

**In Re: 237 Pa. Code Juvenile Rules Chapter 16;
Post-Dispositional Procedures; Administrative
Order 2010.1; No. AD-19-2010**

Administrative Order

And Now, this 27th day of January, 2010, at 8:30 a.m., pursuant to Pa.R.J.C.P. 1604.B, it is hereby *Ordered* that the Schuylkill County Civil Deputy Court Administrator is appointed as the Court Designee to receive and distribute all submitted reports.

The Court Administrator is directed to:

- 1) File one (1) certified copy of the local rule with the Administrative Office of the Pennsylvania Courts; and
- 2) Submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:
 - a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) Publish a copy of the local rule on the Unified Judicial System Portal at <http://ujportal.us/local/rules/ruleselection.aspx>.

4) Keep continuously available for public inspection and copying in the office of the Clerk of Courts.

This Order shall become effective 30 days after publication of the rule on the Unified Judicial System Portal and in the *Pennsylvania Bulletin*.

By The Court

WILLIAM E. BALDWIN,
President Judge

[Pa.B. Doc. No. 10-495. Filed for public inspection March 19, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Nathaniel Sims having been disbarred from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided November 10, 2004, the Supreme Court of Pennsylvania issued an Order on March 3, 2010, disbaring Nathaniel Sims from the Bar of this Commonwealth, effective April 2, 2010. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-496. Filed for public inspection March 19, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 75 AND 79]

Fishing

The Fish and Boat Commission (Commission) amends Chapters 75 and 79 (relating to endangered species; and reptiles and amphibians). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code) and other authorities described as follows.

A. Effective Date

This final-form rulemaking will go into effect immediately upon publication of this order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

These amendments are published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P. S. § 186). These amendments also are published in accordance with section 204 of the act of July 31, 1968 (P. L. 769, No. 240) known as the Commonwealth Documents Law (CDL) (45 P. S. § 1204), which provides that an agency may omit or modify the procedures specified in sections 201 and 202 of the CDL if the administrative regulation or change relates to agency organization, management or personnel; agency procedure or practice; or Commonwealth property or if the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in sections 201 and 202 of the CDL are under the circumstances impracticable, unnecessary or contrary to the public interest.

D. Purpose and Background

Under 58 Pa. Code § 51.5 (relating to correction of regulations), the Executive Director is authorized to take immediate corrective action on the Commission's behalf if the Executive Director or the Commission's staff discovers an error or omission in the text of a Commission regulation as published in the *Pennsylvania Code* or *Pennsylvania Bulletin*. Taxonomy and species nomenclature is a dynamic field where the classification of species, both common and scientific names, occurs on a regular basis. Based on the most recent compilation of information on the taxonomy of reptiles and amphibians, the Commission reviewed its regulations that refer to specific species of reptiles and amphibians. This review has revealed that there are inaccuracies in the text of several Commission regulations as related to the common and scientific names of reptiles and amphibians, as more particularly described in the summary of changes. The purpose of this final-form rulemaking is to correct these inaccuracies and update the Commission's regulations with the latest scientific consensus on the proper species nomenclature.

E. Summary of Changes

Taxonomy and species nomenclature is a dynamic field, and research geneticists are regularly revising the classification of species. Recognizing the importance of maintaining consistency in the use of both scientific and common names of reptiles and amphibians for regulatory, conservation and educational applications, two herpetological societies maintain regularly updated lists of common and scientific names of reptiles and amphibians.

The Center for North American Herpetology (CNAH) serves as a data bank for information about North American amphibians, turtles, reptiles and crocodylians. The sixth edition of their common name compilation (Collins and Taggart 2009), published in printed form on April 5, 2009, lists 621 species of amphibians, turtles, reptiles and crocodylians in the United States and Canada, an increase of 167 species since 1978 and an increase of 232 species since 1956. The Society for the Study of Amphibians and Reptiles (SSAR), a nonprofit organization established to advance research, conservation and education concerning amphibians and reptiles, publishes a similar list of the scientific and common names of North American amphibians and reptiles (Crother 2008).

The Herpetological Technical Committee of the Pennsylvania Biological Survey (PABS) recently undertook a comprehensive review of the Commonwealth's list of native species of reptiles and amphibians and has recommended numerous name changes to better reflect current taxonomic understanding and maintain consistency with the herpetological community. The PABS is a nonprofit scientific, educational and advisory organization that was formed to foster the perpetuation of the natural biological diversity of the Commonwealth. It has a number of technical committees that serve in an advisory role to Commission staff. Each technical committee of the PABS is made up of volunteer taxonomic experts recognized in their field.

All of the proposed name changes were recommended by the PABS to update the Commission's regulations and maintain consistency with the published lists referenced previously. In cases where the two lists (CNAH and SSAR) conflicted, the PABS committee determined the name that would be most consistent with current use in this Commonwealth, for the most part deferring to Crother (2008).

(1) Section 75.1(c)(2) and (3) (relating to endangered species) has been revised as follows: The revised scientific name of the New Jersey Chorus Frog is *Pseudacris kalmi*; the Coastal Plain Leopard Frog, *Rana sphenoccephala*, has been removed from the large and predominately Eurasian genus, *Rana*, and is now classified as the Southern Leopard Frog, *Lithobates sphenoccephalus utricularius*.

(2) Section 75.2(c)(2) (relating to threatened species) has been revised to change the common name of the Red-bellied Turtle to the Eastern Redbelly Turtle. This change will provide consistency with other published lists for this species.

(3) Section 75.3(c)(1) and (2) (relating to candidate species) has been revised as follows: The revised scientific name of the Blanding's Turtle is *Emydoidea blandingii*; the revised common and scientific name for the Broad-headed Skink, *Eumeces laticeps*, is Broadhead Skink, *Plestiodon laticeps*.

(4) Section 79.3(h) (relating to season and daily possession limits) has been revised as follows:

- The revised scientific names for the Blanding’s Turtle and Broadhead Skink outlined for § 75.3(c) have been made.
- The common name for the Northern Copperhead has been changed to simply Copperhead as the “northern” designation belongs to a subspecific designation that is not in use in this Commonwealth.
- The scientific name of the Eastern Worm Snake has been revised to *Carphophis amoenus amoenus*.
- The scientific name of the Northern Coal Skink has been revised to *Plestiodon anthracinus anthracinus*.
- The common and scientific names for the Ravine Salamander, *Plethodon richmondi*, have been revised to Northern Ravine Salamander, *Plethodon electromorphus*, to reflect its classification as a distinct species of Ravine Salamander.
- The Striped Chorus Frog Complex, *Pseudocris feriarum feriarum*, *Pseudocris feriarum triseriata* has been split into Upland Chorus Frog, *Pseudocris feriarum*, and Western Chorus Frog, *Pseudocris triseriata*.
- The scientific name of the Bullfrog has been revised to *Lithobates catesbeiana*, to remove it from the large and predominately Eurasian genus *Rana*.
- The common and scientific names of the Green Frog, *Rana clamitans*, have been revised to Northern Green Frog, *Lithobates clamitans melanotus*, to remove it from the large and predominately Eurasian genus *Rana*.
- The common and scientific names of the Smooth Earth Snake, *Virginia valeriae*, have been revised to Eastern Smooth Earth Snake, *Virginia valeriae valeriae*, to promote consistency with published lists.

(5) Section 79.6(a) and (b) (relating to venomous snake permits) has been revised to substitute the new common name of “Copperhead” for “Northern Copperhead.”

The Commission has adopted the amendments to §§ 75.1, 75.2, 75.3, 79.3 and 79.6 to read as set forth in Annex A.

F. Paperwork

This final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

H. Public Involvement

Under section 204 of the CDL (45 P.S. § 1204), an agency may omit the procedures specified in sections 201 and 202 of the CDL if the agency finds that these procedures are impractical or unnecessary or if the administrative regulation or change relates to agency procedure or practice. The Commission, therefore, did not publish these amendments as a notice of proposed rule-making or solicit public comment.

Findings

The Commission finds:

(1) Inaccuracies with respect to the most up-to-date scientifically recognized common and scientific names of

species were discovered in the text of 58 Pa. Code §§ 75.1, 75.2, 75.3, 79.3 and 79.6 as published in the *Pennsylvania Code*.

(2) Under § 51.5, the Executive Director is authorized to take immediate corrective action on behalf of the Commission, including, if necessary, the issuance of an order to make the necessary correction, if the Executive Director or the Commission’s staff discovers an error or omission in the text of a Commission regulation as published in the *Pennsylvania Code*.

(3) The nature of the amendments is minor and designed to update the common and scientific names of species contained within the Commission’s regulations to reflect the latest taxonomy and species nomenclature.

(4) The changes adopted in this final-form rulemaking do not affect the substance of the Commission’s regulations in any way, as no species is added or removed and no changes in any seasons, sizes and creel limits are made.

(5) Seeking public comment on the updating of the common and scientific names of these species is unnecessary and impractical.

(6) For the foregoing reasons, the Commission finds that the procedures of sections 201 and 202 of the CDL are impracticable and unnecessary for this rulemaking.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 75 and 79, are amended by amending §§ 75.1, 75.2, 75.3, 79.3 and 79.6 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Acting Executive Director will submit this order and Annex A to the Attorney General for approval as to legality as required by law.

(c) The Acting Executive Director shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

BRIAN P. BARNER

Acting Executive Director

Fiscal Note: 48A-217. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

* * * * *

(c) *Reptiles and amphibians*. The following species are endangered:

(1) Bog Turtle, *Glyptemys muhlenbergii*.

(2) New Jersey Chorus Frog, *Pseudacris kalmi*.

(3) Southern Leopard Frog, *Lithobates sphenoccephalus utricularius*.

- (4) Massasauga Rattlesnake, *Sistrurus catenatus*.
- (5) Kirtland's Snake, *Clonophis kirtlandii*.
- (6) Eastern Mud Salamander, *Pseudotriton m. montanus*.
- (7) Eastern Spadefoot Toad, *Scaphiopus holbrookii*.
- (8) Rough Green Snake, *Opheodrys aestivus*.

* * * * *

§ 75.2. Threatened species.

* * * * *

(c) *Amphibians and reptiles*. The following species are threatened:

- (1) Green Salamander, *Aneides aeneus*.
- (2) Eastern Redbelly Turtle, *Pseudemys rubriventris*.

* * * * *

§ 75.3. Candidate species.

* * * * *

- (c) *Amphibians and reptiles*.
- (1) Blandings Turtle, *Emydoidea blandingii*.
- (2) Broadhead Skink, *Plestiodon laticeps*.
- (3) Timber Rattlesnake, *Crotalus horridus*.

CHAPTER 79. REPTILES AND AMPHIBIANS

§ 79.3. Season and daily possession limits.

* * * * *

(h) The following seasons, sizes, catch and possession limits apply to reptiles and amphibians except endangered and threatened species:

SPECIES	SEASON	DAILY LIMIT	POSSESSION LIMIT
Bullfrog (<i>Lithobates catesbeiana</i>)	July 1 to October 31	10 (combined species)	20 (combined species)
Northern green frog (<i>Lithobates clamitans melanotus</i>)	July 1 to October 31	10 (combined species)	20 (combined species)
Common snapping turtle (<i>Chelydra serpentina</i>)	July 1 to October 31	15	30
Blanding's turtle (<i>Emydoidea blandingii</i>)	No open season	0	0
Spotted turtle (<i>Clemmys guttata</i>)	No open season	0	0
Wood turtle (<i>Glyptemys insculpta</i>)	No open season	0	0
Eastern box turtle (<i>Terrapene carolina carolina</i>)	No open season	0	0
Broadhead skink (<i>Plestiodon laticeps</i>)	No open season	0	0
Northern coal skink (<i>Plestiodon anthracinus anthracinus</i>)	No open season	0	0
Mudpuppy (<i>Necturus maculosus</i>)	No open season	0	0
Eastern hellbender (<i>Cryptobranchus alleganiensis alleganiensis</i>)	No open season	0	0
Marbled salamander (<i>Ambystoma opacum</i>)	No open season	0	0
Jefferson salamander (<i>Ambystoma jeffersonianum</i>)	No open season	0	0
Four-toed salamander (<i>Hemidactylium scutatum</i>)	No open season	0	0
Northern ravine salamander (<i>Plethodon electromorphus</i>)	No open season	0	0
Northern cricket frog (<i>Acris crepitans crepitans</i>)	No open season	0	0
Mountain chorus frog (<i>Pseudacris brachyphona</i>)	No open season	0	0
Upland chorus frog (<i>Pseudacris feriarum</i>)	No open season	0	0
Western chorus frog (<i>Pseudacris triseriata</i>)	No open season	0	0
Northern fence lizard (<i>Sceloporus undulatus</i>)	No open season	0	0
Queen snake (<i>Regina septemvittata</i>)	No open season	0	0
Shorthead garter snake (<i>Thamnophis brachystoma</i>)	No open season	0	0
Eastern ribbon snake (<i>Thamnophis sauritus</i>)	No open season	0	0

<i>SPECIES</i>	<i>SEASON</i>	<i>DAILY LIMIT</i>	<i>POSSESSION LIMIT</i>
Mountain earth snake (<i>Virginia pulchra</i>)	No open season	0	0
Eastern smooth earth snake (<i>Virginia valeriae valeriae</i>)	No open season	0	0
Smooth green snake (<i>Liochlorophis vernalis</i>)	No open season	0	0
Eastern hognose snake (<i>Heterodon platirhinos</i>)	No open season	0	0
Eastern worm snake (<i>Carphophis amoenus amoenus</i>)	No open season	0	0
Amphibian eggs and tadpoles	No closed season	15 (combined species)	15 (combined species)
Timber rattlesnake (<i>Crotalus horridus</i>)	Second Saturday in June to July 31*	1 annual limit** (must be at least 42 inches in length, measured lengthwise along the dorsal surface from the snout to the tail, excluding the rattle, and must possess 21 or more subcaudal scales.)	
Copperhead (<i>Agkistrodon contortrix</i>)	Second Saturday in June to July 31	1 annual limit**	
Native species not listed in this subsection	No closed season	1	1

* It is unlawful for a person to hunt, take, catch or kill timber rattlesnakes west of Route 15 and south of Interstate 81 to the Maryland line where there is no open season.

** It is unlawful for a person to take, catch or kill more than one timber rattlesnake or copperhead per calendar year except as provided in § 79.7(f) (relating to organized reptile and amphibian hunt permits). It is unlawful for a person to possess more than one timber rattlesnake or copperhead at any time except as provided in § 79.7(f).

§ 79.6. Venomous snake permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the timber rattlesnake (*Crotalus horridus*) and copperhead (*Agkistrodon contortrix*) that persons who hunt, take, catch or kill these species have a permit for the activity. Application for a permit must be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$25 per year; the fee for nonresidents is \$50 per year. The denial of a permit under this section is appealable in the manner provided by Chapter 51, Supchapter E (relating to permit procedures).

(b) *Required permit.* It is unlawful to hunt, take, catch, kill or possess a timber rattlesnake or copperhead, in whole or in parts, without first procuring the required permit from the Commission. The required permit shall be in the possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby. It is unlawful to alter, borrow, lend or transfer a permit under this section.

* * * * *

[Pa.B. Doc. No. 10-497. Filed for public inspection March 19, 2010, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The amendment to § 111.56 (relating to Somerset County), adding Subsections (c), (d) and (e), is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the amendment is described in more detail under the summary of changes. The Commission's Boating Advisory Board previously considered the proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

E. Summary of Changes

A recent review of § 111.56 showed that Lake Somerset, High Point Lake, and Cranberry Glade Lake were not included when the Commission reorganized its boating regulations in 1994. These lakes were inadvertently omitted at the time and thus were not part of the rulemaking package that was published in the *Pennsylvania Bulletin*. The Commission therefore has amended § 111.56 to add these overlooked lakes as set forth in the notice of proposed rulemaking. It is noted that because these lakes are owned or controlled by the Commission, it is already illegal to operate boats with internal combustion motors under § 53.8(a) (relating to boats).

F. Paperwork

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

G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

A notice of proposed rulemaking containing the proposed amendment was published at 39 Pa.B. 5916 (October 10, 2009). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending § 111.56 to read as set forth in 39 Pa.B. 5916.

(b) The Acting Executive Director will submit this order and 39 Pa.B. 5916 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Acting Executive Director shall certify this order and 39 Pa.B. 5916 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

BRIAN P. BARNER,
Acting Executive Director

Fiscal Note: Fiscal Note 48A-214 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-498. Filed for public inspection March 19, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 535, 541, 543, 545 AND 551]

Temporary Table Game Rules for Pai Gow, Minibaccarat, Midibaccarat, Baccarat and Spanish 21

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) (relating to regulatory authority), adopts temporary regulations in Chapters 535, 541, 543, 545 and 551 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 Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking contains table game rules for Pai Gow, Minibaccarat, Midibaccarat, Baccarat and Spanish 21.

Explanation of Chapters 535, 541, 543, 545 and 551

Chapter 535 (relating to Pai Gow) contains the rules governing the play of Pai Gow, which is a game that uses dice and tiles instead of cards. The provisions in this chapter address: definitions of terms; physical characteristics of Pai Gow tables; tiles and other related equipment; the number and use of dice; the opening of Pai Gow tables; the procedures for shuffling and dealing tiles; wagers; procedures for completion of each round of play; payment and collection of wagers and vigorish; and how irregularities in play are to be handled.

Chapters 541, 543 and 545 (relating to Minibaccarat; Midibaccarat; and Baccarat) contain the rules for the versions of baccarat that the certificate holders may offer. Each of these chapters is organized in a similar manner which includes: definitions of terms; the layout of tables used; the decks of cards to be used; the opening of tables; the procedures for shuffling, cutting and dealing; the value of cards and how to determine a hand's point count; the wagers that may be made; the procedures for the actual play of each game; the collection of losing wagers and payment of winning wagers; the minimum payout odds; and how irregularities in play are to be handled.

Chapter 551 (relating to Spanish 21) establishes the rules for the game of Spanish 21. Included in this chapter are: definitions for terms used in this game; the requirements pertaining to Spanish 21 tables and other equipment used in the play of this game; provisions governing the number of decks of cards that are required and the value of each card; procedures for the inspection of the cards and the procedures for shuffling and cutting of the cards before they are dealt; the procedures for dealing the initial two cards and subsequent cards and the collection of the cards at the end of a round of play; the wagers that may be placed, what constitutes a winning or losing wager and the collection and payment of wagers; provisions which allow certificate holder's to determine whether or not players may play at multiple adjacent

positions at the Spanish 21 table; and provisions addressing unusual circumstances that might arise during the play of the game.

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 purchase equipment to conduct the table games they elect to offer 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.

Effective Date

This temporary rulemaking will become effective upon 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 this temporary regulation 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 #125-113.

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 (CDL); 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 CDL 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, are amended by adding temporary §§ 535.1—535.13, 541.1—541.15, 543.1—543.14, 545.1—545.15 and 551.1—551.16 to read as set forth in Annex A.

(2) The temporary regulations are effective March 20, 2010.

(3) The temporary regulations will 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: 125-113. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 535. PAI GOW

Sec.	Definitions.
535.1.	Pai Gow table; Pai Gow shaker; physical characteristics.
535.2.	Pai Gow tiles; physical characteristics.
535.3.	Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand.
535.4.	Dice; number of dice; Pai Gow shaker.
535.5.	Opening of the table for gaming; shuffling procedures.
535.6.	Wagers.
535.7.	

- 535.8. Procedures for dealing the tiles.
 535.9. Alternative dealing procedures.
 535.10. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.
 535.11. Player bank; co-banking; selection of bank; procedures for dealing.
 535.12. Irregularities; invalid roll of the dice.
 535.13. A player wagering on more than one betting area.

§ 535.1. Definitions.

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

Copy hand—A high hand or low hand of a player which is identical in pair rank or point value and contains the same highest ranking tile as the corresponding high hand or low hand of the dealer or bank.

High hand—The two tile hand formed with two of the four tiles dealt that ranks higher than the hand formed from the remaining two tiles.

Low hand—The two tile hand formed with two of the four tiles dealt that rank lower than the hand formed from the remaining two tiles.

Marker—An object used to designate the bank and the co-bank, as approved by the Bureau of Gaming Operations.

Setting the hands—The process of forming a high hand and a low hand from the four dealt tiles.

Supreme Pair—The pair of tiles that form the highest ranking hand formed with the Six (2-4) tile and the Three (1-2) tile.

Value—The numerical point value assigned to a pair of tiles in accordance with the provisions of § 535.4 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

§ 535.2. Pai Gow table; Pai Gow shaker; physical characteristics.

(a) Pai Gow 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 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) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the Dead Hand.

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

(c) Each Pai Gow table must have a drop box with 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.

(d) Pai Gow shall be played with a Pai Gow shaker, approved by the Bureau of Gaming Operations, used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker shall be designed and constructed to maintain the integrity of the game and, at a minimum, adhere to the following specifications:

(1) The Pai Gow shaker must be capable of housing three dice and be designed to prevent the dice from being seen while being shaken by the dealer.

(2) The Pai Gow shaker must have the name or logo of the certificate holder imprinted or impressed thereon.

§ 535.3. Pai Gow tiles; physical characteristics.

(a) Pai Gow shall be played with a set of 32 rectangular tiles. Each tile in a set must be identical in size and shading to every other tile in the set.

(b) Each tile used must:

(1) Be made of a nontransparent black material, formed in the shape of a rectangle, and be no smaller than 2.5 inches in length, 1 inch in width and .375 of an inch in thickness.

(2) Have the surface of each of its sides perfectly flat, except that the front side of each tile must contain spots which extend into the tile exactly the same distance as every other spot.

(3) Have on the back of each tile an identifying feature unique to each certificate holder.

(4) Have an identical texture and finish on each side, with the exception of the front side containing the spots.

(5) Have no tile within a set contain any marking, symbol or design that enables a person to know the identity of any element on the front side of the tile or that will distinguish any tile from any other tile within a set.

(6) Have identifying spots on the front side of the tiles which are either red or white or both.

(c) Each set of tiles must be composed of 32 tiles with the identifying spots set forth in § 535.4(g) (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

(d) Each set of tiles shall be packaged separately and completely sealed in a manner so that any tampering shall be evident.

§ 535.4. Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand.

(a) When comparing high hands or low hands to determine the higher ranking hand, the determination shall first be based upon the rank of any permissible pair of tiles which are contained in the hands. A hand with a permissible pair of tiles shall rank higher than a hand which does not contain any permissible pair. The permissible pairs of tiles and their rank, with the Supreme Pair being the highest or first ranking pair, are as follows:

<i>Ranking</i>	<i>Pairing</i>
	<i>Supreme Pair</i>
First	Six (2-4) and Three (1-2)
	<i>Matched Pairs</i>
Second	Twelve (6-6) and Twelve (6-6)
Third	Two (1-1) and Two (1-1)
Fourth	Eight (4-4) and Eight (4-4)
Fifth	Four (1-3) and Four (1-3)
Sixth	Ten (5-5) and Ten (5-5)
Seventh	Six (3-3) and Six (3-3)

<i>Ranking</i>	<i>Pairing</i>
Eighth	Four (2-2) and Four (2-2)
Ninth	Eleven (5-6) and Eleven (5-6)
Tenth	Ten (4-6) and Ten (4-6)
Eleventh	Seven (1-6) and Seven (1-6)
Twelfth	Six (1-5) and Six (1-5)
<i>Mixed or Unmatched Pairs</i>	
Thirteenth	Mixed Nines (3-6 and 4-5)
Fourteenth	Mixed Eights (3-5 and 2-6)
Fifteenth	Mixed Sevens (3-4 and 2-5)
Sixteenth	Mixed Fives (1-4 and 2-3)
<i>Wongs</i>	
Seventeenth	Twelve (6-6) and Nine (4-5) Twelve (6-6) and Nine (3-6)
Eighteenth	Two (1-1) and Nine (4-5) Two (1-1) and Nine (3-6)
<i>Gongs</i>	
Nineteenth	Twelve (6-6) and Eight (2-6) Twelve (6-6) and Eight (3-5) Twelve (6-6) and Eight (4-4)
Twentieth	Two (1-1) and Eight (2-6) Two (1-1) and Eight (3-5) Two (1-1) and Eight (4-4)

(b) When comparing high hands or low hands which are of identical permissible pair rank, the hand shall be considered a copy hand, and the dealer or, if applicable, the bank shall win the hand.

(c) Except as provided in subsection (e), when comparing the rank of high hands or low hands which do not contain any of the pairs listed in subsection (a), the higher ranking hand shall be determined on the basis of the value of the hands. The value of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by adding the total number of spots which are contained on the two tiles which form the hand. If the total of the spots is a two digit number, the left digit of the number shall be discarded and the right digit shall constitute the value of the hand. Examples of this rule are as follows:

(1) A hand composed of a two (1-1) and a six (3-3) has a value of 8.

(2) A hand composed of an eleven (5-6) and a seven (1-6) has a value of 8, because the numeric total of the hand is 18 and the left digit in the number 18 is discarded.

(d) If the tiles which form the Supreme Pair are used separately, the numeric total of the 1-2 tile may be counted as a 3 or a 6 and the numeric total of the 2-4 tile may be counted as a 3 or a 6. When the 1-2 tile is counted as 6, its individual ranking under subsection (g) shall be fifteenth instead of seventeenth and when the 2-4 tile is counted as 3, its individual ranking shall be seventeenth instead of fifteenth.

(e) When comparing high hands or low hands which are of identical value, the hand with the highest ranking individual tile shall be considered the higher ranking hand.

(f) The individual ranking for each tile, from highest rank to lowest rank, is as follows:

<i>Ranking</i>	<i>Tile</i>	<i>Number of Tiles In Set</i>
First	Twelve (6-6)	2
Second	Two (1-1)	2
Third	Eight (4-4)	2
Fourth	Four (1-3)	2
Fifth	Ten (5-5)	2
Sixth	Six (3-3)	2
Seventh	Four (2-2)	2
Eighth	Eleven (5-6)	2
Ninth	Ten (4-6)	2
Tenth	Seven (1-6)	2
Eleventh	Six (1-5)	2
Twelfth	Nine (3-6)	1
Twelfth	Nine (4-5)	1
Thirteenth	Eight (2-6)	1
Thirteenth	Eight (3-5)	1
Fourteenth	Seven (2-5)	1
Fourteenth	Seven (3-4)	1
Fifteenth	Six (2-4)	1
Sixteenth	Five (1-4)	1
Sixteenth	Five (2-3)	1
Seventeenth	Three (1-2)	1

(g) If the highest ranking tile in each hand being compared is of identical rank after the application of subsection (f), the hand shall be considered a copy hand, and the hand of the dealer or, if applicable, the bank shall be considered the higher ranking hand.

§ 535.5. Dice; number of dice; Pai Gow shaker.

(a) Pai Gow shall be played with three dice which shall be maintained at all times inside a Pai Gow shaker while at the table.

(b) The Pai Gow shaker and the dice are the responsibility of the dealer and may never be left unattended while at the table.

(c) Dice that have been placed in a Pai Gow shaker for use in gaming may not remain on a table for more than 24 hours.

§ 535.6. Opening of the table for gaming; shuffling procedures.

(a) After receiving one set of tiles at the table, the dealer shall sort and inspect the tiles and the floorperson assigned to the table shall verify the inspection. Nothing in this section precludes a certificate holder from cleaning the tiles prior to the inspection required herein. The tiles at the gaming table shall be inspected as follows:

(1) Each set of tiles shall be sorted into pairs to assure that the Supreme Pair and all 15 matched and unmatched pairs as identified in § 535.4 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand) are in the set.

(2) Each tile shall be placed side by side to determine that all tiles are the same size and shading.

(3) The back and sides of each tile shall be examined to assure that it is not flawed, scratched or marked in any way.

(i) If the dealer finds that certain tiles are unsuitable for use, a floorperson or above shall bring another set of tiles to the table from the reserve in the pit stand.

(ii) The unsuitable set of tiles shall be placed in a sealed envelope or container, identified by table number, date and time and shall be signed by the dealer and floorperson or above.

(b) Following the inspection of the tiles and the verification by the floorperson assigned to the table, the tiles shall be turned face up, then placed into 16 pairs and arranged according to rank starting with the Supreme Pair. The tiles shall be left in pairs for visual inspection by the first player to arrive at the table.

(c) After the first player arriving at the table is afforded an opportunity to visually inspect the tiles, the tiles shall be turned face down on the table, mixed thoroughly by shuffling the tiles.

(d) The dealer shall mix the tiles with the heels of the palms of the hands. The dealer shall mix the tiles in a circular motion with one hand moving clockwise and the other hand moving counterclockwise. Each hand shall complete at least eight circular motions to provide a random mixing. The dealer shall then randomly pick up four tiles with each hand and place them side by side in stacks in front of the table inventory container, forming eight stacks of four tiles.

(e) If during the stacking process described in subsection (d), a tile is turned over and exposed to the players, the entire set of tiles shall be remixed.

(f) After each round of play has been completed, the dealer shall turn all of the tiles face down and mix the tiles in accordance with subsection (d).

(g) If there is no gaming activity at the Pai Gow table, the tiles shall be turned face up and placed into 16 pairs according to rank starting with the Supreme Pair. Once a player arrives at the table, the dealer shall follow the procedures in subsections (c) and (d).

§ 535.7. Wagers.

(a) Wagers at Pai Gow shall be made by placing gaming chips or plaques on the appropriate betting area of the Pai Gow layout. No verbal wagers accompanied by cash will be accepted.

(b) Only players who are seated at the Pai Gow table may place a wager. Once a player has placed a wager and received tiles, 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 shall be considered abandoned and may be treated as losing wagers.

(c) Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 535.8 (relating to procedures for dealing the tiles). No wager may be made, increased or withdrawn after the dealer has announced "no more bets."

§ 535.8. Procedures for dealing the tiles.

(a) After the dealer has completed mixing and stacking the tiles, the dealer shall announce "no more bets." The dealer shall then shake the Pai Gow shaker at least three times to cause a random mixture of the dice.

(b) The dealer shall then remove the lid covering the Pai Gow shaker, total the dice and announce the total. The total of the dice shall determine which player receives the first stack of tiles.

(c) To determine the starting position for dealing the tiles, 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, regardless of whether there is a wager at the position, and the Dead Hand until the count matches the total of the three dice. Examples are as follows:

(1) If the dice total 9, the dealer would receive the first stack of four tiles.

(2) If the dice total 15, the sixth wagering position would receive the first stack of four tiles.

(d) The dealer shall deal the first stack of four tiles, starting from the right side of the eight stacks, to the starting position as determined in subsection (c) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer a stack of tiles, regardless of whether there is a wager at the position. The dealer shall place a marker on top of his stack of tiles immediately after they are dealt.

(e) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(f) Once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

§ 535.9. Alternative dealing procedures.

(a) As an alternative to the procedure in § 535.8 (relating to procedures for dealing the tiles), the dealer may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), use one of the following procedures for dealing the tiles:

(1) *House Way From the Left.* The dealer shall indicate the use of House Way From the Left by pushing forward the first stack of tiles on the dealer's left. The dealer shall deliver the stack pushed forward to the starting position. The remaining stacks of tiles shall be delivered from the dealer's left to right.

(2) *Cup Say (pick four) From the Right.* The dealer shall indicate the use of Cup Say From the Right by pushing forward the first two stacks of tiles on the dealer's right. The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks of tiles shall be delivered from the dealer's right to left in the same manner as the first two stacks.

(3) *Cup Say (pick four) From the Left.* The dealer shall indicate the use of Cup Say From the Left by pushing forward the first two stacks of tiles on the dealer's left. The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks of tiles shall be delivered from the dealer's left to right in the same manner as the first two stacks.

(4) *Jung Quat (take the heart).* The dealer shall indicate the use of Jung Quat by pushing forward the fourth stack of tiles from the dealer's right and the fourth stack of tiles from the dealer's left (the two center stacks of the eight). The dealer shall deliver the top two tiles from each

of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks shall be pushed together and the two new center stacks shall be pushed forward and delivered in the same manner as the first two stacks. This procedure shall be repeated until all eight stacks of tiles have been delivered.

(5) *Chee Yee (chop the ears)*. The dealer shall indicate the use of Chee Yee by pushing forward the first stack of tiles on the dealer's right and the first stack of tiles on the dealer's left. To deliver the tiles, the dealer shall center the two stacks pushed forward in front of the remaining stacks. The dealer shall deliver the top two tiles from each of the two centered stacks to the starting position. The four remaining tiles from the two centered stacks shall be delivered to the next position. The dealer shall then center and deliver the first stack remaining on the dealer's right and the first stack remaining on the dealer's left in the same manner. This procedure shall be repeated until all eight stacks of tiles have been delivered.

(6) *Pin Say (slice four) From the Right*. The dealer shall indicate the use of Pin Say From the Right by removing the top tile of the first stack of tiles on the dealer's right and placing it diagonally across the top of the second, third and fourth stacks of tiles from the dealer's right. The dealer shall deliver the top tile from each of the first four stacks on the dealer's right to the starting position (the diagonal tile plus the three tiles it covers). The top tile from each of the first four stacks on the dealer's left shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(7) *Pin Say (slice four) From the Left*. The dealer shall indicate the use of Pin Say From the Left by removing the top tile of the first stack of tiles on the dealer's left and placing it diagonally across the top of the second, third and fourth stacks of tiles from the dealer's left. The dealer shall deliver the top tile from each of the first four stacks on the dealer's left to the starting position (the diagonal tile plus the three tiles it covers). The top tile from each of the first four stacks on the dealer's right shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(8) *Dragon Head and Phoenix Tail From the Right*. The dealer shall indicate the use of Dragon Head and Phoenix Tail From the Right by placing all four tiles in the first and second stacks from the dealer's right directly on top of the four tiles in the third and fourth stacks from the dealer's right and then pushing forward the top two tiles in each of the eight-tile stacks that are created (forming the dragon head). The dealer shall deliver the four tiles pushed forward to the starting position. The top tile from each of the four stacks of four tiles to the dealer's left (the phoenix tail) shall be delivered to the next position. The dealer shall deliver the top two tiles from each of the two stacks on the dealer's right to the third position and the top tile from each of the four stacks on the dealer's left to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(9) *Dragon Head and Phoenix Tail From the Left*. The dealer shall indicate the use of Dragon Head and Phoenix Tail From the Left by placing all four tiles in the first and second stacks from the dealer's left directly on top of the four tiles in the third and fourth stacks from the dealer's left and then pushing forward the top two tiles in each of the eight-tile stacks that are created (forming the dragon head). The dealer shall deliver the four tiles pushed forward to the starting position. The top tile from each of the four stacks of four tiles to the dealer's right (the phoenix tail) shall be delivered to the next position. The dealer shall deliver the top two tiles from each of the two stacks on the dealer's left to the third position and the top tile from each of the four stacks on the dealer's right to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

§ 535.10. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.

(a) After the dealing of the tiles has been completed, each player shall set his hands by arranging the tiles into a high hand and low hand. After setting the hands the tiles shall be placed face down on the layout immediately behind that player's betting area and separated into two distinct hands.

(b) Each player at the table shall be responsible for setting his own hands and no other person except the dealer may touch the tiles of that player. If a player requests assistance in the setting of his hands, the dealer may inform the requesting player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions). Each player shall be required to keep the four tiles in full view of the dealer at all times. Once each player has set a high hand and low hand and placed the two hands face down on the layout, the player may not touch the tiles again.

(c) After all players have set their hands and placed the tiles on the table, the four tiles of the dealer shall be turned over and the dealer shall set his hands by arranging the tiles into a high and low hand. The high hand shall be placed on the layout face up to his right and the low hand shall be placed on the layout face up to his left.

(d) The dealer shall comply with the following rules when setting his hands:

(1) If the dealer has the Supreme Pair, it shall be played as the Supreme Pair.

(2) If possible, the dealer shall always play a pair, Wong or Gong as set forth in § 535.4 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

(3) If the dealer does not have any combinations described in paragraph (1) or (2), the dealer shall play any two tiles together which have a value equal to nine, eight or seven.

(4) If the dealer does not have a combination listed in paragraph (1), (2) or (3), the dealer shall play the highest ranking tile with the lowest ranking tile.

(e) A player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided for in subsection (g). Once the player has announced his intention to surrender, the dealer shall immediately collect the

wager from that player and collect the four tiles dealt to that player and stack them face down on the right side of the table in front of the table inventory container without exposing the tiles to any other player at the table.

(f) After the dealer has set a high and low hand and collected the wagers and tiles for any wagers that are surrendered under subsection (e), the dealer shall expose both hands of each player, starting with the player farthest to the right of the dealer and proceeding counterclockwise around the table. The dealer shall always compare the high hand of the player to the high hand of the dealer and the low hand of the player to the low hand of the dealer and shall announce if the wager of that player shall win, lose or be considered a tie.

(g) A wager shall lose if the high hand of the player is identical in rank or lower in rank than the high hand of the dealer, and the low hand of the player is identical in rank or lower in rank than the low hand of the dealer, or has a value of zero. Losing wagers shall be collected immediately by the dealer and put in the table inventory container. The tiles of all losing hands shall be collected by the dealer immediately after he collects the losing wagers.

(h) A wager shall be 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, lower in rank than the low hand of the dealer or has a value of zero.

(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.

(i) If a wager is a tie, the dealer shall return the player's wager and immediately collect the tiles of that player.

(j) A wager shall win 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. Winning hands shall remain face up on the layout. Winning wagers shall be paid after all hands have been exposed. The dealer shall pay winning wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. The tiles of all winning hands shall be collected by the dealer immediately after he pays the winning wagers.

(k) A winning Pai Gow 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.

(l) Tiles collected by the dealer shall be picked up in order and in such a way that they can be readily arranged to reconstruct each hand in case of a question or dispute and shall be placed face up to the right of the dealer in front of the table inventory container.

§ 535.11. Player bank; co-banking; selection of bank; procedures for dealing.

(a) A certificate holder may, in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer to all players at a Pai Gow table the

opportunity to bank the game. If the certificate holder elects this option, the provisions of this section control for any round of play in which a player is the bank and all the other provisions of this subchapter apply to the extent that they do not conflict with the provisions of this section.

(b) A player may not be the bank at the start of the game. For the purposes of this section, the start of the game means the first round of play after the dealer is required to restack and shuffle the tiles in accordance with § 535.6 (relating to opening of the table for gaming; shuffling procedures).

(c) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall, starting with the player farthest to the right of the dealer, offer the bank to each player in a counterclockwise rotation around the table until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of that player shall first be offered the bank on the next round of play. The initial offer to be the bank shall rotate counterclockwise around the table until it returns to the dealer. No player may bank two consecutive rounds of play. If no player wishes to be the bank, the round of play shall proceed in accordance with the rules of play provided in this chapter.

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a wager against the dealer during the last round of play in which there was no player banking the game.

(2) The player has sufficient gaming chips on the table to cover all of the wagers placed by other players at the table for that round of play.

(e) A certificate holder may, in its Rules Submission under § 521.2, offer the player banking the round of play the option of having the certificate holder cover 50% of the wagers made during that round of play. If the certificate holder offers this option, it shall make it available to all players at the table. If the bank wishes to use this option, the bank must specifically request the dealer to accept responsibility for the payment of one-half of all winning wagers. When the certificate holder covers 50% of the winning wagers, it shall be known as co-banking and the dealer shall place a marker designating the player co-banking that round of play. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner submitted to the Board in the certificate holder's Rules Submission. When co-banking is in effect, the dealer may not place a wager against the bank.

(f) If a player is the bank, the player may only wager on one betting area.

(g) Once the tiles have been shuffled and formed into stacks under § 535.6, the bank shall have the option to cut the tiles one time. If the bank does not wish to cut the tiles, there shall be no cut. Upon direction from the bank, the dealer may move the tiles in one of the following ways:

(1) One or more adjacent stacks of four tiles to the right or left end of the original eight stacks of tiles.

(2) Two or more adjacent stacks of four tiles, of which at least one stack is moved to one end and the other stacks are moved to the opposite end of the original eight stacks of tiles.

(h) Once the dealer has determined that a player may be the bank as required under subsection (d) and the tiles have been shuffled and, if applicable, cut, the dealer shall, unless co-banking is in effect, remove gaming chips from the table inventory container in an amount equal to the last wager made by that player against the dealer or in an amount specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container. Immediately upon receipt of the four tiles dealt to the dealer pursuant to subsection (k), the dealer shall place his wager on top of these tiles, instead of the marker otherwise required under § 535.8 (relating to procedures for dealing the tiles), before dealing the remaining tiles. If co-banking is in effect, the dealer may not remove any gaming chips from the table inventory container pursuant to this subsection.

(i) Once the dealer has announced "no more bets," the bank may, by issuing a verbal instruction to the dealer, choose to have the dealer deliver the stacks of tiles using any one of the styles of delivery described in § 535.9 (relating to alternative dealing procedures). If the bank does not choose a style of delivery, the dealer shall use the procedure in § 535.8(d). After the style of delivery has been determined, the dealer shall indicate the style of delivery to be used by verbally repeating the selected style of delivery, and taking such other action, as specified in the certificate holder's Rules Submission, that identifies the selected delivery style to the certificate holder's surveillance department, and moving certain stacks of tiles or individual tiles slightly forward, backward or diagonally in the manner described in § 535.9. After the dealer has indicated the style of delivery, the bank shall shake the Pai Gow shaker. It shall be the responsibility of the dealer to ensure that the bank shakes the Pai Gow shaker at least three times so as to cause a random mixture of the dice. Once the bank has completed shaking the Pai Gow shaker, the dealer shall remove the lid covering the Pai Gow shaker, total the dice and announce the total. The dealer shall always remove the lid from the Pai Gow shaker and if the bank inadvertently removes the lid, the dealer shall require the Pai Gow shaker to be covered and reshaken by the bank.

(j) To determine the starting position for dealing the tiles, the dealer shall count counterclockwise around the table, with the position of the bank considered number one and continuing around the table with each betting position, including the dealer, regardless of whether there is a wager at the position, and the Dead Hand counted in order until the count matches the total of the three dice.

(k) The dealer shall deal the first four tiles, in accordance with the selected style of delivery, to the starting position as determined in subsection (j) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer, regardless of whether there is a wager at the position. The dealer shall place his wager or marker, as applicable, on top of his stack of tiles immediately after the tiles are dealt.

(l) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(m) Once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer

shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

(n) If the tiles dealt to the dealer have not been previously collected, after each player has set his two hands and placed them on the layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the dealer wins, the tiles of the dealer shall be stacked face up to the right of the table inventory container with the amount wagered by the dealer against the bank placed on top. If the dealer's hand is a tie with the banker's hand, the dealer shall return the amount wagered by the dealer against the bank to the table inventory container. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(o) If banking is in effect, once the dealer has determined the outcome of the wager of the dealer against the bank, if any, the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer 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 bank and shall announce if the wager shall win, lose or be considered a tie. Losing wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, winning wagers, including the dealer's wager, shall be paid by the dealer with the gaming chips located in the center of the table. If this amount becomes exhausted before winning wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 535.10 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(p) Immediately after a winning wager of the dealer is paid, this amount and the original wager shall be returned to the table inventory container.

(q) Each player who has a winning wager against the bank shall pay a 5% vigorish on the amount won to the dealer, in accordance with § 535.10.

(r) If co-banking is in effect, once the dealer has set the co-bank hand under subsection (e), the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer 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 bank and shall announce if the wager shall win, lose or be considered a tie. Losing wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, winning wagers shall be paid by the dealer with the gaming chips located in the center of the table. If this amount becomes exhausted before winning wagers have been paid, the dealer shall collect from the co-bank an amount equal to one-half of the remaining winning wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to one-half of the remaining winning wagers from the table inventory container and

place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place one-half of this amount into the table inventory container. The dealer shall collect a 5% vigorish in accordance with § 535.10 on the remaining amount and place the vigorish amount in the table inventory container. The remaining amount shall then be given to the co-bank.

§ 535.12. Irregularities; invalid roll of the dice.

(a) If the dealer uncovers the Pai Gow shaker and all three dice have not landed 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 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 tiles to the wrong positions, all hands shall be void, all wagers shall be returned to the players and the dealer shall reshuffle the tiles.

(d) If the dealer exposes any of the tiles dealt to a player, the player shall have the option of voiding the hand. Without looking at his unexposed tiles, the player shall make the decision either to play out the hand or to void the hand. If the player elects to void his hand, any wagers placed by the player shall be returned to the player.

(e) If a tile dealt to the dealer, the Dead Hand or any position where there is no wager is exposed, all hands shall be void, all wagers shall be returned to the players and the tiles shall be reshuffled.

(f) If the dealer does not set his hands in the manner set forth in the certificate holder’s Rules Submission 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.

§ 535.13. A player wagering on more than one betting area.

(a) 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 wager on two adjacent betting areas at a Pai Gow table.

(b) If a certificate holder permits a player to wager on two adjacent betting areas, the tiles 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 layout, the hand may not be changed.

CHAPTER 541. MINIBACCARAT

Sec.	Definitions.
541.1.	Definitions.
541.2.	Minibaccarat table physical characteristics.
541.3.	Cards; number of decks.
541.4.	Opening of a table for gaming.
541.5.	Shuffle and cut of the cards.
541.6.	Value; point count of hand.
541.7.	Dealing shoe.
541.8.	Wagers.

- 541.9. Hands of player and banker; procedure for dealing initial two cards to each hand.
- 541.10. Procedure for dealing a third card.
- 541.11. Rules for determining whether a third card shall be dealt.
- 541.12. Announcement of result of round; payment and collection of wagers.
- 541.13. Payout odds; vigorish.
- 541.14. Irregularities.
- 541.15. Continuous shuffling dealing shoe or device.

§ 541.1. Definitions.

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

Natural—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

§ 541.2. Minibaccarat table physical characteristics.

(a) Minibaccarat shall be played on a table having a place for the dealer on one side and on the opposite side, numbered places for a maximum of seven seated players.

(b) The dimensions of a Minibaccarat table shall be approved by the Bureau of Gaming Operations.

(c) The layout for a Minibaccarat 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) Specific areas designated for the placement of wagers on the Banker’s Hand, Players Hand and Tie Hand.

(3) A phrase that states the payout odds for Tie Bets.

(4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish.

(5) An area designated for the placement of cards for the Player’s Hand and Banker’s Hand.

(d) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory float container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory float container during gaming activity.

(e) Each Minibaccarat 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.

(f) Each Minibaccarat table must have a discard rack securely attached to the top of the dealer’s side of the table.

§ 541.3. Cards; number of decks.

(a) Except as provided in subsection (b), Minibaccarat shall be played with six to eight decks of cards having backs of the same color and design and two additional cover cards to be used in accordance with § 541.5 (relating to shuffle and cut of the cards).

(b) If an automated card shuffling device is utilized, Minibaccarat shall be played with 12 to 16 decks of cards in accordance with the following requirements:

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

(2) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(3) The backs of the cards in each batch must be of the same design, but of a different color than the cards included in the other batch.

(4) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(5) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(6) The cards from only one batch shall be placed in the discard rack at any given time.

(c) Except as provided in § 541.2(a) (relating to Minibaccarat table physical characteristics), the decks of cards opened for use at a Minibaccarat table shall be changed at least once every 4 hours.

§ 541.4. Opening of a table for gaming.

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect each deck of cards separately, facedown and the floorperson assigned to the table shall verify the inspection.

(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 in horizontal rows by deck according to suit and in sequence.

(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.

(d) If a certificate holder uses an automated card shuffling device to play the game and two batches of six to eight decks of cards are received at the table as permitted under § 541.3(b) (relating to cards; number of decks), each deck of cards in each batch of cards shall be separately sorted, inspected, verified, laid out, inspected, washed and stacked in accordance with subsections (a), (b) and (c).

§ 541.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were reshuffled, and after each dealing shoe of cards is completed, unless an automated shuffling device is used, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled by a dealer, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

(c) After shuffling the cards and, when applicable, reshuffling them, the dealer shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, shall offer the stack to each player until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(e) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack, and the second cover card at the bottom of the

stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above 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 by the next person entitled to cut the cards, as determined by subsection (c).

(g) Prior to commencement of play, the dealer shall remove the first card from the dealing shoe and place it, and an additional number of cards equal to the face value of the first card drawn, in the discard rack after all cards have been shown to the players. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one.

(h) If there is no gaming activity at a Minibaccarat table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and 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 cards shall be turned face down on the table and:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 541.6. Value; point count of hand.

(a) The value of the cards in each deck shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) Any 10, jack, queen or king shall have a value of zero.
- (3) Any ace shall have a value of one.

(b) The Point Count of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:

(1) A hand composed of an ace, 2 and 4 has a Point Count of 7.

(2) A hand composed of an ace, 2 and 9 has a total of 12 but only a Point Count of 2 since the digit 1 in the number 12 is discarded.

§ 541.7. Dealing shoe.

The cards used to play Minibaccarat shall be dealt from a manual dealing shoe specifically designed for that purpose.

§ 541.8. Wagers.

(a) The following wagers shall be permitted to be made by a player at the game of Minibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Be void if the Banker's Hand and the Player's Hand have the same Point Count and either:

(A) Be returned to the player.

(B) If the licensee charges vigorish in accordance with § 541.13(f) (relating to payout odds; vigorish), be charged a vigorish equal to 25% of the wager.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand.

(iii) Be void and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Bet which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(b) Wagers at Minibaccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Minibaccarat layout. A verbal wager, accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Minibaccarat may be made, increased or withdrawn after the dealer has announced "no more bets."

§ 541.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Minibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer calling the game shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall constitute the first and second cards of the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand. The dealer shall deal the initial four cards in accordance with one of the following options selected in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

(1) The dealer shall remove cards from the dealing shoe with his left hand, turn them face up and then place them on the appropriate area of the layout with his right hand. The first and third cards dealt shall be placed on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed on the area designated for the Banker's Hand.

(2) The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down underneath the right corner of the dealing shoe until the Player's Hand is called as provided for in § 541.10 (relating to procedure for dealing a third card), at which time the second and fourth cards shall be turned face up and placed on the area designated for the Banker's Hand.

(d) Players may not handle, remove or alter any cards used to play Minibaccarat.

§ 541.10. Procedure for dealing a third card.

(a) After the dealer positions the cards in accordance with § 541.9(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the Player's Hand and then the Banker's Hand.

(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in conformity with the requirements of § 541.11 (relating to rules for determining whether a third card shall be dealt).

(c) After the dealer positions the cards in accordance with § 541.9(c)(1) or (2), any third card required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the dealer.

(d) In no event may more than one additional card be dealt to either hand.

(e) Whenever the cover card appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be reshuffled.

§ 541.11. Rules for determining whether a third card shall be dealt.

(a) If the Player's Hand or the Banker's Hand after the initial two cards are dealt to each is a Natural, no more cards may be dealt to either hand.

(b) If the Point Count of the Player's Hand and the Banker's Hand on the first two cards is 0 to 7 inclusive, the Player's Hand shall:

(1) Draw (that is, take a third card) if the Player's Hand has a Point Count of less than 6.

(2) Stay (that is, not take a third card) if the Player's Hand has a Point Count of 6 or more.

(c) If the Point Count of the Player's Hand and the Banker's Hand on the first two cards is 0 to 7 inclusive, the Banker's Hand shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the following requirements:

(1) If the Player's Hand does not receive a third card, the Banker's Hand shall be dealt a third card if the Point Count of the Banker's Hand is 5 or less.

(2) If the Player's Hand is dealt a third card and:

(i) The Banker's Hand has a Point Count of less than 3, the Banker's Hand shall be dealt a third card.

(ii) The Banker's Hand has a Point Count of 7, the Banker's Hand may not be dealt a third card.

(iii) The Banker's Hand has a Point Count of 3, 4, 5 or 6, the Banker's Hand shall be dealt or not dealt a third card in accordance with Table 1 as follows:

TABLE 1

Value of the Third Card Drawn by Player's Hand

<i>Point Count of Banker's Hand After Two Cards</i>	0	1	2	3	4	5	6	7	8	9
3	D	D	D	D	D	D	D	D	S	D
4	S	S	D	D	D	D	D	D	S	S
5	S	S	S	S	D	D	D	D	S	S
6	S	S	S	S	S	S	D	D	S	S

(d) The first vertical column in Table 1 labeled "Point Count of Banker's Hand" refers to the Point Count of the Banker's Hand after the first two cards have been dealt to the Banker's Hand.

(e) The first horizontal row at the top of Table 1 labeled "Value of the Third Card Drawn by Player's Hand" refers to the value of the third card drawn by the Player's Hand, not the Point Count of the Player's Hand.

(f) In Table 1, the letter "D" means that the Banker's Hand must draw a third card and the letter "S" means that the Banker's Hand must stay (that is, not draw a third card).

(g) To use Table 1, first find the Point Count of the Banker's Hand in the first vertical column and trace that horizontally across the table until it intersects the vertical column that corresponds to the value of the third card drawn by the Player's Hand. The symbol located where the intersection occurs shall determine whether the Banker's Hand must draw a third card or stay. For example, if the Point Count of the Banker's Hand after two cards is 5 and the value of the third card drawn by the Player's Hand is 4, the table shows that the Banker's Hand must draw a third card.

§ 541.12. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 541.9, 541.10 and 541.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "Tie Hand."

(b) After the result of the round is announced, the dealer responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player and immediately thereafter pay that player's winning wager and then, proceeding in descending order to the

next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard rack, in order and in such a way that they can be readily arranged to indicate the Player's Hand and the Banker's Hand in case of a question or dispute.

§ 541.13. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid off by a certificate holder at odds of 1 to 1.

(b) A winning Tie Bet shall be paid off by a certificate holder at odds of at least 8 to 1.

(c) Except as otherwise provided in subsection (f), a winning wager made on the Banker's Hand 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 players in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won.

(d) When collecting the vigorish, the certificate holder may round off the vigorish to 5 cents or the next highest multiple of five cents.

(e) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer it to a later time; provided, however, that outstanding vigorish shall be collected prior to reshuffling the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payouts shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(f) A certificate holder may, in its Rules Submission under § 521.2, elect to charge every player at a Minibac-

carat table a vigorish equal to 25% of the player's wager on the Banker's Hand if the Point Counts of the Banker's Hand and the Player's Hand are equal. The vigorish authorized by this subsection shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play. If a certificate holder elects to charge the vigorish authorized by this subsection, the vigorish otherwise required by subsection (c) may not be collected.

(g) The type and percentage of vigorish charged at a Minibaccarat table applies to all players at that table. The same type and percentage of vigorish shall be used for all Minibaccarat tables located within a licensed facility.

§ 541.14. Irregularities.

(a) A card drawn in error from the dealing shoe that is not disclosed shall be used as the first card of the next hand of play.

(b) A third card dealt to the Player's Hand that is not disclosed, when no third card is authorized under § 541.11 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker's Hand if the Banker's Hand is obliged to draw under § 541.11(c). If the Banker's Hand is required to stay, the card dealt in error shall become the first card of the next hand.

(c) If a card dealt in error under the circumstances described in subsection (a) or (b) is disclosed at the time it is dealt, the dealer shall place the disclosed card and one additional card drawn face down from the dealing shoe in the discard rack without disclosing the additional card.

(d) Any card found face up in the dealing shoe may not be used in the game and shall be placed in the discard rack, along with an additional number of cards, drawn face up, equal to the value of the card found face up in the dealing shoe.

(e) If there are insufficient cards remaining in the dealing shoe to complete a round of play, that round shall be void and all wagers shall be returned. A new round shall commence after the entire set of cards are reshuffled and placed in the dealing shoe.

§ 541.15. Continuous shuffling dealing shoe or device.

In lieu of the dealing and shuffling requirements in §§ 541.5 and 541.7 (relating to shuffle and cut of the cards; and dealing shoe), a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

CHAPTER 543. MIDIBACCARAT

Sec.	
543.1.	Definitions.
543.2.	Midibaccarat table physical characteristics.
543.3.	Cards; number of decks.
543.4.	Opening of a table for gaming.
543.5.	Shuffle and cut of the cards.
543.6.	Value; point count of hand.
543.7.	Dealing shoe.
543.8.	Wagers.
543.9.	Hands of player and banker; procedure for dealing initial two cards to each hand.
543.10.	Procedure for dealing a third card.
543.11.	Rules for determining whether a third card shall be dealt.
543.12.	Announcement of result of round; payment and collection of wagers.
543.13.	Payout odds; vigorish.
543.14.	Irregularities.

§ 543.1. Definitions.

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

Natural—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

§ 543.2. Midibaccarat table physical characteristics.

(a) Midibaccarat shall be played on a table having a place for the dealer on one side and on the opposite side, numbered places for a maximum of nine seated players.

(b) The dimensions of a Midibaccarat table shall be approved by the Bureau of Gaming Operations.

(c) The layout for a Midibaccarat 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) Specific areas designated for the placement of wagers on the Banker's Hand, Players Hand and Tie Hand.

(3) A phrase that states the payout odds for Tie Bets.

(4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish.

(5) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(d) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory float container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory float container during gaming activity.

(e) Each Midibaccarat 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.

(f) Each Minibaccarat table must have a discard bucket on the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

§ 543.3. Cards; number of decks.

(a) Midibaccarat shall be played with six to eight decks of cards having backs of the same color and design and two additional cover cards to be used in accordance with § 543.5 (relating to shuffle and cut of the cards).

(b) The decks of cards opened for use at a Midibaccarat table shall be changed after the play of each shoe.

§ 543.4. Opening of a table for gaming.

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect each deck of cards separately, face down and the floorperson assigned to the table shall verify the inspection.

(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 in horizontal rows by deck according to suit and in sequence.

(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.

§ 543.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were reshuffled, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled by a dealer, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

(c) After shuffling the cards and, when applicable, reshuffling them, the dealer shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, shall offer the stack to each player until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(e) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack, and the second cover card at the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above 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 by the next person entitled to cut the cards, as determined by subsection (c).

(g) Prior to commencement of play, the dealer shall remove the first card from the dealing shoe and place it, and an additional number of cards equal to the face value of the first card drawn, in the discard bucket after all cards have been shown to the players. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one.

§ 543.6. Value; point count of hand.

(a) The value of the cards in each deck shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) Any 10, jack, queen or king shall have a value of zero.
- (3) Any ace shall have a value of one.

(b) The Point Count of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:

- (1) A hand composed of an ace, 2 and 4 has a Point Count of 7.
- (2) A hand composed of an ace, 2 and 9 has a total of 12 but only a Point Count of 2 since the digit 1 in the number 12 is discarded.

§ 543.7. Dealing shoe.

Cards used to play Midibaccarat shall be dealt from a manual dealing shoe specifically designed for that purpose.

§ 543.8. Wagers.

(a) The following wagers shall be permitted to be made by a player at the game of Midibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Be void if the Banker's Hand and the Player's Hand have the same Point Count and either:

(A) Be returned to the player.

(B) If the licensee charges vigorish in accordance with the provisions of § 543.13(f) (relating to payout odds; vigorish), be charged a vigorish equal to 25% of the wager.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand.

(iii) Be void and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Bet which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(b) Wagers at Midibaccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Midibaccarat layout. A verbal wager, accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Midibaccarat may be made, increased or withdrawn after the dealer has announced "no more bets."

§ 543.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Midibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer calling the game shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall constitute the first and second cards of the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand. The dealer shall deal the initial four cards in accordance with one of the following options selected in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

(1) The dealer shall remove cards from the dealing shoe with his left hand, turn them face up and then place them on the appropriate area of the layout with his right hand. The first and third cards dealt shall be placed on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed on the area designated for the Banker's Hand.

(2) The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down underneath the right corner of the dealing shoe until the Player's Hand is called as provided for in § 543.10 (relating to procedure for dealing a third card), at which time the second and fourth cards shall be turned face up and placed on the area designated for the Banker's Hand.

(3) The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand. After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe until the Player's Hand.

(i) The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the point count of the Player's Hand.

(ii) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the point count of the Banker's Hand.

(iii) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.

(iv) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.

(v) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer moving counterclockwise around the table shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer moving counterclockwise around the table shall be handed the Banker's Hand and any third card required to be dealt.

§ 543.10. Procedure for dealing a third card.

(a) After the dealer positions the cards in accordance with § 543.9(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the Player's Hand and then the Banker's Hand. If the dealer positions the cards in accordance with § 541.9(c)(3), the point counts of the Player's Hand and Banker's Hand shall be announced as provided therein.

(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in conformity with the requirements of § 543.11 (relating to rules for determining whether a third card shall be dealt).

(c) If the dealer positions the cards in accordance with § 543.9(c)(1) or (2), any third card required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the dealer. If the dealer positions the cards in accordance with § 541.9(c)(3), any third cards required to be dealt shall be dealt as provided therein.

(d) In no event may more than one additional card be dealt to either hand.

(e) Whenever the cover card appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

§ 543.11. Rules for determining whether a third card shall be dealt.

(a) If the Player's Hand or the Banker's Hand after the initial two cards are dealt to each is a Natural, no more cards may be dealt to either hand.

(b) If the Point Count of the Player's Hand and the Banker's Hand on the first two cards is 0 to 7 inclusive, the Player's Hand shall:

(1) Draw (that is, take a third card) if the Player's Hand has a Point Count of less than 6.

(2) Stay (that is, not take a third card) if the Player's Hand has a Point Count of 6 or more.

(c) If the Point Count of the Player's Hand and the Banker's Hand on the first two cards is 0 to 7 inclusive, the Banker's Hand shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the following requirements:

(1) If the Player's Hand does not receive a third card, the Banker's Hand shall be dealt a third card if the Point Count of the Banker's Hand is 5 or less.

(2) If the Player's Hand is dealt a third card and:

(i) The Banker's Hand has a Point Count of less than 3, the Banker's Hand shall be dealt a third card.

(ii) The Banker's Hand has a Point Count of 7, the Banker's Hand may not be dealt a third card.

(iii) The Banker's Hand has a Point Count of 3, 4, 5 or 6, the Banker's Hand shall be dealt or not dealt a third card in accordance with Table 1 as follows:

TABLE 1
Value of the Third Card
Drawn by Player's Hand

Point Count of Banker's Hand After Two Cards	0	1	2	3	4	5	6	7	8	9
3	D	D	D	D	D	D	D	D	S	D
4	S	S	D	D	D	D	D	D	S	S
5	S	S	S	S	D	D	D	D	S	S
6	S	S	S	S	S	S	D	D	S	S

(d) The first vertical column in Table 1 labeled "Point Count of Banker's Hand" refers to the Point Count of the Banker's Hand after the first two cards have been dealt to the Banker's Hand.

(e) The first horizontal row at the top of Table 1 labeled "Value of the Third Card Drawn by Player's Hand" refers to the value of the third card drawn by the Player's Hand, not the Point Count of the Player's Hand.

(f) In Table 1, the letter "D" means that the Banker's Hand must draw a third card and the letter "S" means that the Banker's Hand must stay (that is, not draw a third card).

(g) To use Table 1, first find the Point Count of the Banker's Hand in the first vertical column and trace that horizontally across the table until it intersects the vertical column that corresponds to the value of the third card drawn by the Player's Hand. The symbol located where the intersection occurs shall determine whether the Banker's Hand must draw a third card or stay. For example, if the Point Count of the Banker's Hand after two cards is 5 and the value of the third card drawn by the Player's Hand is 4, the table shows that the Banker's Hand must draw a third card.

§ 543.12. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 543.9, 543.10 and 543.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand."

(b) After the result of the round is announced, the dealer responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player and immediately thereafter pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard bucket.

§ 543.13. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid off by a certificate holder at odds of 1 to 1.

(b) A winning Tie Bet shall be paid off by a certificate holder at odds of at least 8 to 1.

(c) Except as otherwise provided in subsection (f), a winning wager made on the Banker's Hand 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 players in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won.

(d) When collecting the vigorish, the certificate holder may round off the vigorish to 5 cents or the next highest multiple of 5 cents.

(e) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer it to a later time; provided, however, that outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payouts shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button shall not be removed from the layout until the vigorish owed is collected.

(f) A certificate holder may, in its Rules Submission under § 521.2, elect to charge every player at a Midibaccarat table a vigorish equal to 25% of the player's wager on the Banker's Hand if the Point Counts of the Banker's Hand and the Player's Hand are equal. The vigorish authorized by this subsection shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play. If a certificate holder elects to charge the vigorish authorized by this subsection, the vigorish otherwise required by subsection (c) may not be collected.

(g) The type and percentage of vigorish charged at a Midibaccarat table applies to all players at that table. The same type and percentage of vigorish shall be used for all Midibaccarat tables located within a licensed facility.

§ 543.14. Irregularities.

(a) A card drawn in error from the dealing shoe that is not disclosed shall be used as the first card of the next hand of play.

(b) A third card dealt to the Player's Hand that is not disclosed, when no third card is authorized under § 543.11 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker's Hand if the Banker's Hand is obliged to draw by § 543.11(c). If the Banker's Hand is required to stay, the card dealt in error shall become the first card of the next hand.

(c) If a card dealt in error under the circumstances described in subsection (a) or (b) is disclosed at the time it is dealt, the dealer shall place the disclosed card and one additional card drawn face down from the dealing shoe in the discard bucket without disclosing the additional card.

(d) Any card found face up in the dealing shoe may not be used in the game and shall be placed in the discard bucket, along with an additional number of cards, drawn face up, equal to the value of the card found face up in the dealing shoe.

(e) If there are insufficient cards remaining in the dealing shoe to complete a round of play, that round shall be void and all wagers shall be returned. A new round shall commence after the entire set of cards has been replaced and the new set of cards have been placed in the dealing shoe.

(f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards pursuant to § 543.9(c)(3) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), if the player unreasonably delays the game or violates either the act or this part. Whenever the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player, and, if he does not accept it or there is no player in that position, the dealer shall offer it to each of the other players in turn counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

CHAPTER 545. BACCARAT

Sec.	Definitions.
545.1.	Definitions.
545.2.	Baccarat table physical characteristics.
545.3.	Cards; number of decks.
545.4.	Opening of a table for gaming.
545.5.	Shuffle and cut of the cards.
545.6.	Value of cards; point count of hand.
545.7.	Dealing shoe; selection of the player to deal cards.
545.8.	Wagers.
545.9.	Hands of player and banker; procedure for dealing initial two cards to each hand.
545.10.	Procedure for dealing a third card.
545.11.	Rules for determining whether a third card shall be dealt.
545.12.	Announcement of result of round; payment and collection of wagers.
545.13.	Payout odds; vigorish.
545.14.	Continuation of curator as dealer; selection of a new curator.
545.15.	Irregularities.

§ 545.1. Definitions.

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

Curator—The player that accepts the dealing shoe and who is responsible for dealing the cards in accordance with this chapter and the instructions of the dealer calling the game.

Natural—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

§ 545.2. Baccarat table physical characteristics.

(a) Baccarat shall be played on a table having numbered places for ten to 14 seated players.

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

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

(2) Specific areas designated for the placement of wagers on the Banker's Hand, Players Hand and Tie Hand.

(3) A phrase that states the payout odds for Tie Bets.

(4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish.

(5) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory float container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory float container during gaming activity.

(d) Each Baccarat 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 Baccarat table must have a discard bucket on dealer's side of the table in a location approved by the Bureau of Gaming Operations.

§ 545.3. Cards; number of decks.

(a) Baccarat shall be played with six to eight decks of cards having backs of the same color and design and two additional cover cards to be used in accordance with § 545.5 (relating to shuffle and cut of the cards).

(b) The decks of cards opened for use at a Baccarat table shall be changed after the play of each shoe.

§ 545.4. Opening of a table for gaming.

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect each deck of cards separately, face down and the floorperson assigned to the table shall verify the inspection.

(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 in columns by deck according to suit and in sequence.

(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.

§ 545.5. Shuffle and cut of the cards.

(a) Immediately prior to the commencement of play, unless the cards were reshuffled, one or more of the dealers shall wash and stack the cards, after which each of the dealers shall shuffle the stack of cards independently.

(b) After shuffling the cards and, when applicable, reshuffling them, the dealer calling the game shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at

the table or, in the case of a reshuffle, the last curator and working clockwise around the table, shall offer the stack to each player until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(c) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(d) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above 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 by the next person entitled to cut the cards, as determined under subsection (b).

(f) Prior to commencement of play, the dealer shall remove the first card from the dealing shoe and place it, and an additional number of cards equal to the face value of the first card drawn, in the discard bucket after all cards have been shown to the players. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one.

§ 545.6. Value of cards; point count of hand.

(a) The value of the cards in each deck shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) A 10, jack, queen or king shall have a value of zero.
- (3) An ace shall have a value of one.

(b) The Point Count of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of the cards in the hand. If the total value of the cards in a hand is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:

- (1) A hand composed of an ace, 2 and 4 has a Point Count of 7.
- (2) A hand composed of an ace, 2 and 9 has a total value of 12 but only a Point Count of 2 since the digit 1 in the number 12 is discarded.

§ 545.7. Dealing shoe; selection of the player to deal cards.

(a) Cards used to play Baccarat shall be dealt from a manual dealing shoe specifically designed for that purpose.

(b) After the cards have been shuffled and placed in the dealing shoe, the dealer calling the game shall offer the dealing shoe to the player in seat number one at the table. If that player rejects the dealing shoe or if there is

no one in seat number one, the dealer shall offer the dealing shoe to each of the other players in turn counter-clockwise around the table until one of the players accepts the dealing shoe.

(c) The player that accepts the dealing shoe shall be designated as the curator.

(d) Notwithstanding subsections (b) and (c), the dealer may act as the curator if either:

(1) A player who accepts the dealing shoe and any other player to whom the dealing shoe is relinquished under § 545.14 (relating to continuation of curator as dealer; selection of a new curator) designates the dealer calling the game as the curator.

(2) No player to whom the dealing shoe is offered accepts the dealing shoe.

§ 545.8. Wagers.

(a) The following wagers shall be permitted to be made by a player at the game of Baccarat:

(1) A wager on the Banker's Hand which shall:

- (i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand.
- (ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Be void and be returned to the player if the Point Count of the Banker's Hand and the Player's Hand are equal.

(2) A wager on the Player's Hand which shall:

- (i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.
- (ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand.

(iii) Be void and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Bet which shall:

- (i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.
- (ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand are not equal.

(b) Wagers at Baccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Baccarat layout. A verbal wager accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Baccarat may be made, increased or withdrawn after the dealer calling the game has announced "no more bets."

§ 545.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Baccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) After the dealer calling the game announces "no more bets," the dealer calling the game shall instruct the curator to commence dealing the cards by announcing "cards."

(c) The curator shall deal an initial four cards from the dealing shoe face down to the areas designated for the placement of the Player's Hand and the Dealer's Hand. The first and third card dealt shall constitute the first and second cards of the Player's Hand. The second and fourth card dealt shall constitute the first and second cards of the Banker's Hand. After the cards are dealt to each hand, except as provided in subsection (d), the dealer calling the game shall place the cards face up in front of himself.

(d) A certificate holder may, in the certificate holder's Rules Submission under § 521.2, elect to use the following procedures in lieu of the procedures in subsection (c) and § 545.10 (relating to procedure for dealing a third card), after all four cards have been dealt:

(1) The dealer calling the game shall place the Banker's Hand underneath the right corner of the dealing shoe.

(2) The dealer calling the game shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer calling the game who shall place the cards face up on the area of the layout designated for the Player's Hand and announce the Point Count of the Player's Hand.

(3) The dealer calling the game shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer calling the game who shall place the cards face up on the area of the layout designated for the Banker's Hand and announce the point count of the Banker's Hand.

(4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area of the layout designated for the Player's Hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game who shall place the card face up on the area on the layout designated for the Player's Hand.

(5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area of the layout designated for the Banker's Hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game who shall place the card face up on the area of the layout designated for the Banker's Hand.

(6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer calling the game moving counterclockwise around the table shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer calling the game moving counterclockwise around the table shall be handed the Banker's Hand and any third card required to be dealt.

(7) In the event there are no wagers on the Player's Hand, the dealer calling the game shall turn the Player's Hand face up and any additional card required to be dealt. In the event there are no wagers on the Banker's

Hand, the dealer calling the game shall turn the Banker's Hand face up and any additional card required to be dealt.

§ 545.10. Procedure for dealing a third card.

(a) Except as provided in § 545.9(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), after the initial four cards have been dealt and the dealer calling the game places the cards face up in front of himself, the dealer calling the game shall announce the Point Count of the Player's Hand and the Banker's Hand.

(b) Following the announcement of the Point Counts of each hand, the dealer calling the game shall instruct the curator whether to deal a third card to either or both hands in conformity with § 545.11 (relating to rules for determining whether a third card shall be dealt).

(c) Any third card required to be dealt by § 545.11 shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the curator.

(d) In no event may more than one additional card be dealt to either hand.

(e) Whenever the cover card appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

§ 545.11. Rules for determining whether a third card shall be dealt.

(a) If the Player's Hand or the Banker's Hand after the initial two cards are dealt to each is a Natural, no more cards shall be dealt to either hand.

(b) If the Point Count of the Player's Hand and the Banker's Hand on the first two cards is 0 to 7 inclusive, the Player's Hand shall:

(1) Draw (that is, take a third card) if the Player's hand has a Point Count of less than 6.

(2) Stay (that is, not take a third card) if the Player's hand has a Point Count of 6 or more.

(c) If the Point Count of the Player's Hand and the Banker's Hand on the first two cards is 0 to 7 inclusive, the Banker's Hand shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the following requirements:

(1) If the Player's Hand does not receive a third card, the Banker's Hand shall be dealt a third card if the Point Count of the Banker's Hand is 5 or less.

(2) If the Player's Hand is dealt a third card and:

(i) The Banker's Hand has a Point Count of less than 3, the Banker's Hand shall be dealt a third card.

(ii) The Banker's Hand has a Point Count of 7, the Banker's Hand may not be dealt a third card.

(iii) The Banker's Hand has a Point Count of 3, 4, 5 or 6, the Banker's Hand shall be dealt or not dealt a third card in accordance with Table 1 as follows:

TABLE 1
Value of the Third Card
Drawn by Player's Hand

Point Count of Banker's Hand After Two Cards	0	1	2	3	4	5	6	7	8	9
3	D	D	D	D	D	D	D	D	S	D
4	S	S	D	D	D	D	D	D	S	S
5	S	S	S	S	D	D	D	D	S	S
6	S	S	S	S	S	S	D	D	S	S

(d) The first vertical column in Table 1 labeled "Point Count of Banker's Hand" refers to the Point Count of the Banker's Hand after the first two cards have been dealt to the Banker's Hand.

(e) The first horizontal row at the top of Table 1 labeled "Value of the Third Card Drawn by Player's Hand" refers to the value of the third card drawn by the Player's Hand, not the Point Count of the Player's Hand.

(f) In Table 1, the letter "D" means that the Banker's Hand must draw a third card and the letter "S" means that the Banker's Hand must stay (that is, not draw a third card).

(g) To use Table 1, first find the Point Count of the Banker's Hand in the first vertical column and trace that horizontally across the table until it intersects the vertical column that corresponds to the value of the third card drawn by the Player's Hand. The symbol located where the intersection occurs shall determine whether the Banker's Hand must draw a third card or stay. For example, if the Point Count of the Banker's Hand after two cards is 5 and the value of the third card drawn by the Player's Hand is 4, the table shows that the Banker's Hand must draw a third card.

§ 545.12. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 545.9, 545.10 and 545.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer calling the game shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce "tie hand."

(b) After the result of the round is announced, the dealer or dealers responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer or dealers responsible for the wagers on the table shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player and immediately thereafter pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard bucket.

§ 545.13. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid off by a certificate holder at odds of 1 to 1.

(b) A winning Tie Bet shall be paid off by a certificate holder at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand 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 the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won.

(d) When collecting the vigorish, the certificate holder may round off the amount of a 5% vigorish to 25 cents or the next highest multiple of 25 cents, and the amount of a 4% vigorish to 20 cents or the next highest multiple of 20 cents.

(e) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer the collection of the vigorish to a later time; provided, however, that outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payout shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(f) The percentage of vigorish charged at a Baccarat table shall apply to all players at that table. The same percentage of vigorish shall be used for all Baccarat tables located within a licensed facility.

§ 545.14. Continuation of curator as dealer; selection of a new curator.

(a) The curator, after any round of play, may either pass the dealing shoe or remain as curator except that:

(1) The curator shall pass the dealing shoe whenever the Banker's Hand loses.

(2) The dealer calling the game or a floorperson or above may order the curator to pass the dealing shoe if the curator unreasonably delays the game, repeatedly makes invalid deals or violates either the act or this part.

(b) Whenever a voluntary or compulsory relinquishment of the dealing shoe occurs, the dealer shall offer the dealing shoe to the player immediately to the right of the

previous curator and, if that player does not accept the dealing shoe or there is no player in that position, the dealer shall offer the dealing shoe to each of the other players in turn counterclockwise around the table. The first player to accept the dealing shoe when offered shall become the new curator.

§ 545.15. Irregularities.

(a) A card drawn in error from the dealing shoe that is not disclosed, shall be used as the first card of the next hand of play.

(b) A third card dealt to the Player's Hand when no third card is authorized under § 545.11 (relating to rules for determining whether a third card shall be dealt) that is not disclosed, shall become the third card of the Banker's Hand if the Banker's Hand is required to draw by § 545.11(c). If the Banker's Hand is required to stay, the card dealt in error shall become the first card of the next hand.

(c) If a card dealt in error under the circumstances described in subsection (a) or (b) is disclosed at the time it is dealt, the dealer calling the game shall place the disclosed card and one additional card drawn face down from the dealing shoe in the discard bucket without disclosing the additional card.

(d) Any card found face up in the dealing shoe shall not be used in the game and shall be placed in the discard bucket, along with an additional number of cards, drawn face up, equal to the value of the card found face up in the dealing shoe.

(e) If there are insufficient cards remaining in the dealing shoe to complete a round of play, that round shall be void and all wagers shall be returned. A new round shall commence after the entire set of cards has been replaced and the new set of cards have been placed in the dealing shoe.

(f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards under § 545.9(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), if the player unreasonably delays the game or violates either the act or this part. Whenever the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player, and, if he does not accept it or there is no player in that position, the dealer shall offer it to each of the other players in turn counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

CHAPTER 551. SPANISH 21

Sec.	
551.1.	Definitions.
551.2.	Spanish 21 table; card reader device; physical characteristics; inspection.
551.3.	Cards; number of decks; value of cards.
551.4.	Opening of the table for gaming.
551.5.	Shuffle and cut of the cards.
551.6.	Wagers; payout odds.
551.7.	Match-The-Dealer wager.
551.8.	Procedure for dealing the cards.
551.9.	Surrender.
551.10.	Insurance Wager.
551.11.	Double Down Wager; rescue.
551.12.	Splitting pairs.
551.13.	Drawing of additional cards by players and the dealer.
551.14.	Player wagering on more than one box.
551.15.	Continuous shuffling shoe or device.
551.16.	Irregularities.

§ 551.1. Definitions.

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

Blackjack—An ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer.

Card reader device—A device which permits the dealer to determine if the dealer has a Blackjack.

Hard total—The total point count of a hand which contains no aces or which contains aces that are each counted as one in value.

Soft total—The total point count of a hand which contains an ace that is counted as 11 in value.

§ 551.2. Spanish 21 table; card reader device; physical characteristics; inspections.

(a) Spanish 21 shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(b) The layout for a Spanish 21 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) No more than seven player positions containing a separate designated betting area for the placement of the following wagers:

(i) The required Spanish 21 wager.

(ii) An optional Match-The-Dealer Wager.

(c) The following must be inscribed on the Spanish 21 layout:

(1) Blackjack pays 3 to 2.

(2) Dealer must draw to 16 and stand on all 17's.

(3) Insurance pays 2 to 1.

(4) The payout odds for each of the wagers listed in § 551.6(f) and (g) (relating to wagers; payout odds).

(5) The payout odds for the Match-The-Dealer Wager, if offered, unless these odds are included in the sign required by subsection (g).

(d) Each Spanish 21 table must have a drop box and a tip box attached to it with the location of the boxes on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Gaming Operations.

(e) A Spanish 21 table must have attached to it a card reader device, approved by the Bureau of Gaming Operations, which permits the dealer to determine if the dealer has a Blackjack in accordance with § 551.8 (relating to procedure for dealing the cards). The floorperson assigned to the Spanish 21 table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order.

(f) To collect the cards at the conclusion of a round of play as required under § 551.8(i), each Spanish 21 table must have a discard rack securely attached to the top of the dealer's side of the table. The height of the discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(g) A certificate holder shall post a sign approved by the Bureau of Gaming Operations at each Spanish 21 table, which explains:

(1) That doubled down hands are not eligible for the additional payouts in § 551.6(g) and (h).

(2) The payout odds for the Match-The-Dealer Wager, if those payout odds are not imprinted on the layout.

§ 551.3. Cards; number of decks; value of cards.

(a) Spanish 21 shall be played with six or eight decks of cards identical in appearance. The decks must consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 551.4 (relating to opening of the table for gaming). Spanish 21 shall also be played with at least one cutting card.

(b) The value of the cards contained in each deck shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.
- (3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of one.

§ 551.4. Opening of the table for gaming.

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

(b) If the decks contain the 10 of any suit, the dealer and a floorperson shall ensure that these cards are removed from the decks, torn in half and placed in the box, envelope or container that the decks 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 in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player 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.

§ 551.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled, after any round of play as may be determined by a floorperson and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with backs facing up to the players to be cut. The player to cut the cards shall be:

- (1) The first player to the table if the game is just beginning.
- (2) The player on whose box the cutting card appeared during the last round of play.
- (3) The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson.

(c) If the player designated in subsection (b) refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player shall cut the cards by placing the cutting card in the stack at least ten cards in from the top or bottom of the stack.

(e) Once the cutting card has been inserted by the player, the dealer shall take all cards above the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) 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. If a recut is required, the cards shall be cut by the next player entitled to cut the cards, as determined by subsection (c).

(g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in § 551.8(j) (relating to procedure for dealing the cards) except that the floorperson may determine after each round of play that the cards should be reshuffled.

(h) If there is no gaming activity at a Spanish 21 table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table for inspection, 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 cards shall be turned face down on the table.

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

- (i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.
- (ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 551.6. Wagers; payout odds.

(a) Prior to the first card being dealt for each round of play, each player may make a wager against the dealer.

(b) A player shall win if:

(1) The total value of the player's hand is 21 or less and the total value of the dealer's hand is in excess of 21.

(2) The total value of the player's hand exceeds the total value of the dealer's hand without exceeding 21.

(3) The player has a Blackjack and the dealer's hand has a total value of 21 in two or more cards.

(4) The player has achieved a score of 21 in more than two cards and the dealer has achieved a score of 21 in more than two cards.

(c) Except as otherwise provided in subsection (b)(3) and (4), a wager made in accordance with this section shall be void and returned to the player when the total value of the player's hand is the same as the dealer's provided, however, that a player's hand shall be lost when the dealer has a Blackjack and the player's hand has a total value of 21 which is not a Blackjack.

(d) Except as otherwise provided in this subchapter, no wager may be made, increased or withdrawn after the first card of the respective round has been dealt.

(e) Wagers at Spanish 21 shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout, except that verbal wagers accompanied by cash may be accepted if:

(1) The verbal wager is confirmed by the dealer and a floorperson.

(2) The cash is expeditiously converted into gaming chips or plaques.

(f) After each round of play is complete, the dealer shall collect all losing wagers and pay off winning wagers. Except as provided in subsections (g) and (h), winning wagers made in accordance with subsection (b)(3) shall be paid at odds of 3 to 2, and all winning wagers made in accordance with subsection (b)(1), (2) or (4) shall be paid at odds of 1 to 1.

(g) A certificate holder shall pay the following payout odds for winning wagers made in accordance with subsection (b) unless the player has made a Double Down Wager under § 551.11 (relating to Double Down Wager; rescue), in which case all of the following wagers shall only be paid at odds of 1 to 1:

(1) Three cards consisting of the 6, 7 and 8 of mixed suits shall be paid at odds of 3 to 2.

(2) Three cards consisting of the 6, 7 and 8 of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of the 6, 7 and 8 of spades shall be paid at odds of 3 to 1.

(3) Three cards consisting of three 7's of mixed suits shall be paid at odds of 3 to 2.

(4) Three cards consisting of three 7's of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of three 7's of spades shall be paid at odds of 3 to 1.

(5) Five cards totaling 21 shall be paid at odds of 3 to 2.

(6) Six cards totaling 21 shall be paid at odds of 2 to 1.

(7) Seven or more cards totaling 21 shall be paid at odds of 3 to 1.

(h) In addition to the payouts required under subsection (g)(4), a winning hand that consists of three 7's of the same suit when the dealer's exposed card is also a seven of any suit shall be paid an additional fixed payout of \$1,000 if the player's original wager was \$5 or more but

less than \$25, or \$5,000 if the player's original wager was \$25 or more. All other players at the table who placed a wager during that round of play shall also be paid an additional fixed payout of \$50. The additional fixed payouts required by this subsection will not be applicable if a Double Down Wager was made on a winning hand or the winning hand had been split under § 551.12 (relating to splitting pairs).

(i) Except as expressly permitted by this subchapter, once the first card of any hand has been removed from the shoe by the dealer, no player may handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(j) Once an Insurance Wager under § 551.10 (relating to Insurance Wager), a Double Down Wager or a wager to split pairs has been made and confirmed by the dealer, no player may handle, remove or alter the wagers until a decision has been rendered and implemented with respect to that wager, except as expressly permitted by this subchapter.

(k) After the cards have been shuffled under § 551.4 (relating to opening of the table for gaming), a certificate holder may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on subsequent rounds of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

§ 551.7. Match-The-Dealer wager.

(a) A player may make an additional Match-The-Dealer wager which shall win if either of the player's initial two cards match the dealer's up card in the manner required by subsection (e). If both of the player's initial two cards match the dealer's up card, the player shall be paid in accordance with subsection (e) for each matching card.

(b) Prior to the first card being dealt for each round of play, a player who has placed the basic wager required under § 551.6 (relating to wagers; payout odds) may make an additional Match-The-Dealer wager, which shall be in an amount not less than \$1 and may not exceed the lesser of:

(1) The amount of the wager made by the player under § 551.6(a).

(2) A maximum amount established by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions).

(c) A Match-The-Dealer wager shall be made by placing gaming chips or plaques on the appropriate area of the Spanish 21 layout, except that a verbal wager accompanied by cash may be accepted if:

(1) The verbal wager is confirmed by the dealer and a floorperson.

(2) The cash is expeditiously converted into gaming chips or plaques.

(d) Immediately after the second card is dealt to each player and the dealer, and prior to any additional cards being dealt to any player at the table or the dealer and before any card reader device is utilized, losing Match-The-Dealer wagers shall be collected by the dealer, and all winning Match-The-Dealer wagers shall be paid by the dealer, in accordance with subsection (e).

(e) Winning Match-The-Dealer wagers shall be paid at the odds contained in the certificate holder's Rules Submission under § 521.2 which shall be no less than the following odds:

(1) If six decks of cards are being used:

Each matching card of a different suit	4 to 1
Each matching card of the same suit	9 to 1

(2) If eight decks of cards are being used:

Each matching card of a different suit	3 to 1
Each matching card of the same suit	12 to 1

(f) A Match-The-Dealer wager shall have no bearing on any other wager made by a player.

§ 551.8. Procedure for dealing the cards.

(a) Cards used to play Spanish 21 shall be dealt from a dealing shoe specifically designed for that purpose.

(b) The dealer shall remove cards from the shoe with his left hand, and then place them on the appropriate area of the layout with his right hand, except that the dealer shall have the option to deal hit cards to the first two positions with his left hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) At the commencement of each round of play, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

(1) One card face up to each box on the layout in which a wager is contained.

(2) One card face up to the dealer.

(3) A second card face up to each box in which a wager is contained.

(4) A second card face down to himself.

(e) If the dealer's first card is an ace, king, queen or jack of any suit, the dealer shall determine whether the hole card will give the dealer a Blackjack prior to dealing any additional cards to the players at the table. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table.

(f) After the cards have been dealt, and if necessary, the procedure in subsection (e) has been executed, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, the player shall indicate whether he wishes to surrender as permitted under § 551.9 (relating to surrender), double down as permitted under § 551.11 (relating to Double Down Wager; rescue), split pairs as permitted under § 551.12 (relating to splitting pairs), stand or draw as permitted by § 551.13 (relating to drawing of additional cards by players and the dealer).

(g) As each player indicates his decision, the dealer shall deal face up whatever additional cards are necessary to effectuate the player's decision consistent with this chapter and shall announce the new point total of the player after each additional card is dealt.

(h) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall announce "Dealer's Card," which shall be stated by the dealer in a tone of voice calculated to be

heard by each person at the table, and turn the second card that was dealt to the dealer face up. Additional cards required to be dealt to the hand of the dealer by § 551.13(b) shall be dealt face up at this time. The dealer shall announce the dealer's total point count after each additional card is dealt.

(i) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack.

(j) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the dealer shall:

(1) Collect the cards as provided in subsection (i).

(2) Remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly intermixed.

(k) Players may not handle, remove or alter any cards used to play at Spanish 21.

(l) Each player at the table shall be responsible for correctly computing the point count of his hand, and no player shall rely on the point counts announced by the dealer.

§ 551.9. Surrender.

(a) After the first two cards are dealt to the player and the player's point total is announced, the player may elect to discontinue play on his hand for that round by surrendering one-half of his wager. Decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 551.11 (relating to Double Down Wager; rescue), split pairs as permitted under § 551.12 (relating to splitting pairs), stand or draw permitted under § 551.13 (relating to drawing of additional cards by players and the dealer).

(1) If the first card dealt to the dealer is not an ace or ten-value card, the dealer shall immediately collect one-half of the wager and return one-half to the player.

(2) If the first card dealt to the dealer is an ace or ten-value card, the dealer will place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting one-half of the wager and returning one-half of the wager to the player if the dealer does not have Blackjack.

(b) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (a) and in accordance with § 551.10 (relating to Insurance Wager).

§ 551.10. Insurance Wager.

(a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an Insurance Wager, which shall win if the dealer's second card is a king, queen or jack and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.

(b) An Insurance Wager shall be made by placing on the Insurance line of the layout an amount not more than half the amount staked on the player's initial wager. A player may wager an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning insurance bets shall be paid at odds of 2 to 1.

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

(e) Insurance Wagers may not apply to the Match-The-Dealer wager permitted under § 551.7 (relating to Match-The-Dealer wager).

§ 551.11. Double Down Wager; rescue.

(a) Except for when a player has Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original wager on the first two cards dealt to him or the first two cards of any split pair, on the condition that one and only one additional card shall be dealt to each hand on which the player has elected to double down. The one additional card shall be dealt face up and placed sideways on the layout.

(b) A winning Double Down Wager shall be paid in accordance with § 551.6(f) (relating to wagers; payout odds) only, and the payouts in § 551.6(g) and (h) are not applicable to those wagers.

(c) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the original wager of the player and may not collect the additional Double Down Wager.

(d) After the additional card required under subsection (a) has been dealt to the hand, a player may "rescue" (take back) the Double Down Wager and forfeit his original wager, as long as the additional card does not result in the hand having a point count in excess of 21.

§ 551.12. Splitting pairs.

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands, provided that he makes a wager on the second hand so formed in an amount equal to his original wager.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to a split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect to that hand. A player may split one more pair if the second card dealt is identical in value to a card of the split pair, for a total of three hands. A player may not split another identical value pair.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of the player, and may not collect the additional amount wagered in splitting pairs.

(e) The additional payouts provided in § 551.6(h) (relating to wagers; payout odds) are not applicable to a winning wager on a split hand.

§ 551.13. Drawing of additional cards by players and the dealer.

(a) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) A player electing to make a Double Down Wager may draw only one additional card.

(b) Except as provided in subsection (c), the dealer shall draw additional cards to his hand until the dealer has a hard or soft total of 17, 18, 19, 20 or 21.

(c) A dealer may not draw additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

§ 551.14. Player wagering on more than one box.

Certificate holders shall specify in the certificate holder's Rules Submission required under § 521.2 (relating to table games Rules Submission) the number of adjacent boxes on which a player may place a wager in one round of play.

§ 551.15. Continuous shuffling shoe or device.

In lieu of the dealing and shuffling requirements in §§ 551.5 and 551.8 (relating to shuffle and cut of the cards; and procedure for dealing the cards), a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards, provided that the shoe or device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Operations.

§ 551.16. Irregularities.

(a) A card found turned face up in the shoe 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 during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.

(b) If a 10 card of any suit is found in the shoe, it may not be used in the game and shall be removed from the shoe and torn in half by a floorperson and placed in the box, envelope or container that the decks came from. If more than one 10 card is found in the shoe during the dealing of the cards, the round of play shall be void and the decks of cards shall be removed from play.

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

(d) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(e) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(f) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to himself.

(g) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard

rack shall be shuffled and cut in accordance with § 551.5 (relating to shuffle and cut of the cards), the first card shall be drawn face down and placed in the discard rack, and the dealer shall complete the round of play.

(h) If no cards are dealt to the player's hand, the player's hand is dead, wagers placed by the player shall be returned and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(i) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card, or call the player's hand dead and return the player's original wager.

(j) 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.

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

(l) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen or jack, the dealer, after notification to a floorperson or higher, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(m) If a card reader device malfunctions, the dealer may not continue dealing the game of Spanish 21 at that table until the card reader device is repaired or replaced.

[Pa.B. Doc. No. 10-499. Filed for public inspection March 19, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 69]

Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2011.

B. Contact Person

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 69.31 (relating to seasons) is published under the statutory authority of section 2903 of the code (relating to boats and net licenses for boundary lakes).

D. Purpose and Background

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

E. Summary of Proposal

The harvest of Lake Erie walleye and yellow perch is managed through a quota management system, where each Lake Erie jurisdiction on the Lake Erie Committee (Pennsylvania, Ohio, Michigan, New York and Ontario) is allocated a portion of a total lake-wide annual quota, based on the surface area of each jurisdictional water. Jurisdictional Total Allowable Catch (TAC) is the maximum harvest allowed by sport and commercial sources in individual jurisdictional waters.

The Commission's Lake Erie Research Unit generates an internally derived commercial TAC for this Commonwealth's yellow perch and walleye trap net fisheries. The Commission's current regulations provide that the commercial trap net TAC for this Commonwealth must be published annually in the *Pennsylvania Bulletin* by March 1. This date poses two problems: (1) the most recent year's fishery data is still being finalized at that time; and (2) this date precedes announcement of the Lake Erie Committee TAC, which sets the TAC (sport and commercial) permissible in Commonwealth waters. Extending the announcement of the walleye and yellow perch TAC for this Commonwealth until April 15 will allow the Commission's Lake Erie management biologists additional time to review and integrate contemporary fishing data into this Commonwealth's TAC calculations and provide time for the formal announcement of Lake Erie Committee TAC. This also will ensure that this Commonwealth's trap net harvest limits are aligned with

lake wide harvest strategies. The Commission therefore proposes to amend § 69.31 to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

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

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

BRIAN P. BARNER,
Acting Executive Director

Fiscal Note: 48A-218. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter D. COMMERCIAL FISHING, SEASONS AND NETS

§ 69.31. Seasons.

* * * * *

(b) The commercial fishing season for walleye is January 1 to March 14 and 12:01 a.m. the first Saturday in May to December 31. This season will close on the date established by the Executive Director as marking the probable attainment of the total allowable catch for walleye for that year. The total allowable catch for walleye for any year will be determined by the Executive Director and announced annually on or before [**March 1**] **April 15**. After the announcement, the Executive Director may, from time to time, revise the total allowable catch for that year if he determines that conditions so warrant. The Executive Director or a designee will monitor monthly, weekly and daily reports of catch of walleye and will declare the season to be closed on a date the Director determines will probably mark attainment of the total allowable catch. It is unlawful for a person fishing under a commercial fishing license or with a device subject to licensing under section 2902 of the code (relating to net permits) to take, catch or attempt to catch

walleye except during the walleye season established under this subsection. Walleye accidentally caught out of season shall be immediately returned to the waters from which it was taken regardless of its condition and reported within 2 business days to the Commission at the address where commercial catch reports are filed.

(c) The commercial fishing season for yellow perch is January 1 until the date established by the Executive Director as marking the probable attainment of the total allowable catch for yellow perch for that year. The total allowable catch for yellow perch for any year will be determined by the Executive Director and announced on or before [**March 1**] **April 15**. After the announcement, the Executive Director may revise the total allowable catch for that year if he determines that conditions so warrant. The Executive Director or his designee will monitor monthly, weekly and daily reports of catch of yellow perch and will declare the season to be closed on the date the Director determines will probably mark attainment of the total allowable catch. It is unlawful for any person fishing under a commercial fishing license or with a device subject to licensing under section 2902 of the code [**(relating to net permits)**], to take, catch, or attempt to catch yellow perch except during the yellow perch season established under this subsection. Yellow perch accidentally caught out of season shall be immediately returned to the waters from which it was taken regardless of its condition and reported within 2 business days to the Commission at the address where commercial catch reports are filed.

[Pa.B. Doc. No. 10-500. Filed for public inspection March 19, 2010, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

[52 PA. CODE CH. 23]

[L-2008-2057661/57-267]

**Streamlining the Rate Increase Procedures for
Small Motor Carriers**

The Pennsylvania Public Utility Commission (Commission) on January 15, 2009, adopted a proposed rulemaking order which streamlines the current procedures for rate increase requests submitted by motor carriers of passengers with gross operating revenues less than \$500,000.

Executive Summary

The Commission acknowledges that some small motor carriers of passengers have had difficulty keeping the detailed business records needed to amend their tariffs for the purpose of raising rates and operating revenues. The Commission believes it is appropriate to streamline or simplify the current procedures for rate increase requests submitted by small motor passenger carriers with gross operating revenues less than \$500,000. Accordingly, based upon our experience with small motor passenger carriers, and our recent analysis of rate increase cases filed by them, the Commission proposes to amend our existing regulations in Chapter 23 of the *Pennsylvania Code*, which govern common carriers and establish the procedures for rate increase filings.

The Commission proposes to amend our existing regulations to simplify the rate process for small motor passenger carriers in the following manner:

1. Define small motor carrier of passengers by gross operating revenue. The Commission opines that the gross intrastate operating revenue threshold for the classification of a "small" carrier shall be less than \$500,000.
2. Permit a small motor passenger carrier (that is, gross intrastate operating revenue less than \$500,000) to request a revenue increase each year without filing detailed, supporting financial information, other than: 1) total gross annual intrastate revenue for the most recent fiscal year; 2) the dollar amount of increased revenue that the projected rate increase is expected to produce; 3) the total projected operating revenue after the revenue increase; 4) the total projected operating expenses; and 5) the resulting operating ratio.
3. Establish a 1-year stay-out provision for small motor passenger carriers that prohibits them from requesting another increase in rates for 1 year following a prior Commission-approved rate increase. An exception to the 1-year stay-out provision permitting carriers to come in for an increase more often would be included for small carriers with operating ratios above 93%.

The contact persons are Assistant Counsel David E. Screven, Law Bureau, (717) 787-2126 and Michael Hoffman, Director of the Bureau of Transportation and Safety (717) 783-5010.

Public Meeting held
January 15, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Statement attached; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

*Proposed Rulemaking for Streamlining the Rate Increase
Procedures for Small Motor Passenger Carriers;
Doc. No. L-2008-2057661*

Proposed Rulemaking Order

By The Commission:

The Commission acknowledges that some small motor carriers of passengers have had difficulty keeping the detailed business records needed in order to amend their tariffs for the purpose of raising rates and operating revenues. The Commission believes it is appropriate to streamline or simplify the current procedures for rate increase requests submitted by motor carriers of passengers with gross operating revenues less than \$500,000. Accordingly, the Commission proposes to amend our existing regulations in Chapter 23 of the *Pennsylvania Code*, which govern common carriers and establishes the procedures for rate increase filings.

Background

The Commission, at its public meeting held April 24, 1987, issued an Order at Docket L-860014 adopting revisions to its existing regulations governing motor carrier filing requirements for proposed increases in rates and operating revenues in 52 Pa. Code §§ 23.63 and 23.64 (relating to data required in filing proposed rate changes; and data required in filing increases in operating revenues). The amendments required motor carriers to file additional information such as income and expense statements, total interstate and intrastate passenger miles and statements generated from terminals and

facilities for the preceding 12 months when proposed rate changes or proposed revenue increase requests were filed with the Commission. The Commission adopted these revised regulations in order to elicit information from carriers that would enable the Commission to process rate matters promptly.

Discussion

The Commission notes that some “smaller” motor passenger carriers have had difficulty keeping the detailed business records needed to support their efforts to amend their tariffs for the purposes of raising rates and increasing carrier revenue. Motor carriers are required to provide detailed financial information to support their applications for rate increases. The failure to have all of the appropriate operational and financial records to support the rate increase case often results in the outright denial of the rate increase because the carrier has failed to provide the required financial documentation. It appears that their unfamiliarity with the Commission’s regulatory ratemaking process in general is one of the main obstacles for small motor passenger carriers when requesting rate increases. This lack of expertise with the ratemaking process generally results in lengthy delays in disposing of a carrier’s proposed increase in rates. Many such carriers have had to contract with consultants or tariff agents to guide them through the process, which is an added expense for such carriers.

Based upon our experience with small motor passenger carriers, and our recent analysis of rate increase cases filed by them, the Commission proposes to amend our existing regulations in order to simplify the rate process for small motor passenger carriers:

1. Define small motor carrier of passengers by gross operating revenue. The Commission opines that the gross intrastate operating revenue threshold for the classification of a “small” carrier shall be less than \$500,000.

2. Permit a small motor passenger carrier (that is, gross intrastate operating revenue less than \$500,000) to request a revenue increase each year without filing detailed, supporting financial information, other than: 1) total gross annual intrastate revenue for the most recent fiscal year; 2) the dollar amount of increased revenue that the projected rate increase is expected to produce; 3) the total projected operating revenue after the revenue increase; 4) the total projected operating expenses; and 5) the resulting operating ratio.

3. Establish a 1-year stay-out provision for small motor passenger carriers that prohibits them from requesting another increase in rates for 1 year following a prior Commission-approved rate increase. An exception to the 1-year stay-out provision permitting carriers to come in for an increase more often would be included for small carriers with operating ratios above 93%.

The Commission seeks input from interested parties and is requesting comments from them. The Commission requests that those submitting comments in this proceeding include specific section references to the Commission’s proposed regulations. Interested parties will have 30 days from the publication of this order in the *Pennsylvania Bulletin* to file their comments. The Commission informs all interested parties that it is committed to completing the revisions to its procedural regulations in a timely fashion and, therefore, no extensions will be granted for the filing of comments. Accordingly, under sections 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Document Law, 45 P.S. §§ 1201—1208, and regulations promulgated thereunder in 1 Pa. Code

§§ 7.1—7.4, we amend the regulations as noted previously and as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A rulemaking proceeding is hereby initiated at this docket to consider the revisions to regulations appearing in Chapter 23 of Title 52 of the *Pennsylvania Code* as set forth in Annex A.

2. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order and Annex A to the Governor’s Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review and comments by the designated standing committees of both houses of the General Assembly, and for review and comments by the Independent Regulatory Review Commission (IRRC).

5. The Secretary shall certify this order and Annex A and deposit them with Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and all jurisdictional small motor passenger carriers.

7. Within 30 days of this order’s publication in the *Pennsylvania Bulletin*, any interested person may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. One copy of a diskette containing the comments in electronic format should also be submitted. A copy of all written comments shall be served upon the Commission’s Bureau of Transportation and Safety.

8. Comments should include, where appropriate, a numerical reference to the existing regulations that the comments address, the proposed language for revision, and a clear explanation for the recommendation.

9. The contact persons for this matter are Michael Hoffman, Bureau of Transportation and Safety, (717) 783-5010 (technical) and David E. Screven, Law Bureau, (717) 787-2126 (legal).

By the Commission

JAMES J. McNULTY,
Secretary

Statement of Vice Chairperson Tyrone J. Christy

Today the Commission is issuing a Proposed Rulemaking for Streamlining the Rate Increase Procedures for Small Motor Passenger Carriers.¹ This Rulemaking will eliminate some of the highly detailed business records that small motor carriers of passengers currently are required to produce in order to receive a rate increase. In many cases, these small motor passenger carriers who demonstrated a true need for an increase were not able to receive one due to their inability to comply with our regulations.

¹ The term “small passenger carrier” is defined as “[a] person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or any class of passengers, with gross intrastate operating revenues of less than \$500,000.”

I would like to thank the Commission Staff for its work on this important Proposed Rulemaking. I believe our actions here today are a first step toward increasing efficiency within the Commission and assisting small motor passenger carriers in timely receiving necessary rate increases.

TYRONE J. CHRISTY,
Vice Chairperson

Fiscal Note: 57-267. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

**CHAPTER 23. TARIFFS FOR COMMON CARRIERS
GENERAL PROVISIONS**

§ 23.1. Definitions and applicability.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Operating ratio—The operating ratio at present rates shall be calculated as a ratio of intrastate operating expenses to intrastate operating revenues, where the numerator includes operations and maintenance expense, annual depreciation, applicable taxes, and the denominator consists of the utility’s intrastate operating revenues at present rates, including all surcharges.

* * * * *

Small passenger carrier—A person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or any class of passengers, with gross intrastate operating revenues of less than \$500,000.

* * * * *

NOTICE OF CHANGES IN FARES

(*Editor’s Note:* The following text is new and has been printed in regular print to enhance readability.)

§ 23.68. Filing requirements for small passenger carriers.

Small passenger carriers with gross annual intrastate revenue of less than \$500,000 need not file the substantiating data required under § 23.64 (relating to data required in filing increases in operating revenues) when requesting an increase in rates, but shall submit a statement with the tariff or tariff supplement stating the following:

- (1) The information required under § 23.63 (relating to data required in filing proposed rate changes).
- (2) The total gross annual intrastate revenue for the most recent fiscal year.
- (3) The dollar amount of increased annual revenue that the rate increase is expected to produce.
- (4) The total projected operating revenue after the revenue increase.
- (5) The total projected operating expenses.
- (6) The projected operating ratio.

§ 23.69. Stay-out provision.

A small passenger carrier will not be permitted to request another increase in rates or operating revenues from the Commission for 1 year following a prior Commission approved rate increase. A small passenger carrier with gross intrastate operating revenues of less than \$500,000, but with an operating ratio that is 93% or above, shall be excepted from this 1 year stay-out restriction.

[Pa.B. Doc. No. 10-501. Filed for public inspection March 19, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 49—BUREAU OF PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF CHIROPRACTIC [49 PA. CODE CH. 5]

Patient Records—Statement of Policy

The State Board of Chiropractic (Board) hereby adopts § 5.51a (relating to patient records—statement of policy) to read as set forth in Annex A.

A. *Effective Date*

This statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

Section 302(3) of the Chiropractic Practice Act (act) (63 P. S. § 625.302(3)) authorizes the Board to promulgate, adopt, and enforce in the manner provided by law the rules and regulations necessary to carry out the act.

C. *Background and Purpose*

A licensee who “[f]ail[s] to maintain chronological documentation of patient care in accordance with regulations prescribed by the Board” is subject to disciplinary action under section 506(a)(15) of the act (63 P. S. § 625.506(a)(15)). The Board’s regulation in § 5.51(c) (relating to patient records) requires that “[t]he patient record shall contain sufficient information to document the clinical necessity for chiropractic care rendered, ordered or prescribed.” This language does not provide licensees with clear guidance as to what information would be sufficient to document clinical necessity. The Board initially intended to amend its regulations to provide licensees with this guidance and had published a notice of proposed rulemaking. (*See*, 36 Pa.B. 5979) Upon reviewing comments from the public, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Board concluded that it should not set a binding norm. Instead, the Board concluded that it should set aspirational guidelines of how a licensee should document in a patient record that chiropractic care was clinically necessary.

D. *Description of the Statement of Policy*

Subsection (a) provides definitions for various terms used in this statement of policy, including “acute condition,” “chronic care,” “chronic condition,” “elective care,” “exacerbation,” “maintenance care,” “palliative care,” “preventive service,” “recurrence,” “restorative care” and “supportive care.”

Subsection (b) provides that the patient record regarding restorative care should contain documentation of the development of the patient’s symptoms to include the mechanism of onset and the functional limitations associated with the presenting symptoms. The documentation should additionally detail the diagnostic test results and examination findings/indications (diagnosis) that form the objective basis for the symptoms and functional limitations. The course of treatment necessary to ameliorate the patient’s condition should be identified to include the specific therapeutic modalities or procedures to be uti-

lized. The documentation must also identify the specific functional results or goals of treatment that are planned. Subsequent documentation should identify changes in the patient’s subjective or objective state that provide evidence of the provider’s continuing expectation that additional improvement will occur with additional treatment. Any changes in the plan of care or anticipated outcomes should be identified to include the clinical rationale for these changes. When the patient reaches a functional plateau, the documentation should detail the results obtained and whether the patient was transitioned to another form of care or was discharged. When the patient self-dismisses or otherwise terminates care, the documentation should so indicate and identify the rationale for termination and the results achieved, if any. For restorative and necessary chronic care, documentation should contain information that supports that the treatment, care or service was reasonably expected to improve the patient’s condition at the time it was rendered; assisted the patient to achieve maximum functional capacity in performing daily, recreational, social or occupational activities; improved the patient’s condition; was provided consistent with the treating doctor’s diagnosis; or was provided consistent with the patient’s active symptomatology, functional complaint or abnormal physical findings.

Subsection (c) provides that the patient record regarding maintenance care should demonstrate how the care sought to promote health or functional status, or both. For maintenance care, documentation should contain information that supports that the treatment, care or service assisted the patient to maintain the patient’s capacity to perform daily, recreational, social or occupational activities; was provided consistent with the treating doctor’s diagnosis; or was provided consistent with the patient’s active symptomatology, functional complaint, or abnormal physical findings.

Subsection (d) provides that the patient record regarding palliative care should demonstrate how the care was intended to relieve continued pain and to positively affect the patient’s symptomatology, and to demonstrate the need for the frequency of palliative care. For palliative care, documentation should contain information that supports that the treatment, care or service alleviated the patient’s pain; mitigated the severity of the patient’s symptoms; was provided consistent with the treating doctor’s diagnosis; or was provided consistent with the patient’s active symptomatology, functional complaint or abnormal physical findings.

Subsection (e) provides that the patient record regarding preventive care should include a history and documentation of examination, counseling and risk factor reduction. For preventative care, documentation should contain information that supports that the treatment, care or service prevented the onset of a condition that might result in permanent disability; prevented the worsening of the patient’s condition; reduced the risk of subsequent injury; where appropriate was provided consistent with the treating doctor’s diagnosis; or where appropriate was provided consistent with the patient’s active symptomatology, functional complain or abnormal physical findings.

Subsection (f) provides that the patient record regarding elective care should demonstrate how care was intended to enhance the patient’s level of health, wellness

or general well-being. For elective care, documentation should contain information that supports that the treatment, care or service was reasonably expected to improve the patient's level of health, wellness or general well-being; or where appropriate was provided consistent with the treating doctor's diagnosis.

Subsection (g) provides that the patient record regarding supportive care should contain documentation of at least two trials of withdrawal of therapeutic treatment that have failed to sustain previous therapeutic gains following an aggravation, exacerbation or recurrence. The patient record need not demonstrate functional improvement beyond the previously established maximum therapeutic level.

Subsection (h) provides that documentation concerning diagnostic tests should address the rationale for ordering the diagnostic test so that without the diagnostic test the doctor of chiropractic could not establish a differential diagnosis to a reasonable degree of chiropractic certainty; the extent to which the diagnostic test facilitated the proper or effective management or control of the patient's condition, including monitoring of condition; or how the diagnostic test quantified an objective status of the patient's condition or functional capacity.

E. Public Input

The Board received a request from an attorney representing various licensees to promulgate a regulation that would establish medical necessity definitional parameters to assist licensees to discharge their regulatory documentation obligation and establish guidelines for peer review and utilization review concerning chiropractic care. The Board held a work session on March 7, 2002. After extensive discussion at public meetings over the ensuing months, the Board concluded that its rulemaking should be directed toward setting forth standards for medical records, not attempting to define what is medically necessary. The Board intended to amend its regulations to provide licensees with this guidance and published notice of proposed rulemaking at 36 Pa.B. 5979 (September 30, 2006) with a 30-day public comment period. The Board received written comments from the following members of the public: Michael D. Miscoe of PracticeMasters, Inc.; James H. Winer, DC and Raymond V. Vactor, DC. The Board also received comments from HPLC and IRRC as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12). The Board has considered all of these comments in drafting this statement of policy.

F. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivision or private sector.

G. Sunset Date

The Board continuously monitors its policies. Therefore, no sunset date has been assigned.

KATHLEEN G. McCONNELL, DC,
Chairperson

(Editor's Note: The regulations of the Board, 49 Pa. Code Chapter 5, are amended by adding a statement of policy in § 5.51a (relating to patient records—statement of policy) to read as set forth in Annex A.)

Fiscal Note: Fiscal Note 16A-4319 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter E. MINIMUM STANDARDS OF PRACTICE

§ 5.51a. Patient records—statement of policy.

This section provides guidance to licensees of how clinical necessity for chiropractic care under § 5.51(c) (relating to patient records) may be documented.

(1) *Definitions.* As used in this section, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

Acute condition—A patient's condition where the onset of the condition or symptoms, or both, has occurred or substantively worsened within a 6-week period prior to presentation and which is caused by some intervening event or trauma whether known or unknown.

Chronic care—Treatment of a chronic condition that is not expected to improve or resolve the chronic condition but is nonetheless expected to result in improvement in the patient's functional status that has regressed after a withdrawal of care.

Chronic condition—A patient's condition when the condition or symptomatology has existed for longer than 6 weeks. Classification of a condition as chronic in no way affects the expectation of whether the condition can be resolved or improved with treatment.

Elective care—Treatment delivered in the absence of symptoms or positive findings following examination or testing.

Exacerbation—A sudden, marked deterioration of the condition being treated, which causes a marked worsening in the patient's functional status, and which is caused by some intervening event or trauma, whether known or unknown.

Maintenance care—Treatment after maximum therapeutic benefit has been achieved from a course of treatment or care rendered for a chronic condition, which is not reasonably expected to improve substantively the patient's condition or functional capacity. Maintenance care is generally rendered on a predictable frequency and includes care for which the outcome is preventative, palliative or elective.

Palliative care—Treatment for an acute or chronic condition that is not reasonably expected to resolve or substantively improve the underlying injury, disease or defect and that is rendered with the sole expectation of ameliorating the patient's symptoms as opposed to significantly improving the patient's condition or capacity to function.

Preventive service—Service provided with the expectation of preventing worsening in a patient's chronic condition, preventing the onset of a condition, or reducing the risk of recurrence in a condition that has been treated and resolved. A service provided based upon findings uncovered during a preventive service examination is not a preventive service.

Recurrence—A return of an acute condition which was previously treated and resolved or stabilized and which has been quiescent for a period of time.

Restorative care—A course of active care provided that is reasonably expected to substantively improve the patient's condition or the patient's capacity to function.

Supportive care—Treatment for a condition once maximum therapeutic benefit has been established and after therapeutic treatment has been withdrawn two or more times with the patient failing to sustain previous therapeutic gains.

(2) *Restorative care.* The patient record regarding restorative care should contain documentation of the development of the patient's symptoms to include the mechanism of onset and the functional limitations associated with the presenting symptoms. The documentation should additionally detail the diagnostic test results and examination findings/indications (diagnosis) that form the objective basis for the symptoms and functional limitations. The course of treatment necessary to ameliorate the patient's condition should be identified to include the specific therapeutic modalities or procedures to be utilized. The documentation should also identify the specific functional results or goals of treatment that are planned. Subsequent documentation should identify changes in the patient's subjective or objective state that provide evidence of the provider's continuing expectation that additional improvement will occur with additional treatment. Any changes in the plan of care or anticipated outcomes should be identified to include the clinical rationale for these changes. When the patient reaches a functional plateau, the documentation should detail the results obtained and whether the patient was transitioned to another form of care or was discharged. When the patient self-dismisses or otherwise terminates care, the documentation should so indicate and identify the rationale for termination and the results achieved, if any. Documentation of restorative care and necessary chronic care should contain information to support that it satisfies at least one of the following:

- (i) It was reasonably expected to improve the patient's condition at the time it was rendered.
- (ii) It assisted the patient to achieve maximum functional capacity in performing daily, recreational, social or occupational activities.
- (iii) It improved the patient's condition.
- (iv) It was provided consistent with the treating doctor's diagnosis.
- (v) It was provided consistent with the patient's active symptomatology, functional complaint, or abnormal physical findings.

(3) *Maintenance care.* The patient record regarding maintenance care should demonstrate how the care sought to promote health or functional status, or both. Documentation of maintenance care should contain information to support that it satisfies at least one of the following:

- (i) It assisted the patient to maintain the patient's capacity to perform daily, recreational, social or occupational activities.
- (ii) It was provided consistent with the treating doctor's diagnosis.
- (iii) It was provided consistent with the patient's active symptomatology, functional complaint, or abnormal physical findings.

(4) *Palliative care.* The patient record regarding palliative care should demonstrate how the care was intended to relieve continued pain and to positively affect the patient's symptomatology, and to demonstrate the need for the frequency of palliative care. Documentation of palliative care should contain information to support that it satisfies at least one of the following:

- (i) It alleviated the patient's pain.
- (ii) It mitigated the severity of the patient's symptoms.
- (iii) It was provided consistent with the treating doctor's diagnosis.
- (iv) It was provided consistent with the patient's active symptomatology, functional complaint, or abnormal physical findings.

(5) *Preventative care.* The patient record regarding preventative care should include a history and documentation of examination, counseling and risk factor reduction. Documentation of preventative care should contain information to support that it satisfies at least one of the following:

- (i) It prevented the onset of a condition that might result in permanent disability.
- (ii) It prevented the worsening of the patient's condition.
- (iii) It reduced the risk of subsequent injury.
- (iv) It was provided consistent with the treating doctor's diagnosis.
- (v) It was provided consistent with the patient's active symptomatology, functional complaint, or abnormal physical findings.

(6) *Elective care.* The patient record regarding elective care should demonstrate how care was intended to enhance the patient's level of health, wellness or general well-being. Documentation of elective care should contain information to support that it satisfies at least one of the following:

- (i) It was reasonably expected to improve the patient's level of health, wellness or general well-being.
- (ii) Where applicable, it was provided consistent with the treating doctor's diagnosis.

(7) *Supportive care.* The patient record regarding supportive care should contain documentation of at least two trials of withdrawal of therapeutic treatment that have failed to sustain previous therapeutic gains following an aggravation, exacerbation or recurrence. The patient record need not demonstrate functional improvement beyond the previously established maximum therapeutic level.

(8) *Diagnostic tests.* Documentation concerning diagnostic tests should address at least one of the following:

- (i) The rationale for ordering the diagnostic test so that without the diagnostic test the doctor of chiropractic could not establish a differential diagnosis to a reasonable degree of chiropractic certainty.
- (ii) The extent to which the diagnostic test facilitated the proper or effective management or control of the patient's condition, including monitoring of condition.
- (iii) How the diagnostic test quantified an objective status of the patient's condition or functional capacity.

[Pa.B. Doc. No. 10-502. Filed for public inspection March 19, 2010, 9:00 a.m.]

NOTICES

CANINE HEALTH BOARD

Public Meeting

The Canine Health Board, under its authority in 3 P. S. § 459.207(i)(3)(iii) of the Dog Law (relating to requirements for kennels), gives notice of its public meeting on Wednesday, March 31, 2010, at 1 p.m. for the purpose of considering flooring options submitted by commercial kennel operators, "that meet the provision of subpara-

graph (i)," of the Dog Law, and other matters as they may arise.

The meeting will be held in Conference Room 309 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

JENNIFER MULLER,
Chairperson

[Pa.B. Doc. No. 10-503. Filed for public inspection March 19, 2010, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 9, 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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-9-2010	First Niagara Financial Group, Inc. Buffalo, NY	Approved
	Application for approval to acquire up to 19.9% of the common stock of Berkshire Bancorp, Inc., Wyomissing, and thereby indirectly acquire up to 19.9% of the common stock of Berkshire Bank, Wyomissing.	

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-9-2010	Tower Bancorp, Inc. Harrisburg Dauphin County	Filed
	Application for approval to acquire 100% of First Chester County Corporation, West Chester, and thereby indirectly acquire 100% of First National Bank of Chester County, West Chester.	
3-9-2010	First Niagara Financial Group, Inc. Buffalo, NY	Approved
	Application for approval to acquire of 100% of Harleysville National Corporation, Harleysville, and thereby indirectly acquire 100% of The Harleysville National Bank and Trust Company, Harleysville.	

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-9-2010	Graystone Tower Bank Lancaster Lancaster County	Filed
	Application for approval to merge First National Bank of Chester County, West Chester, with and into Graystone Tower Bank, Lancaster.	

NOTICES

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-26-2010	Harleysville Savings Bank Harleysville Montgomery County	41 County Line Road Souderton Bucks County	Opened
3-1-2010	Graystone Tower Bank Lancaster Lancaster County	329 East Beaver Avenue State College Centre County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-9-2010	Graystone Tower Bank Lancaster Lancaster County	<i>To:</i> 800 Norland Avenue Chambersburg Franklin County <i>From:</i> 488 Gateway Avenue Chambersburg Franklin County	Approved
3-9-2010	Northwest Savings Bank Warren Warren County	<i>To:</i> 841 West Erie Plaza Erie Erie County <i>From:</i> 2256 West 8th Street Erie Erie County	Approved

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. 10-504. Filed for public inspection March 19, 2010, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2010

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of April, 2010, is 6 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities

is 4.09 to which was added 2.50 percentage points for a total of 6.59 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-505. Filed for public inspection March 19, 2010, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department) and Kyle and Tamara Boltz are proposing an exchange of lands in Union Township, Lebanon County.

The Department is proposing to convey 4.191 acres of Swatara State Park, in Union Township, Lebanon County, to Kyle and Tamara Boltz. In return, Kyle and Tamara

Boltz propose to convey 11.908 acres in Union Township, Lebanon County, to the Department, Swatara State Park.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing March 22, 2010, and ending April 22, 2010. Oral or written comments or questions concerning this proposed exchange may be addressed to John Norbeck, Director, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551, telephone (717) 787-6640. These oral and/or written comments will become part of the official document used in the final decision process.

A public informational meeting has been scheduled to respond to any questions or concerns the general public may have regarding this exchange of lands. The meeting has been scheduled for Monday, March 22, 2010, between 7 p.m. and 9 p.m. The meeting will be held at the Fort Indiantown Gap, Community Club—Vista Room, Grantville, PA 17028. For details, call (717) 865-6470.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 10-506. Filed for public inspection March 19, 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

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

<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>
PA0060801 (Sewage)	Montrose Municipal Authority P. O. Box 306 Montrose, PA 18801-1219	Susquehanna County Bridgewater Township	Unnamed Tributary to Pettis Creek 04D	N

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

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>
PA0087955 (Sew)	Cassville Water & Sewer Authority P. O. Box 48 16893 Sportsman Club Road Cassville, PA 16623	Huntingdon County Cass Township	UNT to Trough Creek 11-D	Y
PA0053104 (Sew)	Frank T. Perano GSP Management Company P. O. Box 677 Morgantown, PA 19543	Berks County Tilden Township	UNT to Schuylkill River 3-B	Y
PA0083534 (Sew)	Karen and Shirley Johnson 13 Elizabeth Avenue Everett, PA 15537-1118	Bedford County West Providence Township	UNT to Raystown Branch 11-C	Y
PA0085219 (IW)	Department of Conservation and Natural Resources— Bureau of State Parks Gifford Pinchot State Park 2200 Rosstown Road Lewisberry, PA 17739-9787	York County Warrington Township	Beaver Creek 7-F	Y
PA0084026 (Sew)	Northwestern Lancaster County Authority 97 North Penryn Road Manheim, PA 17545	Lancaster County Penn Township	Chickies Creek 7-G	Y
PA0247227 (Sew)	Dublin Township 1366 Cole Road Hustontown, PA 17229	Fulton County Dublin Township	South Branch of Little Aughwick Creek 12-C	Y
PA0085529 (IW)	Altoona Water Authority 122 Greenwood Road Altoona, PA 16602-7114	Blair County Logan Township	Mill Run 11-A	Y
PA0085812 (IW)	Altoona Water Authority 122 Greenwood Road Altoona, PA 16602-7114	Blair County Tyrone Township	Kettle Run 11-A	Y
PA0085821 (IW)	Altoona Water Authority 122 Greenwood Road Altoona, PA 16602-7114	Blair County Logan Township	Homer Gap Run 11-A	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>
PA0222852	West Fallowfield Township 6817 Main Street P. O. Box 157 Hartstown, PA 16131	Crawford West Fallowfield Township	Patton Run 20-A	Y
PA0221279	Station Road Property Owners' Association, Inc. 6992 Station Road Erie, PA 16510	Harborcreek Township Erie County	Unnamed tributary to Six Mile Creek 15	Y

<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>
PA0100927	R.B. Food, Drink and Lodging, Inc. 5801 Platz Road Fairview, PA 16415-2554	Fairview Township Erie County	Trout Run 15	Y
PA0025534	United States Department of Agriculture Forest Service Allegheny National Forest Kiasutha Recreation Area 4 Farm Colony Drive Warren, PA 16365	Hamilton Township McKean County	Kinzua Creek— Allegheny Reservoir 16-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.

PA0058882, Industrial Waste, SIC 3272, **Trans-Fleet Concrete, Inc.**, 101 First Avenue, P. O. Box 26483, Collegeville, PA 19335. This facility is located in West Whiteland Township, **Chester County**.

Description of Proposed Activity: This application requests approval of a renewal NPDES permit to discharge stormwater runoff from the site of a ready mix concrete batch plant located at 606 Jeffers Circle in Exton, PA.

The receiving stream, an unnamed tributary to Valley Creek, is in the State Water Plan watershed 3H and is classified for: CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Average Semiannual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids			50	M/R	100	100
pH (STD)			6.0 (Min)		9.0 (Max)	
Oil and Grease			M/R	M/R	M/R	
pH (Upstream)			M/R	M/R	M/R	
pH (Downstream)			M/R	M/R	M/R	

M/R = Monitor/Report

In addition to the effluent limits, the permit contains the following major special conditions:

1. DMR to DEP.
2. BAT/ELG Reopener.
3. Change of Name or Ownership.
4. Stormwater Outfall Requirements.
5. In-stream pH Monitoring.
6. Laboratory Certification.

PA0244007, Sewage, **Edward and Jane Bacon**, 1900 Fairview Road, Glenmore, PA 19343. This existing facility is located in East Nantmeal Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for the existing discharge of treated sewage from a single residence sewage treatment plant.

The receiving stream, an unnamed tributary to Beaver Run, is in the State Water Plan watershed 3D and is designated: HQ-TSF, MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 gpd:

<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>
BOD ₅			10		20
Total Suspended Solids			20		40
Fecal Coliform			200/100 ml Geo. Mean		
Total Residual Chlorine			0.5		1.2
pH	Within limits of 6.0—9.0 Standard Units at all times				

In addition to the effluent limits, the permit contains the following major special conditions:

1. AMR Submittal to DEP.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Proper Sludge Disposal.
8. Total Residual Chlorine Requirement.
9. Fecal Coliform I-Max Reporting.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA5314802, Industrial Waste, SIC 1389, **Halliburton Energy Services, Inc.**, 11545 State Road 120, Emporium, PA 15834. This proposed facility is located in Shippen Township, **Cameron County**.

Description of Proposed Activity: The applicant is seeking coverage under an individual stormwater permit to discharge into a HQ-CWF creek.

The receiving stream, West Creek, is in the State Water Plan watershed 8A and is classified for: HQ-CWF, MF. The nearest downstream public water supply intake for Emporium Water Company is located on Driftwood Branch Sinnemahoning Creek and is 3.46 miles below the point of discharge.

There are no effluent limits in this individual stormwater permit. The permit contains monitoring requirements and stormwater best management practices.

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

PA0254193, Industrial Waste, SIC 2499, **Recycling Products & Services, Inc.**, 23C Dewey Lane, Gibsonia, PA 15044. This application is for issuance of an NPDES permit to discharge storm water from the Recycling Products & Services, Inc. mulch processing facility in West Deer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Dawson Run, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Wilkinsburg—Penn Joint Sewer Authority, located near Penn Hills approximately 16 miles below the discharge point.

Outfall 001: new discharge of storm water.

<i>Parameter</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</i>
Flow (MGD)	Monitor and Report				
BOD ₅			Monitor and Report		
Chemical Oxygen Demand			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Fecal Coliform			Monitor and Report		
Total Phosphorus			Monitor and Report		
Total Kjeldahl Nitrogen			Monitor and Report		
Nitrate-Nitrite Nitrogen			Monitor and Report		
Aluminum, Total			Monitor and Report		
Iron, Total			Monitor and Report		
Manganese, Total			Monitor and Report		
pH	Report (Minimum)		Report (Maximum)		

Outfall 002: new discharge of storm water.

<i>Parameter</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</i>
Flow (MGD)	Monitor and Report				
BOD ₅			Monitor and Report		
Chemical Oxygen Demand			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Fecal Coliform			Monitor and Report		
Total Phosphorus			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Kjeldahl Nitrogen			Monitor and Report		
Nitrate-Nitrite Nitrogen			Monitor and Report		
Aluminum, Total			Monitor and Report		
Iron, Total			Monitor and Report		
Manganese, Total			Monitor and Report		
pH	Report (Minimum)		Report (Maximum)		

Outfall 003: new discharge of storm water.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
BOD ₅			Monitor and Report		
Chemical Oxygen Demand			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Fecal Coliform			Monitor and Report		
Total Phosphorus			Monitor and Report		
Total Kjeldahl Nitrogen			Monitor and Report		
Nitrate-Nitrite Nitrogen			Monitor and Report		
Aluminum, Total			Monitor and Report		
Iron, Total			Monitor and Report		
Manganese, Total			Monitor and Report		
pH	Report (Minimum)		Report (Maximum)		

Other Conditions: Permit conditions for residual waste disposal, controls for floating materials, oil, grease, scum and substances which produce tastes, odors, turbidity or settle to form deposits, prohibition of sheen or discoloration of waters of the Commonwealth for oil bearing wastewaters, and a requirement to develop a Storm Water Pollution Prevention Plan.

The EPA waiver is in effect.

PA0002879-A1, Industrial Waste, SIC 3312, **Union Electric Steel Corporation**, P. O. Box 465, Carnegie, PA 15106. This application is for amendment of an NPDES permit to discharge untreated cooling water from the Harmon Creek Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Unnamed Tributary to Burgetts Fork, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Midland Borough Municipal Water Authority, located at Midland, PA, over 40 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.01056 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Iron			Monitor and Report		
Magnesium			Monitor and Report		
Temperature ° F					
January 1-31				42.4	
February 1-29				42.6	
March 1-31				52.2	
April 1-15				58.9	
April 16-30				64.9	
May 1-15				68.5	
May 16-31				79.5	
June 1-15				85.8	
June 16-30				89.8	
July 1-31				90.0	
August 1-31				89.7	
September 1-15				86.1	
September 16-30				80.1	
October 1-15				74.1	
October 16-31				68.1	
November 1-15				60.4	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
November 16-30				51.9	
December 1-31				43.8	

The EPA waiver is in effect.

Internal Monitoring Point 202: new discharge, design flow of 0.00576 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Residual Chlorine			0.5		1.25
Dissolved Iron				7.0	
Total Dissolved Solids			Monitor and Report		
Bromide			Monitor and Report		
Sulfates			Monitor and Report		
Iron, Total			Monitor and Report		
Magnesium			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

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

PA0025356, Sewage, SIC Code 4952, **Mercer Borough**, 145 North Pitt Street, Mercer, PA 16137-0069. Facility Name: Mercer Borough WWTP. This existing facility is located in Mercer Borough, **Mercer County**.

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

The receiving stream(s), Neshannock Creek, is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.04 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instantaneous Maximum
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Total Residual Chlorine				0.42		1.4
CBOD ₅						
May 1 - Oct 31	155	230		15	22.5	30
Nov 1 - Apr 30	215	345		25	40	50
Total Suspended Solids	260	390		30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200 Geo Mean		
Oct 1 - Apr 30				2,000 Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	37			4		8
Nov 1 - Apr 30	110			12		24

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 1310401, Sewerage, **Borough of Palmerton**, 443 Delaware Avenue, Palmerton, PA 18071. This proposed facility is located in Palmerton Borough, **Carbon County**.

Description of Proposed Action/Activity: The project consists of upgrading the existing 0.750 MGD wastewater treatment plant including: influent flow monitoring, raw sewage pumps and controls, sequencing batch reactors, equalization tanks, ultraviolet disinfection, cascade aeration and Cannibal solids reduction.

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

WQM Permit No. 3610402, Sewerage, **Playful Pups Retreat, LLC**, 950 North Milton Grove Road, Elizabethtown, PA 17022. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for construction/operation of a small flow wastewater treatment facility to serve new dog boarding and grooming facility.

WQM Permit No. 2196201, Amendment 10-1, Industrial Waste, **Land O'Lakes, Inc.**, 405 Park Drive, Carlisle, PA 17015-9270. This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit amendment approval for the phase 1 improvements to the existing industrial wastewater treatment plant at Land O'Lakes', Carlisle, PA facility will be constructed. The major Phase 1 improvements include two new larger influent equalization tanks, a new dissolved air flotation unit, and a new post-equalization tank.

WQM Permit No. 2890201, Amendment 10-1, Industrial Waste, **Letterkenny Army Depot**, One Overcash Avenue, Building 14, AMSAM-LE-EE-N, Chambersburg, PA 17201-4150. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit amendment approval for the replacement of existing trickling filter with new moving bed bioreactor system.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 4910402, Sewerage, SIC 4952, **Milton Regional Sewer Authority**, P. O. Box 433, 5585 SR 405, Milton, PA 17847-0433. This proposed facility is located in Milton Borough, **Northumberland County**.

Description of Proposed Action/Activity: The proposed project will consist of the abandonment and demolition of the existing Brown Avenue Pump Station and the associated replacement and re-alignment of approximately 3,900 ft. of existing downstream sanitary sewers. Approximately 1,200 ft. of existing upstream sanitary sewers will also be rehabilitated utilizing cured-in-place pipe (CIPP).

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 6510403, Sewerage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601. This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer interceptor.

WQM Permit No. 0472402-A4, Sewerage, **The City of Beaver Falls**, 715 15th Street, Beaver Falls, PA 15010. This existing facility is located in the City of Beaver Falls, **Beaver County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 0410401, Sewerage, **Borough of Ambridge Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003. This proposed facility is located in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station.

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

WQM Permit No. 6510404, Sewerage, **Washington Township Municipal Authority**, 283 Pine Run Church Road, Apollo, PA 15613.

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

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

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

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 1505043-R	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ

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

Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910002	Upper Macungie Township Attn: Scott Faust 8330 Schantz Road Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Iron Run HQ-CWF, MF

Northampton County Conservation District: 14 Gracedale Avenue, Greystone Building, Nazareth, PA 18064-9211, 610-746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024809011	John H. Oberly 1441 Spring Valley Road Bethlehem, PA 18015	Northampton	Lower Saucon Township	Cooks Creek EV, MF
PAI024804032R	Nic Zawarski & Sons Developers, Inc. Attn: Taras W. Zawarski 1441 Linden Street Bethlehem, PA 18018-2695	Northampton	Forks Township	Bushkill Creek HQ-CWF, MF
PAI024804004R	Forks Village, LP Santino Calantoni 6065 William Penn Highway Easton, PA 18042	Northampton	Forks Township	Bushkill Creek HQ-CWF, MF

Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025210001	Dingman Township 118 Fisher Lane Milford, PA 18337	Pike	Dingman Township	Raymondskill Creek HQ-CWF, MF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507008(2)	Pocono Township Supervisors Route 611 P. O. Box 197 Tannersville, PA 18372	Monroe	Stroud Township Stroudsburg Borough	Wigwam Run HQ-CWF, MF Flagler Run HQ-CWF, MF Big Meadow Run HQ-CWF, MF Tributary to Pocono Creek HQ-CWF, MF Tributary to Brodhead Creek TSF, 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>
PAI034410001	Dave McNitt CENPA Development, LLC P. O. Box 171 Thornton, PA 19373-0171	Mifflin	Brown Township	Quillas Creek WWF

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044110001	Fisher Mining Company 40 Choate Circle Montoursville, PA 17754-9791	Lycoming	McHenry Township	Right Fork Otter Run HQ-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>
Greystone Pork 12950 Forge Road Mercersburg, PA 17236	Franklin	87.7	715.12	Swine	NA	Renewal
Robert Shearer 806 Anderson Ferry Road Mount Joy, PA 17552	Lancaster	300	370.34	Hogs Beef	NA	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 per-

mit. 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

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3610501, Public Water Supply.
 Applicant **Paul Lantz Builders, Inc.**
 Municipality Bart Township
 County **Lancaster**
 Responsible Official Paul L. Lantz, President
 140 Strubel Road
 Strasburg, PA 17579
 Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P. E.
 James A. Holley & Associates,
 Inc.
 18 South George Street
 York, PA 17401
 Application Received: 1/8/2010
 Description of Action New Community Water System
 for Villas at Georgetown.

Permit No. 3610503, Public Water Supply.
 Applicant **Columbia Water Company**
 Municipality West Hempfield Township
 County **Lancaster**
 Responsible Official David T. Lewis
 General Manager
 220 Locust Street
 Columbia, PA 17512
 Type of Facility Public Water Supply
 Consulting Engineer David T. Lewis, P. E.
 Columbia Water Company
 220 Locust Street
 Columbia, PA 17512
 Application Received: 2/24/2010
 Description of Action Additon of Chlorine Booster
 Pump Station on Marietta
 Avenue.

Permit No. 6710502, Public Water Supply.
 Applicant **Catholic Charities of the
 Roman Catholic Diocese of
 Harrisburg**
 Municipality Paradise Township
 County **York**
 Responsible Official Jeffrey McCausin
 Director of Buildings and
 Properties
 4800 Union Deposit Road
 Harrisburg, PA 17111
 Type of Facility Public Water Supply
 Consulting Engineer Stephen J. Cordaro, P. E.
 Century Engineering, Inc.
 200 Airport Road
 New Cumberland, PA 17070
 Application Received: 2/16/2010
 Description of Action New booster pump installation.

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

Permit No. 1109508, Public Water Supply.
 Applicant **Glendale Valley Municipal
 Authority**
 1800 Beaver Valley Road
 Flinton, PA 16640
 Township or Borough White Township
 Responsible Official James E. Krause
 Glendale Valley Municipal
 Authority
 1800 Beaver Valley Road
 Flinton, PA 16640
 Type of Facility Water treatment plant
 Consulting Engineer Keller Engineers, Inc.
 420 Allegheny Street
 P. O. Box 61
 Hollidaysburg, PA 16648
 Application Received Date December 11, 2009
 Description of Action Installation of approximately
 46,000 LF of water main and an
 interconnection with Reade
 Township Municipal Authority.

Permit No. 3010501, Public Water Supply.
 Applicant **Southwestern Pennsylvania
 Water Authority**
 P. O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 Township or Borough Franklin Township
 Responsible Official Joseph Simatic, Manager
 Southwestern Pennsylvania
 Water Authority
 P. O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 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 March 1, 2010
 Description of Action Replacement of the existing
 Kirby Pump Station with a
 larger pump station and
 replacement of the existing
 sodium hypochlorite feed system
 with gas chlorination.

Permit No. 6310501, Public Water Supply.
 Applicant **Authority of the Borough of
 Charleroi**
 3 McKean Avenue
 P. O. Box 211
 Charleroi, PA 15022
 Township or Borough Cokeburg Borough
 Somerset Township

Responsible Official Edward Golanka
General Manager
Authority of the Borough of
Charleroi
3 McKean Avenue
P. O. Box 211
Charleroi, PA 15022

Type of Facility Water treatment plant

Consulting Engineer Chester Engineers
501 McKean Avenue
Third Floor
Charleroi, PA 15022

Application Received Date March 9, 2010

Description of Action Installation of water line from
Ellsworth Borough through
Somerset Township to Cokeburg
Borough.

Permit No. 5610501, Public Water Supply.

Applicant **Central City Water Authority**
314 Central Avenue
Suite 203
Central City, PA 15926

Township or Borough Shade Township

Responsible Official Robert Sankovitch
Chairperson
Central City Water Authority
314 Central Avenue
Suite 203
Central City, PA 15926

Type of Facility Water treatment plant

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date March 9, 2010

Description of Action Installation of approximately
8,600 feet of waterline to the
Village of Rockingham and the
installation of approximately
8,000 feet of waterline with the
construction of the Sorber water
storage tank along Bunkerhill
Road.

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

Application No. 1010501, Public Water Supply.

Applicant **Keystone Senior Care, LLC**

Township or Borough Penn Township
Butler County

Responsible Official Melissa Rezak
Administrator

Consulting Engineer Dennis J. Duryea, P. E.
D Squared Environmental
Services
100 Sunset Drive
Cheswick, PA 15024

Application Received Date 02/16/2010

Description of Action Addition of location point for
injection of sodium hypochlorite
to achieve compliance with 4-Log
Treatment of viruses, and the
addition of two 500-gallon water
supply tanks to increase
residence time of the oxidant.

Application No. 1010502, Public Water Supply.

Applicant **St. Barnabas Health System,
Inc.**

Township or Borough Valencia Borough
Butler County

Responsible Official Michelle Jenkins
Administrator

Consulting Engineer Dennis J. Duryea, P. E.
D Squared Environmental
Services
100 Sunset Drive
Cheswick, PA 15024

Application Received Date 02/16/2010

Description of Action Addition of location point for
injection of sodium hypochlorite
to achieve compliance with 4-Log
Treatment of viruses.

Application No. 4310504, Public Water Supply.

Applicant **Leesburg Community Water
Association**

Township or Borough Springfield Township
Mercer County

Responsible Official Phyllis Sue Schepp President

Consulting Engineer John L. Schaude, P. E.
Bankson Engineers
267 Blue Run Road
P. O. Box 200
Indianola PA 1551

Application Received Date 03/01/2010

Description of Action Demolition of existing
pressurized water tank; install
new well pumps, chlorine feed
system, water meter, emergency
generator and water lines.

WATER ALLOCATIONS**Applications received under the Act of June 24,
1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641)
relating to the Acquisition of Rights to Divert
Waters of the Commonwealth**

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

WA 67-62C, Water Allocations, **York Water Company,
York County**. The applicant is requesting the right to
expand its service area into portions of Dover Township in
York County. Engineer: Jeffery R. Hines. Date Application
Received: 10/5/2009.

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:

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Kapp Property, 128 Belmont Terrace, **Scranton City, Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, Robert Kapp, 104 Woodlawn Avenue, Mountaintop, PA 18707), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a ruptured 175-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is for residential purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Ozark Motor Lines, Inc., Diesel fuel Spill, I-78 Eastbound—Mile Marker 46.7, Weisenberg Township, **Lehigh County**. Dennis Fisher, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073 has submitted a Notice of Intent to Remediate (on behalf of his clients, Department of Transportation, Engineering District 5-0, 1002 West Hamilton Street, Allentown, PA 18101 and Frank A. and Anna H. Tercha, 1919 Heffner Road, Fogelsville, PA 18051), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a vehicular accident involving two tractor trailers, which caused the rupturing of two tractor saddle tanks. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The intended future use of the property will be for infrastructure and residential development. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on December 1, 2009.

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.

09-0196D: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) for construction of the metal recovery acid and strip processes, and three (3) units of scrubbers at a new precious metal recovery facility, in Falls Township, **Bucks County**. This facility is a non-Title V facility. This construction will not result in an emission increase of total facility limit for nitrogen oxides (NO_x) and hazardous air pollutants (HAPs) being emitted into the atmosphere. The Plan Approval will contain monitoring requirements, record keeping requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

58-329-016: Cabot Oil & Gas Corp. (5 Penn Center West, Suite 401, Pittsburgh, PA 15276) for installation of three (3) new compressor engines, one stand-by engine and a hot water boiler at their Lathrop Compressor Station site in Springville Township, **Susquehanna County**.

58-329-015: Chief Gathering, LLC (6051 Wallace Road Extension, Suite 201, Wexford, PA 15090) for installation of two (2) new compressor engines at their Korban Compressor Station site in Lathrop Township, **Susquehanna 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.

63-00936C: MarkWest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202) for installation of (2) natural gas heaters at their Houston Gas Plant in Chartiers Township, **Washington County**.

63-00953A: Antero Resources Appalachian Corp. (1625 17th Street, Suite 300, Denver, CO 80202) for expansion of the existing Doerfler Compressor Station in West Pike Run Township, **Washington County**. Sources will increase four engines, emergency generator, Triethylene Glycol Dehydration Produced Fluid Storage Tanks and Truck Loading Operations.

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.

09-0214: Haddon Windows, LLC (1211 Ford Road, Bensalem, PA 19020) for installation of two (2) spray booths at an existing un-permitted assembly facility **Bucks County**. There will also be a 0.288 natural gas-fired drying oven installed. There will be operational limitations (operation hours, as well as throughput) in place to ensure compliance with the aggregate VOC emissions of 3.42 tons and total HAP emissions of 2.03 tons. Particulate matter emissions will be controlled by a single bank of panel filters that are designed to capture 90% of the overspray. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-0069D: Highway Materials, Inc.—Plymouth Meeting Quarry (5000 Joshua Road, Plymouth Meeting, PA 19462) for replacement of the tertiary crusher at the existing stone crushing facility in Whitmarsh Township, **Montgomery County**. Sources at the quarry currently operate under Synthetic Minor Operating Permit No. 46-00069. Facility Nitrogen Oxide (NO_x) emissions are restricted to less than 25 tons per year. The new equipment is the same as the equipment to be replaced: crusher maximum capacity is 225 tons per year. Particulate matter emissions from the new tertiary crusher (Source ID No. 1003) will be controlled by wet suppression system only. There will be no increase in emissions. Plan Approval No. 46-0069D will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

03-00215: Allegheny Mineral Corp. (P. O. Box 1022, One Glade Park East, Kittanning, PA 16201) for construction of a new limestone preparation facility by Allegheny Mineral Corporation in Franklin Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 the Department of Environmental Protection intends to issue Air Quality Plan Approval PA-03-00215A to authorize the construction of a new limestone preparation facility by Allegheny Mineral Corporation in Franklin Township,

Armstrong County. Sources at this facility will consist of crushers, screens, conveyors, storage piles and other miscellaneous equipment associated with this type of operations. Facility shall be limited to throughput of 800 tons per hour and a 2500,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 65.34 tons of total particulate matter and 20.63 tons of PM10. This installation is subject to State and Federal regulations, including 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing. Plan Approval has been conditioned to ensure compliance with all applicable rules.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-00014: Department of Public Welfare—Allentown State Hospital (1600 Hanover Avenue, Allentown, PA, 18109) for renewal of a Title V Operating Permit of psychiatric hospital services in the City of Allentown, **Lehigh County**. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

39-00004: Mack Trucks, Inc. (7000 Alburdis Road, Macungie, PA 18062) for renewal of their Title V Operating Permit for their motor vehicle manufacturing facility in Lower Macungie Township, **Lehigh County**. The facility's main sources include (2) No. 6/No. 2 fuel oil fired boilers, (2) emergency generators, (2) emergency fire pumps, (1) burn-off oven, (5) spray booths, (1) touch up booth and (1) adhesive booth, (1) paint lab, (1) paint mix room, (1) solvent storage tank, (1) waste solvent tank, (5) bake ovens, (1) roller wash station, one (1) sanding booth, four (4) parts washing stations, and (1) spray gun cleaner station. The sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V 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.

39-00009: PPL Corp. (Plaza 6, Two Ninth Street, Allentown, PA 18101) for renewal of their Title V Operating Permit for the Allentown Combustion Turbines facility in the City of Allentown, **Lehigh County**. The facility's main sources include (4) No. 2 fuel oil fired combustion turbines. The sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

36-05029: High Steel Structures, Inc. plant (1853 William Penn Way, P. O. Box 10008, Lancaster, PA 17605)

for operation of their bridge girders manufacturing plant located at 144 Greenfield Road in East Lampeter Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit issued in May 2005.

67-05001: Magnesita Refractories Co. (425 South Salem Church Road, York, PA 17408) for operation of a refractory products manufacturing facility in West Manchester Township, **York County**. The facility is subject to 40 CFR Part 63, Subpart AAAAA—National Emissions Standards for Hazardous Air Pollutants for Lime Manufacturing Plants and Subpart SSSSS—National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing. This is a renewal of the facility's Title V operating permit issued in 2005.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

65-00207: OMNOVA Solutions, Inc. (1001 Chambers Avenue, Jeannette, PA 15644) for operation of manufacturing unsupported plastics, film and sheet at their Jeannette plant facility, Jeannette, **Westmoreland County**. This is a Title V Renewal.

63-00066: Severstal Wheeling—Allenport, Inc. (1134 Market Street, Wheeling, WV 26003-2906) for operation of manufacturing cold finishing of steel shapes at their Allenport Plant facility, Allenport Borough, **Washington County**. This is a Title V Renewal.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00034: Penn Protective Coatings Corp. (474-C Pike Road, Huntingdon Valley, PA 19006) submitted a renewal application for a Non-Title V Facility, State-only, Synthetic Minor Permit in Lower Southampton Township, **Bucks County**. Penn Protective Coatings is a metal coating and allied services manufacturer. The sources of emissions include: three spray booths. The facility has a VOC emission limit of 24.9 tons per year calculated on a 12-month rolling sum. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-00090: Fluoro Seal International, LP (744 Roble Road, No. 180, Allentown, PA 18109) for a State-only Operating Permit for manufacturing plastics materials and resins in Hanover Township, **Lehigh County**. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

06-03146: Troutman Industries, Inc. (2201 Reading Avenue, West Lawn, PA 19609) for operation of their hard and decorative chrome plating operation in Spring Township, **Berks County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

06-05016: Grafika Commercial Printing, Inc. (710 Johnston Street, P. O. Box 2153, Sinking Spring, PA 19608) for their printing plant including various types of printing presses in the Borough of Sinking Spring, **Berks County**. This is a renewal of the State-only operating permit issued in 2005.

22-05048: Amerigas Propane, LP (5400 Paxton Street, Harrisburg, PA 17111) for operation of its propane cylinder filling line in their facility in Swatara Township, **Dauphin County**. This is a renewal of the state only operating permit issued in July 2005.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

63-00936: MarkWest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for operation of a Gas Processing Plant at the Houston Gas Plant in Chartiers Township, **Washington County**.

63-00954: Markwest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for operation of Compressor Station at Brighig Compressor Station in Chartiers Township, **Washington County**. This is a Synthetic Minor.

63-00933: Markwest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for operation of Compressor Station at Johnston Compressor Station in Chartiers Township, **Washington County**. This is a Synthetic Minor.

63-00937: Markwest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for operation of Compressor Station at Fulton Booster Station in Mt. Pleasant Township, **Washington County**. This is a Synthetic Minor.

63-00940: Markwest Liberty Midstream & Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) for operation of a Compressor Station at Shaw Compressor Station in Chartiers Township, **Washington County**.

26-00569: Holt & Bugbee Hardwoods, Inc. (P. O. Box 37, 1600 Shawsheen Street, Tewksbury, MA 01876) for operation of sawmills and planning mills at Mt. Braddock Site in North Union Township, **Fayette County**.

30-00112: EQT Plaza (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for operation of compressor station at Mt. Morris in Dunkard Township, **Greene County**. This is a State-only Operating Permit Renewal

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

10-00310: Air Products & Chemicals Inc. (357 Marian Avenue, Tamaqua, PA 18252) to issue a renewal State-only Operating Permit for the facility in Butler Township, **Butler County**. The facility is a Natural

Minor. The primary sources at the facility include a hydrogen reformer, hydrogen purification, process water deaeration, and a parts washer. The renewal permit contains emission restrictions, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

20-00263: Tapco Tube Co. (10748 South Water Street Extension, Meadville, PA 16335-9098) for issuance of a Synthetic Minor Operating Permit to operate a manufacturing facility that produces round and rectangular steel tubing in West Mead Township, **Crawford County**. The facility's primary emission sources include dip coating, powder coating, parts washers and miscellaneous natural gas combustion.

42-00192: IA Construction Corp.—McKean Plant (7024 Route 59, Lewis Run, PA 16738) for a Synthetic Minor Permit to operate a hot mix asphalt plant in Lafayette Township, **McKean County**. The significant sources are hot mix batch plant; fugitives from transfer points and propane storage tank 30,000 gallons. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.

N09-022: AT&T Communications of Pennsylvania, LLC (500 South 27th Street, Philadelphia, PA 19146) for operation of a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six (6) 750-kilowatt Turbine emergency generators firing kerosene.

The operating permit will be reissued under the *Pennsylvania Code* Title 25, *Philadelphia Code* Title 3 and *Air Management Regulation XIII*. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH 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.

56061301 and NPDES Permit # PA0235709, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add surface activity site acres to the permit area for installation of additional treatment facilities and sludge drying area. Surface Acres Proposed 4.1. No additional discharges. Application received: February 5, 2010.

30841317 and NPDES Permit # PA0213535, Consol Pennsylvania Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Morris Township, **Washington County**, ACOE Pittsburgh. Prosperity, PA Quadrangle USGS map from N: 9.80 inches; W: 12.23 inches to N: 8.94 inches; W: 12.81 inches.

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration for pooling/flow loss due to longwall mining in one area of Crafts Creek.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department of Environmental Protection within 30 days of the date of this notice to the District Mining Office identified previously. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed previously.

Application received: February 5, 2010.

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

24100101 and NPDES Permit No. PA0258822. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip operation in Jay Township, **Elk County** affecting 102.2 acres. Receiving streams: Unnamed tributary to Kersey Run, classified for the following state-wide uses: CWF. The first downstream potable water supply intake from the point of discharge is Jay Township Water Authority. Application received: February 18, 2010.

24673003 and NPDES Permit No. PA0119849. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger, and co-product operation in Fox Township, **Elk County** affecting 56.2 acres. Receiving streams: Limestone Run, classified for the following state-wide

uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: March 1, 2010.

61050101 and NPDES Permit No. PA0257940. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip in Irwin Township, **Venango County** affecting 13.1 acres. Receiving streams: Unnamed tributary to Gilmore Run, classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 3, 2010.

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

12100101 and NPDES No. PA0257281. Allegheny Enterprises, Inc. (3885 Roller Coaster Road, Corsica, PA 15829). Commencement, operation and restoration of a bituminous surface mine located in Shippen and Lumber Townships, **Cameron County** affecting 324.2 acres. Receiving streams: Portable Run, Miller Hollow and May Hollow Run all classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 17, 2010.

17860135 and NPDES No. PA0115622. Strishock Coal Co. (220 Hillcrest Drive, DuBois, PA 15801). Permit renewal for the continued operation and restoration of a bituminous surface mine in Union, Sandy and Brady Townships, **Clearfield County** affecting 361.4 acres. Receiving streams: Laborde Branch, Sugar Camp Run to Luthersburg Branch to Laborde Branch, tributaries to Stony Run to Laborde Branch to Sandy Lick Creek to Red Bank Creek to the Allegheny River classified for the following uses: Cold Water Fishery—Warm Water Fishery. Application received: February 5, 2010.

17030115 and NPDES No. PA0243612. Hilltop Coal Co. (12 Dutchtown Road, Houtzdale, PA 16651-9225). Renewal for the continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 212.6 acres. Receiving streams: Japling Run classified for Cold Water Fishery and unnamed tributaries to Muddy Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 1, 2010.

17030112 and NPDES No. PA0243566. U. S. Operating Company (2151 Lisbon Road, Kennerdell, PA 16374). Permit renewal for the continued operation and restoration of a bituminous surface mine located in Chest Township, **Clearfield County** affecting 148.9 acres. Receiving streams: unnamed tributaries to North Camp Run to Chest Creek to the West Branch Susquehanna River classified for Cold Water Fishery. Application received: February 22, 2010.

17100103 and NPDES No. PA0257290. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine in Bradford Township, **Clearfield County** affecting 219.8 acres. Receiving streams: unnamed tributaries to Sulphur Run and unnamed tributaries to Abes Run, classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 2, 2010.

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

54743007R5 and NPDES Permit No. PA0123617. Schuylkill Reclamation Corporation, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing an-

thracite surface mine operation in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres, receiving stream: West Creek to West Branch Schuylkill River. Application received: February 25, 2010.

49050101R and NPDES Permit No. PA0224430. Farragut Anthracite Company, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine operation in Coal and Zerbe Townships, **Northumberland County** affecting 578.0 acres, receiving stream: Shamokin Creek. Application received: March 2, 2010.

54-305-014GP12. Waste Management & Processors, Inc., (P. O. Box K, Frackville, PA 17931), application to operate a coal preparation plant whose pollution control

equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54080201 in Port Carbon and Mechanicsburg Boroughs, **Schuylkill County**. Application received: March 2, 2010.

54850107R5. Lone Eagle Coal Co., Inc., (2068 Old Phoenix Road, Pottsville, PA 17901), renewal of an exiting anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 59.93 acres, receiving stream: none. Application received: March 5, 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.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

3374SM58 and NPDES Permit No. PA0591588. Coolspring Mining, Inc. (P. O. Box 1328, Uniontown, PA 15401) NPDES renewal application for continued mining of a large noncoal surface mine, located in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving streams: unnamed tributary to Coolspring Run and Coolspring Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 18, 2010.

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

25900301. Lakeland Aggregates, Inc. (13053 SR 89, Wattsburg, PA 16442) Revision to an existing large sand and gravel operation to mine below the water table in Venango Township, **Erie County** affecting 18.0 acres. Receiving streams: West Branch French Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a post-mining land use change from scrubland/unmanaged natural habitat to unmanaged water impoundment on the properties of Adzima Properties, Inc. Application received: March 3, 2010.

43040302. New Castle Lime and Stone Company (P. O. Box 442, Edinburg, PA 16116) Renewal of an existing large sand and gravel operation in Shenango Township, **Mercer County** affecting 48.3 acres. Receiving streams: Unnamed tributary to Shenango River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 22, 2010.

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

4773SM2 and NPDES No. PA0596680. Hanson Aggregates Pennsylvania (7600 Imperial Way, Allentown, PA 18195) Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Potter Township, **Centre County** affecting 15.0 acres. Receiving streams: unnamed tributary to Cedar Creek classified for Cold Water Fishery. Application received: February 16, 2010.

59020302 and NPDES No. PA0243272. Fred J. Robbins (R. R. 2, Box 25A, Tioga, PA 16946) Renewal of the NPDES Permit. There are no discharges from this gravel pit operation located in Lawrence Township, **Tioga County** affecting 17.5 acres. Application received: January 28, 2010.

6775SM1 and NPDES No. PA0613819. National Limestone Quarry, Inc. (P. O. Box 397, Milldeburg, PA 17842) Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Beaver and Franklin Townships, **Snyder County** affecting 97.0 acres. Receiving stream: Middlecreek classified for Trout Stocked Fishery. Application received: February 5, 2010.

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

40980301C5 and NPDES Permit No. PA0223867. Brdaric Excavating, Inc., (913 Miller Street, Luzerne, PA 18709), correction to an existing quarry operation to increase the permitted acres from 44.8 to 86.5 and increase the depth of mining from 160 feet to 260 feet in Kingston Township and Swoyersville Borough, **Luzerne County**, receiving stream: unnamed tributaries to Susquehanna River, classified for the following use: cold water fishery. Application received: March 2, 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 Depart-

ment 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.

E39-492. Brookside Country Club, 901 Willow Lane, Macungie, PA 18062-9350, in Lower Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain 2,350 linear feet of channel restoration and stream bank stabilization of Swabia Creek (HQ-CWF) and adjacent floodway utilizing FGM techniques. The project is located approximately 2.9 miles south of the intersection of I-476 and U.S. Route 222 (Allentown West, PA Quadrangle Latitude: 40° 31' 28"; Longitude: -75° 33' 1").

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.

E22-557: Old Reliance Partnership, Ronald Burkholder, 1403 Farmhouse Lane, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To relocate and maintain 215.0 feet of an unnamed tributary to Swatara Creek (WWF) impacting 0.049 acre of PEM wetlands. The relocation will include the construction and maintenance of 100.0 feet of 0.50-foot depressed, 42.0-inch CMP culvert pipe, and 140.0 feet of open channel, for the purpose of creating a residential subdivision (Steelton, PA Quadrangle N: 22.0 inches; W: 1.5 inches, Latitude: 40° 14' 43"; Longitude: 76° 45' 34") located on the south side of Longview Drive, at the intersection of Longview Drive and Strites Road, in Lower Swatara Township, Dauphin County.

E38-166: Alden Place, Louie Hurst, Principal, Cornwall Associates LP, 530 West Trout Road, Ephrata, PA 17522, West Cornwall Township and Cornwall Borough, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: 1) a 96.0-foot long, 1.0-foot depressed with fish baffles, 5.0-foot by 8.0-foot concrete box culvert with a depressed rip rap apron extending 39.0 feet downstream, and an 8.0-inch diameter DICL waterline and 8.0-inch diameter PVC sanitary sewer line utility crossing in and across an unnamed tributary to Snitz Creek (TSF, MF) permanently impacting 0.096 acre of PEM/SS/FO wetlands; 2) a 90.0-foot long, 0.50-foot depressed, 24.0-inch by 38.0-inch RCP culvert pipe with depressed rip rap aprons extending 25.0 feet upstream and 16.0 feet downstream, and an 8.0-inch diameter DICL waterline and 8.0-inch diameter PVC sanitary sewer line in and across an unnamed tributary to Snitz Creek (TSF, MF) permanently impacting 0.079 acre PEM/SS/FO wetlands; 3) an 8.0-inch diameter DICL waterline in an unnamed tributary to Snitz Creek (TSF, MF) temporarily impacting 0.023 acre of PEM/SS wetland; and 4) a 126.0-foot long, 0.50-foot depressed, 36.0-inch diameter RCP culvert pipe with a depressed rip rap apron extending 16.0 feet downstream, and an 8.0-inch diameter DICL waterline in and across an unnamed tributary to Snitz Creek (TSF, MF) impacting 0.031 acre PSS/FO wetlands, all for the purpose of expanding travel corridors throughout a residential subdivision at a point just south of the intersection between Alden Lane and Route 419 (Lebanon, PA Quadrangle 4.1 inches North; 8.2 inches West, Latitude: 40° 16' 22" N; Longitude: 76° 25' 59" W) in West Cornwall Township and Cornwall Borough, Lebanon County. To compensate for wetland impacts, the applicant shall provide a minimum of 1.3 acres of PEM/PSS/PFO replacement wetlands onsite.

E22-559: Bridge Construction Project, State Game Lands 211, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110, Rush Township, **Dauphin County**, ACOE Baltimore District. To construct and maintain a 14.0-foot wide single-span bridge having a normal span of 48.0 feet and an underclearance of 6.0 feet, across Clarks Creek (HQ-CWF) for the purpose of

providing access for timber harvest and food plot management activities. The project is located on State Game Lands No. 211 (Tower City, PA Quadrangle N: 3.0"; W: 17.2", Latitude: 40° 30' 59"; Longitude: 76° 37' 26") in Rush Township, Dauphin County.

E01-291: Realty Leasing & Management Company, 1270 Fairfield Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**, ACOE Baltimore District.

The applicant proposes to place and maintain fill in two palustrine emergent (PEM) wetlands totaling 0.03 acre and two intermittent unnamed tributaries to Willoughby Run (WWF), totaling 515.0 linear feet, for the purpose of constructing a housing development. The project is located west of the Borough of Gettysburg on Deatrack Drive (Fairfield, PA Quadrangle N: 13.47 inches; W: 0.82 inch, Latitude: 39° 49' 27"; Longitude: -77° 15' 21") in Cumberland Township, Adams County. The permittee proposes to provide a minimum of 0.04 acre of replacement wetlands onsite.

E67-877: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, ACOE Baltimore District.

To: (1) remove the existing structure and to construct and maintain a 60.0-foot long, 1.0-foot depressed with baffles, 15.0-foot by 5.0-foot reinforced concrete box culvert with concrete wing walls and depressed rip rap aprons extending 5.0 feet upstream and 5.0 feet downstream in an unnamed tributary to Kreutz Creek (York, PA Quadrangle N: 20.2 inches; W: 1.2 inches, Latitude: 39° 59' 13"; Longitude: -76° 38' 02"); (2) remove the existing structure and construct and maintain a 96.0-foot long, 1.0-foot depressed with baffles, 9.0-foot by 5.5-foot reinforced concrete box culvert with concrete wing walls and depressed rip rap aprons extending 5.0 feet upstream and 5.0 feet downstream in an unnamed tributary to Kreutz Creek (York, PA Quadrangle N: 19.2 inches; W: 1.1 inches, Latitude: 39° 58' 53"; Longitude: -76° 37' 57"); and (3) construct and maintain an endwall with rock protection around an existing 33.0-inch by 49.0-inch outfall structure discharging to an unnamed tributary to Kreutz Creek (York, PA Quadrangle N: 20.2 inches; W: 1.2 inches, Latitude: 39° 59' 13"; Longitude: -76° 38' 02") for the purpose of improving transportation safety and roadway standards along SR 2017 (Stonewood Road) in Springettsbury Township, **York County**.

E22-556: The Harrisburg Authority, 212 Locust Street, Suite 302, Harrisburg, PA 17101, Harrisburg City and Swatara Township, **Dauphin County**, ACOE Baltimore District.

To replace an existing 82.0-foot by 60.0-foot steel storage building with a 84.0-foot by 61.0-foot steel building, and to construct and maintain an 84.0-foot by 61.0-foot steel building with associated access and loading facilities in the floodplains of Spring Creek (CWF, MF) and the Susquehanna River (WWF), for the purpose of upgrading the existing wastewater treatment facility. The project is located near the intersection of SR 230 and Elliot Street (Steelton, PA Quadrangle N: 21.4 inches; W: 15.3 inches, Latitude: 40° 14' 28"; Longitude: 76° 51' 30") in Harrisburg City and Swatara Township, Dauphin County.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E08-460. Chesapeake Appalachia, LLC, 100 IST Center, Horseheads, NY 14845-1016. Water Obstruction and Encroachment Joint Permit Application, in Monroe

Township, **Bradford County**, ACOE Susquehanna River Basin District (Monroeton, PA Quadrangle N: 41° 42' 1.55"; W: 76° 27' 3.59").

To construct and maintain a steel beam, concrete abutment, bridge over an UNT to the South Branch of Towanda Creek, located 1.0 mi. east of the intersection of SR 0220 along Wickam Falls Road. This project proposes to permanently impact 90 linear feet of the UNT to South Branch of Towanda Creek, which is designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1628. Lawrence E. and Martha T Madson, Jr., 61 Lambeth Drive, Pittsburgh, PA 15291. To construct and maintain addition to existing building in Bridgeville Borough, **Allegheny County**, Pittsburgh ACOE District (Bridgeville, PA Quadrangle N: 19.0 inches; W: 14.5 inches, Latitude: 40° 21' 17"; Longitude: 80° 06' 15"). The applicant proposes to construct and maintain an addition to the existing building on the left bank of McLaughlin Run (WWF) for the purpose of expanding the existing garage. The project is located on the north side of McLaughlin Run Road, approximately 550.0 feet northwest from the intersection of McLaughlin Run Road and Coolidge Street.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E20-578, Iroquois Boating & Fishing Club. Maintenance Dredging, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 41° 36' 42"; W: 80° 17' 52").

The applicant proposes to dredge around 595 cubic yards of lake bed material from a swimming area measuring approximately 130 feet by 50 feet on the east shore of Conneaut Lake approximately 450 feet northwest of the intersection of Konneyaut Trail and Iroquois Road. Conneaut Lake is a body of water classified as HQ-WWF.

E25-725, TSK Partners, Inc., d/b/a McInnes Rolled Rings, 1533 East 12th Street, Erie, PA 16511. McInnes Rolled Rings Manufacturing Site Expansion, in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 42° 8' 80"; W: 80° 2' 51").

The applicant is proposing to fill 0.076 acre of PEM wetlands for the expansion of the McInnes Rolled Rings industrial facilities at 1533 East 12th Street in the City of Erie, Erie County. The proposed mitigation is a payment to the PA Wetland Replacement Fund and contribution to the Walnut Creek—Zimmerly Road stream restoration project in the Walnut Creek Watershed, Millcreek Township, Erie County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D48-043EA. Horwith Leasing Co., Inc., P. O. Box 7, Northampton, PA 18067, Northampton Borough, **Northampton County**, ACOE Philadelphia District. Project proposes to breach and remove Water Supply Dam across Hokendauqua 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 4,000 feet of stream channel. The dam is located approximately 4,500 feet southeast of the intersection of

East Twentyfirst (SR 329) and Main Streets (SR 4003) (Catasauqua, PA Quadrangle Latitude: 40° 41' 18"; Longitude: -75° 29' 00").

D15-093EA. Mr. Willard Sunstein, 860 Cupola Road, Honey Brook, PA 19344, Honey Brook Township, **Chester County**, ACOE Philadelphia District. Project Proposes to breach and remove Cupola Mill Dam across East Branch Brandywine Creek (HQ-TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,800 feet of stream channel. The dam is located approximately 350 feet south of the intersection of Creek (SR 4031) and Chestnut Tree Roads (SR 4025) (Wagontown, PA Quadrangle Latitude: 40° 05' 54"; Longitude: -75° 50' 44").

D17-005EA. City of Dubois, 16 West Scribner Avenue, DuBois, PA 15801, Union Township, **Clearfield County**, ACOE Baltimore District. To construct and maintain overtopping protection at Anderson Creek Reservoir Dam across Anderson Creek (CWF) to meet current Dam Safety Standards. The dam is located approximately 1.0 mile southeast of the intersection of Home Camp and Anderson Creek Roads (Luthersburg, PA Quadrangle Latitude: 41° 5' 47"; Longitude: 78° 38' 11"). The project will permanently impact 88 lineal feet of Anderson Creek and 0.27-acre of Palustrine Emergent Wetland. The applicant is required to provide a minimum of 0.27-acre of replacement wetland.

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

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>
PA0228133 IW	Department of Transportation Engineering District 2 1924 Daisy Street Ext. Clearfield, PA 16830	Cameron County Lumber Township	Driftwood Branch Sinnemahoning Creek 8A	Y
PA0112771 (Sewage)	Port Matilda Borough Authority Port Matilda WWTP Municipal Building Port Matilda, PA 16870	Port Matilda Borough Centre County	Bald Eagle Creek TSF-MF	Y
PA0009318 IW	Alcan Cable 409 Reighard Avenue Williamsport, PA 17701-4195	Lycoming County City of Williamsport	Fox Hollow Run 10A	Y
PA0228184 (Sewage) Non-Municipal	J & D Campground 973 Southern Drive Catawissa, PA 17820	Columbia County Franklin Township	Roaring Creek SWP 5E	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. PA0053082, Sewage, **Alexander Hionis & Partners**, P. O. Box 208, Mendenhall, PA 19357. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 20,600 gpd of treated sewage into an Unnamed Tributary to Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0057029, Amendment 1, Industrial Waste, **Hewlett Packard Company**, 10375 Park Meadows Drive, Suite 150, Littleton, CO 80124. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment of the NPDES permit for an existing discharge from the Hewlett Packard Company Avondale groundwater remediation system site to an Unnamed Tributary to Egypt Run in Watershed 3I.

NPDES Permit No. PA0243949, Industrial Waste, **Landis Block & Concrete Company, Inc.**, P. O. Box 64418, Souderton, PA 18964-0418. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge industrial wastewater commingled with stormwater from a concrete manufacturing facility located in Telford Borough, Bucks County into an Unnamed Tributary to Mill Creek in Watershed 3E.

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

NPDES Permit No. PA0246409, CAFO, **Donald Hess, Chickies Creek Farm, LLC**, 2537 Risser Mill Road, Mount Joy, PA 17552-8614. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Transfer of Permit.

NPDES Permit No. PA0088935, Amendment No. 1, CAFO, **Robert Barley**, 37 Chestnut Grove Road, Conestoga, PA 17516-9315 and William C. Fink, Country View Family Farms, LLC, 5714 Raystown Road, Hopewell, PA 16650. This proposed facility is located in North Codorus Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate an 1893-AEU swine operation in Watershed 7-H.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0002062-A2, Industrial Waste, **RRI Energy Northeast Management Company**, 121 Champion Way, Canonsburg, PA 15317. This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit amendment issuance to reflect additional discharges.

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

NPDES Permit No. PA0263567, Industrial Waste, **Borough of Ridgway, Ridgway Borough WTP**, P. O. Box 149, Ridgway, PA 15853-0149. This proposed facility is located in Ridgway Township, **Elk County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated filter backwash wastewater.

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. 4509402, Sewerage, **Rainmaker Capital of Chestnuthill, LLC**, 3 Quail Run, Boonton, NJ 07005. This proposed facility is located in Chestnuthill Township, **Monroe County**.

Description of Proposed Action/Activity: Denial of Water Quality Management Permit for construction of a 5,000 gpd sewage treatment system and an elevated sand mound absorption area.

WQM Permit No. 4809403, Sewerage, **Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. This facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for an upgrade to the existing wastewater treatment plant, consisting of the addition of two ICEAS basins, to improve operational performance.

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

WQM Permit No. 3801401, Amendment 10-1, Sewage, **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: Permit amendment approval for the construction of sewerage facilities consisting of: installation of a new building and sludge press at the Fort Indiantown Gap Wastewater Treatment Plant.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0309202, Industrial Waste, **RRI Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a settling basin to manage storm water runoff.

WQM Permit No. 0283436-A2, Sewerage, **Thomas I. Wiles**, 110 Sandy Creek Road, Verona, PA 15147-1728. This existing facility is located in Penn Hills Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance for replacement of failed small flow treatment facility.

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

WQM Permit No. WQG018735, Sewerage, **Sandra L. Bartosek**, 3414 U.S. Route 6, Waterford, PA 16441. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

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 1509031 Phase 2	Morphotek, Inc. 210 Welsh Pool Road Exton, PA 19341	Chester	Uwchlan Township	Picker Creek HQ-TSF
PAI01 2309002	Rose Tree Media School District 1900 North Providence Road Media, PA 19063	Delaware	Upper Providence Township	Ridley Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025208010	Nikles Realty, Inc. 104 Bennet Plaza Suite 1A Milford, PA 18337	Pike	Dingman Township	Raymondskill Creek HQ-CWF, MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S019R(1)	Big Ridge Developers, LP 130 Buck Road Suite 201 Holland, PA 18966	Monroe	Middle Smithfield Township	Tom X Run HQ-CWF, MF Long Shore Creek HQ-CWF, MF Bushkill Creek HQ-CWF, MF Pond Creek HQ-CWF, MF Exceptional Value Wetlands EV

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>
PAI033608006	Michael H. Martin 680 Wide Hollow Road East Earl, PA 17519	Lancaster	East Earl Township Terre Hill Borough	UNT to Black Creek HQ-WWF
PAI032109008	Land O' Lakes, Inc. Greg Wakefield 405 Park Drive Carlisle, PA 17015	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409013	Ed Poprick State College Area School District 131 West Nittany Avenue State College, PA 16801	Centre	College and Harris Townships	Spring Creek HQ-CWF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509004	Ted Decesare Patrisa Corporation 4241 William Penn Highway Murrysville, PA 15668	Westmoreland	Murrysville	Steeles Run HQ-CWF

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>
Bedminster Township Bucks County	PAG00 0904051-R	Pennland Bedminster, LP 248 Pennland Farm Drive Perkasie, PA 18944	Deep Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG200 0909082	William Black 1260 Forest Grove Road Furlong, PA 18925	Robin Run Unnamed Tributary Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG200 0909096	Waste Management Disposal Services of PA 1000 New Ford Mill Road Morrisville, PA 19067	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG02 000910001	United States Steel Corporation One Ben Fairless Drive Fairless Hills, PA 19030	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG200 1509050	Janiec Builders 1518 Meadowbrook Lane West Chester, PA 19380	Unnamed Tributary Beaver Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Penn Township Chester County	PAG200 1504113-R	Church in the Vineyard 111 Vineyard Way West Grove, PA 19390	Unnamed Tributary West Branch White Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Vincent Township Chester County	PAG200 1509046	Department of Military and Veteran's Affairs One Veterans Drive Spring City, PA 19475-1241	Unnamed Tributary Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAG200 1509034	Archdiocese of Philadelphia Mission Santa Maria Madre Dedios P. O. Box 1019 Avondale, PA 19311	Broad Run CWF Bucktoe Creek TSF Egypt Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Chichester Township Delaware County	PAG0200 2308040	Department of Transportation P. O. Box 3451 Harrisburg, PA 17105-3451	Naamans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAR10- J160-R2	Brinton Land Development, Assoc. 33 Rock Hill Road Suite 200 Bala Cynwyd, PA 19004-2051	West Branch Chester Creek TSF-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	PAG200 4608136	Northpointe Community Church P. O. Box 451 456 West Ridge Road Royersford, PA 19468	Mine Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG200 4608126	SSN Ruchi Hotel Land Development 119 South College Avenue Newark, DE 19713	Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG202 4608155	MPO Properties, LLC 1 Geoffrey Way Wayne, NJ 07470	Tributary Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Foster Township Luzerne County	PAG2004009024	MMI Preparatory School Attn: Thomas Hood 154 Centre Street Freeland, PA 18224	Little Black Creek CWF, MF	Luzerne County Conservation District 570-674-7991
City of Harrisburg Dauphin County	PAG2002204005R-1	City of Harrisburg 123 Walnut Street Suite 212G Harrisburg, PA 17101	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Strasburg Borough Lancaster County	PAG2003610007	44 Strasburg Associates 503 Bedford Place Lititz, PA 17543	Pequea-Octoraro Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003610008	York Technical Institute 3050 Hempland Road Lancaster, PA 17601	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Sandy Township Falls Creek Borough Clearfield County	PAG2001709010	Department of Transportation 1924-30 Daisy Street Ext. Clearfield, PA 16830	Wolf Run CWF Slab Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Danville Borough Montour County	PAG2004709006	Danville Municipal Authority P. O. Box 179 12 West Market Street Danville, PA 17821-0179	Mahoning Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Danville Borough Montour County	PAG2004710002	Danville Area School District 600 Walnut Street Danville, PA 17821	Sechlar Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Washington County Cecil Township	PAG2006305042-1	Washington County Authority 100 West Beau Street Washington, PA 15301	UNT to Chartiers Creek WWF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774

<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>
Jefferson County Reynoldsville Borough	PAG02003310001	Sintergy, Inc. 500 Chestnut Street Punxsutawney, PA 15767 and Allison & Associates 611 Division Street DuBois, PA 15801	Sandy Lick Creek TSF	Jefferson County Conservation District 814-849-7463

General Permit Type—PAG-3

<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>
RÜTGERS Organics Cooperation College Township Centre County	PAR234819	RÜTGERS Organics Cooperation 201 Struble Road State College, PA 16801-7487	Unnamed Tributary to Spring Creek CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
LeBoeuf Township Erie County	PAG049561	Sandra L. Bartosek 3414 U.S. Route 6 Waterford, PA 16441	Unnamed tributary to French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Derry Township Mifflin County	PAG093545	Brannon and Royer Septic Service 1922 Back Maitland Road Lewistown, PA 17044	Brannon and Royer Septic Service 1922 Back Maitland Road Lewistown, PA 17044	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Spring Township Perry County	PAG093528	Advanced Septic Services, Inc. 185 Richard Lane Landisburg, PA 17040	Advanced Septic Services, Inc. 185 Richard Lane Landisburg, PA 17040	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Frankstown Township Blair County	PAG093546	Ken Wertz Hauling and Septic Service, Inc. 2567 West Loop Road Hollidaysburg, PA 16648	Ken Wertz Hauling and Septic Service, Inc. 2567 West Loop Road Hollidaysburg, PA 16648	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-10

<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>
Blair County Allegheny Township	PAG103526	Sunoco Partners Marketing & Terminals, LP 620 Sugar Run Road Altoona, PA 16601	Sugar Run CWF—Outfall 001 Burgoon Run TSF—Outfalls 002—004	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-12**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>
Dauphin County Washington Township	PAG123650- (transfer)	Nanette Furnia Egg Basket Farm 2380 Donegal Springs Road Marietta, PA 17547	6C	DEP—SCRO— Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802
Lebanon County South Annville Township	PAG123664- (transfer)	Nelson W. Martin 1850 Horseshoe Pike Annville, PA 17003	7D	DEP—SCRO— Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802

STATE CONSERVATION COMMISSION

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent 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.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hanover Shoe Farm 2310 Hanover Pike P. O. Box 339 Hanover, PA 17331	Adams	2,840	1,035.54	Horses	NA	Approved
Walnut Run Farms Carl and John Myer 292 Elm Road Lititz, PA 17543	Lancaster	1,100	1,369.4	Dairy	NA	Approved
Eugene Nolt 143 Kurtz Road New Holland, PA 17557	Lancaster	73.6	614.98	Hogs/Beef	NA	Approved
Martin Farms 167 Overcash Road Chambersburg, PA 17202	Franklin	1,061	1,406.25	Dairy	HQ	Approved

**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. 3609520 MA, Minor Amendment, Public Water Supply.

Applicant	Brereton Manor, LLC
Municipality	Manor Township
County	Lancaster
Responsible Official	William J. Boyd, Principal Officer 3028 Anchor Road Washington, PA 17582-9650
Type of Facility	Conversion of disinfection system from UV to sodium hypochlorite
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	3/8/2010

Operations Permit issued to **Mountain View Apartments**, 3061184, South Heidelberg Township, **Berks County** on 2/25/2010 for the operation of facilities approved under Construction Permit No. 0608520.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Swatara Township, **Dauphin County** on 3/8/2010 for the operation of facilities approved under Construction Permit No. 2209504.

Operations Permit issued to **Bel Air Park Apartments**, 4070060, Logan Township, **Blair County** on 2/25/2010 for the operation of facilities approved under Construction Permit No. 0709507 MA.

Operations Permit issued to **Manheim Borough Authority**, 7360078, Manheim Borough, **Lancaster County** on 3/8/2010 for the operation of facilities approved under Construction Permit No. 3609508.

Operations Permit issued to **Marietta Gravity Water Company**, 7360082, West Hempfield Township, **Lancaster County** on 2/22/2010 for the operation of facilities approved under Construction Permit No. 3609519 MA.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 1491503-T1—Transfer, Public Water Supply.

Applicant	PA American Water Company
Township or Borough	Walker Township
County	Centre
Responsible Official	Paul A. Zielinski, Sr., Director Water Quality & Environmental Compliance Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	March 3, 2010
Description of Action	Transfer of ownership of Nittany Water Company's PWS permit that authorizes operation of the well source known as Well 1 and the facilities of disinfection, transmission lines and finished water storage.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals 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>
Warrington Township	3345 Rosstown Road Wellsville, PA 17365	York County

Plan Description: The Warrington Township Official Act 537 Sewage Facilities Plan, DEP Code No. A3-67960-ACT. The approved plan provides for the development of On-lot Disposal System (OLDS) Management Program through adoption of an ordinance meant to provide assurance of proper operation and maintenance of the on-lot sewage facilities with the Township. The plan also includes revision of the Township's Subdivision and Land

Development Ordinance (SLDO) and Holding Tank Ordinance. Revisions to the SLDO will address nitrate-nitrogen concerns within the Township and the need for Preliminary Hydrogeologic Studies for subdivisions and new land development. The plan specifies that all subdivisions containing three lots or more or subdivisions located within 1/4 mile of a well that tested greater than 5 mg/l nitrate-nitrogen will be required to complete a preliminary hydrogeologic study. The plan also documents nitrate-nitrogen issues in areas underlain by the Gettysburg Geologic Formation and the Heidelberg Member west of Old York and Carlisle Roads (SR 0074). Preliminary hydrogeologic studies will also be required for subdivisions proposed within these areas.

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: Located on the south side of Deodate Road between the township border and Brills Run, Conewago Township, Dauphin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conewago Township	3279 Old Hershey Road Elizabethtown, PA 17022	Dauphin County

Plan Description: The Official Plan Revision, entitled Creekside Meadows Subdivision, DEP Code No. A3-22910-168-2, proposing 33 new single family residential lots using individual on-lot sewage disposal systems. The plan was disapproved because the groundwater sampling program in the Preliminary Hydrogeologic Report did not accurately characterize the background nitrate-nitrogen concentrations in the groundwater beneath the proposed lots. An underestimation of background nitrate-nitrogen concentrations in the hydrogeologic study will result in a minimum lot size that will be insufficient to protect the groundwater quality and proposed drinking water wells for this project.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response Proposed Interim Response

Morris Run TCE HSCA Site, Hilltown and Bedminster Townships, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305 (HSCA), is proposing an Interim Response at the Morris Run TCE HSCA Site (Site) in Hilltown and Bedminster Townships, Bucks County, PA.

The Department, under the authority of HSCA, is conducting an investigation of the Site. This investigation includes the sampling of private drinking water supply wells located in the vicinity of Minsi Trail, Blue School Road, and Dublin Pike in Hilltown and Bedminster Townships, Bucks County. Approximately 35 wells are contaminated or may potentially become contaminated with detectable levels of Trichloroethylene (TCE), Tetrachloroethylene (PCE), and Dichloroethylene (DCE), but TCE is the primary contaminant of concern.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes a response action at the Site under section 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of whole-house carbon filtration units. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, installation of connections to a public water system, or supplying bottled water indefinitely.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Those interested in examining the Administrative Record should contact David Ewald at (484) 250-5725 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Hilltown Township Municipal Building, 13 West Creamery Road, Hilltown, PA.

Under section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on May 5, 2010 beginning at 7 p.m. at the Bedminster Township Municipal Building, 3112 Bedminster Road, Bedminster, PA. Anyone who would like to present formal oral comments regarding this Interim Response should register with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak at (484) 250-5820.

Individuals with a disability who wish to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with section 506(c) of HSCA, the Department has established a period for public comment that is now open until close of business on Friday, June 18, 2010. Written comments should be addressed to David Ewald, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Individuals with questions regarding this notice should contact David Ewald at 484.250.5725.

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:

Southwest Region: David E. Eberle, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

LTV Southside Parcel D3, City of Pittsburgh, Allegheny County. Mr. Martin C. Knuth, Civil and Environmental Consultants, Inc. on behalf of the Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA and AEO Realty Co., LLC has submitted a Final Report concerning remediation of site soils contaminated with metals, volatiles and semi-volatiles. The Report is intended to document remediation of the site to meet the nonresidential Site-Specific Standard. Notice of the Final Report submittal was published in the *Pittsburgh Post-Gazette* on October 15, 2009.

LTV Southside Portions of S. 26th, S. Water and Sidney Streets and Sarah Street Extension, City of Pittsburgh, Allegheny County. Mr. Martin C. Knuth, Civil and Environmental Consultants, Inc. on behalf of the Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA has submitted a Final Report concerning remediation of site soils contaminated with metals, volatiles and semi-volatiles. The Report is intended to document remediation of the site to meet the Nonresidential Site-Specific Standard. Notice of the Final Report submittal was published in the *Pittsburgh Post-Gazette* on February 19, 2010.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Bethlehem Commerce Center—Lot 14, 1805 East 4th Street, Bethlehem City, Northampton County. Kenneth G. Robbins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Cleanup Plan (on behalf of her client, Lehigh Valley

Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soils found to have been impacted by inorganics, VOCs and SVOCs as a result of historical manufacturing operations at the site. The Report was submitted in partial fulfillment for demonstrating attainment of the Site-Specific Standard for soils. A public notice regarding the submission of the Cleanup Plan was published in *The Express Times* on November 11, 2009.

Ozark Motor Lines, Inc. Diesel fuel Spill, I-78 Eastbound—Mile Marker 46.7, Weisenberg Township, Lehigh County. Dennis Fisher, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073 has submitted a Final Report (on behalf of his clients, Department of Transportation, Engineering District 5-0, 1002 W. Hamilton Street, Allentown, PA 18101 and Frank A. and Anna H. Tercha, 1919 Heffner Road, Fogelsville, PA 18051), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a vehicular accident involving two tractor trailers, which caused the rupturing of two tractor saddle tanks. The Report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Morning Call* on December 16, 2009.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Lancaster Brickyard Site, Manheim Township, Lancaster County. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of Lancaster County Solid Waste Management Authority, P. O. Box 4425, Lancaster, PA 17604 and Franklin and Marshall College, P. O. Box 3003, Lancaster, PA 17604-3003, has submitted a Final Report concerning remediation of site soils, non-media solids and groundwater impacted by petroleum products, solvents, plasticizers, synthetic lubricants and metals. The Report is intended to document remediation of the site to meet a combination of Statewide Health and Site-Specific Standards.

Gichner Shelter Systems, York Township, York County. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Gichner Shelter Systems, Inc., 490 East Locust Street, Dallastown, PA 17313, has submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with sulfochromate etch solution released from a containment pit. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Gichner Shelter Systems, York Township, York County. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Gichner Shelter Systems, Inc., 490 East Locust Street, Dallastown, PA 17313, has submitted a combined Remedial Investigation and Final Report concerning remediation of site soils, groundwater and surface water contaminated with heavy metals, solvents, BTEX, PHCs and PAHs. The Report is intended to document remediation of the site to meet a combination of the Site-Specific and Statewide Health Standards.

Ellis Residence, Tuscarora Township, Perry County. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsylvania, PA 18073, on behalf of Mr. and Mrs. Thorpe Ellis, 7091 Raccoon Valley Road, Millerstown, PA 17062, submitted a Final Report concerning remediation of site soils, surface water and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Utz Quality Foods, Hanover Borough, **York County**. GEI Consultants, Inc., 18000 Horizon Way, Mount Laurel, NJ 08054, on behalf of Utz Quality Foods, Inc., 900 High Street, Hanover, PA 17331, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with gasoline from unregulated underground storage tanks. The site will be remediated to the Site-Specific Standard.

Former Giffuni Property/Turkey Hill Experience, Columbia Borough, **Lancaster County**. Herbert, Rowland, & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Columbia Borough, 308 Locust Street, Columbia, PA 17512, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with inorganics, PAHs and VOCs from historical industrial processes. The site will be remediated to the Site-Specific Standard.

Agway Lebanon Surplus Property, West Lebanon Township, **Lebanon County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of CU16, LP, P. O. 333, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils and groundwater impacted by petroleum hydrocarbons, pesticides, herbicides and coal tar. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

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 residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by 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:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Bethlehem Commerce Center-Slag Bank 3, 530 East 3rd Street, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Remedial Investigation Report (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The Report met the requirements of the Site-Specific Standard and was approved by Central Office on February 19, 2010.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Giffuni Property/Turkey Hill Experience, Columbia Borough, **Lancaster County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Columbia Borough, 308 Locust Street, Columbia, PA 17512, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with inorganics, PAHs and VOCs from historical industrial processes. The Remedial Investigation Report was approved by the Department of Environmental Protection on March 8, 2010.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

General Permit No. WMGR116NE001. UGI Development Company (UGI Hunlock Creek Plant), 390 US Route 11, P. O. Box 224, Hunlock Creek, PA 18621-0024. A General Permit Determination of Applicability (DOA)

application was issued under General Permit #WMGR116 for the beneficial use of the resulting ash generated by co-firing alternate fuels (petroleum coke) with waste coal/coal in circulating and bubbling fluidized bed boilers and pulverized coal-fired boilers, at the site located in Hunlock Creek Township, **Luzerne County**. The Determination of Applicability application was received in the Regional Office on October 26, 2009, and was issued on February 25, 2010.

Persons interested in reviewing the general permit may contact William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit Application No. WMGR039SC001. ICM of Pennsylvania, Inc., 638 Lancaster Avenue, Malvern, PA 19355.

The Southcentral Regional Office, Waste Management Program has received an application for a determination of applicability (DOA) under Residual Waste General Permit No. WMGR039 for the ICM of Pennsylvania, Inc., Cedar Hill Quarry located at 219 Quarry Road, Peach Bottom, Fulton Township, Lancaster County, PA 17563. This general permit is for the processing and beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles (that is, imperfections, tabs, trimming scraps, and the like, generated in the manufacturing of new asphalt shingles and damaged, unused shingles) as an ingredient in hot-mix and cold-mix paving asphalt material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of electricity or steam. The processing is limited to transferring, screening, shredding, grinding, sorting, and magnetic removal of ferrous metal. The application for DOA was determined to be administratively complete by the Southcentral Regional Office on February 26, 2010.

Persons interested in obtaining more information about this determination of applicability may contact the Waste Management Program at 717-705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit Application: WMGM027SC001. **Royal Green, LLC**, 30 West Huller Lane, Temple, PA 19560.

The Southcentral Regional Office, Waste Management Program has issued WMGM027-SC001, a Determination of Applicability (DOA) under Residual Waste General Permit WMGM027 for Royal Green, LLC located in Ontelaunee Township, Berks County. This General Permit is for the processing by grinding, shredding, screening and blending of various organic wastes for beneficial use as an alternative fuel material. The DOA was issued by the Southcentral Regional Office on January 8, 2010.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the De-

partment of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 301353. Advanced Waste Services, Inc., 1001 Sampson Street, New Castle, PA 16101, New Castle, **Lawrence County**. This is a new residual waste processing permit for a facility that previously operated under permit-by-rule. The primary processing utilized by the facility is volume reduction by pressure filtration and wastewater treatment. Solids are sent off for proper landfill disposal and liquids, after treatment, are discharged to the New Castle Sanitation Authority. The permit was issued by the Northwest Regional Office on March 9, 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: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

GP1-67-03161: Maine Industrial Tire, LLC (207 Redco Avenue, Red Lion, PA 17356) on March 3, 2010, for a natural gas fired boiler in Red Lion Borough, **York County**.

GP4-67-03161: Maine Industrial Tire, LLC (207 Redco Avenue, Red Lion, PA 17356) on March 1, 2010 for a Burn-Off Oven under GP4 located in Red Lion Borough, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP5-30-00188: Coal Gas Recovery, LLC (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on March 8, 2010, to install and operate a natural gas-fired compressor engine under GP-5 for coal bed methane extraction at their DFM-13/14 Site, in Wayne Township, **Greene County**.

GP5-30-00189: Coal Gas Recovery, LLC (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on March 8, 2010, to install and operate a natural gas-fired compressor engine under GP-5 for coal bed methane extraction at their DD-14/16 Site, in Wayne Township, **Greene County**.

GP5-30-00169B: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on March 2, 2010, for their Ceylon Compressor Station at Cumberland Township, **Greene County**. The

General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-26-00577A: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on March 2, 2010, for their Howser Compressor Station at Franklin Township, **Fayette County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-65-00979C: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on March 1, 2010, for their Hermine Compressor Station at Newton Borough, **Westmoreland County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-26-00578A: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on March 1, 2010, for their Pritts Compressor Station at Cumberland Township, **Greene County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-32-00399A: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on March 1, 2010, for their Clyde Compressor Station at West Wheatfield Township, **Indiana County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-30-00170B: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on February 26, 2010, for their Brown Compressor Station at Monongahela Township, **Greene County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-30-00175B: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on February 26, 2010, for their Davis Compressor Station at Jefferson Township, **Greene County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-26-00555B: Laurel Mountain Midstream, LLC (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on February 26, 2010, for their Joseph Compressor Station at Dunbar Township, **Fayette County**. The General Permit is being authorized for use at this existing facility due to change of ownership from the former operator Atlas Pipeline Pennsylvania, LLC.

GP5-03-00247: Snyder Brothers Inc. (P. O. Box 1022, 90 Glade Drive, Kittanning, PA 16201) on March 3, 2010, to operate one natural gas compressor engine and one natural gas dehydrator at the Furnace Run Compressor Station on Tarrtown Road, East Franklin Township, **Armstrong County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

54-302-080: Pine Grove Area School District—Pine Grove High School (101 School Street, Pine Grove, PA 17963) on March 9, 2010, to construct a new coal fired boiler at their facility in Pine Grove Borough, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

36-03121D: Cadmus Journal Services, Inc. (3575 Hempland Road, Lancaster, PA 17601-6912) on March 1, 2010, for installation and start up of a thermal incinerator in West Hempfield Township, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

26-00413A: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on March 1, 2010, to authorize VOC emission increases from the installation of an electric compressor and natural gas-fired space heater, and the uprate of an existing electric compressor at Uniontown Compressor Station in North Union Township, **Fayette County**. Allowable hours of operation for the existing natural gas-fired compressor engines have been reduced to 100 hours per year each, and emission limits have been established for each of the existing natural gas-fired turbines during startup, shutdown, and low temperature conditions.

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.

23-0003I: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on March 2, 2010, to operate an existing boilers in Trainer Borough, **Delaware County**.

09-0186B: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Road, Fairless Hills, PA 19030) on February 25, 2010, to operate a self-unloading vessels and fertilizer in Falls Township, **Bucks County**.

15-0060E: SECCRA Landfill (P. O. Box 221, Kennett Square, PA 19348) on March 3, 2010, to operate an internal combustion engine in London Grove Township, **Chester County**.

46-0031C: SmithKline Beecham, d/b/a GlaxoSmith Kline (709 Swedeland Road, King of Prussia, PA 19406) on March 3, 2010, to operate (2) two new scrubbers in Upper Providence Township, **Montgomery County**.

46-0032D: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) on March 3, 2010, to operate a new plating line in Abington Township, **Montgomery County**.

46-0241A: Gibraltar Rock, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on March 3, 2010, to operate a stone crushing equipment in New Hanover Township, **Montgomery County**.

15-0060C: SECCRA Landfill (P. O. Box 221, Kennett Square, PA 19348) on March 3, 2010, to operate an internal combustion engine in London Grove Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

28-05035A: St. Thomas Development Incorporated (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422) on March 1, 2010, for their mining of construction aggregates and production of asphaltic paving mixtures in St. Thomas Township, **Franklin County**. This Plan Approval was extended.

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.

65-302-071: ArcelorMittal-Monessen, LLC (345 Donner Avenue, Monessen, PA 15062) on March 4, 2010, to allow for continued temporary operation of two (2) coke oven gas/natural gas boilers until September 25, 2010, at their Monessen Coke Plant in the City of Monessen, **Westmoreland County**. This plan approval has been extended.

26-00574A: Stone Materials, LLC, Rehoboth Quarry (P. O. Box 423, Reedsville, WV 26547) on March 4, 2010, to complete construction of their stone processing plant in Georges Township, **Fayette County**. The company has requested additional time to delays caused by issues with the facility's mining permit. The new expiration date for this plan approval is August 13, 2010. The plan approval has been extended.

65-302-071: ArcelorMittal-Monessen, LLC (345 Donner Avenue, Monessen, PA 15062) on March 4, 2010, to allow for continued temporary operation of two (2) coke oven gas/natural gas boilers at their Monessen Coke Plant in the City of Monessen, **Westmoreland County** with an expiration date of September 25, 2010. This plan approval has been extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

10-333B: Penn United Technologies, Inc. (799 North Pike Road, Cabot, PA 16023-2223) on February 28, 2010, for a change to existing solvent being used in the batch vapor solvent degreasing unit, from a halogenated hazardous air pollutant (HAP) to a non-HAP solvent at facility in Jefferson Township, **Butler County**.

25-025N: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Room 9-201, Erie, PA 16531) on February 28, 2010, for replacement of the existing VPI system (Source 178) and expansion of the source by adding another VPI tank and six (6) ovens in Lawrence Park Township, **Erie County**. This is a Title V facility.

61-004D: Electralloy (175 Main Street, Oil City, PA 16301) on March 31, 2010, to install a new fabric filter to replace the existing scrubber to control emissions from the electric arc furnace and AOD vessels at their facility in the Borough of Oil City, **Venango County**. This is a Title V facility.

62-017P: United Refining Co. (15 Bradley Street, Warren, PA 16365) on March 31, 2010, to modify Boiler

No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V 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.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Thomas Huynh, Chief—Telephone: 215-685-9476.

V09-019: Cardone Industries (5501 Whitaker Avenue, Philadelphia, PA 19124) on March 8, 2010, to operate an automotive parts re-manufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emissions' sources include thirteen (13) Spraybooths, eighty-three (83) combustion units, twelve (12) burn out ovens, nineteen (19) cold cleaning degreasers, fifteen (15) shot blasting units.

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

20-00040: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) on March 2, 2010, to re-issue their Title V Operating Permit to manufacture grey and ductile iron foundries casting products in Vernon Township, **Crawford County**. The facility's major emission sources include preheating and charge, melting and transfer, pouring-cooling-shakeout, new grinding and goff, grinding and cleaning, shell core making and core drying, sand handling, heat treating-austemper operation, painting operation, air-makeup units (3), miscellaneous natural gas usage and two degreaser units. The facility is a major facility due to its potential to emit of particulate matter less than 10 microns in diameter. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 CFR Part 64.

33-00132: Matson Lumber Co.—Brookville Plant (132 Main Street, Brookville, PA 15825-1213) on February 28, 2010, to issue a renewal State-only Operating Permit for their sawmill in Brookville Borough, **Jefferson County**. The primary sources at the facility include a 20.6 mmBtu/hr wood fired boiler controlled by a multiclone, two natural gas boilers for backup to the wood fired boiler, miscellaneous woodworking and wood silo controlled by a cyclone, ten wood drying kilns, and a parts washer. The renewal permit contains emission restrictions, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00152: Wheatland Tube—Mill Street Plant (P. O. Box 608, Wheatland, PA 16161) on February 25, 2010, to issue a modification of the Synthetic Minor State-only Operating Permit for their steel tube and pipe manufacturing facility at 134 Mill Street in Sharon City, **Mercer County**. This permit modification includes the Ferrocote Cold Draw Rust Inhibitor (Source 141). During the modification, the responsible official was changed, the mailing address was changed, and the number of cold cleaning degreasers was decreased to reflect 10 units for Source 105. The facility has an existing facility-wide VOC

limit of 49.9 TPY during any 12-month consecutive period. The permittee shall maintain monthly records of all VOC containing materials consumed at this facility. These records shall contain sufficient information to clearly demonstrate compliance with the VOC emission limit for this facility. The VOC content of the rust inhibitor is limited to 1.27 lb/gallon. The source contains restrictions on the amount of rust inhibitor used (4,000 gallons in any calendar month and 3,000 gallons as a 12-month rolling average). The permit also contains recordkeeping, reporting and work practice requirements to ensure compliance with the above limitations.

61-00193: NFG Henderson Compressor Station (P. O. Box 2081, Erie, PA 16512), on February 28, 2010, to issue a renewal State-only Operating Permit for the natural gas transmission station in Mineral Township, **Venango County**. The facility is a Natural Minor. The primary sources at the facility include two 1,350 hp compressor units, a 119 hp auxiliary generator, a natural gas fired triethylene glycol (TEG) dehydrator reboiler, a TEG dehydrator still, a 75 hp natural gas fired air compressor, and two parts washers. The VOC emissions from the TEG dehydrator still are controlled by a thermal oxidizer.

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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

06-05090: Chiyoda America, Inc. (P. O. Box 470, Morgantown, PA 19543-0470) on March 1, 2010, for operation of the Mixing Room/Color Labs/Quality Control Rooms at their Morgantown Plant in Caernarvon Township, **Berks County**. This State-only operating permit was administratively amended to incorporate Plan Approval No. 06-05090C and a previously approved minor modification regarding oxidizer venting options. This is Revision No. 1.

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.

42-00004: American Refining Group (77 North Kendall Avenue, Bradford, PA 16701) for their facility in Bradford City, **Erie County**. The *De minimis* emission increase is related to the modification of two existing low VOC product tanks and the addition of a new bio-diesel tank. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8) No. 31.

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 September 1, 2006.

Date	Source	VOC (tons)
	Tanks Project	0.018
Total Reported Increases		0.018
Allowable		1 ton/source 5 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 Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

26040105 and NPDES Permit No. PA0250635. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687) Revision permit issued for stream variances and revised erosion and sedimentation control plan to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 382.7 acres. Receiving streams: unnamed tributaries to Laurel and Ferguson Runs. Application received: January 19, 2010. Permit issued: March 3, 2010.

03080106 and NPDES Permit No. PA0251542. 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 261.0 acres. Receiving streams: unnamed tributaries to Mahoning Creek; unnamed tributary to Pine Run to Mahoning Creek, to the Allegheny River, to the Ohio River. Application received: December 17, 2008. Permit issued: March 4, 2010.

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

17050109 and NPDES No. PA0256293. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661) Revision of an existing bituminous surface mine to add 3.9 acres in Bloom Township, **Clearfield County** affecting 116.0 acres. Receiving streams: unnamed tributary to Little Anderson Creek and unnamed tributary to Bell Run, classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 23, 2009. Permit issued: February 19, 2010.

17030102 and NPDES No. PA0243426. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847)

Renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County** affecting 104.0 acres. Receiving streams: unnamed tributaries to Little Laurel Run classified for Cold Water Fishery and Little Laurel Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 10, 2009. Permit issued: February 23, 2010.

18793005 and NPDES No. PA0596129. Confer Coal Co. (P. O. Box 471, Milesburg, PA 16853) Permit renewal for the continued operation and restoration of a bituminous surface mine located in Beech Creek Township, **Clinton County** affecting 329.0 acres. Receiving stream: South Fork of Tangascootack Creek classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2009. Permit issued: February 19, 2010.

17040111 and NPDES No. PA0243892. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA) Permit renewal of an existing bituminous surface mine operation located in Lawrence Township, **Clearfield County** affecting 41.8 acres. Receiving streams: unnamed tributary to Moose Creek-Cold Water Fishery, Moose Creek to the West Branch of the Susquehanna River classified for Cold Water Fishery. There are no potable supply intakes within 10 miles downstream. The permit has a revised baseline pollution load for pre-existing (Subchapter F) discharges 3, 4, 11 and 16. Application received: November 13, 2009. Permit issued: February 26, 2010.

17030120 and NPDES No. PA0243663. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920) Permit renewal of a bituminous surface mine located in Beccaria and Bigler Townships, **Clearfield County** affecting 96.3 acres. Receiving streams: unnamed tributary to Banian Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 11, 2010. Permit issued: March 4, 2010.

17990121 and NPDES No. PA0242764. Lee Coal Contracting, Inc. (1395 German Road, P. O. Box 147, Drifting, PA 16834-1047). Permit renewal for reclamation only of an existing surface mine located in Cooper Township, **Clearfield County** affecting 23.9 acres. Receiving streams: Sulphur Run to Moshannon Creek to the West Branch of the Susquehanna River classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 25, 2010. Permit issued: March 3, 2010.

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

49870201R4. Susquehanna Coal Company, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 206.0 acres, receiving stream: none. Application received: July 29, 2009. Renewal issued: March 5, 2010.

Noncoal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

3372SM25A and NPDES Permit No. PA0591963, Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425) NPDES renewal issued for continued operation and reclamation of a large noncoal surface mining site (limestone/sandstone quarry) located

in Bullskin Township, **Fayette County**, affecting 451.8 acres. Receiving streams: unnamed tributaries to Polecat Hollow and Breakneck Runs. Application received: December 23, 2009. Renewal issued: March 3, 2010.

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

4880501C6 and NPDES Permit No. PA0121681. Sreebs Slate & Stone Co., Inc., (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plainfield Township, **Northampton County**, receiving stream: Little Bushkill Creek. Application received: January 11, 2010. Renewal issued: March 5, 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.

63094003. Alex E. Paris Contracting Company (1595 Smith Township State Road, Atlasburg, PA 15004) Blasting activity permit for the construction of the Archer Road Project, located in Morris Township, **Washington County**. The duration of this project is 5 years. Permit issued: March 5, 2010.

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

24104008. Appalachian Geophysical Services, LLC (2659 SR 66, P. O. Box 426, Killbuck, OH 44637) Blasting activity permit for seismic exploration in Highland and Wetmore Townships, **Elk and McKean Counties**. This blasting activity permit will expire on August 14, 2010. Permit Issued: February 24, 2010.

27104001. Pennsylvania General Energy Co., LLC (120 Market Street, Warren, PA 16365) Blasting activity permit for a borrow pit for oil and gas well development in Jenks Township, **Forest County**. This blasting activity permit will expire on July 1, 2010. Permit Issued: March 2, 2010.

24104002. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744) Blasting activity permit for seismic exploration in the City of Saint Marys, **Elk County**. This blasting activity permit will expire on May 30, 2010. Permit Issued: March 2, 2010.

42104003. Conquest Seismic Services, Inc. (504 1st Center, Horseheads, NY 14845) Blasting activity permit for seismic exploration in Hamlin, Sergeant, Jones and Wetmore Townships, **McKean and Elk Counties**. This blasting activity permit will expire on March 31, 2010. Permit Issued: March 2, 2010.

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

08104104. Meshoppen Blasting, Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for Plymouth well and drive site located in Terry Township, **Bradford County**. Permit issued: February 23, 2010. Permit expires: March 31, 2010.

55104001. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Oakwood Grove Phase 1 sewer and utilities located in Monroe Township, **Snyder County**. Permit issued: February 23, 2010. Permit expires: December 30, 2010.

55104101. Warrens Excavating & Drilling, Inc. (P. O. Box 214, Myerstown, PA 17067-0214). Construction blasting for the Oakwood Development located in Monroe Township, **Snyder County**. Permit issued: February 23, 2010. Permit expires: February 17, 2011.

12104002. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744). Seismic survey blasting located in Shippen Township, **Cameron County**. Permit issued February 24, 2010. Permit expires July 30, 2010.

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

36104106. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Melvin Fisher Barn in Paradise Township, **Lancaster County** with an expiration date of April 30, 2010. Permit issued: March 2, 2010.

38104103. Abel Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting for Arbor Greene in Palmyra Borough, North and South Annville Townships, **Lebanon County** with an expiration date of February 28, 2011. Permit issued: March 2, 2010.

67104105. Warren's Excavating & Drilling, Inc. (P. O. Box 214, Myerstown, PA 17067), construction blasting for Logan Meadows Subdivision in Carroll Township, **York County** with an expiration date of February 24, 2011. Permit issued: March 2, 2010.

23014101. American Infrastructure, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting for Lianerch Quarry Stream Restoration in Haverford Township, **Delaware County** with an expiration date of December 1, 2010. Permit issued: March 4, 2010.

58104007. M & S Blasting LLC (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the D. Simpson 1H—2H Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of February 1, 2011. Permit issued: March 5, 2010.

15104103. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Applecross Golf Course in East Brandywine Township, **Chester County** with an expiration date of February 28, 2011. Permit issued: March 5, 2010.

36104107. Geological Technologies, Inc. (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Our Lady of Lourdes Catholic Church in Earl Township, **Lancaster County** with an expiration date of April 30, 2010. Permit issued: March 5, 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

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

E36-846: Victoria and Gregory Wilson, 861 Balltown Road, Lititz, PA 17543, Strasburg Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain an open bottom concrete arch culvert having a length of 24.0 feet, a width of 16.0 feet and a rise of 6.2 feet in an unnamed tributary to Little Beaver Creek (TSF) (Quarryville, PA Quadrangle

N: 15.20"; W: 4.60", Latitude: 39° 57' 31"; Longitude: 76° 09' 54") for the purpose of a driveway crossing for 169 Sides Mill Road, Strasburg Township, Lancaster County.

E67-832: Gwen Loose, York County Rail Trail Authority, P. O. Box 335, Seven Valleys, PA 17360, York County Rails to Trails Authority/Northern Extension, Manchester and Springettsbury Townships, York County, ACOE Baltimore District.

To: (1) construct and maintain a 23-foot long, 6-inch uniformly depressed, 47-inch high by 71-inch wide corrugated metal pipe arch culvert in an unnamed tributary to Codorus Creek (WWF) (Latitude: 40° 00' 10"; Longitude: 76° 42' 35"); (2) construct and maintain a 40-foot long, 6-inch uniformly depressed, 24-inch high by 35-inch wide corrugated metal pipe arch culvert in an unnamed tributary to Codorus Creek (WWF) (Latitude: 40° 00' 28"; Longitude: 76° 42' 30"); (3) construct and maintain a 10.2-foot wide, 258.5-foot long, three span pedestrian bridge, having normal spans of 73.1 feet, 91.6 feet, and 73.5 feet and minimum under-clearances of 1.6 feet, 14.6 feet and 1.3 feet, respectively, across Codorus Creek (WWF) and to place and maintain approximately 50 cubic yards of fill in the floodway of Codorus Creek (WWF) (Latitude: 40° 00' 39"; Longitude: 76° 42' 38"); and (4) place and maintain approximately 939 cubic yards of fill in the floodway of Codorus Creek (WWF): (640 yd³ from Sta: 38+26 to Sta: 56+31, 103 yd³ from Sta: 106+45 to Sta: 109+94, and 196 yd³ from Sta: 121+09 to Sta: 134+06). The project also includes the construction and maintenance of a 6-inch outfall structure, nine 8-inch outfall structures, and twenty 10-inch stormwater outfall structures, including endwalls and R-4 rip-rap aprons, discharging to the Codorus Creek (WWF). The project parallels the Codorus Creek from US Route 30 (York, PA Quadrangle N: 21.45 inches; W: 13.75 inches, Latitude:

39° 59' 36"; Longitude: 76° 43' 25") to Mundis Mill Road (York Haven, PA Quadrangle N: 1.96 inches; W: 12.00 inches, Latitude: 40° 00' 39"; Longitude: 76° 42' 38") in Manchester and Springettsbury Townships, York County. The project purpose is to convert an abandoned train rail bed into a trail for recreational use.

E36-866: West Earl Township, Patrick Barrett, Township Manager, 157 West Metzler Road, Brownstown, PA 17508, West Earl Township, Lancaster County, ACOE Baltimore District.

To construct and maintain a 28-foot long by 16-foot wide restroom facility building, a 20-foot long by 5-foot wide concrete stairway/access and associated grading in the floodplain of the Conestoga River (WWF) for the purpose of improving the West Earl Township Park's facilities at a point just northeast of the intersection of Louise Avenue and Route 772 (Leola, PA Quadrangle 21.75-inches North; 5.13-inches West, Latitude: 40° 7' 8.00" N; Longitude: 76° 12' 44.71" W) in West Earl Township, Lancaster County.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E59-489. Ultra Resources, Inc., 304 Inverness Way South, Suite 295, Englewood, CO 80112-5828. Water Obstruction and Encroachment Joint Permit, Marshlands Play Pipelines, in Elk and Gaines Township, Tioga County, ACOE Baltimore District (Galeton, PA Quadrangle N: 41° 43' 8.7"; W: 77° 37' 12.8").

To construct, operate and maintain a natural gas and water pipeline within the Elk Run Watershed (EV—Exceptional Value). Construction of the pipelines will require nine (9) stream and eight (8) wetland crossings at the following locations:

<i>Stream Name</i>	<i>Chapter 93 Designation</i>	<i>Latitude</i>	<i>Longitude</i>
~ Wetlands & Streams ~			
Dewey Hollow	EV	41-41-27	77-32-28
Elk Run	EV	41-41-07	77-32-48
Maynard Hollow	EV	41-40-42	77-35-16
Elk Run	EV	41-42-05	77-33-43
Gormanian Branch	EV	41-41-24	77-35-23
McCracken Hollow	EV	41-42-14	77-33-21
Lewis Run	EV	41-41-51	77-32-52
Lewis Run (South)	EV	41-42-02	77-32-30
Lewis Run (North)	EV	41-42-17	77-32-24

All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project will not impact any wetlands or streams. All crossings are to be bored. The project is centered along SR 3001 approximately 2.7 miles south of the intersection with SR 0006 outside the Village of Marshlands, Tioga County.

E60-204. Department of Transportation, Engineering District 3-0, P. O. Box 218 Montoursville, PA 17754-

0218. SR 0015, Section 110 Roadway Widening Project, Union Township, **Union County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 40° 54' 08"; W: 76° 50' 54").

Department of Transportation, Engineering District 3-0 proposes to upgrade the existing four lane roadway to a five lane roadway with a center turning lane. The roadway upgrades will include the replacement of the adjacent storm sewer system. The project will permanently impact 0.04 acre of wetland and relocate the associated drainage system. The existing drainage system is 513 ft. and the proposed is 507 ft. This project will not require mitigation. The project is located in Union Town-

ship, Union County. This permit also includes 401 Water Quality Certification.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1444-A1. Chris Castagnari, 2125 Babcock Boulevard, Pittsburgh, PA 15209. To amend Permit E02-1444 in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 2.4 inches; W: 17.3 inches, Latitude: 40° 30' 48"; Longitude: 79° 59' 58"). To amend permit E02-1444 which authorized the construction and maintenance of a 15,000 sq. ft. building on the left bank floodway of Girty's Run (WWF) and the construction and maintenance of a stormwater outfall to the same stream. The project is located on the south side of Babcock Boulevard approximately 0.5 mile east of its intersection with McKnight Road. For this permit application, the applicant proposes to amend this permit to operate and maintain an approximately 104' long retaining wall along the left bank of Girty's Run and to construct and maintain an approximately 20' long extension on the upstream end of the wall. The wall is located on the west of the U.S.A. Baby store and extends upstream.

E03-450. Department of Transportation, District 10-0, Route 286 South, P. O. Box 429, Indiana, PA 15701. To construct and maintain replacement bridge in Freeport Borough and South Buffalo Township in **Armstrong County** and Buffalo Township in **Butler County**, Pittsburgh ACOE District. To:

1. remove the existing SR128/356, 33 ft wide, west bound, 4 span bridge having a total length of 365 ft, and having an underclearance of 34 ft; over Buffalo Creek (TSF) with a drainage area of 170.2 square miles. This bridge is on the western edge Freeport Borough (Freeport, PA Quadrangle N: 9.3 inches; W: 9.1 inches, Latitude: 40° 40' 34"; Longitude: 79° 41' 26").

2. remove the existing SR 128/356, 44 ft wide, east bound, 5 span bridge having a total length of 334 ft, and having an underclearance of 42 ft over Buffalo Creek (TSF) with a drainage area of 170.3 square miles. This Bridge is located downstream of the item 1 bridge on the western edge of Freeport Borough (Freeport, PA Quadrangle N: 8.9 inches; W: 9.2 inches, Latitude: 40° 40' 25"; Longitude: 79° 41' 31").

3. construct and maintain a replacement SR 128/356, 60.5 ft wide, 3 span bridge having a total length of 338 ft, and having an underclearance of 42 ft over Buffalo Creek (TSF) with a drainage area of 170.2 square miles. This bridge will be located between the two removed bridges Borough (Freeport, PA Quadrangle N: 9.1 inches; W: 9.2 inches, Latitude: 40° 40' 30"; Longitude: 79° 41' 29").

4. construct and maintain a replacement of 150 ft of 78 inch RCP enclosure, 170 ft of concrete channel and 60 ft of natural stream channel in an unnamed tributary of Buffalo Creek with a drainage area of 200 acres extending from Buffalo Township, Butler County to the adjoining Freeport Borough, Armstrong County (Freeport, PA Quadrangle N: 8.7 inches; W: 9.4 inches, Latitude: 40° 40' 22"; Longitude: 79° 41' 34").

5. construct and maintain approximately 505 ft of stream impacts (total relocations and smaller diameter culverts) in unnamed tributaries to Buffalo Creek with

drainage areas less than 100 acres, temporary causeways for pier work, and associated stormwater outfalls.

In addition a total of 0.18 acre of PEM wetland will be filled and maintained, and wetland mitigation will be provided at the Department of Environmental Protection's Armstrong County Wetland Bank. Temporary wetland impacts to 0.01 as of PEM wetlands will result due to required temporary construction easements. To mitigate for the 105 linear feet of stream loss resulting from proposed construction activities, 110 linear feet of stream bank restoration is planned for Little Sewickley Creek in Arona Borough, Westmoreland County This project is associated with SR 128/356 reconstruction and improvement work with these encroachments located in Buffalo Township in Butler County, and Freeport Borough in Armstrong County (Freeport, PA Quadrangle beginning from North 8.7 inches; West 9.4 inches, Latitude: 40° 40' 22"; Longitude: 79° 41' 34"; and ending North 9.3 inches; West 9.1 inches, Latitude: 40° 40' 34"; Longitude: 79° 41' 26").

E02-1626. Chris Castagnari, 308 Thompson Run Road, Pittsburgh, PA 15237. To operate and maintain retaining wall in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 1.7 inches; W: 16.2 inches, Latitude: 40° 30' 34"; Longitude: 79° 59' 30"). To operate and maintain a retaining wall approximately 150 feet long along the left bank of Girty's Run (WWF). The wall was built after Hurricane Ivan to stabilize the bank. The project is located along the southwest side of Babcock Boulevard at its intersection with Rosecliff Drive.

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 # ESX10-015-0036
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) UNT to Jerome Creek/Bonin Lake
 Secondary—Jerome Creek

ESCGP-1 # ESX10-015-0039
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Overton Township
 Receiving Stream(s) and Classification(s) Millstone Creek
 Secondary—UNT to Lick Creek

ESCGP-1 # ESX10-131-0001
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Wyoming
 Township(s) Windham Township
 Receiving Stream(s) and Classification(s) UNT of Susquehanna River
 Secondary—Susquehanna River

ESCGP-1 # ESX10-117-0034
 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
 West Mill Creek (non-designated)

ESCGP-1 # ESX10-117-0033
 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) West Mill Creek (non-designated) West Branch Susquehanna River Basin
 Secondary—Lycoming Creek

ESCGP-1 # ESX10-015-0046
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) UNT to Towanda Creek
 Secondary—South Branch Towanda Creek

ESCGP-1 # ESX10-015-0043
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Bradford
 Township(s) Canton Township
 Receiving Stream(s) and Classification(s) UNT/Susquehanna River Basin
 Secondary—Towanda Creek

ESCGP-1 # ESX10-015-0040
 Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Herrick Township
 Receiving Stream(s) and Classification(s) UNTs to Cold Creek

ESCGP-1 # ESX10-015-0024
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Terry Township
 Receiving Stream(s) and Classification(s) Durrell Creek and Sugar Run Creek

ESCGP-1 # ESX10-081-0006
 Applicant Name Range Resources-Appalachia, LLC
 Contact Person Carla Suszkowski
 Address 380 Southpointe Boulevard, Suite 300
 City, State, Zip Canonsburg, PA 15317
 County Lycoming
 Township(s) Cummings
 Receiving Stream(s) and Classification(s) Tarklin Run, Tributary of Tombs Run, UNT to Ramsey Run

ESCGP-1 # ESX10-117-0033
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Delmar Township
 Receiving Stream(s) and Classification(s) Horse Thief Run, Marsh Creek

ESCGP-1 # ESX10-015-0042
 Applicant Name EOG Resources Inc.
 Contact Person
 Address 400 Southpoint Boulevard, Suite 300
 City, State, Zip Canonsburg, PA 15317
 County Bradford
 Township(s) Springfield Township
 Receiving Stream(s) and Classification(s) UNT Mill Creek, UNT West Branch Tomjack Creek
 Secondary—Mill Creek, West Branch Tomjack Creek

ESCGP-1 # ESX10-117-0039
 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 Township
 Receiving Stream(s) and Classification(s) North Elk Run

ESCGP-1 # ESX10-117-0033
 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
 Receiving Stream(s) and Classification(s) East Breek
 Sugar Works Run; UNT to Towanda Creek

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456. (724-438-4497).

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
26-10-08-01	Ronald Heuer Spectra Energy Transmission, LLC 5400 Westheimer County 5D-65 Houston, TX 77056	Fayette	North Union Township	Unnamed tributary to Cove Run WWF

Greene County Conservation District: 93 East High Street, Room 215, Waynesburg, PA 15370. (724-852-5278).

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG3009 033(1)	Texas Eastern Transmission, LP Attn: William Brett 890 Winter Street Suite 300 Waltham, MA 02451	Greene	Center, Franklin, Richhill, Cumberland, Jefferson and Morgan Townships	Whitethorn Run TSF Unnamed tributaries to Jacobs Run HQ-WWF Naranda Run HQ-WWRF Grays Fork HQ-WWF Morris Run HQ-WWF Scott Run HQ-WWF West Run HW-WWF Lightner Run HQ-WWF Rush Run HQ-WWF Clear Run HQ-WWF Throckmorton Run HQ-WWF Browns Creek HQ-WWF South Fork Ten Mile Creek WWF Muddy Creek WWF Pumpkin Run WWF Unnamed Ponds WWF Coal Run WWF North Fork Dunkard Fork TSF

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10-65-010	Sunoco Partners Marketing & Terminals, LP 525 Fritztown Road Sinking Spring, PA 19608 Attn: Mr. Jed A. Werner	Westmoreland	Salem Township	2 ASTs storing biodiesel	67,680 gallons total

SPECIAL NOTICES

OSM PA(MAP-10). Contract Information: Notice is given that the Department of Environmental Protection is issuing a Request for Proposal (RFP) to retain up to two (2) firms to provide aerial photography, surveying, mapping, map reproduction and other technical services as required, for the development of plans for reclamation of abandoned mine lands, control and extinguishment of subsurface mine fires, abatement of acid mine drainage (AMD) water pollution, water line extension/water line replacement and flood protection projects.

The majority of these projects will be financed with funds Pennsylvania receives from the Federal Government under authority of the Surface Mining Control and Reclamation Act. The projects will be primarily located in the bituminous coalfields of western and the anthracite coalfields of northeastern Pennsylvania. RFPs may be requested by mail, fax or e-mail. Letters shall be sent to George M. Steiner, Project Coordinator, Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Acid Mine Drainage Abatement, P. O. Box 8476, Harrisburg, PA 17105-8476. Faxed requests will be accepted at 717-783-0470. E-mail requests (entire subject line "OSM PA(MAP-10) RFP request") should be submitted to gsteiner@state.pa.us. Proposals in response to the RFP must be received by 2 p.m., April 20, 2010. Electronic versions of the RFP are available upon request.

Department / Agency: Environmental Protection
Location: Primarily the Bituminous and Anthracite Coal Regions
County: Statewide
Duration: One (1) Year with up to Four (4) Additional Consecutive (renewal) Years from the Effective Date of the contract.
Contact: George Steiner
 Phone: 717-783-5645

[Pa.B. Doc. No. 10-507. Filed for public inspection March 19, 2010, 9:00 a.m.]

Bid Opportunity

AMD 17(1416)202.1, DGS 193-37, Acid Mine Drainage Abatement Project, Hollywood, Huston Township, Clearfield County and Jay Township, Elk County, PA. This project was previously bid as contract No. AMD 17(1416)102.1. All bids were rejected and this is a rebid. The principal items of work and approximate quantities include site preparation and restoration; 19,836 L.F. of installation of AMD conveyance; 20 each of wet mine seals; 5,125 L.F. of installation of sludge conveyance; general earthwork; two each of mine dewatering pumps; 250 L.F. of vertical drilling and appurtenances; 1,024 L.F. of horizontal drilling and appurtenances; three each of pump station complete; treatment plant facilities; facilities lighting, electrical, power; facilities control and processing; facilities training, startup and operation and facilities warranty period. This project issues on March 19, 2010, and bids will be opened on April 13, 2010, at 2 p.m. Bid documents cost \$50 per set and will not be mailed until payment has been received. Planholders from the original project will not be charged the \$50 fee. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-508. Filed for public inspection March 19, 2010, 9:00 a.m.]

Bid Opportunity

C40:3-102.1, Plymouth Flood Protection Project Fence Replacement, Borough of Plymouth, Luzerne County. The principal items of work include 444 each of removal and disposal of existing fence posts; 444 each of grout fence post core holes; 138 cubic feet of concrete wall repair; 154 linear feet of removal and disposal of existing fence; 2,918 linear feet of removal and reinstalling fence fabric; 927 linear feet of new fence installation; new plastic coated ladder rungs; removing existing SS ladder rungs; 4,851 square feet of seal concrete wall tops and 45 each of grounding rods. This project issues on March 19, 2010, and bids will be opened on April 15, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed

until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-509. Filed for public inspection March 19, 2010, 9:00 a.m.]

Bid Opportunity

C40:15-102.1, Concrete Rehabilitation and Fence Replacement, Harveys Lake/Wordan Place Flood Protection Project, Harveys Lake Borough, Luzerne County. The principal items of work include 26 cubic yards of excavation; 7.25 cubic yards of removal of concrete and masonry structures; 66 cubic feet of removal of surface concrete; 40 cubic feet of removal of through wall concrete; 6 cubic yard of concrete wall; 1.25 cubic yard of concrete bridge; 460 pounds of steel reinforcement; eight each of drilling and grouting dowels; 787 cubic yards of shotcrete; 232 each of removal and disposal of existing fence posts; 66 cubic feet of concrete repair—spall repair; 40 cubic feet of concrete repair—through wall; 232 each of remaining void repair; 2,150 linear feet of existing chain link fence removal and disposal and new chain link fence; access gate; double swing gate; ladder rung; 190 square yards of waterproofing; grounding rod; 404 linear feet of guide rail; topsoiling and seeding. This project issues on March 19, 2010, and bids will be opened on April 15, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-510. Filed for public inspection March 19, 2010, 9:00 a.m.]

Chesapeake Bay Watershed Implementation Plans Meeting

The Department of Environmental Protection (Department) provides notice of an upcoming meeting related to initial discussions concerning the development of Chesapeake Bay Watershed Implementation Plans (WIPs). The United States Environmental Protection Agency (EPA) is developing a Total Maximum Daily Load (TMDL) for the Chesapeake Bay. As part of this process, the EPA is requiring Chesapeake Bay states to develop WIPs to demonstrate how they will meet the goals of the TMDL.

The meeting is scheduled to be held on March 31, 2010, starting at 10 a.m. in the Susquehanna Room, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

For further information, contact Karen Price, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785, kprice@state.pa.us or visit the

Department's web site at www.depweb.state.pa.us (DEP Keywords: "Chesapeake Bay").

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-511. Filed for public inspection March 19, 2010, 9:00 a.m.]

Clean Air Interstate Rule (CAIR); Proposed 2014 Annual and Ozone Season CAIR Nitrogen Oxides (NOx) Allowance Allocations

In accordance with 25 Pa. Code §§ 145.211(d) and 145.221(d) (relating to timing requirements for CAIR NOx allowance allocations; and timing requirements for CAIR NOx ozone season allowance allocations), the Department of Environmental Protection (Department) is providing notice and an opportunity to comment on the proposed 2014 annual and ozone season CAIR NOx allowance allocations during the required 15-day public comment period. The Commonwealth's NOx budget for the annual CAIR program contains 99,049 NOx allowances; 97,761 NOx allowances are proposed for allocation. The remaining 1,288 (1.3% of the annual CAIR program budget) NOx allowances are set-aside for future allocation in accordance with 25 Pa. Code §§ 145.212(f)(2) (relating to allocations to qualifying resources and units exempted by section 405(g)(6)(A) of the Clean Air Act). The Commonwealth's NOx budget for the ozone season CAIR program contains 42,171 NOx allowances, all of which are in the proposed allocations.

For each CAIR unit and qualifying resource receiving a NOx allocation, Tables 1 and 2 list the following: the facility name, ORIS code, the unit ID for each CAIR unit, either the gross loading or steam loading depending on type of unit, county, converted heat input from the base year and control period allowance allocation.

Action at the Federal or State level could affect these allocations, once final. Annual and ozone season CAIR NOx allowances do not constitute property rights.

Written Comments

Written comments on the proposed annual and ozone season CAIR NOx allowance allocations for 2014 should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, DEP, P. O. Box 8468, Harrisburg, PA 17105-8468 or e-mail ranbordner@state.pa.us no later than 15 days from publication date of this notice in the *Pennsylvania Bulletin*. Any written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "Proposed 2014 Annual and Ozone Season CAIR Nitrogen Oxides (NOx) Allowance Allocations" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

JOHN HANGER,
Secretary

Table 1: Preliminary Pennsylvania 2014 Annual CAIR NOx Allowance Allocation Table

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Allowance Allocation
AES Beaver Valley LLC	10676	32	0	2,471,090	Beaver	2,981,524.23	258
AES Beaver Valley LLC	10676	33	0	2,802,573	Beaver	3,381,479.18	292
AES Beaver Valley LLC	10676	34	0	2,476,089	Beaver	2,987,556.44	258
AES Beaver Valley LLC	10676	35	0	1,391,005	Beaver	1,678,334.17	145
AES Ironwood	55337	1	591,254	0	Lebanon	3,946,617.38	341
AES Ironwood	55337	2	499,005	0	Lebanon	3,330,858.51	288
Allegheny Energy Hunlock Unit 4	56397	4	17,673	0	Luzerne	117,969.81	10
Allegheny Energy Unit 1 and Unit 2	55196	1	18,072	0	Allegheny	120,631.40	10
Allegheny Energy Unit 1 and Unit 2	55196	2	15,803	0	Allegheny	105,485.63	9
Allegheny Energy Unit 8 and Unit 9	55377	8	9,236	0	Fayette	61,650.50	5
Allegheny Energy Unit 8 and Unit 9	55377	9	13,006	0	Fayette	86,817.59	8
Allegheny Energy Units 3, 4 & 5	55710	3	48,550	0	Allegheny	324,073.59	28
Allegheny Energy Units 3, 4 & 5	55710	4	38,971	0	Allegheny	260,131.49	23
Armstrong Energy Ltd Part	55347	1	3,125	0	Armstrong	20,861.98	2
Armstrong Energy Ltd Part	55347	2	5,972	0	Armstrong	39,863.10	3
Armstrong Energy Ltd Part	55347	3	1,258	0	Armstrong	8,397.15	1
Armstrong Energy Ltd Part	55347	4	8,473	0	Armstrong	56,555.81	5
Armstrong Power Station	3178	1	920,005	0	Armstrong	7,268,041.87	629
Armstrong Power Station	3178	2	647,947	0	Armstrong	5,118,781.22	443
Bethlehem Power Plant	55690	1	253,898	0	Northampton	1,694,769.15	147
Bethlehem Power Plant	55690	2	249,640	0	Northampton	1,666,347.00	144
Bethlehem Power Plant	55690	3	399,390	0	Northampton	2,665,928.25	231
Bethlehem Power Plant	55690	5	216,935	0	Northampton	1,448,041.13	125
Bethlehem Power Plant	55690	6	213,713	0	Northampton	1,426,534.28	123
Bethlehem Power Plant	55690	7	128,670	0	Northampton	858,872.25	74
Bruce Mansfield	6094	1	6,185,704	0	Beaver	48,867,061.60	4,227
Bruce Mansfield	6094	2	6,712,522	0	Beaver	53,028,923.80	4,587
Bruce Mansfield	6094	3	7,296,207	0	Beaver	57,640,035.30	4,986
Brunner Island	3140	1	2,611,280	0	York	20,629,113.34	1,784
Brunner Island	3140	2	2,805,454	0	York	22,163,087.71	1,917
Brunner Island	3140	3	5,095,547	0	York	40,254,817.82	3,482

NOTICES

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Allowance Allocation
Brunot Island Power Station	3096	2A	688	0	Allegheny	4,590.13	0
Brunot Island Power Station	3096	2B	812	0	Allegheny	5,421.44	0
Brunot Island Power Station	3096	3	797	0	Allegheny	5,320.38	0
Cambria Cogen	10641	1	0	3,562,317	Cambria	4,298,158.11	372
Cambria Cogen	10641	2	0	3,495,652	Cambria	4,217,722.62	365
Chambersburg Units 12 and 13	55654	12	51,406	0	Franklin	343,134.45	30
Chambersburg Units 12 and 13	55654	13	48,999	0	Franklin	327,065.86	28
Cheswick	8226	1	2,635,207	0	Allegheny	20,818,131.75	1,801
Colver Power Project	10143	AAB01	975,237	0	Cambria	7,704,372.30	666
Conemaugh	3118	1	5,251,098	0	Indiana	41,483,670.96	3,588
Conemaugh	3118	2	6,962,010	0	Indiana	54,999,880.26	4,758
Cromby	3159	1	715,687	0	Chester	5,653,927.30	489
Cromby	3159	2	55,794	0	Chester	372,424.95	32
Croydon Generating Station	8012	11	907	0	Bucks	6,054.23	1
Croydon Generating Station	8012	12	1,201	0	Bucks	8,016.68	1
Croydon Generating Station	8012	21	701	0	Bucks	4,679.18	0
Croydon Generating Station	8012	22	1,119	0	Bucks	7,469.33	1
Croydon Generating Station	8012	31	995	0	Bucks	6,641.63	1
Croydon Generating Station	8012	32	957	0	Bucks	6,387.98	1
Croydon Generating Station	8012	41	995	0	Bucks	6,641.63	1
Croydon Generating Station	8012	42	814	0	Bucks	5,433.45	0
Ebensburg Power Company	10603	31	0	4,906,913	Cambria	5,920,497.22	512
Eddystone Generating Station	3161	1	1,166,212	0	Delaware	9,213,074.80	797
Eddystone Generating Station	3161	2	1,311,068	0	Delaware	10,357,437.20	896
Eddystone Generating Station	3161	3	56,726	0	Delaware	378,646.05	33
Eddystone Generating Station	3161	4	44,473	0	Delaware	296,857.28	26
Elrama	3098	1	169,536	0	Washington	1,339,336.14	116
Elrama	3098	2	273,728	0	Washington	2,162,451.28	187
Elrama	3098	3	252,496	0	Washington	1,994,716.50	173
Elrama	3098	4	608,041	0	Washington	4,803,520.27	416
FPL Energy MH50	50074	1	77,887	0	Delaware	519,896.06	45
FPL Energy Marcus Hook, LP	55801	1	628,054	0	Delaware	4,192,262.85	363

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Allowance Allocation
FPL Energy Marcus Hook, LP	55801	2	639,992	0	Delaware	4,271,946.07	370
FPL Energy Marcus Hook, LP	55801	3	589,055	0	Delaware	3,931,944.13	340
Fairless Energy, LLC	55298	1A	1,188,753	0	Bucks	7,934,927.94	686
Fairless Energy, LLC	55298	1B	1,171,860	0	Bucks	7,822,162.70	677
Fairless Energy, LLC	55298	2A	981,527	0	Bucks	6,551,694.93	567
Fairless Energy, LLC	55298	2B	926,390	0	Bucks	6,183,650.51	535
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0.00	0
Fairless Hills Generating Station	7701	PHBLR4	167,109	0	Bucks	1,115,452.58	96
Fairless Hills Generating Station	7701	PHBLR5	50,980	0	Bucks	340,291.50	29
Fayette Energy Facility	55516	CTG1	215,301	0	Fayette	1,437,137.31	124
Fayette Energy Facility	55516	CTG2	222,933	0	Fayette	1,488,077.44	129
G F Weaton	50130	34	284,534	0	Beaver	2,247,817.89	194
G F Weaton	50130	35	241,428	0	Beaver	1,907,279.23	165
Gilberton Power Company	10113	31	0	3,054,842	Schuylkill	3,685,857.22	319
Gilberton Power Company	10113	32	0	3,029,979	Schuylkill	3,655,859.18	316
Grays Ferry Cogen Partnership	54785	2	280,926	0	Philadelphia	1,875,180.32	162
Grays Ferry Cogen Partnership	54785	25	0	2,557,723	Philadelphia	3,086,052.38	267
Handsome Lake Energy	55233	EU-1A	4,234	0	Venango	28,261.95	2
Handsome Lake Energy	55233	EU-1B	3,823	0	Venango	25,518.53	2
Handsome Lake Energy	55233	EU-2A	3,493	0	Venango	23,315.78	2
Handsome Lake Energy	55233	EU-2B	3,443	0	Venango	22,982.03	2
Handsome Lake Energy	55233	EU-3A	4,018	0	Venango	26,820.15	2
Handsome Lake Energy	55233	EU-3B	4,018	0	Venango	26,820.15	2
Handsome Lake Energy	55233	EU-4A	3,635	0	Venango	24,263.63	2
Handsome Lake Energy	55233	EU-4B	3,108	0	Venango	20,745.90	2
Handsome Lake Energy	55233	EU-5A	3,918	0	Venango	26,152.65	2
Handsome Lake Energy	55233	EU-5B	3,963	0	Venango	26,453.03	2
Hatfields Ferry Power Station	3179	1	3,839,664	0	Greene	30,333,346.94	2,624
Hatfields Ferry Power Station	3179	2	3,903,596	0	Greene	30,838,406.35	2,668
Hatfields Ferry Power Station	3179	3	3,921,161	0	Greene	30,977,168.90	2,680
Hazleton Generation	10870	TURB2	1,940	0	Luzerne	12,947.83	1
Hazleton Generation	10870	TURB3	912	0	Luzerne	6,090.20	1

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Allowance Allocation
Hazleton Generation	10870	TURB4	1,709	0	Luzerne	11,406.57	1
Hazleton Generation	10870	TURBIN	507	0	Luzerne	3,386.49	0
Homer City	3122	1	3,485,805	0	Indiana	27,537,858.71	2,382
Homer City	3122	2	4,231,979	0	Indiana	33,432,630.47	2,892
Homer City	3122	3	4,394,035	0	Indiana	34,712,876.42	3,003
Hunlock Power Station	3176	6	284,963	0	Luzerne	2,251,210.86	195
Hunterstown Combined Cycle	55976	CT101	291,291	0	Adams	1,944,365.89	168
Hunterstown Combined Cycle	55976	CT201	160,880	0	Adams	1,073,875.34	93
Hunterstown Combined Cycle	55976	CT301	294,919	0	Adams	1,968,587.60	170
Keystone	3136	1	7,394,908	0	Armstrong	58,419,769.88	5,053
Keystone	3136	2	7,577,595	0	Armstrong	59,862,998.45	5,178
Liberty Electric Power Plant	55231	1	774,814	0	Delaware	5,171,881.78	447
Liberty Electric Power Plant	55231	2	796,337	0	Delaware	5,315,551.14	460
Lower Mount Bethel Energy	55667	CT01	959,202	0	Northampton	6,402,671.41	554
Lower Mount Bethel Energy	55667	CT02	1,056,027	0	Northampton	7,048,980.69	610
Martins Creek	3148	3	276,252	0	Northampton	1,843,982.37	160
Martins Creek	3148	4	103,718	0	Northampton	692,319.39	60
Mitchell Power Station	3181	1	331	0	Washington	2,211.43	0
Mitchell Power Station	3181	2	0	0	Washington	0.00	0
Mitchell Power Station	3181	3	331	0	Washington	2,211.43	0
Mitchell Power Station	3181	33	1,601,660	0	Washington	12,653,113.21	1,095
Montour	3149	1	4,059,345	0	Montour	32,068,828.19	2,774
Montour	3149	2	5,561,846	0	Montour	43,938,580.16	3,801
Mountain	3111	31	2,578	0	Cumberland	17,208.15	1
Mountain	3111	32	3,420	0	Cumberland	22,828.50	2
Mt. Carmel Cogeneration	10343	SG-101	277,311	0	Northumberland	2,190,753.90	190
New Castle	3138	3	367,964	0	Lawrence	2,906,912.28	251
New Castle	3138	4	362,271	0	Lawrence	2,861,943.67	248
New Castle	3138	5	618,609	0	Lawrence	4,887,007.86	423
North East Cogeneration Plant	54571	1	5,261	0	Erie	35,115.51	3
North East Cogeneration Plant	54571	2	4,588	0	Erie	30,624.77	3
Northampton Generating Plant	50888	NGC01	1,025,515	0	Northampton	8,101,565.34	701

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Allowance Allocation
Northeastern Power Company	50039	31	457,143	0	Schuylkill	3,611,427.88	312
Ontelaunee Energy Center	55193	CT1	713,720	0	Berks	4,764,079.40	412
Ontelaunee Energy Center	55193	CT2	788,752	0	Berks	5,264,919.73	455
PEI Power Corporation	50279	2	31,971	0	Lackawanna	213,405.42	18
Panther Creek Energy Facility	50776	1	360,493	0	Carbon	2,847,894.70	246
Panther Creek Energy Facility	50776	2	380,066	0	Carbon	3,002,521.40	260
Piney Creek Power Plant	54144	31	301,932	0	Clarion	2,385,260.19	206
Portland	3113	1	728,041	0	Northampton	5,751,521.06	498
Portland	3113	2	1,551,371	0	Northampton	12,255,830.35	1,060
Portland	3113	5	10,786	0	Northampton	71,995.55	6
Richmond	3168	91	1,318	0	Philadelphia	8,797.65	1
Richmond	3168	92	1,511	0	Philadelphia	10,085.93	1
Schuylkill	3169	1	32,574	0	Philadelphia	217,431.45	19
Scrubgrass Generating Plant	50974	1	396,505	0	Venango	3,132,389.50	271
Scrubgrass Generating Plant	50974	2	380,955	0	Venango	3,009,544.50	260
Seward	3130	1	2,337,558	0	Indiana	18,466,708.20	1,597
Seward	3130	2	1,995,974	0	Indiana	15,768,194.60	1,364
Shawville	3131	1	723,155	0	Clearfield	5,712,923.32	494
Shawville	3131	2	746,494	0	Clearfield	5,897,301.10	510
Shawville	3131	3	1,098,301	0	Clearfield	8,676,579.56	751
Shawville	3131	4	1,155,208	0	Clearfield	9,126,139.80	789
St. Nicholas Cogeneration Project	54634	1	0	6,008,747	Schuylkill	7,249,929.37	627
Sunbury	3152	1A	285,517	0	Snyder	2,255,580.35	195
Sunbury	3152	1B	287,012	0	Snyder	2,267,395.59	196
Sunbury	3152	2A	289,787	0	Snyder	2,289,314.14	198
Sunbury	3152	2B	268,597	0	Snyder	2,121,915.51	184
Sunbury	3152	3	614,705	0	Snyder	4,856,172.66	420
Sunbury	3152	4	765,457	0	Snyder	6,047,111.09	523
Titus	3115	1	441,854	0	Berks	3,490,645.02	302
Titus	3115	2	419,625	0	Berks	3,315,038.92	287
Titus	3115	3	441,047	0	Berks	3,484,272.56	301
Tolna	3116	31	1,026	0	York	6,848.55	1

NOTICES

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Allowance Allocation
Tolna	3116	32	1,005	0	York	6,708.38	1
Trigen Energy - Schuylkill	50607	23	0	708,331	Philadelphia	854,645.62	74
Trigen Energy - Schuylkill	50607	24	0	707,310	Philadelphia	853,413.72	74
Trigen Energy - Schuylkill	50607	26	0	889,459	Philadelphia	1,073,187.96	93
Trigen Energy Corporation-Edison St	880006	1	0	189,455	Philadelphia	228,589.30	20
Trigen Energy Corporation-Edison St	880006	2	0	99,864	Philadelphia	120,492.16	10
Trigen Energy Corporation-Edison St	880006	3	0	241,105	Philadelphia	290,908.25	25
Trigen Energy Corporation-Edison St	880006	4	0	428,601	Philadelphia	517,133.89	45
WPS Westwood Generation, LLC	50611	31	236,002	0	Schuylkill	1,864,418.25	161
Warren	3132	5	1	0	Warren	6.68	0
Wheelabrator - Frackville	50879	GEN1	0	3,082,693	Schuylkill	3,719,461.48	322
Total						1,130,179,027	97,761

Table 2: Preliminary Pennsylvania 2014 CAIR NOx Ozone Season Allowance Allocation Table

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Ozone Season Allowance Allocation
AES Beaver Valley LLC	10676	32	0	1,180,924	Beaver	1,424,858.92	126
AES Beaver Valley LLC	10676	33	0	1,227,466	Beaver	1,481,014.75	131
AES Beaver Valley LLC	10676	34	0	1,025,689	Beaver	1,237,557.58	109
AES Beaver Valley LLC	10676	35	0	593,682	Beaver	716,314.14	63
AES Ironwood	55337	1	329,113	0	Lebanon	2,196,829.54	194
AES Ironwood	55337	2	266,330	0	Lebanon	1,777,753.15	157
Allegheny Energy Hunlock Unit 4	56397	4	7,699	0	Luzerne	51,391.49	5
Allegheny Energy Unit 1 and Unit 2	55196	1	6,513	0	Allegheny	43,476.95	4
Allegheny Energy Unit 1 and Unit 2	55196	2	5,238	0	Allegheny	34,960.98	3
Allegheny Energy Unit 8 and Unit 9	55377	8	6,359	0	Fayette	42,447.19	4
Allegheny Energy Unit 8 and Unit 9	55377	9	5,463	0	Fayette	36,468.20	3
Allegheny Energy Units 3, 4 & 5	55710	3	36,309	0	Allegheny	242,361.64	21
Allegheny Energy Units 3, 4 & 5	55710	4	28,091	0	Allegheny	187,507.22	17
Armstrong Energy Ltd Part	55347	1	2,727	0	Armstrong	18,204.46	2
Armstrong Energy Ltd Part	55347	2	5,097	0	Armstrong	34,025.01	3
Armstrong Energy Ltd Part	55347	3	247	0	Armstrong	1,646.79	0
Armstrong Energy Ltd Part	55347	4	7,365	0	Armstrong	49,163.64	4
Armstrong Power Station	3178	1	431,003	0	Armstrong	3,404,924.65	300
Armstrong Power Station	3178	2	311,565	0	Armstrong	2,461,363.26	217
Bethlehem Power Plant	55690	1	173,881	0	Northampton	1,160,655.68	102
Bethlehem Power Plant	55690	2	172,125	0	Northampton	1,148,934.38	101
Bethlehem Power Plant	55690	3	165,166	0	Northampton	1,102,483.05	97
Bethlehem Power Plant	55690	5	151,493	0	Northampton	1,011,215.78	89
Bethlehem Power Plant	55690	6	149,743	0	Northampton	999,534.53	88
Bethlehem Power Plant	55690	7	144,884	0	Northampton	967,100.70	85
Bruce Mansfield	6094	1	2,246,827	0	Beaver	17,749,933.30	1,566
Bruce Mansfield	6094	2	3,024,454	0	Beaver	23,893,188.58	2,108
Bruce Mansfield	6094	3	3,057,799	0	Beaver	24,156,608.15	2,132
Brunner Island	3140	1	1,013,786	0	York	8,008,907.27	707
Brunner Island	3140	2	1,298,837	0	York	10,260,812.30	905
Brunner Island	3140	3	1,839,236	0	York	14,529,963.29	1,282

NOTICES

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Ozone Season Allowance Allocation
Brunot Island Power Station	3096	2A	688	0	Allegheny	4,590.13	0
Brunot Island Power Station	3096	2B	812	0	Allegheny	5,421.44	0
Brunot Island Power Station	3096	3	797	0	Allegheny	5,320.38	0
Cambria Cogen	10641	1	0	1,478,174	Cambria	1,783,509.32	157
Cambria Cogen	10641	2	0	1,441,822	Cambria	1,739,648.36	154
Chambersburg Units 12 and 13	55654	12	29,954	0	Franklin	199,942.28	18
Chambersburg Units 12 and 13	55654	13	27,556	0	Franklin	183,937.77	16
Cheswick	8226	1	915,803	0	Allegheny	7,234,842.59	638
Colver Power Project	10143	AAB01	434,202	0	Cambria	3,430,195.80	303
Conemaugh	3118	1	2,589,279	0	Indiana	20,455,303.63	1,805
Conemaugh	3118	2	2,984,566	0	Indiana	23,578,069.58	2,081
Cromby	3159	1	315,606	0	Chester	2,493,287.40	220
Cromby	3159	2	48,007	0	Chester	320,446.73	28
Croydon Generating Station	8012	11	848	0	Bucks	5,660.40	0
Croydon Generating Station	8012	12	1,149	0	Bucks	7,669.58	1
Croydon Generating Station	8012	21	680	0	Bucks	4,539.00	0
Croydon Generating Station	8012	22	972	0	Bucks	6,488.10	1
Croydon Generating Station	8012	31	975	0	Bucks	6,508.13	1
Croydon Generating Station	8012	32	933	0	Bucks	6,227.78	1
Croydon Generating Station	8012	41	946	0	Bucks	6,314.55	1
Croydon Generating Station	8012	42	787	0	Bucks	5,253.23	0
Ebensburg Power Company	10603	31	0	2,129,834	Cambria	2,569,777.84	227
Eddystone Generating Station	3161	1	641,947	0	Delaware	5,071,381.30	448
Eddystone Generating Station	3161	2	712,879	0	Delaware	5,631,744.10	497
Eddystone Generating Station	3161	3	37,688	0	Delaware	251,567.40	22
Eddystone Generating Station	3161	4	36,783	0	Delaware	245,526.53	22
Elrama	3098	1	39,972	0	Washington	315,776.35	28
Elrama	3098	2	75,755	0	Washington	598,461.42	53
Elrama	3098	3	51,539	0	Washington	407,158.02	36
Elrama	3098	4	147,302	0	Washington	1,163,684.54	103
FPL Energy MH50	50074	1	68,397	0	Delaware	456,550.84	40
FPL Energy Marcus Hook, LP	55801	1	309,032	0	Delaware	2,062,791.07	182

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Ozone Season Allowance Allocation
FPL Energy Marcus Hook, LP	55801	2	305,560	0	Delaware	2,039,614.60	180
FPL Energy Marcus Hook, LP	55801	3	277,584	0	Delaware	1,852,872.33	164
Fairless Energy, LLC	55298	1A	498,915	0	Bucks	3,330,256.76	294
Fairless Energy, LLC	55298	1B	493,646	0	Bucks	3,295,087.58	291
Fairless Energy, LLC	55298	2A	507,312	0	Bucks	3,386,309.27	299
Fairless Energy, LLC	55298	2B	485,203	0	Bucks	3,238,729.56	286
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0.00	0
Fairless Hills Generating Station	7701	PHBLR4	75,609	0	Bucks	504,690.08	45
Fairless Hills Generating Station	7701	PHBLR5	12,938	0	Bucks	86,361.15	8
Fayette Energy Facility	55516	CTG1	102,263	0	Fayette	682,606.13	60
Fayette Energy Facility	55516	CTG2	117,093	0	Fayette	781,594.77	69
G F Weaton	50130	34	140,700	0	Beaver	1,111,533.00	98
G F Weaton	50130	35	127,944	0	Beaver	1,010,757.60	89
Gilberton Power Company	10113	31	0	1,427,598	Schuylkill	1,722,486.59	152
Gilberton Power Company	10113	32	0	1,410,676	Schuylkill	1,702,068.19	150
Grays Ferry Cogen Partnership	54785	2	111,982	0	Philadelphia	747,481.59	66
Grays Ferry Cogen Partnership	54785	25	0	817,811	Philadelphia	986,740.51	87
Handsome Lake Energy	55233	EU-1A	2,544	0	Venango	16,981.20	1
Handsome Lake Energy	55233	EU-1B	2,334	0	Venango	15,579.45	1
Handsome Lake Energy	55233	EU-2A	1,810	0	Venango	12,081.75	1
Handsome Lake Energy	55233	EU-2B	1,777	0	Venango	11,861.48	1
Handsome Lake Energy	55233	EU-3A	2,037	0	Venango	13,596.98	1
Handsome Lake Energy	55233	EU-3B	2,037	0	Venango	13,596.98	1
Handsome Lake Energy	55233	EU-4A	2,575	0	Venango	17,188.13	2
Handsome Lake Energy	55233	EU-4B	2,543	0	Venango	16,974.53	1
Handsome Lake Energy	55233	EU-5A	2,692	0	Venango	17,969.10	2
Handsome Lake Energy	55233	EU-5B	2,688	0	Venango	17,942.40	2
Hatfields Ferry Power Station	3179	1	1,470,702	0	Greene	11,618,543.98	1,025
Hatfields Ferry Power Station	3179	2	1,531,363	0	Greene	12,097,769.91	1,068
Hatfields Ferry Power Station	3179	3	1,538,128	0	Greene	12,151,210.02	1,072
Hazleton Generation	10870	TURB2	1,850	0	Luzerne	12,345.41	1
Hazleton Generation	10870	TURB3	848	0	Luzerne	5,660.40	0

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Ozone Season Allowance Allocation
Hazleton Generation	10870	TURB4	1,611	0	Luzerne	10,751.76	1
Hazleton Generation	10870	TURBIN	347	0	Luzerne	2,312.89	0
Homer City	3122	1	1,384,658	0	Indiana	10,938,798.83	965
Homer City	3122	2	2,027,608	0	Indiana	16,018,104.31	1,413
Homer City	3122	3	1,761,160	0	Indiana	13,913,161.24	1,228
Hunlock Power Station	3176	6	128,016	0	Luzerne	1,011,328.69	89
Hunterstown Combined Cycle	55976	CT101	227,009	0	Adams	1,515,285.54	134
Hunterstown Combined Cycle	55976	CT201	130,850	0	Adams	873,426.95	77
Hunterstown Combined Cycle	55976	CT301	233,346	0	Adams	1,557,583.62	137
Keystone	3136	1	3,123,370	0	Armstrong	24,674,620.47	2,177
Keystone	3136	2	3,170,558	0	Armstrong	25,047,410.18	2,210
Liberty Electric Power Plant	55231	1	393,839	0	Delaware	2,628,876.99	232
Liberty Electric Power Plant	55231	2	406,005	0	Delaware	2,710,081.71	239
Lower Mount Bethel Energy	55667	CT01	369,597	0	Northampton	2,467,058.37	218
Lower Mount Bethel Energy	55667	CT02	504,556	0	Northampton	3,367,909.23	297
Martins Creek	3148	3	119,376	0	Northampton	796,835.80	70
Martins Creek	3148	4	52,470	0	Northampton	350,237.38	31
Mitchell Power Station	3181	1	331	0	Washington	2,211.43	0
Mitchell Power Station	3181	2	0	0	Washington	0.00	0
Mitchell Power Station	3181	3	331	0	Washington	2,211.43	0
Mitchell Power Station	3181	33	633,528	0	Washington	5,004,868.51	442
Montour	3149	1	1,316,747	0	Montour	10,402,300.67	918
Montour	3149	2	2,275,535	0	Montour	17,976,724.68	1,586
Mountain	3111	31	1,276	0	Cumberland	8,517.30	1
Mountain	3111	32	1,367	0	Cumberland	9,124.73	1
Mt. Carmel Cogeneration	10343	SG-101	93,522	0	Northumberland	738,821.83	65
New Castle	3138	3	106,478	0	Lawrence	841,176.20	74
New Castle	3138	4	106,997	0	Lawrence	845,276.06	75
New Castle	3138	5	195,659	0	Lawrence	1,545,706.34	136
North East Cogeneration Plant	54571	1	2,532	0	Erie	16,899.43	1
North East Cogeneration Plant	54571	2	2,123	0	Erie	14,170.62	1
Northampton Generating Plant	50888	NGC01	436,713	0	Northampton	3,450,035.78	304

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Ozone Season Allowance Allocation
Northeastern Power Company	50039	31	194,301	0	Schuylkill	1,534,979.16	135
Ontelaunee Energy Center	55193	CT1	419,367	0	Berks	2,799,277.66	247
Ontelaunee Energy Center	55193	CT2	420,252	0	Berks	2,805,181.77	248
PEI Power Corporation	50279	2	14,299	0	Lackawanna	95,447.89	8
Panther Creek Energy Facility	50776	1	162,392	0	Carbon	1,282,896.80	113
Panther Creek Energy Facility	50776	2	166,223	0	Carbon	1,313,161.70	116
Piney Creek Power Plant	54144	31	121,295	0	Clarion	958,233.58	85
Portland	3113	1	237,663	0	Northampton	1,877,533.75	166
Portland	3113	2	577,128	0	Northampton	4,559,312.39	402
Portland	3113	5	3,750	0	Northampton	25,031.58	2
Richmond	3168	91	916	0	Philadelphia	6,114.30	1
Richmond	3168	92	1,019	0	Philadelphia	6,801.83	1
Schuylkill	3169	1	10,610	0	Philadelphia	70,821.75	6
Scrubgrass Generating Plant	50974	1	166,915	0	Venango	1,318,628.50	116
Scrubgrass Generating Plant	50974	2	165,353	0	Venango	1,306,288.70	115
Seward	3130	1	1,040,782	0	Indiana	8,222,177.80	726
Seward	3130	2	836,226	0	Indiana	6,606,185.40	583
Shawville	3131	1	293,539	0	Clearfield	2,318,961.02	205
Shawville	3131	2	334,467	0	Clearfield	2,642,291.99	233
Shawville	3131	3	443,022	0	Clearfield	3,499,870.80	309
Shawville	3131	4	466,391	0	Clearfield	3,684,492.69	325
St. Nicholas Cogeneration Project	54634	1	0	2,376,607	Schuylkill	2,867,525.34	253
Sunbury	3152	1A	128,571	0	Snyder	1,015,713.27	90
Sunbury	3152	1B	129,245	0	Snyder	1,021,033.92	90
Sunbury	3152	2A	130,494	0	Snyder	1,030,904.18	91
Sunbury	3152	2B	120,952	0	Snyder	955,522.38	84
Sunbury	3152	3	276,809	0	Snyder	2,186,789.52	193
Sunbury	3152	4	351,913	0	Snyder	2,780,114.52	245
Titus	3115	1	194,199	0	Berks	1,534,173.44	135
Titus	3115	2	196,932	0	Berks	1,555,764.46	137
Titus	3115	3	168,077	0	Berks	1,327,809.64	117
Tolna	3116	31	722	0	York	4,819.35	0

FACILITY NAME	ORIS CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2008 Converted Heat Input (MMBtu)	2014 CAIR NOx Ozone Season Allowance Allocation
Tolna	3116	32	731	0	York	4,879.43	0
Trigen Energy - Schuylkill	50607	23	0	13,863	Philadelphia	16,726.58	1
Trigen Energy - Schuylkill	50607	24	0	0	Philadelphia	0.00	0
Trigen Energy - Schuylkill	50607	26	0	83,251	Philadelphia	100,447.44	9
Trigen Energy Corporation-Edison St	880006	1	0	784	Philadelphia	945.95	0
Trigen Energy Corporation-Edison St	880006	2	0	955	Philadelphia	1,152.27	0
Trigen Energy Corporation-Edison St	880006	3	0	2,467	Philadelphia	2,976.59	0
Trigen Energy Corporation-Edison St	880006	4	0	2,679	Philadelphia	3,232.38	0
WPS Westwood Generation, LLC	50611	31	117,434	0	Schuylkill	927,729.31	82
Warren	3132	5	1	0	Warren	6.68	0
Wheelabrator - Frackville	50879	GEN1	0	1,456,389	Schuylkill	1,757,224.18	155
Total						477,978,704	42,171

[Pa.B. Doc. No. 10-512. Filed for public inspection March 19, 2010, 9:00 a.m.]

Interstate Pollution Transport Reduction; Proposed 2010 Ozone Season NOx Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment concerning the proposed nonelectric generating unit (non-EGU) 2010 ozone season NOx emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NOx trading programs). The 15-day public comment period will end on April 5, 2010.

The NOx Budget Trading Program was amended in Pennsylvania's Clean Air Interstate Rule (CAIR) to allow the owners and operators of non-EGUs in this Commonwealth to transition to the CAIR NOx Trading Program. Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NOx Budget Trading Program budget of 3,619 tons of NOx, less a specified adjustment amount, to serve as a Statewide ozone season NOx emissions cap for new and existing non-EGUs. This NOx emissions cap will also apply to CAIR-exempt EGUs that were subject to the NOx Budget Trading Program. If total emissions from all of the units exceed the Statewide NOx emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NOx emission limitations established under subsection (d). The proposed NOx emissions cap ensures that non-EGUs in this Commonwealth continue to meet the emission limits of the NOx Budget Trading Program, as required under the United States Environmental Protection Agency's (EPA) CAIR.

The proposed NOx emissions cap provides 181 tons of NOx emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NOx Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NOx allowance due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NOx emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 121 tons of the 181 tons of NOx for account adjustments, leaving 60 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

Retired Units: Naval Surface Warfare Division Unit 98; Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NOx Budget Trading Program units, resulted in a permanent NOx accounting adjustment of 45 tons).

Exempt Units: Each of the following units has a 25-ton NOx permit limit: Armagh Compressor Station (Unit 31301); Entriiken Compressor Station (Unit 31601); and the Naval Surface Warfare Division (Unit 100). The Naval Surface Warfare Division (Unit 99) has a 1-ton

NOx permit limit. All of these 25-ton exempt status units account for a total adjustment of 76 tons of NOx emissions.

Units subject to the requirements in 25 Pa. Code § 145.8 are required to meet the monitoring and reporting requirements of the EPA's CAIR, found in 40 CFR Part 96, Subpart HHHH (relating to monitoring and reporting) and maintain general accounts and account representatives under 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for CAIR NOx ozone season sources; and CAIR NOx ozone season allowance tracking system). The "Proposed Non-EGU 2010 Ozone Season NOx Limits" table lists the following: the Facility Name, ORIS code, the Unit ID for each non-EGU unit, the operating year, the heat input for the 2009 ozone season, the calculated 2010 rate and the 2010 NOx ozone season limit.

Written Comments

Written comments on the proposed non-EGU 2010 Ozone Season NOx Emission Limits should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, DEP, P. O. Box 8468, Harrisburg, PA 17105-8468 or e-mail ranbordner@state.pa.us no later than April 5, 2010. Any written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "proposed non-EGU 2010 ozone season NOx emission limits" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Table 1: Proposed Non-EGU 2010 Ozone Season NOx Emission Limits

<i>Facility Name</i>	<i>ORIS CODE</i>	<i>Unit ID</i>	<i>Operating Year</i>	<i>NOx Rate lb/MMBtu</i>	<i>NOx Mass tons</i>	<i>Heat Input MMBtu</i>	<i>2010 Rate</i>	<i>2010 NOx Limit</i>
Armagh Compressor Station	880071	31301	2009	25-Ton Exemption (Limit 25-tons)	0.0	0	0.261	0 0
Bernville Station	880049	32001	2009	0.000	0.0	0	0.261	0
Conoco Phillips Co., Trainer Refinery	880025	32	2009	Retired	0.0	0	0.261	0
Conoco Phillips Co., Trainer Refinery	880025	33	2009	0.217	75.3	691,401	0.261	90
Conoco Phillips Co., Trainer Refinery	880025	34	2009	0.005	1.6	534,619	0.261	70
Conoco Phillips Co., Trainer Refinery	880025	35	2009	0.006	1.9	573,745	0.261	75
Domtar Paper Company, LLC	54638	40	2009	0.342	166.7	977,790	0.261	128
Domtar Paper Company, LLC	54638	41	2009	0.344	163.1	949,688	0.261	124
Entriken Compressor Station	880072	31601	2009	25-Ton Exemption (Limit 25-tons)	0.0	0	0.261	0
FPL Energy Marcus Hook, LP	55801	AB01	2009	0.022	6.0	538,275	0.261	70
FPL Energy Marcus Hook, LP	55801	AB02	2009	0.033	10.9	638,296	0.261	83
FPL Energy Marcus Hook, LP	55801	AB03	2009	0.032	7.3	463,572	0.261	61
FPL Energy Marcus Hook, LP	55801	AB04	2009	0.033	10.9	656,585	0.261	86
Kimberly—Clark Tissue Company	50410	34	2009	2.00	0.0	10	0.261	0
Kimberly—Clark Tissue Company	50410	35	2009	0.060	100.5	3,673,949	0.261	480
Merck & Company—West Point	52149	39	2009	0.095	17.7	377,183	0.261	49

<i>Facility Name</i>	<i>ORIS CODE</i>	<i>Unit ID</i>	<i>Operating Year</i>	<i>NOx Rate lb/MMBtu</i>	<i>NOx Mass tons</i>	<i>Heat Input MMBtu</i>	<i>2010 Rate</i>	<i>2010 NOx Limit</i>
Merck & Company— West Point	52149	40	2009	0.025	9.1	742,715	0.261	97
P H Glatfelter Company	50397	34	2009	0.470	281.6	1,198,104	0.261	157
P H Glatfelter Company	50397	35	2009	0.522	268.6	1,021,643	0.261	133
P H Glatfelter Company	50397	36	2009	0.225	202.8	1,809,070	0.261	236
Philadelphia Refinery	52106	150137	2009	0.119	46.8	784,574	0.261	103
Philadelphia Refinery	52106	150138	2009	0.147	35.8	491,960	0.261	64
Philadelphia Refinery	52106	150139	2009	0.119	44.3	741,340	0.261	97
Philadelphia Refinery	52106	150140	2009	0.141	87.1	1,182,635	0.261	155
Procter & Gamble Paper Products	50463	328001	2009	0.161	129.4	1,620,502	0.261	212
Shenango Incorporated	54532	6	2009	Retired	0.0	0	0.261	0
Shenango Incorporated	54532	9	2009	Retired	0.0	0	0.261	0
Shermans Dale Station	880050	31801	2009	0.000	0.0	0	0.261	0
Sunoco Chemicals Frankford Plant	880007	52	2009	0.054	15.0	568,054	0.261	74
US Steel (Clariton Coke)	50729	CLBLR1	2009	0.136	89.8	1,305,944	0.261	171
US Steel (Clariton Coke)	50729	CLBLR2	2009	0.000	0.0	0	0.261	0
US Steel (Edgar Thompson)	50732	ETBLR1	2009	0.027	18.2	1,359,123	0.261	178
US Steel (Edgar Thompson)	50732	ETBLR2	2009	0.028	19.7	1,426,418	0.261	186
US Steel (Edgar Thompson)	50732	ETBLR3	2009	0.032	22.7	1,445,930	0.261	189
Naval Surface Warfare Division	880009	98	2009	Retired	0.0	0	0.261	0
Naval Surface Warfare Division	880009	99	2009	25-Ton Exemption (Limit 1-ton)	0.0	0	0.261	0
Naval Surface Warfare Division	880009	100	2009	25-Ton Exemption (Limit 25-Tons)	0.0	0	0.261	0
United Refining	880099	4	2009	0.173	46.7	539,884	0.261	71
				Totals:	1879.7	26,313,010	0.261	3438

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-513. Filed for public inspection March 19, 2010, 9:00 a.m.]

Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to municipalities for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902).

Grant funds are used to develop and implement recycling programs. Municipalities and Counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Financial Distressed Communities Act, P. L. 246, No. 47 of 1987, are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act, and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

<i>Municipality:</i>	<i>Recycling Project:</i>	<i>Awarded:</i>
East Rockhill Township Bucks County	Yard Waste Collection and Processing	\$27,000
Northampton Township Bucks County	Yard Waste Processing	\$496,250
Central Chester Co. Recycling Authority Chester County	Yard Waste Program and Curbside Recycling	\$281,925
Phoenixville Borough Chester County	Yard Waste Program	\$473,114
Valley Township Chester County	Curbside Recycling	\$441,810
West Bradford Township Chester County	Curbside Recycling	\$500,000
West Brandywine Township Chester County	Yard Waste Program	\$171,810
Aston Township Delaware County	Curbside Recycling	\$144,000
Haverford Township Delaware County	Yard Waste Program	\$228,232
Marple Township Delaware County	Yard Waste Program and Curbside Recycling	\$41,454
Nether Providence Township Delaware County	Curbside Recycling	\$207,900
Radnor Township Delaware County	Yard Waste Processing	\$495,000
Springfield Township Delaware County	Yard Waste Program and Curbside Recycling	\$94,089
Swarthmore Borough Delaware County	Curbside Recycling	\$74,993

<i>Municipality:</i>	<i>Recycling Project:</i>	<i>Awarded:</i>
Upper Chichester Township Delaware County	Yard Waste Program	\$153,945
Upper Darby Township Delaware County	Curbside Recycling	\$240,000
Abington Township Montgomery County	Curbside Recycling	\$499,500
Conshocken Borough Montgomery County	Curbside Recycling	\$225,007
Plymouth Township Montgomery County	Curbside Recycling	\$123,405
Rockledge Borough Montgomery County	Yard Waste Program	\$32,031
City of Philadelphia Philadelphia County	Curbside Recycling	\$500,000
Mayfield Borough Lackawanna County	Curbside Recycling	\$13,680
Moosic Borough Lackawanna County	Yard Waste and Recycling Program	\$93,306
Emmaus Borough Lehigh County	Curbside Recycling	\$2,156
Upper Macungie Township Lehigh County	Yard Waste Program	\$39,848
Dallas Area Municipal Authority Luzerne County	Curbside Recycling	\$3,330
Dupont Borough Luzerne County	Curbside Recycling	\$149,132
Exeter Borough Luzerne County	Yard Waste Program	\$473,073
Municipality of Kingston Luzerne County	Yard Waste and Recycling Program	\$221,347
Nanticoke City Luzerne County	Curbside Recycling	\$54,441
Plains Township Luzerne County	Curbside Recycling	\$149,132
West Pittston Borough Luzerne County	Curbside Recycling and Drop-off Collection	\$236,782
Wright Township Luzerne County	Yard Waste Program	\$383,990
Chestnuthill Township Monroe County	Recycling Center	\$209,915
Forest City Borough Susquehanna County	Curbside Recycling	\$132,474
Susquehanna County Susquehanna County	Recycling Center	\$46,052
Wayne County Wayne County	Recycling Center	\$71,028
Adams County Adams County	Recycling Center and Community Events	\$97,510
Amity Township Berks County	Yard Waste Program	\$63,016
Berks County SWA Berks County	Drop-off Recycling and School recycling	\$297,507

<i>Municipality:</i>	<i>Recycling Project:</i>	<i>Awarded:</i>	<i>Municipality:</i>	<i>Recycling Project:</i>	<i>Awarded:</i>
Bernville Borough Berks County	Yard Waste Program and Community Event Recycling	\$57,376	Lebanon County Lebanon County	Curbside and Drop-off Recycling Programs	\$130,500
Cumru Township Berks County	Yard Waste Program	\$39,550	North Londonderry Township Lebanon County	Drop-off Recycling and Yard Waste Program	\$32,968
Exeter Township Berks County	Yard Waste Program	\$213,721	North Cornwall Township Lebanon County	Yard Waste Program	\$136,590
Kutztown Borough Berks County	Drop-off Facility and Processing	\$164,545	Palmyra Borough Lebanon County	Curbside Recycling and Yard Waste Program	\$36,220
Marion Township Berks County	Curbside Recycling and Community Events	\$8,983	West Lebanon Township Lebanon County	Yard Waste Program	\$18,504
Mohnton Borough Berks County	Yard Waste Program	\$70,135	Dover Township York County	Yard Waste Program	\$71,964
Shillington Borough Berks County	Yard Waste Program and Curbside Recycling	\$45,425	Springettsbury Township York County	Yard Waste Program	\$59,174
Shoemakersville Borough Berks County	Curbside Recycling and Yard Waste Program	\$43,465	Northern Tier Bradford County	Recycling Center	\$304,717
South Heidelberg Township Berks County	Yard Waste Program and Curbside Recycling	\$87,317	Sayre Borough Bradford County	Yard Waste Composting	\$343,000
Spring Township Berks County	Yard Waste Program and Curbside Recycling	\$244,254	Cameron County Cameron County	Drop-off Recycling	\$60,858
Wyomissing Borough Berks County	Yard Waste Program and Curbside Recycling	\$55,080	Centre County SWA Centre County	Curbside Recycling and Recycling Center	\$347,360
Camp Hill Borough Cumberland County	Yard Waste Program	\$112,093	Ferguson Township Centre County	Yard Waste Program	\$38,220
Cumberland County R&WA Cumberland County	Community Events Recycling	\$23,057	State College Borough Centre County	Yard and Food Waste Recycling Programs	\$302,289
Hampden Township Cumberland County	Yard Waste Program and Curbside Recycling	\$128,395	Patton Township Centre County	Yard Waste Program	\$171,380
Middlesex Township Cumberland County	Yard Waste Program	\$408,773	Clinton County SWA Clinton County	Recycling Center	\$199,913
Middletown Borough Dauphin County	Yard Waste Program and Curbside Recycling	\$294,442	Berwick Borough Columbia County	Curbside and Drop-off Recycling Program	\$144,300
Susquehanna Township Dauphin County	Yard Waste Program	\$86,786	Town of Bloomsburg Columbia County	Recycling Center and Yard Waste Program	\$426,072
Huntingdon County Huntingdon County	Curbside and Drop-off Recycling Programs	\$61,950	Lycoming County RMS Lycoming County	Drop-off Recycling and Recycling Center	\$361,534
Chambersburg Borough Franklin County	Curbside Recycling Program	\$78,590	City of Williamsport Lycoming County	Yard Waste Program	\$128,821
East Hempfield Township Lancaster County	Yard Waste Program	\$43,200	Coal Township Northumberland County	Recycling Center	\$81,943
Lancaster City Lancaster County	Drop-off Facility	\$318,831	Kulpmont Borough Northumberland County	Curbside Recycling	\$87,096
Mount Joy Borough Lancaster County	Yard Waste Processing	\$254,525	Milton Borough Northumberland County	Drop-off Recycling	\$65,070
			City of Shamokin Northumberland County	Curbside and Drop-off Recycling Program	\$52,207
			Potter County SWA Potter County	Drop-off Recycling	\$59,205
			Selinsgrove Borough Snyder County	Yard Waste Program	\$26,328

<i>Municipality:</i>	<i>Recycling Project:</i>	<i>Awarded:</i>
Snyder County Snyder County	Recycling Drop-off	\$326,975
Allegheny County Allegheny County	Municipal Program and Special Event Recycling	\$99,000
Crafton Borough Allegheny County	Yard Waste Program	\$36,405
Borough of Franklin Park Allegheny County	Yard Waste Program and Curbside Recycling	\$500,000
Town of McCandless Allegheny County	Curbside Recycling and Yard Waste Recycling	\$500,000
North Fayette Township Allegheny County	Curbside Recycling	\$20,900
North Hills Council of Governments Allegheny County	Yard Waste Program	\$127,582
O'Hara Township Allegheny County	Yard Waste Recycling Program	\$43,538
Ohio Township Allegheny County	Curbside Recycling and Yard Waste Recycling	\$500,000
City of Pittsburgh Allegheny County	Curbside Recycling and Drop-off Program	\$482,942
Wilkesburg Borough Allegheny County	Yard Waste Program and Recycling Study	\$22,800
Armstrong County Armstrong County	Recycling Center and Drop-off Program	\$117,260
Ambridge Borough Beaver County	Yard Waste Program and Drop-off Recycling	\$38,430
Beaver County Beaver County	Yard Waste Program	\$228,510
Chippewa Township Beaver County	Yard Waste Program	\$58,080
Borough of New Brighton Beaver County	Yard Waste Program	\$101,000
Upper Yoder Township Cambria County	Yard Waste Program	\$70,508
Fayette County Fayette County	Recycling Center	\$208,303
Washington Township Fayette County	Yard Waste Program	\$48,865
Indiana County SWA Indiana County	Recycling Center	\$227,100
Peters Township Washington County	Yard Waste Program	\$71,376
Cranberry Township Butler County	Curbside Recycling	\$83,358
Clarion Borough Clarion County	Yard Waste Program	\$282,545
City of Erie Erie County	Yard Waste Composting	\$472,679

<i>Municipality:</i>	<i>Recycling Project:</i>	<i>Awarded:</i>
Millcreek Township Erie County	Yard Waste Composting and Curbside Recycling	\$459,792
Grove City Borough Mercer County	Yard Waste Composting	\$156,142

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-514. Filed for public inspection March 19, 2010, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of .25-acre of land and single family residence located at 962 East 20th Street, City of Chester, Delaware County. Bids are due Tuesday, June 8, 2010. Interested parties wishing to receive a copy of Solicitation No. 94327 should view the Department's web site at www.dgs.state.pa.us or call Bradley Swartz at (717) 705-5764.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-515. Filed for public inspection March 19, 2010, 9:00 a.m.]

Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of .25-acre of land and single family residence located at 215 East Avon Road, City of Chester, Delaware County. Bids are due Tuesday, June 8, 2010. Interested parties wishing to receive a copy of Solicitation No. 94328 should view the Department's web site at www.dgs.state.pa.us or call Bradley Swartz at (717) 705-5764.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-516. Filed for public inspection March 19, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Greenleaf Nursing & Convalescent Center
400 South Main Street
Doylestown, PA 18901
Facility ID 070102

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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-517. Filed for public inspection March 19, 2010, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Technology Standards

Under 28 Pa. Code § 1103.4(15) (relating to selection criteria for authorization and reauthorization), the WIC Program publishes notice of minimum technology standards. A store applying to become a WIC Authorized store must have all of the following to be considered for Authorization:

Minimum Technology Standards

Have an existing, active, hard wire telephone line on the store's premises.

An active email account for the store owner or manager.

Upon Authorization a store must maintain an active WIC Vendor Assistant account.

Internet connection on store premises (one of the following):

- Dial-up through an Internet provider
- Broadband DSL
- Broadband cable

A personal computer on store premises:

- Internet browser capable of accessing the WIC Vendor Assistant web site
- Adobe Reader software
- If using CheckScan, the following minimum software and hardware is required. Note: These are Windows XP minimum requirements. Newer operating systems may require additional hardware.
 - PC with 300 megahertz or higher processor clock speed
 - Microsoft Windows XP, Vista, or Windows 7 operating system
 - Microsoft .Net Framework 2.0 or higher (software)
 - 256 mb RAM
 - 1.5 gigabytes (GB) of available hard drive space
 - An available USB port (Version 1.1 or 2.0)

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr at the Department of Health, Division of WIC, 2150 Herr Street, Harrisburg, PA 17105, (717) 783-1289, 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. 10-518. Filed for public inspection March 19, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Golden Millions 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 Golden Millions.

2. *Price:* The price of a Pennsylvania Golden Millions instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Golden Millions instant lottery game ticket will contain one play area featuring a "GOLDEN NUMBERS" area, a "YOUR NUMBERS" area, a "\$40 Gold Bar Cash" area, a "\$50 Gold Bar Cash" area, a "\$100 Gold Bar Cash" area and a "\$500 Gold Bar Cash" area. The play symbols and their captions located in the "GOLDEN NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Coin symbol (COIN) and a Gold Bar symbol (GOLD). The prize play symbol and the play symbols and their captions located in the "\$40 Gold Bar Cash" area are: \$40⁰⁰ (FORTY), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The prize play symbol and the play symbols and their captions located in the "\$50 Gold Bar Cash" area are: \$50⁰⁰ (FIFTY), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The prize play symbol and the play symbols and their captions located in

the "\$100 Gold Bar Cash" area are: \$100 (ONE HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The prize play symbol and the play symbols and their captions located in the "\$500 Gold Bar Cash" area are: \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). Each play area is played separately.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,500, \$10,000, \$100,000 and \$1,000,000. The \$1,000,000 top prize is a lump sum cash payment. The prize that can be won in the "\$40 Gold Bar Cash" area is \$40. The prize that can be won in the "\$50 Gold Bar Cash" area is \$50. The prize that can be won in the "\$100 Gold Bar Cash" area is \$100. The prize that can be won in the "\$500 Gold Bar Cash" area is \$500. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,160,000 tickets will be printed for the Pennsylvania Golden Millions instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GOLD), and a prize symbol of \$500 (FIV HUN) appears in each of the twenty "Prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol

(COIN), and a prize symbol of \$500 (FIV HUN) appears under that Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GOLD), and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "Prize" areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the "Prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with a \$500 (FIV HUN) prize play symbol in the "\$500 Gold Bar Cash" area, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GOLD), and a prize symbol of \$20⁰⁰ (TWENTY) appears in fifteen of the "Prize" areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$200 (TWO HUN) appears under that Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GOLD), and a prize symbol of \$20⁰⁰ (TWENTY) appears in each of the twenty "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$100 (ONE HUN) appears under that Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar symbol (GOLD), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in each of the twenty "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with a \$100 (ONE HUN) prize play symbol in the “\$100 Gold Bar Cash” area, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin symbol (COIN), and a prize symbol of \$50⁰⁰ (FIFTY) appears under that Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets with a \$50⁰⁰ (FIFTY) prize play symbol in the “\$50 Gold Bar Cash” area, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets with a \$40⁰⁰ (FORTY) prize play symbol in the “\$40 Gold Bar Cash” area, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin symbol (COIN), and a prize symbol of \$20⁰⁰ (TWENTY) appears under that Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin symbol (COIN), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

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:

<i>When Any Of Your Numbers Match Any Of The Golden Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,160,000 Tickets</i>
\$10 × 2	\$20	20	108,000
\$10 w/COIN	\$20	15	144,000
\$20	\$20	15	144,000
\$10 × 4	\$40	75	28,800
\$20 × 2	\$40	75	28,800
\$20 w/COIN	\$40	75	28,800
\$40 GOLD BAR CASH w/\$40	\$40	75	28,800
\$40	\$40	75	28,800
\$10 × 5	\$50	150	14,400
(\$20 w/COIN) + \$10	\$50	150	14,400
\$50 GOLD BAR CASH w/\$50	\$50	100	21,600
\$50	\$50	100	21,600
\$10 × 10	\$100	300	7,200
\$50 w/COIN	\$100	300	7,200
(\$50 GOLD BAR CASH w/\$50) + \$50	\$100	300	7,200
\$100 GOLD BAR CASH w/\$100	\$100	300	7,200
\$100	\$100	150	14,400
GOLD w/\$10 × 20	\$200	600	3,600
\$100 w/COIN	\$200	600	3,600
(\$40 GOLD BAR CASH w/\$40) + (\$40 × 4)	\$200	600	3,600
(\$100 GOLD BAR CASH w/\$100) + \$100	\$200	600	3,600
\$200	\$200	600	3,600
\$20 × 20	\$400	6,000	360
GOLD w/\$20 × 20	\$400	6,000	360
\$40 × 10	\$400	6,000	360
\$50 × 8	\$400	6,000	360
(\$40 GOLD BAR CASH w/\$40) + (\$40 × 9)	\$400	6,000	360
\$100 × 4	\$400	6,000	360
(\$100 GOLD BAR CASH w/\$100) + (\$100 × 3)	\$400	6,000	360
\$200 w/COIN	\$400	6,000	360
(\$50 GOLD BAR CASH w/\$50) + (\$50 × 7)	\$400	6,000	360
\$400	\$400	6,000	360
GOLD w/(\$20 × 15) + (\$40 × 5)	\$500	12,000	180
(\$20 × 10) + (\$40 × 5) + (\$50 × 2)	\$500	12,000	180
(\$40 × 10) + (\$50 × 2)	\$500	12,000	180
\$50 × 10	\$500	12,000	180

When Any Of Your Numbers Match Any Of The Golden Numbers, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 2,160,000 Tickets
\$100 × 5	\$500	12,000	180
(\$100 GOLD BAR CASH w/\$100) + (\$100 × 4)	\$500	12,000	180
(\$200 w/COIN) + \$100	\$500	12,000	180
\$500 GOLD BAR CASH w/\$500	\$500	12,000	180
\$500	\$500	12,000	180
GOLD w/(\$20 × 5) + (\$40 × 10) + (\$100 × 5)	\$1,000	10,000	216
\$50 × 20	\$1,000	10,000	216
\$100 × 10	\$1,000	10,000	216
(\$500 GOLD BAR CASH w/\$500) + \$500	\$1,000	10,000	216
\$500 w/COIN	\$1,000	10,000	216
\$1,000	\$1,000	12,000	180
\$500 × 5	\$2,500	60,000	36
(\$500 GOLD BAR CASH w/\$500) + (\$500 × 4)	\$2,500	60,000	36
\$2,500	\$2,500	60,000	36
GOLD w/\$500 × 20	\$10,000	720,000	3
\$1,000 × 10	\$10,000	720,000	3
\$2,500 × 4	\$10,000	720,000	3
\$10,000	\$10,000	720,000	3
\$100,000	\$100,000	720,000	3
\$1,000,000	\$1,000,000	720,000	3

“COIN” (COIN) symbol = Win double the prize under that symbol.

“GOLD” (GOLD) symbol = Win all 20 prizes shown.

\$40 GOLD BAR CASH = Reveal \$40, win that amount.

\$50 GOLD BAR CASH = Reveal \$50, win that amount.

\$100 GOLD BAR CASH = Reveal \$100, win that amount.

\$500 GOLD BAR CASH = Reveal \$500, win that amount.

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 Golden Millions 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 Golden Millions, prize money from winning Pennsylvania Golden Millions 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 Golden Millions 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 Golden Millions or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-519. Filed for public inspection March 19, 2010, 9:00 a.m.]

Pennsylvania Mother's Day Surprise 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 Mother's Day Surprise.

2. *Price:* The price of a Pennsylvania Mother's Day Surprise lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Mother's Day Surprise instant lottery game ticket will contain three play areas known as “Game 1,” “Game 2,” “Game 3” and a “Surprise Bonus” area. Each game has a different game play method and is played separately. Only the highest prize won in “Game 2” will be paid.

(b) The prize play symbols and their captions located in the play area for “Game 1” are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$15^{.00} (FIFTN), \$20^{.00} (TWENTY), \$30^{.00} (THIRTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$1,000 (ONE THO).

(c) The play symbols and their captions located in the play area for “Game 2” are: Bills symbol (BILLS), Cake symbol (CAKE), Candle symbol (CANDL), Confetti symbol (CNFTI), Cupcake symbol (CUPC), Goldbar symbol (GLDBAR), Gold Nugget symbol (GLDNGT), Piggy Bank symbol (PIGBNK), Stack symbol (STACK), Wallet symbol (WALLET) and Heart symbol (HEART).

(d) The play symbols and their captions located in the “YOUR SYMBOLS” and “MOTHER'S DAY SYMBOLS” areas for “Game 3” are: Balloon symbol (BALLOON), Candy symbol (CANDY), Car symbol (CAR), Diamond

symbol (DIAMOND), Emerald symbol (EMERALD), Gift symbol (GIFT), House symbol (HOUSE), Mink Coat symbol (MINK), Money symbol (MONEY), Necklace symbol (NCKLACE), Ring symbol (RING) and Rose symbol (ROSE).

(e) The prize play and play symbols and their captions located in the "Surprise Bonus" area: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols*: The play area for "Game 3" will contain six "prize" areas. The prize symbols and their captions located in the six "prize" areas for "Game 3" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes*: The prizes that can be won in "Game 1" are: \$5, \$10, \$15, \$20, \$30, \$40, \$50, \$100, \$200 and \$1,000. The prizes that can be won in "Game 2" are: \$10, \$20, \$30 and \$40. Only the highest prize won in "Game 2" will be paid. The prizes that can be won in "Game 3" are: \$5, \$10, \$15, \$20, \$30, \$40, \$50, \$100, \$200, \$1,000 and \$50,000. The prizes that can be won in the "Surprise Bonus" are: \$5, \$10, \$15, \$20, \$30, \$40, \$50, \$100 and \$200. A player can win up to 9 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 3,840,000 tickets will be printed for the Pennsylvania Mother's Day Surprise instant lottery game.

7. *Determination of Prize Winners*:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(2) Holders of tickets with three matching prize play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching prize play symbols of \$40⁰⁰ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with three matching prize play symbols of \$30⁰⁰ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(7) Holders of tickets with three matching prize play symbols of \$20⁰⁰ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching prize play symbols of \$15⁰⁰ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching prize play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets upon which four Heart (HEART) play symbols appear in the "PLAY AREA," on a single ticket, shall be entitled to a prize of \$40.

(2) Holders of tickets upon which three Heart (HEART) play symbols appear in the "PLAY AREA," on a single ticket, shall be entitled to a prize of \$30.

(3) Holders of tickets upon which two Heart (HEART) play symbols appear in the "PLAY AREA," on a single ticket, shall be entitled to a prize of \$20.

(4) Holders of tickets upon which one Heart (HEART) play symbol appears in the "PLAY AREA," on a single ticket, shall be entitled to a prize of \$10.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(4) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(8) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "MOTHER'S DAY SYMBOLS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the

“MOTHER’S DAY SYMBOLS” play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols matches either of the “MOTHER’S DAY SYMBOLS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “YOUR SYMBOL” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols matches either of the “MOTHER’S DAY SYMBOLS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the “Surprise Bonus” are:

(1) Holders of tickets with a \$200 (TWO HUN) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(2) Holders of tickets with a \$100 (ONE HUN) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with a \$50⁰⁰ (FIFTY) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a \$40⁰⁰ (FORTY) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets with a \$30⁰⁰ (THIRTY) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets with a \$20⁰⁰ (TWENTY) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a \$15⁰⁰ (FIFTN) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets with a \$10⁰⁰ (TEN DOL) play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with a \$5⁰⁰ (FIV DOL) play symbol in the “BONUS” area, 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, amount of prizes and approximate odds of winning:

<i>Surprise Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,840,000 Tickets</i>
\$5				\$5	12	320,000
			\$5	\$5	15	256,000
\$10	\$10			\$10	120	32,000
		1 Heart		\$10	120	32,000
\$5			\$5	\$10	120	32,000
			\$10	\$10	120	32,000
			\$5 × 2	\$10	120	32,000
\$15	\$15			\$15	200	19,200
\$5		1 Heart		\$15	200	19,200
	\$5	1 Heart		\$15	300	12,800
\$5			\$5 × 2	\$15	200	19,200
			\$15	\$15	300	12,800
\$10			\$5	\$15	300	12,800
			\$5 × 3	\$15	300	12,800
\$20	\$20			\$20	300	12,800
		2 Hearts		\$20	300	12,800
\$10		1 Heart		\$20	300	12,800
\$10			\$20	\$20	600	6,400
\$30			\$5 × 2	\$20	600	6,400
	\$30			\$30	600	6,400
			\$30	\$30	600	6,400
\$10		2 Hearts		\$30	600	6,400
			\$5 × 6	\$30	600	6,400
\$40	\$40			\$40	600	6,400
			\$40	\$40	600	6,400
\$10		3 Hearts		\$40	600	6,400
	\$10	2 Hearts	\$10	\$40	600	6,400
\$100	\$100			\$100	1,200	3,200
			\$100	\$100	1,200	3,200
\$5	\$5	3 Hearts	\$15 × 4	\$100	1,200	3,200

Surprise Bonus	Game 1	Game 2	Game 3	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 3,840,000 Tickets
\$15		1 Heart	\$15 × 5	\$100	1,200	3,200
\$20	\$20	2 Hearts	\$20 × 2	\$100	1,200	3,200
\$30		4 Hearts	\$5 × 6	\$100	1,200	3,200
			\$20 × 5	\$100	1,200	3,200
\$20			\$40 × 2	\$100	1,200	3,200
\$200				\$200	20,000	192
	\$200			\$200	20,000	192
			\$200	\$200	24,000	160
\$20		3 Hearts	\$30 × 5	\$200	20,000	192
\$40		4 Hearts	\$40 × 3	\$200	20,000	192
\$40	\$20	2 Hearts	\$20 × 6	\$200	20,000	192
\$50	\$50		\$50 × 2	\$200	24,000	160
\$100	\$100			\$200	24,000	160
\$100			\$100	\$200	24,000	160
\$5	\$5	1 Heart	\$30 × 6	\$200	20,000	192
	\$1,000			\$1,000	120,000	32
			\$200 × 5	\$1,000	120,000	32
			\$1,000	\$1,000	120,000	32
			\$50,000	\$50,000	768,000	5

Game 1—Get 3 like amounts, win that prize.

Game 2—Scratch play area. Get: 1 “Heart” (HEART), win \$10; 2 “Hearts” (HEART), win \$20; 3 “Hearts” (HEART), win \$30; 4 “Hearts” (HEART), win \$40.

Game 3—When any of YOUR SYMBOLS match either MOTHER’S DAY SYMBOL, win prize shown below that symbol.

Surprise Bonus—Reveal prize amount from \$5 to \$200 and win that prize.

Prizes, including the 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 Mother’s Day Surprise 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 Mother’s Day Surprise, prize money from winning Pennsylvania Mother’s Day Surprise 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 Mother’s Day Surprise 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 Mother’s Day Surprise or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-520. Filed for public inspection March 19, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P.S. § 513 (e)(7)) intends to sell certain land owned by the Department.

The following is a Bedford County property available for sale by the Department:

Property measuring 50,424.31 square feet abutting SR 0026, east of Yellow Creek, being known as Tax Map No. G.06-47, formerly owned by Roger D. and Robin A. Donovan.

Interested public bodies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Sherry L. Peck, Property Manager, Department of Transportation, R/W Unit, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Sherry L. Peck, District Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-521. Filed for public inspection March 19, 2010, 9:00 a.m.]

Watercraft Trailer Forfeiture; Maximum Amount

Chapter 73, Subchapter B of the Vehicle Code, 75 Pa.C.S. (relating to watercraft trailer forfeiture) applies only to a watercraft trailer with a resale value based upon established industry standards equal to less than the amount set forth in 75 Pa.C.S. § 7321(c) (relating to scope of subchapter and legislative intent). This subsection provides that for the year 2006, the maximum amount will be \$1,000 and for each year thereafter, the maximum amount will be fixed annually by the Department of Transportation (Department) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Department will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*.

Under 75 Pa.C.S. § 7321(c), the Department has fixed the maximum amount for 2010 as \$1,095.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-522. Filed for public inspection March 19, 2010, 9:00 a.m.]

FISH AND BOAT COMMISSION

Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2009 at \$5,340.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2010 as \$5,485.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 10-523. Filed for public inspection March 19, 2010, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Continued Collection of Laboratory Data for the Purposes of Risk Adjusting Healthcare Outcomes; Announces a 30-Day Public Comment Period

Summary:

The Health Care Cost Containment Council (Council) is seeking public comment on the continued collection of laboratory (lab) data to be used for the purposes of risk adjusting healthcare outcomes. Lab data, submitted by hospitals through a third-party vendor, has been used as part of the Council's risk-adjustment approach since 1989. Prior to 2008, hospitals submitted additional Key Clinical Findings from the medical records, which were used along with lab data to calculate a patient's severity of illness. For most inpatient records, the requirement to submit the additional Key Clinical Findings beyond the lab data was halted in January 2008. The lab data continues to be a critical component to the Council's risk-adjustment methodology.

Dates:

Comments must be received in writing by one of the methods described as follows no later than 5 p.m. ET on April 20, 2010. Comments must include a signature and be on letterhead.

Methods for Submitting Comments:

1. Electronically. Electronic comments should be submitted to comments@phc4.org.
2. Fax. Fax comments to Joseph Martin, Executive Director at (717) 232-7029.
3. Regular mail, express or overnight mail, hand delivery or courier. Address comments to: Joseph Martin, Executive Director, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

For Further Information:

Contact: René Greenawalt at rgreenawalt@phc4.org or (717) 232-6787.

Supplementary Information:

Comments received by the close of the comment period will be available for viewing by the public. Comments will be posted on the Council's web site (www.phc4.org) subsequent to the Council's May 6, 2010, meeting.

A document that summarizes the comments and responds to statements and/or inquiries raised in the comments will be prepared and made available to the public. This document will be posted on the Council's web site subsequent to the Council's May 6, 2010, meeting.

Importance of Risk Adjustment:

The Council is an independent State agency charged with collecting, analyzing and reporting information that can be used to improve the quality and restrain the cost of health care in the Commonwealth.

A critical component to the Council's public reports on healthcare outcomes is the ability to appropriately and adequately risk adjust the data. Risk adjusting the data allows for fair comparisons across health care providers, including hospitals and physicians, because it accounts for varying illness levels among patients. Patients who

are more severely ill may be more likely to die, stay in the hospital longer, or be readmitted. Risk adjusting patient care data enables a better assessment of the performance of health care providers in treating patients, particularly those who are more seriously ill.

Purpose of the Public Comment Period:

When the Council was reauthorized in June of 2009 (Act 3 of 2009), language was included that states the Council “shall not require any data sources to contract with any specific vendor for submission of any specific data elements to the Council.” This provision takes effect July 1, 2010. As such, the Council has been exploring potential options for risk adjustment beyond July 1, 2010.

At its March 4, 2010, meeting, the Council voted to continue the collection of lab data from this Commonwealth’s hospitals. The Council’s decision to continue the lab data collection requirement was based on recommendations from its Technical Advisory Group, which includes physicians, biostatisticians, researchers, and a representative each from the Hospital and Healthsystem Association of PA and the PA Medical Society. The Technical Advisory Group advised the Council to continue to collect and use the lab data for risk adjustment after reviewing detailed analyses that demonstrated the superiority of using lab data for risk adjustment purposes.

The intent of this public comment period is to solicit input from hospitals, physicians, other health care professionals, and other interested parties on potential implementation approaches as they relate to the continued collection of the lab data.

The following bullets represent points the Council has been discussing with regard to the continued collection of the lab data:

- One option is for the Council to collect the lab data directly from the hospitals. In collecting lab data, the Council would mirror the way in which the uniform billing data (often referred to as “administrative” or “UB-04” data) are currently collected. That is, specifications would be provided to hospitals, and they could choose to contract with a third-party vendor of their choice to submit the data to the Council or submit the lab data to the Council directly themselves.

- One approach being discussed is for the Council to contract with a third-party vendor to collect the lab data from the hospitals. In this scenario, hospitals would submit the lab data to the third-party vendor, who would be working on behalf of the Council. Given the Council’s current budget constraints, such an agreement would likely be based on an “in-kind” arrangement with a third-party vendor rather than a paid one, at least for the immediate future. The Council’s Technical Advisory Group was not in favor of pursuing an in-kind arrangement of this nature given concerns about potential difficulties that could arise with regard to ensuring accountability. The Council has not made a final decision on this issue.

- With regard to the specific lab data elements to be collected by the hospitals and submitted to the Council, hospitals would likely be required to submit one value (for example, the “first” or the “worst” value recorded, see below) for the 29 lab elements that they currently collect for the Council’s risk-adjustment purposes (not all records will have values for all 29 lab elements). Also needed would be information indicating the units of measure and a date/time stamp for each lab element. See Attachment A.

- Determination as to which lab value for the 29 lab elements currently collected is under discussion. Consideration is being given to the “first” lab value recorded or the “worst” lab value recorded (within a prescribed period of time after admission). Currently, the “worst” lab value is collected within 1 or 2 days of admission, depending on the time of day the patient is admitted.

- While hospitals might wish to send all of their lab data to the Council by means of an electronic download rather than send a single lab value for each of the lab tests collected as described previously, currently the Council’s resources, including staff time, data storage and processing, would not permit such an approach at this time. This is similar to the Council’s UB-04 data collection processes in that only the data used by the Council will be collected.

- If the Council collects the lab data directly, the recommended approach for hospitals to submit the data would likely be an electronic file in which hospitals supply one value for each of the lab elements currently collected as noted.

- Currently hospitals submit clinical data beyond the lab data for cardiac surgery cases included in the Council’s *Cardiac Surgery in Pennsylvania Report*. Potential options to collect risk-adjustment data for these cases would have to be identified.

In particular, the Council is seeking input on the following questions:

- What file format should the Council establish for the submission of lab data to the Council?

- What are the issues the Council should consider in collecting lab data directly or through a third-party vendor?

- What are the potential issues, including increased or decreased costs, for hospitals in manually abstracting or electronically downloading selected lab data for submission to the Council?

- Are there any issues for providers regarding the submission of lab data for selected conditions that are included in the Council public reports?

- What are the issues to consider regarding submission of the first or the worst lab values for selected lab tests administered early in the patient stay?

- What are the issues to consider in using the first or the worst lab values for selected lab tests administered early in the patient stay for the purposes of risk adjusting the data?

- What are the potential options to consider in continuing to collect clinical data beyond the lab data for the cardiac surgery cases included in the Council’s *Cardiac Surgery in Pennsylvania Report*?

Hospitals Affected:

Currently general acute care hospitals and specialty general acute care hospitals submit lab data through a third-party vendor for the Council’s risk-adjustment purposes. There is no anticipated change in the facility types that would be required to submit the lab data.

Implementation Schedule:

It is anticipated that Quarter 1, 2011 data (discharges from January 1, 2011 through March 31, 2011, which would be due to the Council June 30, 2011) would be the first quarter for which the lab data would be submitted directly to the Council or to a third-party vendor on behalf of the Council if the Council chooses to engage in such an arrangement.

**Attachment A
Lab Data Collection**

Hospitals submit specified lab data elements for no more than 50% of the inpatient records as required by Act 3 of 2009. At a maximum, hospitals currently submit lab values for the 29 lab tests shown in the table as follows. While 29 is the maximum, not all cases for which lab data is currently required will have values for all 29 tests. The important data components include a date/time stamp, the lab test result, and the unit of measure associated with the result.

	<i>Lab Test Name</i>	<i>Date and Time Specimen Collected</i>		<i>Test Result</i>	<i>Test Unit of Measure</i>
1	Base Units Deficit/Excess	07-01-2010	09:15	3.0	mEq/L
2	Bicarbonate (HCO ₃) Arterial	07-01-2010	09:15	22.1	mEq/L
3	O ₂ Saturation Arterial	07-01-2010	09:15	99	%
4	pCO ₂ Arterial	07-01-2010	09:15	33	mmHg
5	pH Arterial	07-01-2010	09:15	7.46	none
6	pO ₂ Arterial	07-01-2010	09:15	335	mmHg
7	Albumin	07-01-2010	09:15	3.2	g/dL
8	Alkaline Phosphatase	07-01-2010	09:15	42	U/L
9	Aspartate Aminotransferase AST (SGOT)	07-01-2010	09:15	269	U/L
10	Bilirubin Total	07-01-2010	09:15	0.6	mg/dL
11	beta Naturetic Peptide (BNP)	07-01-2010	09:15	214	pg/mL
12	Calcium	07-01-2010	09:15	8.7	mg/dL
13	Creatine Kinase (CPK)	07-01-2010	09:15	132	U/L
14	Creatine Kinase MB	07-01-2010	09:15	3.3	ng/mL
15	Creatinine Serum	07-01-2010	09:15	1.2	umol/L
16	Glucose	07-01-2010	09:15	213	mg/dL
17	Potassium	07-01-2010	09:15	5.4	mEq/L
18	pro-BNP	07-01-2010	09:15	1001	pg/mL
19	Sodium	07-01-2010	09:15	1.8	mEq/L
20	Troponin I	07-01-2010	09:15	0.09	ng/ml
21	Troponin T	07-01-2010	09:15	0.2	ng/ml
22	Urea Nitrogen Blood (BUN)	07-01-2010	09:15	32	mg/dL
23	INR	07-01-2010	09:15	1.3	ratio
24	Partial Thromboplastin Time (PTT)	07-01-2010	09:15	29.6	sec
25	Prothrombin Time (PT)	07-01-2010	09:15	14.7	sec
26	Hemoglobin	07-01-2010	09:15	13.3	g/dL
27	Neutrophils Band	07-01-2010	09:15	5	%
28	Platelet Count	07-01-2010	09:15	52	10 ⁹ cells/uL
29	White Blood Count	07-01-2010	09:15	5.1	10 ⁹ cells/uL

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-524. Filed for public inspection March 19, 2010, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on April 6, 2010, at 9:45 a.m. at the Camp Curtin United Methodist Church, 2221 North 6th Street, Harrisburg, PA. Persons with a disability who wish to attend this meeting, and require an auxiliary aid, service

or other accommodation to participate, should contact Cheri Garrett at (717) 783-9933 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. Persons with any questions or comments should contact the National Register office of the Bureau for Historic Preservation at (717) 783-8947.

1. Camp Curtin Memorial Methodist Episcopal Church, 2221 North 6th Street, Harrisburg, Dauphin County, No. 016602.

2. Mine Roof Simulator, west side of Cochran Mill Road approximately 2 miles south of Bruceton, South Park

Township, Allegheny County, No. 155434.

3. Martin Tower, 1170 8th Avenue, Bethlehem, Lehigh County, No. 155517.

4. East Liberty Commercials HD, Roughly Bounded by Penn, Sheridan and Centre Avenues, and Kirkwood and South Whitfield Streets, Pittsburgh, Allegheny County, No. 143269.

5. Rose Valley, roughly bounded by Brookhaven and Rose Valley Roads, south of Woodward Road, Rose Valley, Delaware County, No. 144484.

6. Callowhill Industrial HD, roughly bounded by Pearl Street, North Broad Street, Hamilton Street, and the Reading Railroad Viaduct, Philadelphia County, No. 155669.

7. Bellemonte Silk Mill, 230 Welwood Avenue, Hawley, Wayne County, No. 155601.

8. H. W. Butterworth & Sons Company Building, 2410 York Street, Philadelphia County, No. 155396.

9. Steel Heddle Mfg. Company, 201 West Allegheny Avenue, Philadelphia County, No. 155207.

10. Colebrook Iron Master's House, Intersection of Routes 241 and 117 in Colebrook, South Londonderry Township, Lebanon County, No. 086479.

11. Heller, Margaret and Michael, House, 1892 Friedensville Road, Lower Saucon Township, Northampton County, No. 110538.

12. Salem Evangelical Lutheran Church, 119 North 8th Street, Lebanon, Lebanon County, No. 086471.

13. Podrum Farm, 360 Loder Road, Exeter Township, Berks County, No. 025712.

14. Stokesay, 141 Castle Lane, Lower Alsace Township, Berks County, No. 093860.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 10-525. Filed for public inspection March 19, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, February 25, 2010, and announced the following:

Action Taken—Regulation Disapproved:

State Board of Funeral Directors #16A-4816: Preneed Activities of Unlicensed Employee (adds Section 13.206a to 49 Pa. Code)

Disapproval Order

Public Meeting held
February 25, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson, by Phone; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., Dissenting

*State Board of Funeral Directors—
Preneed Activities of Unlicensed Employee;
Regulation No. 16A-4816 (#2639)*

On September 19, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking adds Section 13.206a to 49 Pa. Code. The proposed regulation was published in the September 29, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The initial final-form regulation was submitted to the Commission on October 6, 2009. The Commission's majority voted to disapprove the final-form regulation on November 19, 2009. The Board submitted its report and the revised final-form regulation to the Commission on January 7, 2010.

The revised regulation sets forth procedures and requirements for the utilization of unlicensed individuals by funeral directors and funeral entities. A key provision requires that the funeral director or entity be "professionally responsible" for the actions of the unlicensed individual. Permissible activities for unlicensed individuals would include furnishing customers with general price lists and other materials in print or electronic media, telemarketing, direct mail solicitation or communicating with customers in ways "not otherwise prohibited by the act or this chapter." Prohibited activities are divided into seven areas. Unlicensed individuals would not be allowed to communicate with customers about the "actual selection" of services or merchandise, or payment arrangements.

This rulemaking is the Board's response to two court decisions. First, the Pennsylvania Commonwealth Court in *Ferguson v. State Bd. of Funeral Directors*, 768 A.2d 393 (2001) (*Ferguson*) upheld the Board's interpretation of the state Funeral Director Law (Law) as prohibiting unlicensed individuals from helping customers select and purchase preneed contracts. Subsequently, the federal court in *Walker v. Flitton*, 364 F.Supp.2d 503 (USDC, MD Pa. 2005) (*Walker*) also accepted Commonwealth Court's interpretation that state law prohibited unlicensed individuals from executing preneed funeral contracts. However, the court held that the Board's actions to enforce the state statute infringed upon the commercial free speech rights of unlicensed employees of funeral businesses. A key distinction between the two cases was that the *Walker* plaintiffs were employees whose activities were supervised by the licensed funeral director. Accordingly, such activities can include the following:

- Interacting with consumers,
- Disseminating accurate price information, and
- Discussing preneed plans with consumers so long as these communications occur under the auspices, employment, direction, and control of a licensed funeral director.

364 F.Supp.2d at 526-527. The *Walker* court also cited the lack of clarifying regulations as a significant issue to be addressed by the Board.

We commend the Board for its efforts to respond to our previous order submitted on November 30, 2009. After the Board's submittal of the revised final-form regulation, we received comments from a variety of organizations expressing concern and opposition. The Majority and Minor-

ity Chairs of the Senate Consumer Protection and Professional Licensure Committee and two Representatives also submitted letters expressing serious concerns. No one submitted comments in support.

In evaluating the revised regulation and report submitted by the Board, the Commission must look at our previous order and the criteria set forth by the Regulatory Review Act (Act). See 71 P. S. § 745.5b. Substantive concerns and objections remain and form the basis for our vote to again disapprove the revised final-form regulation.

Statutory authority, Legislative intent, Pertinent opinions of courts (71 P. S. § 745.5b(a))

Our previous order began its findings on these issues with the following observation:

... The rules of statutory construction at 1 Pa.C.S. § 1922(3) require the presumption that a statute was not intended to violate the Constitution of the United States or of this Commonwealth. Therefore, any interpretation of a statute must be balanced with the rights established under the First Amendment. This was the task set for the Board by the court in *Walker*.

The Board specifically identified additional activities that may be performed by unlicensed individuals. However, the list of prohibited activities remains in the revised regulation and is overly broad. In exercising its authority under the Law, the Board must devise precise rules that accomplish clearly recognizable, limited and necessary objectives without imposing undue infringement on free speech.

Additionally, Section 13.206a(d) includes new language that requires a licensed insurance producer to “inform the consumer that the person is not acting on behalf of the funeral director or funeral entity while acting as an insurance producer.” Representatives for the insurance industry question the Board’s authority to place disclosure requirements on insurance licensees. Although the Board stated that it was not the intent to regulate the actions of insurance producers, the language of the regulation does impose a disclosure mandate on these professionals who are licensed and regulated by the Insurance Department, not this Board.

Need for the regulation (71 P. S. § 745.5b(b)(3)(iii))

In our previous order, we asked the Board “to respond to the guidance provided by *Walker* that prohibitions on commercial speech should be ‘narrowly tailored’ to achieve a governmental interest or purpose.” See 364 F.Supp.2d at 525-526. In addition, we requested that the Board “identify and thoroughly explain the need for, or harm to be resolved by each provision,” and that the harm must be real rather than “speculative.” See 364 F.Supp.2d at 521.

In reply, the Board states the regulation is needed because *Walker* directs the Board to promulgate regulations. On page 12 of the Preamble, the Board also states that four of the seven paragraphs in the list of prohibited activities in Section 13.206(a)(c) “are directly from the act [Law] and therefore are consistent with the act and are necessary and proper to safeguard the standards of the profession.” However, there is no description of any harm, how the prohibitions protect consumers, or why they are necessary. In response to questions about consumer complaints, the Board reports on pages four and five of the Preamble that from 1999 to 2008, while there were 420 complaints concerning possible unlicensed practice of funeral directing, only one case “involved a situation where a licensed funeral entity utilized an unlicensed individual to engage in preneed sales.” These statistics

are consistent with the record in both *Ferguson* and *Walker* that indicated there was little to no record of consumer complaints or harm related to the activities of unlicensed individuals and unlicensed employees. See 768 A.2d at 393 (note 5) and 364 F.Supp.2d at 511-513.

In contrast to Board’s position, *Walker* indicated a potentially wide breadth of activities allowable to unlicensed individuals, including the handling a multitude of questions and subjects with consumers. The Federal court also noted that unlicensed people may currently sell caskets in Pennsylvania. *Walker* mentioned how the Board’s statements and actions could be construed to prohibit such sales, and made this observation: “Again, there is no evidence that they intend to extend their prohibitions to this area, but this lack of clarity as well as the potential sweeping effect of the Board members’ statements clearly create unconstitutional restrictions on the Plaintiffs’ right of free speech.” See 364 F.Supp.2d at 525-526 and 528.

Our previous order observed that *Walker* “asked the Board to clarify the Law not repeat it.” This challenge remains unmet. In order to justify prohibitions and restrictions on rights guaranteed by the First Amendment, the Board must clarify the Law by identifying and documenting real harm, why a prohibition or restriction is necessary, and how it narrowly prevents or resolves the harm. We strongly recommend that the Board discard the prohibitions in this regulation, and use the guidelines established by *Walker* to fashion a new rulemaking.

Possible conflict with other statutes (71 P. S. § 745.5b(b)(3)(i))

Under Act 1059 of 1963, also known as the Future Interment Law (Act 1059), any person may sell funeral-related merchandise in Pennsylvania. In our previous order, we noted a possible conflict with Act 1059 and recommended that the rule “should be amended to allow unlicensed employees to sell merchandise for their employing funeral entity.” The Board did not adopt this recommendation. In its reply, the Board included a reference to the decision in *Pennsylvania Funeral Directors Association v. State Board of Funeral Directors*, 494 A.2d 67 (Pa. Cmwlth 1985), affirmed 511 A.2d 763 (Pa. 1986). However, this decision touched upon the differing trust requirements in the Law and Act 1059, and not on who could sell merchandise. In addition, the Board failed to identify why this restriction is necessary or how it is narrowly tailored to address a problem or harm.

Reasonableness; Clarity (71 P. S. §§ 745.5b(b)(3)(ii) and (iv))

We have identified three areas of concern related to these criteria. Our previous order included the following observation:

At our public meeting, the Board’s counsel indicated that it was the Board’s intent to allow unlicensed employees to go beyond just handing out general price lists and printed materials. Their actions could include discussing or answering questions about prices for various services or combinations of services, selling funeral merchandise, handing out samples of unsigned contracts, and arranging alternative forms of payment, especially if they are licensed insurance producers. However, the final-form regulation does not reflect the Board’s intent.

As noted above, the revised regulation provides more details concerning permissible activities for unlicensed individuals. In addition, on page four of its Report, the Board states that even though unsigned contracts are not

expressly mentioned in the regulation, “providing sample unsigned contracts is included in this paragraph’s authorization to ‘furnish truthful and non-misleading printed . . . materials. . . .’” See Section 13.206a(b)(2). Likewise, the Board contends that since it has deleted the word “worksheets” from the list of prohibited activities, unlicensed individuals will be allowed to prepare them. See Section 13.206a(c)(2).

The first concern is that since these activities are not specifically listed in the regulation, it will remain unclear to the regulated community that they are permissible for unlicensed individuals. In addition, the regulation still prohibits unlicensed individuals from preparing “a statement of funeral goods and services selected or other proposal” and from discussing the “actual selection” of services with consumers. The Board explains its intent on page 11 of the Preamble:

Actually selecting funeral services is little different from accepting an offer (even if conditional) to provide those services. By prohibiting unlicensed individuals from participating in the actual selection of funeral services, the Board has drawn a *bright line* between informational exchanges and selling preneed funeral services. . . . (Emphasis added.)

Unfortunately, none of these terms are defined. What is the difference between a worksheet and a proposal or a statement of goods and services? Without the list of goods and services selected by a customer, how will an insurance producer determine the costs of the preneed insurance policy? If a licensed funeral director still must sign the preneed contract to provide services and goods, what harm occurs if an unlicensed employee discusses the selection of goods and services with the customer before the licensee and customer sign the contract?

A second area of concern is the disclosure requirements. The prescribed list for the disclosure form in Section 13.206a(a)(5)(iii) is not consistent with new language in the revised Section 13.206a(c). For example, it states that an unlicensed individual “may not make financial arrangements” but nothing in the disclosure form indicates that this prohibition does not apply to licensed insurance producers. As stated on page two of this order, representatives for insurance companies question the Board’s authority to place disclosure mandates on insurance licensees. See Section 13.206a(d). They also contend it will unnecessarily confuse their customers.

The third set of concerns relates to Section 13.206a(e), which serves as a “definitions” subsection. In a partial response to our previous order, the Board amended its definition of “direct personal contact” to include “private courier mail.” As we stated in our previous order, the regulation should also allow for delivery by an unlicensed individual employed by a licensed funeral director or entity. We support the Board’s move to allow licensees to communicate, and offer and enter into contracts with consumers via telephone, fax, email, or postal service or private courier mail. However, it is a needless infringement not to also allow an unlicensed employee or agent supervised by a licensee to perform the same task.

A final issue in Subsection (e) is the addition of a definition for “preneed funeral contract.” A similar definition was in the proposed version but was deleted from the previous final-form submittal. A definition for this term was also in the other preneed regulation #16A-4815 (IRRC #2627). We commented on this definition in the proposed versions of both regulations. In response to our comments, the Board amended the definition in the other

regulation to clarify its intent. The clarifying language is missing from the definition in this revised regulation. If the Board believes this definition is necessary, it should use the language that was in the final-form version of #16A-4815 (IRRC #2627) which was submitted by the Board on September 21, 2009.

Fiscal impact; Compliance with the provisions of the Act and the Commission’s regulations (71 P. S. §§ 745.5b(b)(1) and (6))

On the issue of fiscal impact, our order stated:

A similar concern is the lack of a substantive response to requests for fiscal impact estimates by the House Professional Licensure Committee in its letter dated November 14, 2007, and this Commission in its comments on the proposed regulation. The Board needs to provide a detailed fiscal impact analysis of the regulation.

In the Preamble, the Board noted that stakeholders have not substantiated their claim that the regulation will have an adverse fiscal or economic impact on their operations. The Board asserts that any impact will be minimal because the *Walker* decision did not alter the scope of practice of licensed funeral directors, and limitations on unlicensed activities established by the interpretation of the Law in *Ferguson* still apply. As noted above, the Board’s position is that unlicensed people should be prohibited from working with consumers in the “actual” selection of services and goods. On the other hand, while they have not been forthcoming with detailed information describing the fiscal impact, the commentators strongly disagree with the Board’s analysis. Based upon the level of comments received, it is evident that the revised regulation will create confusion and may restrict currently lawful activities of unlicensed agents and employees working for licensees. It will have a significant impact on both these businesses and consumers. Under the Act, the Board is still responsible for providing estimates of this impact.

Based upon the information presented to us and after considering the criteria of the Regulatory Review Act discussed above, we find that promulgation of this revised regulation is not in the public interest.

By Order of the Commission:

The regulation #16A-4816 (IRRC #2639) from the State Board of Funeral Directors: Preneed Activities of Unlicensed Employee was disapproved on February 25, 2010.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-526. Filed for public inspection March 19, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-106	Pennsylvania Gaming Control Board Employees Credentials, Design Standards and Internal Controls	3/4/10	4/8/10
125-91	Pennsylvania Gaming Control Board Preliminary Provisions; Onsite Shopkeepers Certification, Labor Organizations; and Slot Machine Licenses	3/4/10	4/8/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-527. Filed for public inspection March 19, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Somerset Care, Inc.

Somerset Care, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Meadow View Nursing Center in Berlin, PA. The initial filing was received on March 2, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-528. Filed for public inspection March 19, 2010, 9:00 a.m.]

List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), the Insurance Commissioner (Commissioner) hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to

or deletions from such listing are made by the Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 26 Pa.B. 5665 (November 16, 1996); 27 Pa.B. 2593 (May 24, 1997); 27 Pa.B. 6019 (November 15, 1997); 28 Pa.B. 5733 (November 14, 1998); 28 Pa.B. 5922 (December 5, 1998); 29 Pa.B. 5965 (November 20, 1999); 30 Pa.B. 6033 (November 18, 2000); 31 Pa.B. 205 (January 13, 2001); 31 Pa.B. 6251 (November 10, 2001); 31 Pa.B. 7083 (December 29, 2001); 33 Pa.B. 92 (January 4, 2003); 33 Pa.B. 6474 (December 27, 2003); 34 Pa.B. 6617 (December 11, 2004); 35 Pa.B. 7073 (December 31, 2005); 36 Pa.B. 7359 (December 2, 2006); 38 Pa.B. 327 (January 12, 2008); 38 Pa.B. 6670 (December 6, 2008); and 40 Pa.B. 824 (February, 6, 2010).

Qualified Reinsurers List

10651	AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey
10852	Allstate New Jersey Insurance Company, Northbrook, Illinois
37990	American Empire Insurance Company, Cincinnati, Ohio
10316	Appalachian Insurance Company, Johnston, Rhode Island
11680	Aspen Insurance UK Limited, London, England
27189	Associated International Insurance Company, Woodland Hills, California
50687	Attorneys' Title Insurance Fund, Inc., Orlando, Florida
19925	Audubon Indemnity Company, Ridgeland, Mississippi
98167	Blue Cross Blue Shield of Florida, Jacksonville, Florida
30511	Castle Key Insurance Company, Northbrook, Illinois
36951	Century Surety Company, Columbus, Ohio
10932	Chartis Select Insurance Company, Wilmington, Delaware
26883	Chartis Specialty Insurance Company, Anchorage, Alaska
36552	Coliseum Reinsurance Company, Wilmington, Delaware
39993	Colony Insurance Company, Richmond, Virginia

40371	Columbia Mutual Insurance Company, Columbia, Missouri	88536	Protective Life and Annuity Insurance Company, Birmingham, Alabama
27955	Commercial Risk Re-Insurance Company, South Burlington, Vermont	29807	PXRE Reinsurance Company, Hartford, Connecticut
40509	EMC Reinsurance Company, Des Moines, Iowa	87017	SCOR Global Life Re Insurance Company of Texas, Los Angeles, California
39020	Essex Insurance Company, Wilmington, Delaware		RiverStone Insurance (UK) Limited, London, England
35378	Evanston Insurance Company, Evanston, Illinois	28053	Rockhill Insurance Company, Phoenix, Arizona
21555	Farm Bureau Mutual Insurance Company of Michigan, Lansing, Michigan	21911	San Francisco Reinsurance Company, Novato, California
97071	Generali USA Life Reassurance Company, Lansing, Michigan	90670	Scottish Re Life Corporation, Wilmington, Delaware
11049	Genworth Mortgage Reinsurance Corporation, Raleigh, North Carolina	41297	Scottsdale Insurance Company, Columbus, Ohio
37532	Great American E & S Insurance Company, Wilmington, Delaware	23388	Shelter Mutual Insurance Company, Columbia, Missouri
41858	Great American Fidelity Insurance Company, Wilmington, Delaware	26557	Shelter Reinsurance Company, Columbia, Missouri
14117	Grinnell Mutual Reinsurance Company, Grinnell, Iowa	39187	Suecia Insurance Company, Nanuet, New York
88340	Hannover Life Reassurance Company of America, Orlando, Florida	19887	Trinity Universal Insurance Company, Dallas, Texas
10241	Hannover Ruckversicherung AG, Hannover, Germany	37982	Tudor Insurance Company, Keene, New Hampshire
93505	Hartford International Life Reassurance Corporation, Hartford, Connecticut	10292	Unionamerica Insurance Company Limited, London, England
78972	Healthy Alliance Life Insurance Company, St. Louis, Missouri	36048	Unione Italiana Reinsurance Company of America, Inc., New York, New York
42374	Houston Casualty Company, Houston, Texas	10172	Westchester Surplus Lines Insurance Company, Atlanta, Georgia
27960	Illinois Union Insurance Company, Chicago, Illinois	13196	Western World Insurance Company, Keene, New Hampshire
22829	Interstate Fire & Casualty Company, Chicago, Illinois	10242	Zurich Specialties London Limited, London, England
35637	Landmark Insurance Company, Los Angeles, California		
19437	Lexington Insurance Company, Wilmington, Delaware		
41939	Liberty Northwest Insurance Corporation, Portland, Oregon		
	Lloyd's Underwriters, London, England		
12324	Mapfre Re, Compania de Reaseguros, S.A., Madrid, Spain		
10744	Markel International Insurance Company Limited, London, England		
32089	Medmarc Mutual Insurance Company, Montpelier, Vermont		
20079	National Fire & Marine Insurance Company, Omaha, Nebraska		
41629	New England Reinsurance Corporation, Hartford, Connecticut		
17400	Noetic Specialty Insurance Company, Chicago, Illinois		
31143	Old Republic Union Insurance Company, Chicago, Illinois		
88099	Optimum Re Insurance Company, Dallas, Texas	NAIC #	<i>Insurer Qualified to Issue Annuity Contracts Under MCARE Act</i>
38636	Partner Reinsurance Company of the U. S., New York, New York	60607	American International Life Assurance Company of New York

Changes to the Qualified Unlicensed Reinsurers List

The following company has been removed since the list was published at 40 Pa.B. 824:

- Max Specialty Insurance Company

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-529. Filed for public inspection March 19, 2010, 9:00 a.m.]

Qualified Annuity Contractors for Awarded Peri- odic Medical Professional Liability Payments

Under section 509(b)(6) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.509(b)(6)), the Insurance Commissioner hereby lists insurers designated by the Insurance Department as qualified to participate in the funding of periodic payment judgments:

	<i>Insurer Qualified to Issue Annuity Contracts Under MCARE Act</i>
NAIC #	
60607	American International Life Assurance Company of New York

NAIC #	Insurer Qualified to Issue Annuity Contracts Under MCARE Act
93432	C.M. Life Insurance Company
70025	Genworth Life Insurance Company
88072	Hartford Life Insurance Company
65838	John Hancock Life Insurance Company (USA)
65935	Massachusetts Mutual Life Insurance Company
87726	Metlife Insurance Company of Connecticut
65978	Metropolitan Life Insurance Company
70416	MML Bay State Life Insurance Company
66281	Monumental Life Insurance Company
66915	New York Life Insurance Company
61271	Principal Life Insurance Company
68241	The Prudential Insurance Company of America

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-530. Filed for public inspection March 19, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. 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 April 5, 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2010-2163223. D & V, LLC, t/a Life Line (9988 Gantry Road, Rear Building, Philadelphia, PA 19115)—a limited liability corporation of the Commonwealth—in paratransit service, limited to residents of nursing homes to medical facilities, from points in Bucks County, Montgomery County and the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2010-2162470. Ruth Ann and Carl McFadden (2642 Robert Fulton Highway, Peach Bottom, Lancaster

County, PA 17563)—discontinuance of service and cancellation of their certificate—persons, in paratransit service, between points in Lancaster County, and from points in said county, to points in Pennsylvania, and return,

Subject to the following condition:

That the service is limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-531. Filed for public inspection March 19, 2010, 9:00 a.m.]

Telecommunications

A-2010-2162818. Verizon Pennsylvania, Inc. and Cincinnati Bell Any Distance of Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, Inc. and Cincinnati Bell Any Distance of Pennsylvania, LLC for approval of an interconnection agreement and amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Cincinnati Bell Any Distance of Pennsylvania, LLC, by its counsel, filed on March 3, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment No. 1 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 Pennsylvania, Inc. and Cincinnati Bell Any Distance of Pennsylvania, LLC 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. 10-532. Filed for public inspection March 19, 2010, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

April 28, 2010 Charles P. Griffin 2:30 p.m.
(Credited Years of Service)

Persons with a disability wishing to attend the previously-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Barb Fluire, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 10-533. Filed for public inspection March 19, 2010, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Thomas Santoro; Doc. No. 1764-45-2008

On February 3, 2010, Thomas Santoro, license no. CO114282L, of Philadelphia, Philadelphia County was ordered to pay a civil penalty of \$250, because he practiced cosmetology on a lapsed license.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

JANET G. M. SANKO,
Chairperson

[Pa.B. Doc. No. 10-534. Filed for public inspection March 19, 2010, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Stefanie Anne Cannon, RN; Doc. No. 1781-51- 2009

On December 18, 2009, Stefanie Anne Cannon, license no. RN-56514, of Glenside, Montgomery County, was suspended for no less than 3 years retroactive to September 28, 2009, for violating the terms of the Voluntary Recovery Program Consent Agreement and Order.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-535. Filed for public inspection March 19, 2010, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Joann Johnson Ferguson, RN; Doc. No. 1476-51- 2009

On January 6, 2010, Joann Johnson Ferguson, license no. RN-294947-L, of Slippery Rock, Butler County, was suspended for no less than 3 years retroactive to July 27, 2009, for violating the terms of the Voluntary Recovery Program Consent Agreement and Order.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-536. Filed for public inspection March 19, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Diane Finnegan, LPN; Doc. No. 0355-51-2009**

On January 27, 2010, Diane Finnegan, license no. PN-103976-L, of Collingdale, Delaware County, was suspended for no less than 3 years retroactive to February 23, 2009, for violating the terms of the Voluntary Recovery Program Consent Agreement and Order.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-537. Filed for public inspection March 19, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Marsha A. Garvey, LPN; Doc. No. 2011-51-2009**

On December 30, 2009, Marsha A. Garvey, license no. PN-271747, of West Milton, Union County, was automatically suspended retro to November 4, 2009, based upon her conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-538. Filed for public inspection March 19, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Deborah R. Jones, RN; Doc. No. 2055-51-2007**

January 13, 2010, Deborah R. Jones, license no. RN-218704-L, of Williamstown, NJ, had her Pennsylvania license suspended for a period of 3 years with the first year to be active and remainder to be stayed in favor of probation, for repeatedly failing to document and maintain accurate records.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-539. Filed for public inspection March 19, 2010, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

**Bureau of Professional and Occupational Affairs v.
Andrea L. Katine; Doc. No. 1142-65-2009**

On January 6, 2010, Andrea L. Katine, unlicensed, of Philadelphia, Philadelphia County, was levied a civil penalty of \$5,000, for practicing as a physical therapist assistant without being registered to do so.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Physical Therapy's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

CHARLES E. MEACCI,
Chairperson

[Pa.B. Doc. No. 10-540. Filed for public inspection March 19, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 6, 2010	PA Highlands Community College SERS Membership Claim	1 p.m.
April 20, 2010	Ernest B. Ruffin (Dec'd.) Death Benefit	1 p.m.
April 29, 2010	George R. Janosko Disability Retirement Benefits	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 10-541. Filed for public inspection March 19, 2010, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) held its regular business meeting on December 17, 2009, in Lancaster, PA, the Commission held a public hearing as part of its regular business meeting. At the public hearing, the Commission: 1) approved and tabled certain water resources projects; 2) rescinded approval for a water resources project; 3) approved settlement involving a water resources project; 4) tabled a request for extension from Sunnyside Ethanol, LLC until its March 2010 meeting; 5) adopted a revised Regulatory Program Fee Schedule to take effect on January 1, 2010; and 6) amended its comprehensive plan. Details concerning these and other matters 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. Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

In addition to the public hearing and its related action items identified as follows, the following items were also presented or acted on at the business meeting: 1) a report on the Commonwealth's current involvement in Marcellus Gas Drilling regulation and Chesapeake Bay clean-up by Department of Environmental Protection Secretary John Hanger; 2) information on hydrologic conditions in the basin indicating a mostly normal status; 3) adoption of a resolution urging the U.S. Congress to provide adequate funding to the Susquehanna Flood Forecast & Warning System (SFFWS) for Fiscal Year (FY) 2011; 4) adoption of a Water Resources Program for FY 2010/2011 along with

a presentation by the Executive Director focusing on the Priority Management Area (PMA) of Coordination, Cooperation and Public Information; 5) adoption of a Low Flow Monitoring Plan designed to help the Commission follow low flow events occurring throughout the basin; 6) approval/ratification of several grants and contracts related to water resources management, approval of a contract for compensation and benefits review, and approval for deployment of the Remote Water Quality Monitoring Network project; and 7) acceptance of the Fiscal Year 2009 Annual Independent Audit Report. The Commission also heard counsel's report on legal matters affecting the Commission.

The Commission convened a public hearing and took the following actions:

Public Hearing—Compliance Actions

The Commission approved a settlement in lieu of civil penalties for the following project:

1. Tyco Electronics Corporation, Lickdale Facility—\$25,000

Public Hearing—Projects Approved

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Hicks), Great Bend Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd.

2. Project Sponsor and Facility: East Resources, Inc. (Susquehanna River—Welles), Sheshequin Township, Bradford County, PA. Surface water withdrawal of up to 0.850 mgd.

3. Project Sponsor and Facility: Eastern American Energy Corporation (West Branch Susquehanna River—Moore), Goshen Township, Clearfield County, PA. Surface water withdrawal of up to 2.000 mgd.

4. Project Sponsor and Facility: Fortuna Energy, Inc. (Fall Brook—Tioga State Forest C.O.P.), Ward Township, Tioga County, PA. Surface water withdrawal of up to 0.999 mgd.

5. Project Sponsor and Facility: Fortuna Energy, Inc. (Fellows Creek—Tioga State Forest C.O.P.), Ward Township, Tioga County, PA. Surface water withdrawal of up to 0.999 mgd.

6. Project Sponsor and Facility: Fortuna Energy, Inc. (Susquehanna River—Thrush), Sheshequin Township, Bradford County, PA. Modification to increase surface water withdrawal from 0.250 mgd of up to 2.000 mgd (Docket No. 20080909).

7. Project Sponsor and Facility: Montgomery Water and Sewer Authority, Clinton Township, Lycoming County, PA. Groundwater withdrawal of up to 0.200 mgd from Well 2R.

8. Project Sponsor and Facility: Nissin Foods (USA) Co., Inc., East Hempfield Township, Lancaster County, PA. Modification to increase consumptive water use from 0.090 mgd of up to 0.150 mgd (Docket No. 20021021).

9. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Reichenbach), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd.

10. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Wascher), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd.

11. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Schaefer), McIntyre Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd.

12. Project Sponsor and Facility: Sunbury Generation, LP, Monroe Township and Shamokin Dam Borough, Snyder County, PA. Modification for use of up to 0.100 mgd of the approved surface water withdrawal by natural gas companies (Docket No. 20081222).

Public Hearing—Project Tabled

1. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Parent), McIntyre Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

Public Hearing—Rescission of Project Approval

1. Project Sponsor: Eastern American Energy Corporation. Pad ID: Whitetail Gun and Rod Club #1, ABR-20090418, Goshen Township, Clearfield County, PA.

The Commission also authorized the executive director to hereafter rescind approvals granted under 18 CFR 806.22.

Public Hearing—Request for Extension from Sunnyside Ethanol, LLC

The Commission tabled until its March 2010 meeting a request from Sunnyside Ethanol, LLC (Docket No.

20061203), Curwensville Borough, Clearfield County, PA, for a 2-year extension of its 3-year time limit to commence water use following Commission approval.

Public Hearing—Regulatory Program Fee Schedule

The Commission adopted a revised Regulatory Program Fee Schedule. The revisions adjust categorical fees, make format changes and include a new compliance and monitoring fee table to apply only to projects approved or modified after December 31, 2009. Future revisions to the fee schedule will be made on an FY basis.

Public Hearing—Comprehensive Plan Amendments

The Commission amended its comprehensive plan to include the newly adopted Water Resources Program (FY 2010/2011), the Low Flow Monitoring Plan, and all projects approved by the Commission during 2009. Future revisions to the comprehensive plan will be made on a FY basis.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: February 24, 2010.

STEPHANIE L. RICHARDSON,
Secretary

[Pa.B. Doc. No. 10-542. Filed for public inspection March 19, 2010, 9:00 a.m.]

