

# PENNSYLVANIA BULLETIN

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for the Pennsylvania Gaming  
Control Board's Final Table  
Game Regulations

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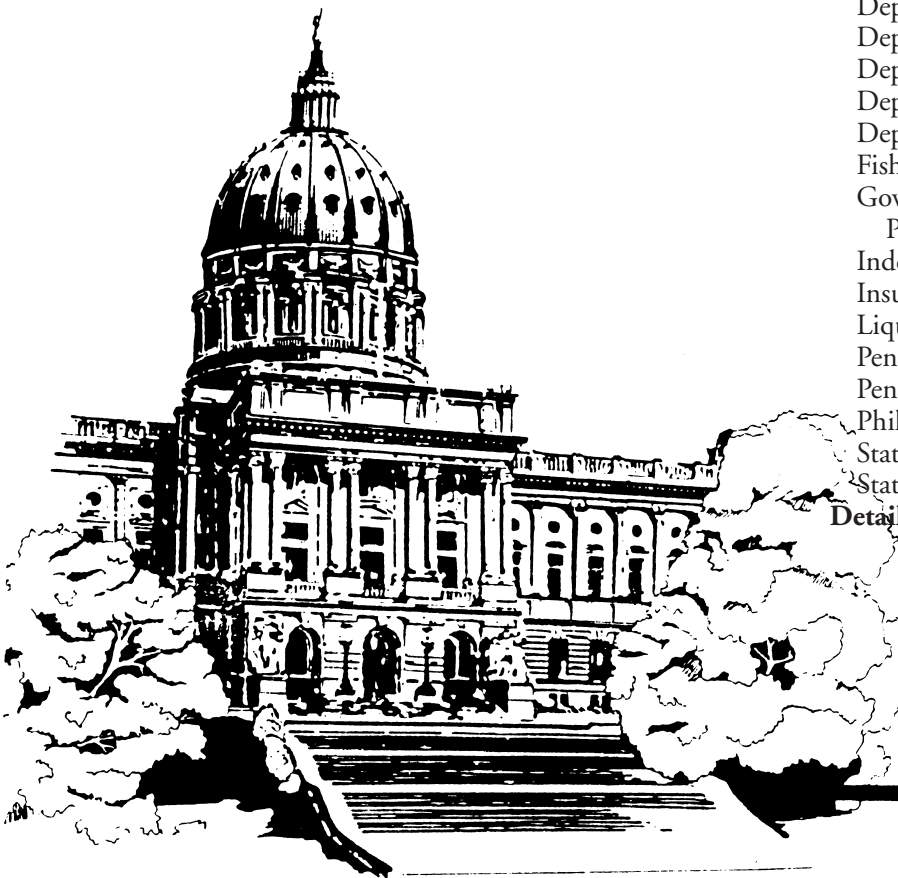
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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2012 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2012 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2012 GENERAL ACTS of Regular Session ENACTED—ACT 021 through 033</b>					
021	Apr 3	HB0424	PN3197	180 days	Public Adjuster Licensing Law—omnibus amendments
022	Apr 3	SB0818	PN2007	Immediately	Judicial Code (42 Pa.C.S.)—disposition of delinquent child
023	Apr 9	SB0815	PN2033	60 days	Judicial Code (42 Pa.C.S.)—right to counsel for children in dependency and delinquency proceedings
024	Apr 12	HB1054	PN3214	60 days	Engineer, Land Surveyor and Geologist Registration Law—continuing professional competency requirements
025	Apr 12	HB1203	PN1598	120 days	Vehicle Code (75 Pa.C.S.)—antique, classic and collectible plates
026	Apr 12	SB0110	PN2051	60 days	Transportation (74 Pa.C.S.)—authority of department and logging of certain aircraft flights
027	Apr 12	SB0304	PN0281	60 days	Air Pollution Control Act—public review of State implementation plans
028	Apr 12	SB0473	PN0468	Immediately	Fish and Boat Code (30 Pa.C.S.)—license fee for deployed Pennsylvania National Guard members, resident license and fee exemptions
029	Apr 12	SB0560	PN0728	Immediately	State Military College Legislative Appointment Initiative Program Act—enactment
030	Apr 12	SB0730	PN2034	60 days	Second Class Township Code—real property, personal property and letting contracts
031	Apr 12	SB0743	PN1843	60 days	Public School Code of 1949—teaching safe driving of motor vehicles
032	Apr 12	SB1167	PN1947	60 days	Domestic Relations Code (23 Pa.C.S.) and Military and Veterans Code (51 Pa.C.S.)—consideration of criminal conviction, modification of existing orders, child custody proceeding during military deployment and expedited or electronic hearing
033	Apr 12	SB1228	PN1716	60 days	Automobile Lemon Law—presumption of a reasonable number of attempts

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the "Commonwealth of Pennsylvania."

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

[Pa.B. Doc. No. 12-824. Filed for public inspection May 11, 2012, 9:00 a.m.]

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

Order Amending Rule 541 of the Rules of Criminal Procedure; No. 413 Criminal Procedural Rules Doc.

### Order

*Per Curiam*

*And Now*, this 26th day of April, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 5900 (October 16, 2010), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 3), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 541 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 180 days.

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART D. Proceedings in Court Cases Before Issuing Authorities

#### Rule 541. Waiver of Preliminary Hearing.

(A) The defendant who is represented by counsel may waive the preliminary hearing at the preliminary arraignment or at any time thereafter.

(1) **The defendant thereafter is precluded from raising the sufficiency of the Commonwealth's *prima facie* case unless the parties have agreed at the time of the waiver that the defendant later may challenge the sufficiency.**

(2) **If the defendant waives the preliminary hearing by way of an agreement, made in writing or on the record, and the agreement is not accomplished, the defendant may challenge the sufficiency of the Commonwealth's *prima facie* case.**

(B) The defendant who is not represented by counsel at the preliminary arraignment may not at that time waive the preliminary hearing.

(C) If the defendant waives the preliminary hearing and consents to be bound over to court, the defendant and defense attorney, if any, shall certify in writing that

(1) the issuing authority told the defendant of the right to have a preliminary hearing, [ **and that** ]

(2) **when represented by counsel, the defendant understands that by waiving the right to have a preliminary hearing, he or she is thereafter precluded from raising challenges to the sufficiency of the *prima facie* case, and**

(3) the defendant voluntarily waives the hearing and consents to be bound over to court.

### Comment

(D) Once a preliminary hearing is waived and the case bound over to the court of common pleas, if the right to a preliminary hearing is subsequently reinstated, the preliminary hearing shall be held at the court of common pleas unless the parties agree, with the consent of the common pleas judge, that the preliminary hearing be held before the issuing authority.

(E) **When the defendant waives the preliminary hearing, the case shall proceed as provided in Rule 543(C).**

Paragraph (A)(1) is intended to address the recurring issue that arises when a defendant waives the preliminary hearing in exchange for a *quid pro quo* benefit, such as a reduction in bail or withdrawal of charges, and thereafter, the defendant challenges the sufficiency of the Commonwealth's *prima facie* case through pre-trial means such as *habeas corpus* hearings. Furthermore, paragraph (C) recognizes that by waiving the preliminary hearing, the defendant and defense counsel are acknowledging that sufficient evidence exists to make out a *prima facie* case, and by prohibiting a subsequent and unwarranted challenge, promotes judicial economy.

Nothing in this rule is intended to preclude a waiver of the preliminary hearing by way of agreement in which both parties agree to the preservation of the defendant's ability to raise the sufficiency of the Commonwealth's *prima facie* case at a subsequent proceeding. Any such agreement must be in writing or made on the record. However, this provision is not intended to require the creation of a record in those proceedings before an issuing authority, such as a magisterial district judge, whose court is not one of record. In those situations, there would be no record unless a stenographer is available and any agreement would have to be in writing.

While the rule continues to require a written certification incorporating the contents set forth in paragraph (C), the form of certification was deleted in 1985 because it is no longer necessary to control the specific form of written certification.

Under paragraph (B), it is intended that the defendant who elects to proceed *pro se* may waive the preliminary hearing at a time subsequent to the preliminary arraignment.

**Paragraph (E) was added in 2012 to clarify that bail must be set at the time of the waiver of the preliminary hearing in those cases, such as those initiated by summons, in which no preliminary arraignment has been held.**

**Official Note:** Rule 140A adopted April 26, 1979, effective July 1, 1979; amended November 9, 1984, effective January 2, 1985; renumbered Rule 541 and amended March 1, 2000, effective April 1, 2001; amended February 12, 2010, effective April 1, 2010; **amended April 26, 2012, effective in 180 days.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the April 26, 2012 amendments related to the effects of the waiver of the**

**preliminary hearing and new paragraph (E) related to setting bail published at 42 Pa.B. 2466 (May 12, 2012).**

## FINAL REPORT<sup>1</sup>

### Amendments to Pa.R.Crim.P. 541

#### Waiver of Preliminary Hearings: Bail; Subsequent Challenges

On April 26, 2012, effective in 180 days, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 541 (Waiver of Preliminary Hearing). The amendments (1) require the issuing authority to address bail when accepting a defendant's waiver of the preliminary hearing; and (2) preclude subsequent challenges to the *prima facie* case when the preliminary hearing has been waived.<sup>2</sup>

##### I. Bail at Time of Waiver

The Committee has examined the procedures for waiving a preliminary hearing set forth in Rule 541 in response to various communications the Committee received. Rule 541 currently provides that a represented defendant may waive the preliminary hearing at the preliminary arraignment or at any time thereafter, and that an unrepresented defendant may not waive at the preliminary arraignment but may do so at any time subsequent to the preliminary arraignment. In either case, the rule contemplates that the defendant must be present before the issuing authority in order to waive the preliminary hearing.

One of the Committee's concerns with Rule 541 related to setting bail in cases initiated by summons rather than by arrest. In summons cases, there is no preliminary arraignment, and bail ordinarily is addressed at the preliminary hearing. If the preliminary hearing is waived, the setting of bail is delayed until after the case is in the court of common pleas. The Committee learned that, because of the inability to set bail at this early stage in the proceedings, some jurisdictions do not permit defendants to waive the preliminary hearing when the case is initiated by summons.

The Committee concluded that the best way to address this issue is to have bail set at the time that the waiver of the preliminary hearing is entered. The Committee based this conclusion on an analogy with the provision in Rule 543(C) that requires bail to be set when the defendant is held for court after the preliminary hearing since, after a defendant waives the preliminary hearing, the case also is held for court. In other words, if bail had not already been set, the issuing authority would set bail at the time that the defendant presents himself or herself to waive the preliminary hearing. This would be consistent with the longstanding policy under the rules that, in a case initiated by summons, the defendant may not be required to appear for a preliminary arraignment. It is contemplated that bail would be set at the time of the waiver of the preliminary hearing in a manner similar to that which occurs when a defendant's bail is set at a preliminary arraignment following arrest. Accordingly, Rule 541 has been amended by the addition of a new

paragraph (E) stating, "When the defendant waives the preliminary hearing, the case shall proceed pursuant to Rule 543(C)."<sup>3</sup>

##### II. Waiver and Subsequent Challenges to the *Prima Facie* Showing

Another issue that has come to the Committee's attention is the problem that arises after a defendant, who is represented by counsel, waives the preliminary hearing, and subsequently challenges the Commonwealth's establishment of a *prima facie* case. The Committee considered that a knowing waiver of the preliminary hearing pursuant to Rule 541 is a tacit acknowledgement that the Commonwealth is able to establish a *prima facie* case and an agreement to move the case to the court of common pleas. In some cases, however, a defendant who enters an agreement to waive the preliminary hearing will later file motions challenging the sufficiency of the Commonwealth's evidence to support a *prima facie* case. Because the rules do not provide for an explicit statement of the effect of a waiver, courts often reach different decisions about whether defendants have the right to a *habeas corpus* hearing on these claims. The Committee concluded that this lack of definition encourages "gamesmanship" and places an undue burden on the Commonwealth, law enforcement, witnesses, and victims, as well as being an inefficient use of judicial resources. In view of these considerations, the Committee agreed that Rule 541 should be amended to prohibit a later challenge to the preliminary hearing.

The published version of the Committee's proposal provides that the challenge preclusion provisions would apply to all defendants, both counseled and *pro se*, based on the argument that a defendant may act *pro se* in the entry of waivers of much more significant weight, such as the waiver of the right to counsel or the entry of a guilty plea. Upon further consideration in response to concerns raised in the publication responses, the Committee agreed the change be limited to the situation in which a defendant waived the preliminary hearing with the assistance of counsel.

As published, this proposed amendment was contained in paragraph (C). However, with the limitation of the provision to counseled defendants, the Committee agreed the new provision made more sense in paragraph (A) that relates directly to waiver by counseled defendants. Accordingly, a new paragraph (A)(1) describes the consequences of such a waiver.

Additionally, there would be one exception to the preclusion against later challenging the Commonwealth's *prima facie* case. The Committee acknowledged that often the waiver of the preliminary hearing is made as part of an agreement in which the defendant receives a *quid pro quo*, such as an agreement to be released on bail, in exchange for the waiver. Additionally, there are cases in which both sides agree to a waiver of the preliminary hearing while recognizing that the defendant will preserve his or her ability to challenge the sufficiency of the evidence or other issues at subsequent proceedings. The Committee does not intend that these types of agreements be precluded by the amendments. Accordingly, new paragraph (A)(2) provides that, when the waiver is by agreement, a failure to abide by the agreement will restore the defendant's ability to raise challenges to the

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> Several other issues concerning Rule 541 have been raised with the Committee over time. These include permitting a counseled defendant to waive the preliminary hearing by mail, permitting an uncounseled defendant to waive the preliminary hearing at the preliminary arraignment, and permitting a counseled defendant to waive his or her presence at the preliminary hearing while permitting the defendant's attorney to participate in the preliminary hearing. During the development of this proposal, the Committee considered these other suggestions but rejected them as unworkable, at least at this time, due to the difficulty in ensuring that all appropriate certifications and documents required by Rule 541 are executed properly.

<sup>3</sup> Rule 543(C) requires the issuing authority to "set bail as permitted by law if the defendant did not receive a preliminary arraignment; continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529(A); and, if the defendant has not submitted to the administrative processing and identification procedures as authorized by law, such as fingerprinting pursuant to Rule 510(C)(2), make compliance with these processing procedures a condition of bail."



*prima facie* case. Also, the rule requires that any such agreement must be in writing or on the record. Recognizing that most of the time these waivers will be before a magisterial district judge and therefore no record would be available, language has been added to the Comment clarifying that the agreement would not be on the record if no stenographer is present.

In developing this proposal, the Committee noted that, in procedures such as entry of a plea or waiver of counsel, a colloquy is required to ensure that the plea or waiver is entered knowingly. Current Rule 541(C) provides similar protection by requiring a written certification by the defendant and counsel, if any, that the issuing authority has advised the defendant of the right to have a preliminary hearing and that the defendant is waiving the hearing voluntarily and consents to be bound over to court. Paragraph (C) has been amended to include, as part of the certification, that the defendant understands that a waiver of the preliminary hearing also will preclude later challenges to the sufficiency of the *prima facie* case.

[Pa.B. Doc. No. 12-825. Filed for public inspection May 11, 2012, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Homicide Appointment System Committee; Administrative Order No. 04 of 2012

##### Order

And now, this 20th day of April, 2012, it is hereby *Ordered, Adjudged* and *Decreed* that the Homicide Appointment System (“HAS”) Committee is suspended indefinitely and for all purposes.

It is further *Ordered, Adjudged* and *Decreed* that, until further notice, the Honorable Benjamin Lerner and the Honorable Jeffrey P. Minehart are appointed to select, with such assistance as they may request, sufficient qualified attorneys to provide representation to indigent defendants in all homicide cases, including capital cases, in which the Defender Association of Philadelphia cannot be appointed to represent an indigent defendant.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective immediately. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System’s web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District’s website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted

to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE JOHN W. HERRON,  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 12-826. Filed for public inspection May 11, 2012, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Renumbering and Amendment of Comment to Philadelphia Criminal Division Rule 506; Administrative Order No. 03 of 2012

##### Order

And now, this 20th day of April, 2012, it is hereby *Ordered, Adjudged* and *Decreed* that effective immediately, Philadelphia Criminal Division Rule 506 is renumbered Philadelphia Criminal Division Rule 528, and the Comment to Philadelphia Criminal Division Rule 528 is amended as follows (deleted text is bold and in brackets and new text is bold):

*Comment:* [ **Effective June 1, 1988** ] The minimum retention figures designated **pursuant to subsection (B)** are a fee equal to 30% (thirty percent) of the amount of the deposit or 3% (three percent) of the total amount of the bail. However, the maximum amount retained shall not exceed [ **\$750** ] **\$1,500** regardless of the total amount of the bail or the amount of the cash deposit. In no event shall the amount retained by the Court be less than \$10 (ten dollars).

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. As required by Pa.R.Crim.P. No. 105(D), this Order has been submitted to the Supreme Court’s Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that this Order is not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective immediately. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System’s web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District’s website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE JOHN W. HERRON,  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 12-827. Filed for public inspection May 11, 2012, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated March 27, 2012, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 26, 2012, for Compliance Group 2.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Aita, Kenneth D. Haddon Heights, NJ	Lindbloom, Niev Eli Washington, DC
Bidelman, Marlene J. Chattanooga, TN	Masciocchi, Francis J. Moorestown, NJ
Comer, Rhonda L. New Albany, OH	Massucco, George Andrew Puerto Rico
Daniel, Maria Antoinette McGuire AFB, NJ	McMullen, Patricia Cathleen Millersville, MD
De Stefano, Rhonda Caldwell, NJ	Oxley, Joseph W. Red Bank, NJ
Deeney IV, George C. Mount Laurel, NJ	Pemberton, Christian A. Sicklerville, NJ
Engster, Diane Carol Alexandria, VA	Reichman, Neil Beverly Hills, CA
Esposito, Daniel Richard Warren, NJ	Robertson, Rhonda Faye Washington, DC
Ferzli, Adib E. McLean, VA	Smallwood, Stanley Ray Woodstock, MD
Golden, Thomas Edward Moorestown, NJ	Taslitz, Andrew E. Reston, VA
Healy, Michael P. Lexington, KY	Turadian, Allan Robert Dublin, OH
Ippolito, Carl M. Trenton, NJ	Wadhwa, Rubina Arora Leesburg, VA
Irele, Regine Oladunni Somerville, MA	Wynn, Constance Ann Silver Spring, MD
Kerr, Stuart Hamilton Washington, DC	

SUZANNE E. PRICE,  
*Attorney Registrar*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-828. Filed for public inspection May 11, 2012, 9:00 a.m.]



# PROPOSED RULEMAKING

## STATE BOARD OF MEDICINE

[ 49 PA. CODE CHS. 16 AND 18 ]

### Physician Assistants and Respiratory Therapists

The State Board of Medicine (Board) proposes to amend §§ 16.11, 16.13, 18.145 and 18.301, 18.302, 18.304—18.309, 18.309a, 18.309b and 18.310 and add § 18.146 (relating to professional liability insurance coverage for licensed physician assistants) to read as set forth in Annex A.

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The amendments are authorized under sections 8, 8.1, 13(c) and 13.1(c) of the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.8, 422.8a, 422.13(c) and 422.13a(c)).

#### *Background and Need for the Amendment*

The act of July 4, 2008 (P. L. 580, No. 45) (Act 45) amended the act in a number of ways. Act 45 changed certification of respiratory care practitioners to licensure of respiratory therapists. It revised the standards for licensure as a respiratory therapist and for receiving a temporary permit to practice prior to sitting for the licensure examination. Act 45 also identified additional specific acts of practice in which physician assistants may engage and required physician assistants to complete continuing education and to maintain professional liability insurance. This proposed rulemaking would amend the Board's regulations to implement Act 45.

#### *Description of the Proposed Amendments*

With regard to respiratory therapists, the proposed rulemaking would add to § 16.11(b) (relating to licenses, certificates and registrations) a reference to "respiratory therapist license" and change the reference in § 16.13(g) (relating to licensure, certification, examination and registration fees) from "respiratory care practitioner certificate" to "respiratory therapist license." Similarly, throughout Chapter 18, Subchapter F (relating to respiratory therapists), the proposed rulemaking would replace terms referring to the certification of respiratory care practitioners with references to the licensure of respiratory therapists, both in the headings of the sections and in the text.

For additional clarity, the Board proposes to replace the reference in § 18.307(1)(i) (relating to criteria for licensure as a respiratory therapist) from passing the "CRTT" to passing the "credentialing examination" as determined by the National Board for Respiratory Care (NBRC). Because section 13.1(a.2) of the act prohibits an individual not licensed as a respiratory therapist from using the title "licensed respiratory therapist" or the designations "LRT" or "RT," the proposed rulemaking would amend § 18.304(b) (relating to licensure of respiratory therapists; practice; exceptions) to prohibit unlicensed persons from using the title "licensed respiratory therapist" or the designations "LRT" or "RT" in addition to using the words "licensed respiratory care practitioner" or "respiratory care practitioner" or using the letters "RCP" or similar words or related abbreviations to suggest licensure.

The proposed rulemaking would amend § 18.305(a) and (b) (relating to functions of respiratory therapists) to provide that a respiratory therapist may provide services upon referral of a certified registered nurse practitioner or physician assistant, in addition to referral of a physician, as provided in section 13.1(d) of the act.

Because section 13.1(a) of the act sets as a standard for licensure graduation from a program approved by the Committee on Accreditation for Respiratory Care (CoARC), the proposed rulemaking would amend § 18.307(1)(i) to require graduation from a program approved by CoARC, rather than the Joint Review Committee on Respiratory Therapy Education (JRCRTE) and would replace the definition in § 18.302 (relating to definitions). Similarly, the proposed rulemaking would amend § 18.306 (relating to temporary permits) to require that an applicant for a temporary permit shall graduate from a program approved by CoARC rather than JRCRTE.

Because section 13.1(a) of the act sets as the only criteria for licensure as a respiratory therapist either graduation from a respiratory care program approved by CoARC or existing licensure in another state by examination, the proposed rulemaking would also amend § 18.307 to delete the alternative criteria of being credentialed as a certified respiratory therapy technician or registered respiratory therapist and having continuously provided respiratory care services for a minimum of 12 months in current paragraph (1)(ii) and (iv). Similarly, section 36.1(b) of the act (63 P. S. § 422.36a(b)) has been amended to delete the following alternative requirements for a temporary permit: designation as a certified respiratory therapist or registered respiratory therapist by a National credentialing agency; continuous provision of respiratory care services for at least 12 months; and holding certification, licensure or registration as a respiratory care practitioner in another state. Instead, section 36.1 of the act provides for recognition as a credentialed respiratory therapist as approved by the Board. Therefore, the proposed rulemaking would amend § 18.306(a) to provide that a temporary permit will be issued to an applicant who is recognized as a credentialed respiratory therapist by the NBRC, which credentials respiratory therapists. Additionally, because the licensing boards of the Bureau of Professional and Occupational Affairs now accept payment by credit card for online application and may extend other payment options in the future, the Board proposes to amend § 18.307(2) to require payment of the fee "in a form acceptable to the Board."

Because Act 45 amended section 36.1(f)(2) of the act to increase the continuing education requirement from 20 to 30 hours each biennial renewal period, the proposed rulemaking would amend § 18.309a(a)(1) (relating to requirement of continuing education) to increase that requirement to 30 hours. Section 18.309a(a)(2) requires that at least 10 hours of continuing education be obtained through classroom lecture or other live session and § 18.309a(a)(3) prohibits crediting more than 10 hours of continuing education obtained through Internet presentations, journal review, prerecorded video or similar means of nontraditional education. In drafting the proposed rulemaking, the Board considered adjusting these credit limitations to respond to the increased total continuing education requirement or, as suggested by the Pennsylvania Society for Respiratory Care, replacing the hour limitation with a percentage. Instead, the Board deter-

mined that it should maintain the requirement in § 18.309a(a)(2) that at least 10 hours be earned in the more traditional types of education and delete the requirement in § 18.309a(a)(3) that no more than 10 hours may be earned in the less traditional types. However, the Board proposes to retain the requirement in § 18.309a(a)(3) that the provider of continuing education through these less traditional means makes available documented verification of completion of the course or program.

Additionally, because Act 45 amended section 36.1(f)(6) of the act to prohibit credit for courses in practice building as well as in office management, the proposed rulemaking would amend § 18.309b(c) (relating to approved educational courses) to prohibit credit for courses in practice building (rather than financial procedures) as well as office management. Additionally, because licensees could complete the entire amount of required continuing education through education in cardiac life support, the Board would add § 18.309a(a)(5) to prohibit credit for basic cardiac life support courses and permit no more than 8 hours during each biennial renewal period of credit in advanced cardiac life support. The Board also proposes to add § 18.309a(a)(6) to prohibit credit for the same continuing education more than once in a biennium. Finally, in reviewing its existing regulations in light of Act 45, the Board noticed a clarity issue in the recordkeeping requirement in § 18.309a(d) which requires a licensee to maintain proof of continuing education for “2 years from the commencement of the biennial renewal period to which the continuing education applies.” This language could be construed as either the biennial renewal period in which the continuing education was completed or the subsequent renewal period for which the license was renewed. Accordingly, to clarify this issue and to permit the Board adequate time in which to audit licensees for compliance, the Board would amend this subsection to require that a licensee maintain proof of continuing education, or documentation of a waiver granted, for at least 2 years after the conclusion of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or the date the waiver was granted, whichever is latest.

For physician assistants, the proposed rulemaking would amend § 18.145(c) (relating to biennial registration requirements; renewal of physician assistant license) and add § 18.146. The proposed rulemaking would amend § 18.145(c) to require that as a condition for renewal physician assistants complete continuing education as required by the National Commission on Certification of Physician Assistants (NCCPA) as required under section 36(d) of the act (63 P. S. § 422.36(d)). Because physician assistants are also required under § 18.145(c) to maintain National certification, and that certification may not be renewed without completing the continuing education requirements, the Board has not proposed additional requirements for continuing education as a condition of licensure renewal. Additionally, the Board proposes to amend this section to clarify that it recognizes certification through NCCPA and any other National organization for which the Board publishes recognition of the organization’s certification as meeting the requirement of National certification.

Also for physician assistants, the proposed rulemaking would add § 18.146(a) to require physician assistants to maintain professional liability insurance as required under section 36(f) of the act and proposed § 18.146(d) would prohibit a physician assistant who does not have

professional liability insurance from practicing. Under § 18.146(b), a physician assistant could provide proof of insurance through a certificate of insurance or a copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage or the physician assistant could provide proof of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans). Section 36(f)(2) of the act provides that a physician assistant applicant may file a copy of a letter from a professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon issuance of the applicant’s license to practice but that the new licensee has 30 days to submit to the Board proof of insurance. To enforce this provision, proposed § 18.146(c) would provide that failure to provide this proof within the 30-day time period will result in the license becoming inactive as a matter of law. A licensee may not practice on an inactive license. Inactivation of the license is not considered disciplinary action.

Amendments were not necessary to implement all of the provisions of Act 45. The Board has not proposed amendments to its regulations to implement section 13.1(b) of the act, which provides that for 2 years after the effective date of Act 45, the Board may license without examination an applicant who is currently licensed by the Board or the State Board of Osteopathic Medicine and has otherwise met the new statutory requirements for licensure as a respiratory therapist. Amendments are not needed because this provision is self-executing. Also, because § 18.309a(a)(4) already requires a respiratory therapist renewing after December 31, 2008, to complete at least 1 hour of continuing education in medical ethics and at least 1 hour in patient safety, amendments are not needed to implement the amendments to section 36.1(f)(2) of the act. Similarly, because § 18.309a(c) provides that the Board may waive the continuing education requirement for serious illness or other hardship or military service upon timely written request with adequate supporting documentation, the Board found it unnecessary to propose amendments to implement section 36.1(f)(4) of the act. Finally, the Board has not proposed amendments to its regulations to implement section 13(c.1) and (c.2) of the act, as added by Act 45, because this section is self-executing and the existing regulations do not explicitly prohibit these acts of medical practice by a physician assistant.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate

Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin. Reference No. 16A-4930 (Physician Assistant and Respiratory Therapist), when submitting comments.

JAMES W. FREEMAN, M.D.,
Chairperson

Fiscal Note: 16A-4930. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS
Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

\* \* \* \* \*

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

\* \* \* \* \*

(5) Practitioner of Oriental medicine license.

(6) Respiratory therapist license.

(c) The following registrations are issued by the Board:

\* \* \* \* \*

§ 16.13. Licensure, certification, examination and registration fees.

\* \* \* \* \*

(g) Respiratory [ Care Practitioner Certificate ] Therapist License:

\* \* \* \* \*

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter D. PHYSICIAN ASSISTANTS LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 18.145. Biennial registration requirements; renewal of physician assistant license.

\* \* \* \* \*

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required under the National Commission on Certification of Physician Assistants (NCCPA) and maintain National certification by completing current recertification mechanisms available to the profession and recognized by the Board. The Board recognizes certification through NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants.

\* \* \* \* \*

(Editor's Note: Section 18.146 is new and printed in regular type to enhance readability.)

§ 18.146. Professional liability insurance coverage for licensed physician assistants.

(a) A licensed physician assistant shall maintain a level of professional liability insurance coverage as required under section 36(f) of the act (63 P. S. § 422.36(f)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the applicable insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 36(f)(2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 36(f) of the act may not practice as a physician assistant in this Commonwealth.

Subchapter F. RESPIRATORY [ CARE PRACTITIONERS ] THERAPISTS

§ 18.301. Purpose.

This subchapter implements sections 13.1 and 36.1 of the act (63 P. S. §§ 422.13a and 422.36a), which were added by section 3 of the act of July 2, 1993 (P. L. 424, No. 60) to provide for the [ certification ] licensure of respiratory [ care practitioners ] therapists.

§ 18.302. Definitions.

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

\* \* \* \* \*

Act—The Medical Practice Act of 1985 (63 P. S. § § 422.1—422.45 [ . ]).



**CoARC—The Committee on Accreditation for Respiratory Care, an organization which accredits respiratory care programs.**

**[ CRTT—The Certification Examination For Entry Level Respiratory Therapy Practitioners, a National uniform examination developed and administered by the NBRC for certified respiratory care therapy practitioners. ]**

\* \* \* \* \*

**[ JRCRTE—The Joint Review Committee on Respiratory Therapy Education, which accredits respiratory care programs. ]**

**NBRC—The National Board for Respiratory Care, the agency recognized by the Board to credential respiratory [ care practitioners ] therapists.**

**Respiratory [ care practitioner ] therapist—A person who has been [ certified ] licensed in accordance with the act and this subchapter.**

§ 18.304. **[ Certification ] Licensure of respiratory [ care practitioners ] therapists; practice; exceptions.**

(a) A person may not practice or hold himself out as being able to practice as a respiratory [ care practitioner ] therapist in this Commonwealth unless the person holds a valid, current temporary permit or [ certificate ] license issued by the Board, or the State Board of Osteopathic Medicine under Chapter 25 (relating to State Board of Osteopathic Medicine), or is exempted under section 13.1(e) of the act (63 P. S. § 422.13a(e)) or section 10.1(e) of the Osteopathic Medical Practice Act (63 P. S. § 271.10a(e)).

(b) A person may not use the words “licensed respiratory therapist” or “respiratory care practitioner,” the letters [ “R.C.P.” ] “LRT,” “RT” or “RCP” or similar words and related abbreviations to imply that respiratory care services are being provided, unless the services are provided by a respiratory [ care practitioner ] therapist who holds a valid, current temporary permit or [ certificate ] license issued by the Board or the State Board of Osteopathic Medicine and only while working under the supervision of a licensed physician.

§ 18.305. **Functions of respiratory [ care practitioners ] therapists.**

(a) Under section 13.1(d) of the act (63 P. S. § 422.13a(d)), a respiratory [ care practitioner ] therapist may implement direct respiratory care to an individual being treated by either a licensed medical doctor or a licensed doctor of osteopathic medicine, upon [ physician ] prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or under medical direction and approval consistent with standing orders or protocols of an institution or health care facility. This care may constitute indirect services such as consultation or evaluation of an individual and also includes, but is not limited to, the following services:

\* \* \* \* \*

(b) Under section 13.1(d) of the act, a respiratory [ care practitioner ] therapist may perform the activities listed in subsection (a) only upon [ physician ]

prescription or referral by a physician, certified registered nurse practitioner or physician assistant or while under medical direction consistent with standing orders or protocols in an institution or health care facility.

§ 18.306. **Temporary permits.**

(a) A temporary permit will be issued to an applicant who submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(1) Has graduated from a respiratory care program approved by [ the JRCRTE ] CoARC.

(2) Is enrolled in a respiratory care program approved by [ the JRCRTE ] CoARC and expects to graduate within 30 days of the date of application to the Board for a temporary permit.

(3) [ Has continuously provided respiratory care services for a minimum of 12 months immediately preceding December 28, 1993 ] Meets all applicable requirements and is recognized as a credentialed respiratory therapist by the NBRC.

\* \* \* \* \*

§ 18.307. **Criteria for [ certification ] licensure as a respiratory [ care practitioner ] therapist.**

The Board will approve for [ certification ] licensure as a respiratory [ care practitioner ] therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(i) Has graduated from a respiratory care program approved by [ the JRCRTE ] CoARC and passed the [ CRTT ] credentialing examination as determined by the NBRC.

(ii) [ Has been credentialed as a Certified Respiratory Therapy Technician or Registered Respiratory Therapist by the NBRC.

(iii) ] Holds a valid license, certificate or registration as a respiratory [ care practitioner ] therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

[ (iv) Has continuously provided respiratory care services for a minimum of 12 months immediately preceding December 28, 1993, and has passed the CRTT as determined by the NBRC. ]

(2) Has paid the appropriate fee in [ the form of a check or money order ] a form acceptable to the Board.

§ 18.308. **Change of name or address.**

A [ certificateholder ] licensee shall inform the Board in writing within 10 days of a change of name or mailing address.

§ 18.309. **Renewal of [ certification ] licensure.**

(a) A [ certification ] license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

\* \* \* \* \*

(c) To retain the right to engage in practice, the [ certificateholder ] licensee shall renew [ certification ] licensure in the manner prescribed by the Board, complete the continuing education requirement set forth in § 18.309a (relating to requirement of continuing education) and pay the required fee prior to the expiration of the current biennium.

(d) When a [ certification ] license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

§ 18.309a. Requirement of continuing education.

(a) The following continuing education requirements shall be completed each biennial cycle[ , commencing with the biennial period ending December 31, 2006 ]:

(1) An applicant for biennial renewal or reactivation of [ certification ] licensure is required to complete, during the 2 years preceding the application for renewal or reactivation, a minimum of [ 20 ] 30 hours of continuing education as set forth in section 36.1(f)(2) of the act (63 P. S. § [ 422.36.1(f) ] 422.36a(f)(2)).

\* \* \* \* \*

(3) [ No more than 10 ] For continuing education [ hours may be ] obtained through Internet presentations, journal review programs, prerecorded video presentations or similar means of nontraditional education[ . To ] to qualify for credit, the provider shall make available documented verification of completion of the course or program.

(4) Commencing with the biennial period ending December 31, 2008, 1 continuing education hour shall be completed in medical ethics, and 1 continuing education hour shall be completed in patient safety.

(5) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(6) A licensee may not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

(b) An individual applying for the first time for [ certification ] licensure is exempt from the continuing education requirement for the biennial renewal period following initial [ certification ] licensure.

(c) The Board may waive all or a portion of the requirements of continuing education in cases of serious illness, or other demonstrated hardship or military service. It shall be the duty of each [ certificateholder ] licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why the

[ certificateholder ] licensee is unable to comply with the continuing education requirement. The Board will grant, deny or grant in part the request for waiver and will send the [ certificateholder ] licensee written notification of its approval or denial in whole or in part of the request. A [ certificateholder ] licensee who requests a waiver may not practice as a respiratory [ care practitioner ] therapist after the expiration of the [ certificateholder's ] licensee's current [ certificate ] license until the Board grants the waiver request.

(d) A [ certificateholder ] licensee shall maintain the information and documentation supporting completion of the hours of continuing education required, or the waiver granted, for at least 2 years [ from the commencement ] after the conclusion of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or grant of the waiver, whichever is latest, and provide the information and documentation to representatives of the Board upon request.

§ 18.309b. Approved educational courses.

\* \* \* \* \*

(b) Advanced course work in respiratory care successfully completed at a degree-granting institution of higher education approved by the United States Department of Education which offers academic credits is also approved for continuing education credit by the Board. Advanced course work is any course work beyond the academic requirements necessary for [ certification ] licensure as a respiratory [ care practitioner ] therapist. Proof of completion of the academic credits shall be submitted to the Board for determination of number of continuing education hours completed.

(c) The Board will not accept courses of study which do not relate to the clinical aspects of respiratory care, such as studies in office management [ and financial procedures ] or practice building.

§ 18.310. Inactive status.

(a) A [ certificateholder ] licensee who does not intend to practice in this Commonwealth and who does not desire to renew [ certification ] licensure shall inform the Board in writing. Written confirmation of inactive status will be forwarded to the [ certificateholder ] licensee.

(b) A [ certificateholder ] licensee shall notify the Board, in writing, of [ his ] the licensee's desire to reactivate the [ registration ] license.

(c) A [ certificateholder ] licensee who is applying to return to active status is required to pay fees which are due for the current biennium and submit a sworn statement stating the period of time during which the [ certificateholder ] licensee was not engaged in practice in this Commonwealth.

\* \* \* \* \*

[Pa.B. Doc. No. 12-829. Filed for public inspection May 11, 2012, 9:00 a.m.]

# STATE BOARD OF OSTEOPATHIC MEDICINE

[ 49 PA. CODE CH. 25 ]

## Physician Assistants and Respiratory Therapists

The State Board of Osteopathic Medicine (Board) proposes to amend §§ 25.141, 25.142, 25.161, 25.163, 25.176, 25.191, 25.192, 25.201, 25.215, 25.231, 25.501—25.509, 25.509a, 25.509b and 25.510 and add § 25.164 (relating to professional liability insurance coverage for licensed physician assistants) to read as set forth in Annex A.

### *Effective Date*

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

### *Statutory Authority*

The amendments are authorized under sections 10(h), 10.1(c), 10.2(f) and 16 of the Osteopathic Medical Practice Act (act) (63 P. S. §§ 271.10(h), 271.10a(c), 271.10b(f) and 271.16).

### *Background and Need for the Amendment*

The act of July 4, 2008 (P. L. 589, No. 46) (Act 46) amended the act in a number of ways. Act 46 changed certification of respiratory care practitioners to licensure of respiratory therapists. It revised the standards for licensure as a respiratory therapist and for receiving a temporary permit to practice prior to sitting for the licensure examination. Act 46 also identified additional specific acts of practice in which physician assistants may engage and required physician assistants to complete continuing education and to maintain professional liability insurance. Additionally, the act of July 2, 2004 (P. L. 486, No. 56) (Act 56) amended section 10(f) of the act to provide that the Board grants licensure, rather than certification, to physician assistants. This proposed rulemaking would amend the Board's regulations to implement the changes of Act 56 and Act 46.

### *Description of the Proposed Amendments*

With regard to respiratory therapists, the proposed rulemaking would amend §§ 25.215, 25.501—25.509, 25.509a, 25.509b and 25.510 to replace terms referring to the certification of respiratory care practitioners with references to the licensure of respiratory therapists. For additional clarity, the Board proposes to replace the reference in § 25.507(1)(i) (relating to criteria for licensure as a respiratory therapist) from passing the "CRTT" to passing the "credentialing examination" as determined by the National Board for Respiratory Care (NBRC). Moreover, because section 10.1(a.2) of the act prohibits an individual not licensed as a respiratory therapist from using the title "licensed respiratory therapist" or designations "LRT" or "RT," the proposed rulemaking would amend § 25.504(b) (relating to licensure of respiratory therapists; practice; exceptions) to prohibit unlicensed persons from using the title "licensed respiratory therapist" or the designations "LRT" or "RT," in addition to using the words "licensed respiratory care practitioner" or "respiratory care practitioner" or the letters "RCP" or similar words or related abbreviations to suggest licensure.

The proposed rulemaking would amend § 25.505(a) and (b) (relating to functions of respiratory therapists) to provide that a respiratory therapist may provide services upon referral of a certified registered nurse practitioner

or physician assistant, in addition to referral of a physician, as provided in section 10.1(d) of the act.

Because section 10.1(a) of the act sets as a standard for licensure graduation from a program approved by the Committee on Accreditation for Respiratory Care (CoARC), the proposed rulemaking would amend § 25.507(1)(i) to require graduation from a program approved by CoARC, rather than the Joint Review Committee on Respiratory Therapy Education (JRCRTE) and would replace the definition in § 25.502 (relating to definitions). Similarly, the proposed rulemaking would amend § 25.506 (relating to temporary permits) to require that an applicant for a temporary permit shall graduate from a program approved by CoARC, rather than JRCRTE.

Because section 10.1(a) of the act sets as the only criteria for licensure as a respiratory therapist either graduation from a respiratory care program approved by CoARC or existing licensure in another state by examination, the proposed rulemaking would amend § 25.507(a) to delete alternative criteria of being credentialed as a certified respiratory therapy technician or registered respiratory therapist and having continuously provided respiratory care services for a minimum of 12 months in paragraph (1)(ii) and (iv). Similarly, section 10.2(b) of the act has been amended to delete the following alternative qualifications for a temporary permit: designation as a certified respiratory therapist or registered respiratory therapist by a National credentialing agency; continuous provision of respiratory care services for at least 12 months; and holding certification, licensure or registration as a respiratory care practitioner in another state. Instead, section 10.1 of the act provides for recognition as a credentialed respiratory therapist as approved by the Board. Therefore, the proposed rulemaking would amend § 25.506(a) to provide that a temporary permit will be issued to an applicant who is recognized as a credentialed respiratory therapist by the NBRC, which credentials respiratory therapists. Additionally, because the licensing boards of the Bureau of Professional and Occupational Affairs now accept payment by credit card for online application and may extend other payment options in the future, the Board proposes to amend § 25.507(2) to require payment of the fee "in a form acceptable to the Board."

Because Act 46 amended section 10.2(f)(2) of the act to increase the continuing education requirement from 20 to 30 hours each biennial renewal period, the proposed rulemaking would amend § 25.509a(a) (relating to requirement of continuing education) to increase that requirement to 30 hours. Section 25.509a(a)(1) prohibits crediting more than 10 hours of continuing education obtained through nontraditional education such as prerecorded presentations, Internet presentations or journal review. In drafting the proposed rulemaking, the Board considered adjusting this limitation to respond to the increased total continuing education requirement or, as suggested by the Pennsylvania Society for Respiratory Care, replacing the hour limitation with a percentage. However, the Board instead determined that it should leave this limitation as is. The proposed rulemaking would also amend § 25.509a(a)(2) by clearly stating that at least 1 hour shall be completed in medical ethics and 1 hour shall be completed in patient safety, as required under section 10.2(f)(2) of the act. Additionally, because licensees could complete the entire amount of required continuing education through education in cardiac life support, the Board proposes to add § 25.509a(a)(3) to prohibit credit for basic cardiac life support courses and



permit no more than 8 hours during each biennial renewal period of credit in advanced cardiac life support. The Board also proposes to add § 25.509a(a)(3) to prohibit credit for the same continuing education more than once in a biennium. Because Act 46 amended section 10.2(f)(6) of the act to prohibit credit for courses in practice building as well as in office management, the proposed rulemaking would accordingly amend § 25.509b(c) (relating to approved educational programs). Finally, in reviewing its existing regulations in light of Act 46, the Board noticed a clarity issue in the recordkeeping requirement of § 25.509a(d), which requires a licensee to maintain proof of continuing education for 2 years, without specifying when this period would begin. Therefore, to permit the Board adequate time in which to audit licensees for compliance, the Board proposes to amend this subsection to require that a licensee maintain proof of continuing education for at least 2 years after the conclusion of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or the date the waiver was granted, whichever is latest.

For physician assistants, the proposed rulemaking would amend §§ 25.141, 25.142, 25.161, 25.163, 25.176(b), 25.191(c), 25.192(c), 25.201(a) and 25.231 to reflect that physician assistants are licensed, rather than certified.

The proposed rulemaking would add § 25.163(c) (relating to approval and effect of licensure and biennial renewal of physician assistants and registration of supervising physicians) to require that as a condition for biennial renewal physician assistants must maintain National certification available to the profession and recognized by the Board. Current subsections (c)—(f) would be renumbered. This proposed subsection would note that the Board recognizes certification through the National Commission on Certification of Physician Assistants (NCCPA) and its successors and any other National organization for which the Board has published recognition of the organization's certification of physician assistants. Proposed § 25.163(c) would also require that as a condition of renewal, a physician assistant shall complete continuing medical education, as required under section 10(f) of the act. Because this subsection would require physician assistants to maintain National certification and that certification may not be renewed without completing the continuing education requirements and NCCPA has standards for continuing education programs, the Board has not proposed additional requirements for continuing education as a condition of licensure renewal.

The proposed rulemaking would add § 25.164(a) to require physician assistants to maintain professional liability insurance as required under section 10(g.3) of the act and proposed § 25.164(d) would prohibit a physician assistant who does not have professional liability insurance from practicing. Under § 25.164(b), a physician assistant could provide proof of insurance through a certificate of insurance or a copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage or the physician assistant could provide proof of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans). Section 10(g.3)(2) of the act provides that a physician assistant applicant may file a copy of a letter from a professional liability insurance carrier indicating

that the applicant will be covered against professional liability in the required amounts effective upon issuance of the applicant's license to practice, but that the new licensee has 30 days to submit to the Board proof of insurance. To enforce this provision, proposed § 25.164(c) would provide that failure to provide this proof within the 30-day time period will result in the license becoming inactive as a matter of law. A licensee may not practice on an inactive license, but inactivation of the license is not considered disciplinary action.

Amendments were not necessary to implement all of the provisions of Act 46. The Board has not proposed amendments to its regulations to implement section 10.1(b) of the act, which provides that for 2 years after the effective date of Act 46, the Board may license without examination an applicant who is currently licensed by the Board or the State Board of Medicine and has otherwise met the new statutory requirements for licensure as a respiratory therapist. Amendments are not necessary because this provision is self-executing. Also, because existing § 25.509a(c) provides that the Board may waive the continuing education requirement for serious illness, undue hardship or military service upon timely written request with adequate supporting documentation, the Board found it unnecessary to propose amendments to implement section 10.2(f)(4) of the act. Finally, the Board has not proposed amendments to its regulations to implement section 10(g.2) of the act because it is self-executing and the existing regulations do not explicitly prohibit these acts of medical practice by a physician assistant.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within

30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5321 (Physician Assistant and Respiratory Therapist) when submitting comments.

JOSEPH C. GALLAGHER, Jr., DO,  
Chairperson

**Fiscal Note:** 16A-5321. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter C. PHYSICIAN ASSISTANT PROVISIONS**

**GENERAL PROVISIONS**

**§ 25.141. Purpose.**

The purpose of this subchapter is to implement the provisions of the act which provide for the [ **certification** ] **licensure** of physician assistants. The legislation provides for more effective utilization of certain skills of osteopathic physicians enabling them to delegate certain medical tasks to qualified physician assistants when such delegation is consistent with the patient's health and welfare.

**§ 25.142. Definitions.**

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

*Certification*—The [ **approval of an individual by the Board to serve as a physician assistant; and the** ] approval of a program by the Board for the training and education of physician assistants.

\* \* \* \* \*

**[ CERTIFICATION ] LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS**

**§ 25.161. Criteria for [ certification ] licensure as a physician assistant.**

\* \* \* \* \*

(c) The Board will approve for [ **certification** ] **licensure** as a physician assistant an applicant who:

\* \* \* \* \*

(e) A person who has been [ **certified** ] **licensed** as a physician assistant by the State Board of Medicine shall make a separate application to the Board if he intends to provide physician assistant services for a physician licensed to practice osteopathic medicine and surgery without restriction.

(f) An application for [ **certification** ] **licensure** as a physician assistant by the Board may be obtained by writing to the Harrisburg office of the Board.

§ 25.163. Approval and effect of [ **certification** ] **licensure** and biennial renewal of physician assistants and registration of supervising physicians.

(a) Upon approval of an application for [ **certification** ] **licensure** as a physician assistant, the Board will issue a physician assistant [ **certificate** ] **license** which contains [ **his** ] **the licensee's** name, [ **his certificate** ] **license** number and the date of issuance, after payment of the fee required [ **by** ] **under** § 25.231 (relating to schedule of fees).

(b) A physician assistant's right to continue [ **his practice** ] **practicing** is conditioned upon biennial renewal and the payment of the fee required [ **by** ] **under** § 25.231. Upon receipt of the form provided to the physician assistant by the Board in advance of the renewal period and the required fee, the Board will issue the physician assistant a biennial renewal certificate containing [ **his** ] **the licensee's** name, [ **his certification** ] **license** number and the beginning and ending dates of the biennial renewal period.

(c) **To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by NC-CPA and maintain National certification by completing current recertification mechanisms available to the profession and recognized by the Board. The Board recognizes certification through NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants.**

(d) Upon approval of an application for registration as a supervising physician, the Board will issue a supervising physician registration certificate which contains the name of the supervising physician, his registration number and the name of the physician assistant that he is authorized to supervise under that specific registration. The registration is not subject to renewal. When the physician submits a request to modify a protocol with respect to a physician assistant he is already registered to utilize, no new registration certificate will be issued; however, the physician will receive a letter from the Board confirming its approval of the expanded utilization.

[ (d) ] (e) Only a physician registered with the Board may use the services of physician assistants. A physician assistant shall have a clearly identified supervising physician who is professionally and legally responsible for the physician assistant's services. Whenever a physician assistant is employed by a professional corporation or partnership, an individual physician must still register as the supervising physician. Each member of a professional corporation or partnership may register as a supervising physician. When a physician assistant is employed by a professional corporation or partnership, the registered supervising physician is not relieved of the professional and legal responsibility for the care and treatment of patients attended by the physician assistant under his supervision.

[ (e) ] (f) The Board will keep a current register of persons [ **certified** ] **licensed** as physician assistants. This register will include the name of each physician assistant, [ **his** ] **the physician assistant's** mailing address of record, [ **his** ] **current business address**, the date of initial [ **certification** ] **licensure**, biennial re-

newal record and current supervising physician. This register is available for public inspection.

[(f)] (g) The Board will keep a current register of approved registered supervising physicians. This register will include the physician's name, his mailing address of record, his current business address, the date of his initial registration, his satellite operation if applicable, the names of current physician assistants under his supervision and the names of physicians willing to provide substitute supervision in his absence. This register will be available for public inspection.

(Editor's Note: Section 25.164 is new and printed in regular type to enhance readability.)

§ 25.164. Professional liability insurance coverage for licensed physician assistants.

(a) A licensed physician assistant shall maintain a level of professional liability insurance coverage as required under section 10(g.3) of the act (63 P. S. § 271.10(g.3)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the applicable insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 10(g.3)(2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 10(g.3) of the act may not practice as a physician assistant in this Commonwealth.

PHYSICIAN ASSISTANT UTILIZATION

§ 25.176. Monitoring and review of physician assistant utilization.

\* \* \* \* \*

(b) Reports shall be submitted to the Board and become a permanent record under the supervising physician's registration. Deficiencies reported shall be reviewed by the Board and may provide a basis for disciplinary action against the [certification] license of the physician assistant and the license or registration, or both, of the supervising physician.

\* \* \* \* \*

PHYSICIAN ASSISTANT REQUIREMENTS IN EMPLOYMENT

§ 25.191. Physician assistant identification.

\* \* \* \* \*

(c) In the supervising physician's office and a satellite operation, a notice plainly visible to patients shall be

posted in a prominent place explaining the meaning of the term "physician assistant." The supervising physician shall display his registration to supervise the office. The physician assistant's [certificate] license shall be prominently displayed in all facilities in which he may function. Duplicate certificates may be obtained from the Board if required.

\* \* \* \* \*

§ 25.192. [Notification] Notification of termination of employment; change of address.

\* \* \* \* \*

(c) Failure to notify the Board of a termination in the physician/physician assistant relationship shall provide a basis for disciplinary action against the physician assistant's [certificate] license, the supervising physician's license or registration as a supervising physician.

DISCIPLINARY ACTION AGAINST [CERTIFICATION] LICENSE OF PHYSICIAN ASSISTANT

§ 25.201. Grounds for complaint.

(a) The bases upon which the Board may take disciplinary action against the [certification] license of a physician assistant are set forth in section 15(b) of the act (63 P. S. § 271.15(b)). A complaint against a physician assistant shall allege that the physician assistant is performing tasks in violation of statute, regulation or good and acceptable standards of practice of physician assistants. The grounds include those specifically enumerated in section 15(b) of the act [(63 P. S. § 271.15(b))]. Unprofessional conduct shall include, but is not limited to, the following:

(1) Misrepresentation or concealment of a material fact in obtaining a [certificate] license or a reinstatement thereof.

\* \* \* \* \*

(7) Impersonation of a licensed physician or another [certified] licensed physician assistant.

\* \* \* \* \*

Subchapter D. MINIMUM STANDARDS OF PRACTICE

§ 25.215. Definitions.

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

Board-regulated practitioner—An osteopathic physician, physician assistant, respiratory [care practitioner] therapist, athletic trainer, acupuncturist or an applicant for a license or certificate issued by the Board.

\* \* \* \* \*

Subchapter F. FEES

§ 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

\* \* \* \* \*

Application for physician assistant [certificate] license ..... \$30

\* \* \* \* \*



Subchapter K. RESPIRATORY [ CARE PRACTITIONERS ] THERAPISTS

§ 25.501. Purpose.

This subchapter implements sections 10.1 and 10.2 of the act (63 P. S. §§ 271.10a and 271.10b), which were added by section 3 of the act of July 2, 1993 (P. L. 418, No. 59) to provide for the [ certification ] licensure of respiratory [ care practitioners ] therapists.

§ 25.502. Definitions.

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

\* \* \* \* \*

Act—The Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18).

CoARC—The Committee on Accreditation for Respiratory Care, an organization which accredits respiratory care programs.

[ CRTT—The Certification Examination For Entry Level Respiratory Therapy Practitioners, a National uniform examination developed and administered by the NBRC for certified respiratory care therapy practitioners. ]

\* \* \* \* \*

[ JRCRTE—The Joint Review Committee on Respiratory Therapy Education, which accredits respiratory care programs. ]

NBRC—The National Board for Respiratory Care, the agency recognized by the Board to certify respiratory [ care practitioners ] therapists.

Respiratory [care practitioner] therapist—A person who has been [ certified ] licensed in accordance with the act and this subchapter.

§ 25.503. Fees.

The following is the schedule of fees charged by the Board:

\* \* \* \* \*

(3) [ Certification ] Licensure examination . . . \$100

\* \* \* \* \*

(5) Biennial renewal of [ certification ] licensure . . . . . \$25

§ 25.504. [ Certification ] Licensure of respiratory [ care practitioners ] therapists; practice; exceptions.

(a) A person may not practice or hold himself out as being able to practice as a respiratory [ care practitioner ] therapist in this Commonwealth unless the person holds a valid, current temporary permit or [ certificate ] license issued by the Board, or the State Board of Medicine under Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors), or is exempted under section 10.1(e) of the act (63 P. S. § 271.10a(e)) or section 13.1(e) of the Medical Practice Act of 1985 (63 P. S. § 422.13a(e)).

(b) A person may not use the words “licensed respiratory therapist” or “respiratory care practitioner,” the letters [ “R.C.P.” ] “LRT,” “RT” or “RCP” or similar

words and related abbreviations to imply that respiratory care services are being provided, unless the services are provided by a respiratory [ care practitioner ] therapist who holds a valid, current temporary permit or [ certificate ] license issued by the Board or the State Board of Medicine and only while working under the supervision of a licensed physician.

§ 25.505. Functions of respiratory [ care practitioners ] therapists.

(a) Under section 10.1(d) of the act (63 P. S. § 271.10a(d)), a respiratory [ care practitioner ] therapist may implement direct respiratory care to an individual being treated by either a licensed medical doctor or a licensed doctor of osteopathic medicine, upon [ physician ] prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or under medical direction and approval consistent with standing orders or protocols of an institution or health care facility. This care may constitute indirect services such as consultation or evaluation of an individual and also includes, but is not limited to, the following services:

\* \* \* \* \*

(b) Under section 10.1(d) of the act, a respiratory [ care practitioner ] therapist may perform the activities listed in subsection (a) only upon [ physician ] prescription or referral by a physician, certified registered nurse practitioner or physician assistant or while under medical direction consistent with standing orders or protocols in an institution or health care facility.

§ 25.506. Temporary permits.

(a) A temporary permit will be issued to an applicant who submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(1) Has graduated from a respiratory care program approved by the [ JRCRTE ] CoARC.

(2) Is enrolled in a respiratory care program approved by the [ JRCRTE ] CoARC and expects to graduate within 30 days of the date of application to the Board for a temporary permit.

(3) [ Has continuously provided respiratory care services for a minimum of 12 months immediately preceding December 28, 1993 ] Meets the applicable requirements and is recognized as a credentialed respiratory therapist by the NBRC.

\* \* \* \* \*

§ 25.507. Criteria for [ certification ] licensure as a respiratory [ care practitioner ] therapist.

The Board will approve for [ certification ] licensure as a respiratory [ care practitioner ] therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(i) Has graduated from a respiratory care program approved by the [ JRCRTE ] CoARC and passed the [ CRTT ] credentialing examination as determined by the NBRC.

(ii) [ Has been credentialed as a Certified Respiratory Therapy Technician or Registered Respiratory Therapist by the NBRC.

(iii) ] Holds a valid license, certificate or registration as a respiratory [ care practitioner ] therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

[ (iv) Has continuously provided respiratory care services for a minimum of 12 months immediately preceding December 28, 1993, and has passed the CRTT as determined by the NBRC. ]

(2) Has paid the appropriate fee in [ the form of a check or money order ] a form acceptable to the Board.

§ 25.508. Change of name or address.

A [ certificateholder ] licensee shall inform the Board in writing within 10 days of a change of name or mailing address.

§ 25.509. Renewal of [ certification ] licensure.

(a) A [ certification ] license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

\* \* \* \* \*

(c) To retain the right to engage in practice, the [ certificateholder ] licensee shall renew [ certification ] licensure in the manner prescribed by the Board, pay the required fee and comply with the continuing education requirement of § 25.509a (relating to requirement of continuing education), prior to the expiration of the current biennium.

(d) When a [ certification ] license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

§ 25.509a. Requirement of continuing education.

(a) [ Commencing with the biennial period January 1, 2007, through December 31, 2008, and each subsequent biennial period, an ] An applicant for biennial renewal or reactivation of [ certification ] licensure is required to complete a minimum of [ 20 ] 30 hours of continuing education as set forth in section 10.2(f)(2) of the act (63 P. S. § 271.10b(f)(2)) subject to the following:

\* \* \* \* \*

(2) One hour [ each ] must be completed in medical ethics and 1 hour must be completed in patient safety.

(3) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(4) A licensee will not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

(b) An individual applying for the first time for [ certification ] licensure in this Commonwealth is exempt from the continuing education requirement for the biennial renewal period following initial [ certification ] licensure.

(c) The Board may waive all or a portion of the requirements of continuing education in cases of serious illness, undue hardship or military service. It shall be the duty of each [ certificateholder ] licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why the [ certificateholder ] licensee is unable to comply with the continuing education requirement. The Board will grant, deny or grant in part the request for waiver and will send the [ certificateholder ] licensee written notification of its approval or denial of the waiver request. A [ certificateholder ] licensee who requests a waiver may not practice as a respiratory [ care practitioner ] therapist after the expiration of the [ certificateholder's ] licensee's current [ certificate ] license until the Board grants the waiver request.

(d) A [ certificateholder ] licensee shall maintain the information and documentation concerning compliance with the continuing education requirement or the waiver granted for a period of at least 2 years after the end of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or grant of the waiver, whichever is latest, and provide the information and documentation to representatives of the Board upon request.

§ 25.509b. Approved educational programs.

\* \* \* \* \*

(b) Advanced course work in respiratory care successfully completed at a degree-granting institution of higher education approved by the United States Department of Education which offers academic credits are also approved for continuing education credit by the Board. Advanced course work is course work beyond the academic requirements necessary for [ certification ] licensure as a respiratory [ care practitioner ] therapist.

(c) The Board will not accept courses of study which do not relate to the actual provision of respiratory care. Examples of unacceptable courses are those in office management [ and financial procedures ] or practice building.

§ 25.510. Inactive status.

(a) A [ certificateholder ] licensee who does not intend to practice in this Commonwealth and who does not desire to renew [ certification ] licensure shall inform the Board in writing. Written confirmation of inactive status will be forwarded to the [ certificateholder ] licensee.

(b) A [ **certificateholder** ] **licensee** shall notify the Board, in writing, of [ **his** ] **the licensee's** desire to reactivate the [ **registration** ] **license**.

(c) A [ **certificateholder** ] **licensee** who is applying to return to active status is required to pay fees which are due for the current biennium and submit a sworn statement stating the period of time during which the [ **certificateholder** ] **licensee** was not engaged in practice in this Commonwealth.

\* \* \* \* \*

[Pa.B. Doc. No. 12-830. Filed for public inspection May 11, 2012, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [ 67 PA. CODE CH. 190 ]

#### Determination of Local Traffic

The Department of Transportation, under section 7 of the act of February 14, 2012 (P. L. 87, No. 13) (Act 13) (75 Pa.C.S. § 4902, Note) and 75 Pa.C.S. §§ 4902 and 6103 (relating to restrictions on use of highways and bridges; and promulgation of rules and regulations by department), supplements Chapters 189, 191 and 193 (relating to hauling in excess of posted weight limit; authorization to use bridges posted due to condition of bridge; and authorization to use highways posted due to traffic conditions) to establish the framework within which the Department will exercise its administrative discretion by adding Chapter 190 (relating to letter of local determination—statement of policy) to read as set forth in Annex A.

#### *Purpose of Chapter 190*

The purpose of Chapter 190 is to establish Department policy regarding the use of Letters of Local Determination by vehicles and combinations having a gross weight in excess of the posted weight limit on highways posted with weight restrictions as authorized under 75 Pa.C.S. § 4902.

#### *Purpose of the Statement of Policy*

The purpose of the statement of policy is to provide a mechanism by which the Department can better identify and regulate over-posted-weight traffic and distinguish local over-posted-weight traffic which causes minimal road damage from local over-posted-weight traffic which causes significant damage to highways in this Commonwealth. Increased heavy truck traffic on many highways in this Commonwealth is causing, or threatening to cause, damage to the highways at levels beyond which the Commonwealth has resources to maintain in good repair, causing the Commonwealth to have to impose weight restrictions on numerous highways under its jurisdiction.

Act 13 amended 75 Pa.C.S. § 4902 and directed the Department to issue a statement of policy to provide for the issuance of Letters of Local Determination for hauling on posted highways related to at-risk industries as defined in Act 13.

#### *Significant Provisions of this Statement of Policy*

Definitions of “at-risk industry sector” and “unconventional oil and gas development” in § 190.2 (relating to definitions) follow the definitions of those and similar terms in Act 13 to clarify the interface of Act 13 and the local traffic exception in § 189.2 (relating to definitions). Paragraph (4) of the definition of “local traffic” in § 189.2 states “vehicles and combinations going to or coming from residence, commercial establishment, or farm located on a posted highway or which can be reached only via a posted highway.” As required under Act 13, hauling related to at-risk industry sectors have been granted an exemption and hauling related to unconventional oil and gas development has been precluded from eligibility for hauling as local traffic.

Section 190.3 (relating to local traffic and Letters of Local Determination) provides eligibility and application

criteria for the issuance of Letters of Local Determination. Over-posted-weight haulers will still be able to take advantage of the local traffic exception in § 189.2 but will also be able to apply for Letters of Local Determination if they are hauling related to at-risk industry sectors. The Letter of Local Determination will be available if the at-risk industry sector hauling activity will be on roads bonded by unconventional oil and gas companies or if a hauler can demonstrate the proposed hauling activity will have only a de minimis impact on the highways. These Letters of Local Determination will also be utilized for over-posted-weight vehicles when it is determined that the over-posted-weight vehicle can only reach its destination by means of a posted highway or highways and it is determined that the damage to the posted highway will be minimal. The statement of policy also provides that if a hauling time frame is not specified in the Letter of Determination it will be valid for no more than 12 months from the date of issuance.

Section 190.4 (relating to use of Letters of Local Determination) provides that the Letter of Local Determination must be present in the vehicle at all times during the hauling activity. Section 190.5 (relating to revocation of Letter of Local Determination) provides parameters for revocation of a Letter of Local Determination similar to § 189.3(b) (relating to local traffic).

#### *Persons and Entities Affected*

This statement of policy affects persons and entities who own or operate, or both, over-posted-weight vehicles which they desire to operate over weight-posted highways. In addition, the State Police will be affected in the enforcement of Department regulations.

#### *Sunset Date*

Section 7 of Act 13 provides that the exemptions established in this statement of policy remain in effect until December 31, 2015.

#### *Contact Person*

The contact person for technical questions related to this statement of policy is John Serian, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 705-1420, fax (717) 705-5520.

#### *Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, P.E.,  
*Secretary*

*(Editor's Note: Title 67 of the Pennsylvania Code is amended by adding statements of policy in §§ 190.1—190.5 to read as set forth in Annex A.)*

**Fiscal Note:** 18-430. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE VII. VEHICLE CHARACTERISTICS

#### CHAPTER 190. LETTER OF LOCAL DETERMINATION—STATEMENT OF POLICY

Sec.	
190.1.	Purpose.
190.2.	Definitions.
190.3.	Local traffic and Letters of Local Determination.
190.4.	Use of Letters of Local Determination.
190.5.	Revocation of Letter of Local Determination.

### § 190.1. Purpose.

(a) This chapter is adopted under section 7 of the act (75 Pa.C.S. § 4902, Note). The purpose of this chapter is to provide guidance for the implementation of a program to provide Letters of Local Determination identifying particular vehicles, routes or uses as local in nature to provide exemption from the requirements of Chapter 189 (relating to hauling in excess of posted weight limit).

(b) This chapter only applies to Chapter 189 and does not apply to roads and bridges posted under Chapters 191 and 193 (relating to authorization to use bridges posted due to condition of bridge; and authorization to use highways posted due to traffic conditions).

(c) The policies and procedures in this chapter are intended to supplement existing requirements. Nothing in this chapter will affect regulatory requirements. This chapter is not an adjudication or a regulation. This chapter establishes the framework within which the Department will exercise its administrative discretion. The Department reserves the discretion to deviate from this chapter if circumstances warrant.

### § 190.2. Definitions.

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

*Act*—The act of February 14, 2012 (P. L. 87, No. 13).

*At-risk industry sector*—

(i) Industry sectors defined by the Department of Labor and Industry as having experienced a 20% or more decline in Statewide employment between 2002 and 2011 and additional industry sectors that the Department determines, in consultation with the Department of Labor and Industry, to show evidence of economic decline.

(ii) The term does not include an industry which, after November 12, 2013, the Department determines, in consultation with the Department of Labor and Industry, no longer shows evidence of a 20% or more decline in Statewide employment since 2002.

*Department*—The Department of Transportation of the Commonwealth.

*Industry sector*—A sector included in the North American Industry Classification System.

*Unconventional oil and gas development*—

(i) The activities associated with unconventional oil or gas well construction including site preparation and reclamation, drilling, completion and pipeline construction on oil and gas gathering pipelines, not including transmission and distribution pipelines.

(ii) The term shall be read consistently with “unconventional formation” and “unconventional gas well” as defined in the act.

(iii) The terms “gathering,” “transmission” and “distribution pipelines” shall be read consistently with the definitions of those terms in the Federal pipeline safety regulations of the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration in 49 CFR 192.3 (relating to definitions).

### § 190.3. Local traffic and Letters of Local Determination.

(a) *Self certification as local traffic.* A hauling activity, but not hauling activity related to unconventional oil and gas development, may be self certified as local traffic if it meets the definition of “local traffic” in § 189.2 (relating to definitions) and the provisions of § 189.3(c) (relating to local traffic).

(1) An application to the Department or Letter of Local Determination is not necessary.

(2) If a completed application for a Letter of Local Determination is submitted by the hauler, the Department may, at its discretion, issue a Letter of Local Determination.

(b) *Criteria for local determination.* A hauling activity may qualify for a Letter of Local Determination under the following circumstances:

(1) *At-risk industry sector.*

(i) Hauling in excess of a posted weight limit related to an at-risk industry as defined in the act will qualify as local:

(A) On routes bonded by unconventional oil and gas development companies.

(B) Upon submission of a completed application for a Letter of Local Determination.

(C) Provided that existing excess maintenance agreements and permits held by the requesting hauler for the requested route are closed out in accordance with the terms of the excess maintenance agreement. The excess maintenance agreement and permits will not be closed out until repairs and final inspections are completed.

(ii) Hauling in excess of a posted weight limit related to an at-risk industry as defined in the act which is not for routes bonded by unconventional oil and gas development companies may, at the Department’s discretion, qualify as local upon the submission and review of a completed application for a Letter of Local Determination in accordance with subsection (d).

(2) *De minimis operations.* Hauling activity that cannot be self-certified under paragraph (1) and that is not related to an at-risk industry as defined in the act may qualify as local if, upon the submission and review of a completed application for a Letter of Local Determination, the Department determines that the scale of hauling activity and nature of the business is not likely to cause damage to the route requested in the application based on the structural capacity of the requested route and the availability and suitability of alternate routes in the region.

(3) *Unconventional oil and gas industry.*

(i) Hauling related to unconventional oil and gas development as defined in this chapter does not qualify for a Letter of Local Determination.

(ii) Hauling related to unconventional oil and gas industries may qualify for a Letter of Local Determination if, upon the submission and review of a completed application, the Department determines that:

(A) The hauling is not related to unconventional oil and gas development.

(B) The scale of the hauling activity is not likely to cause damage to the route specified in the application

based on the structural capacity of the requested route and the availability and suitability of alternate routes in the region.

(c) *Application for Letter of Local Determination.* A completed application for a Letter of Local Determination must contain the following information:

- (1) The type of business and industry sector code.
- (2) The type and weight of vehicle.
- (3) A list of the roads (State routes by segments and offsets or intersecting roads) to be used on the hauling route.
- (4) The number and frequency of trips per day, week and month.
- (5) The time of year and dates and duration of expected hauling.
- (6) Other evidence showing that the hauler is engaged in hauling for an at-risk industry for the duration of the hauling.
- (7) Other information the Department may require.

(d) *Review of application for Letter of Local Determination.*

(1) In reviewing an application for a Letter of Local Determination, the Department may consider various factors including the following:

- (i) Protection of the integrity of the Commonwealth's highways.
- (ii) The existing pavement strength, including the condition, thickness and age.
- (iii) The existing average daily truck traffic.
- (iv) The number and type of expected additional over-posted-weight vehicles.
- (v) The impact of the freeze-thaw cycle, including whether hauling activities are planned during the calendar period between approximately February 15th and April 15th during which times the temperature results in changes (weakening) to the structural strength of the road surface.
- (vi) The total expected loading and historical roadway performance.

(2) The Department will determine and acknowledge receipt of the application as administratively complete if it contains the necessary information and documents. If the application is not administratively complete, the Department will return it to the applicant along with a written statement of the specific information or docu-

ments required for administrative completeness. Returned applications will be deemed denied if not resubmitted within 15 days.

(3) The Department will only evaluate the hauler's proposed routes based on the available State route network. Weight-restricted municipal routes will not be evaluated by the Department. If the hauler's proposed route includes a weight-restricted municipal route, the hauler shall contact the proper local authority for permission to utilize that weight-restricted route.

(e) *Issuance of a Letter of Local Determination.*

(1) The scope of a Letter of Local Determination will be based on the vehicles, routes and uses identified in the application.

(2) The Department may restrict the operation of vehicles and hauling for which a Letter of Local Determination is issued by time of day, date, location or use. Restrictions will be specified in the Letter of Local Determination.

(3) The term of a Letter of Local Determination will not be longer than 12 months from the date of issuance.

#### **§ 190.4. Use of Letters of Local Determination.**

A Letter of Local Determination, proof of ownership or authorized use of the vehicle, evidence under § 189.3(c) (relating to local traffic) and additional documents required by the Department must be carried in the vehicle at all times while traveling on the weight-restricted highways identified within the Letter of Local Determination.

#### **§ 190.5. Revocation of Letter of Local Determination.**

(a) If the Department determines that over-posted-weight vehicle or hauling activity for which a Letter of Local Determination has been issued is likely to or has caused damage to a posted highway, the Department may revoke the Letter of Local Determination in a manner consistent with § 189.3(b) (relating to local traffic).

(b) A Letter of Local Determination issued under § 190.3(b)(1)(i) (relating to local traffic and Letters of Local Determination) will be revoked if the bonding of a road by unconventional oil and gas development companies specified in the Letter of Local Determination terminates. This subsection does not prohibit the hauler from applying for a subsequent Letter of Local Determination under § 190.3(b)(1)(ii) or (2).

(c) A hauler who has had a Letter of Local Determination revoked may apply for a permit under Chapter 189 (relating to hauling in excess of posted weight limit).

[Pa.B. Doc. No. 12-831. Filed for public inspection May 11, 2012, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 24, 2012.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-23-2012	The Bryn Mawr Trust Corporation Bryn Mawr Montgomery County  Application for approval to acquire 100% of Davidson Trust Company, Devon.	Approved

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-23-2012	The Bryn Mawr Trust Company Bryn Mawr Montgomery County  Application for approval to merge Davidson Trust Company, Devon, with and into The Bryn Mawr Trust Company, Montgomery County.	Approved

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-24-2012	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	135 East City Avenue Bala Cynwyd Montgomery County	Filed

### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-23-2012	Vantage Point Bank Fort Washington Montgomery County  Amendment to Article II of the institution's Articles of Incorporation provides for a change in their principal place of business from 1250 Virginia Drive, Fort Washington, Montgomery County, PA 19034 to 100 Gibraltar Road, Horsham, Montgomery County, PA 19044	Approved and Effective

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-24-2012	Freedom Credit Union Warminster Bucks County  Application for approval to merge McKinley Memorial Federal Credit Union, Willow Grove, with and into Freedom Credit Union, Warminster.	Approved



**Branch Applications****Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-24-2012	Incol Credit Union Old Forge Lackawanna County	<i>To:</i> 584 Wyoming Avenue Kingston Luzerne County  <i>From:</i> 480 Pierce Street Kingston Luzerne County	Filed

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-832. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 23, 2012, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Joe Graci at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Deb Miller directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-833. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0013650 (IW)	General Dynamics OTS Inc. (Scranton Army Ammunition Plant) 156 Cedar Avenue Scranton, PA 18505	Lackawanna County Scranton City	Roaring Brook (5-A)	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114715 (Sewage)	Hemlock Municipal Sewer Cooperative WWTP P. O. Box 243 Bloomsburg, PA 17815	Columbia County Montour Township	Fishing Creek (5-C)	Y

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

*Central Office: Bureau of Point and Non-Point Source Management, Planning and Permitting Program Manager, 400 Market Street, Harrisburg, PA 17105-8774, Telephone: 717.787.8184.*

**PA0270741**, Pesticides, SIC Code 4959, **Pennsylvania Department of Environmental Protection (PA DEP) Vector Management Program**, PO Box 1467, Harrisburg, PA 17105.

Description of Proposed Activity: The application is for a new NPDES permit for proposed discharges associated with the application of pesticides to control or suppress black flies and mosquitoes carrying West Nile Virus, statewide. Direct applications to waters are generally completed by the black fly program using biological pesticides. Applications near water are anticipated for the West Nile Virus program using both biological and chemical pesticides.

The receiving stream(s) are located throughout Pennsylvania and may vary year to year as a result of surveillance activities. PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. The permit authorizes discharges to receiving streams statewide. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan. The proposed permit also contains a schedule of pesticides and maximum doses authorized under the permit.



You may make an appointment to review the DEP files on this case by calling Dharmendra Kumar at 717.783.2288. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

**PA0081302**, Sewage, SIC Code 4952, **South Londonderry Township Municipal Authority Lebanon County**, P. O. Box 3, Campbelltown, PA 17010. Facility Name: South Londonderry Campbelltown West STP. This existing facility is located in South Londonderry Township, **Lebanon 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), Spring Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.215 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	<0.1	XXX	0.30
CBOD <sub>5</sub>						
May 1 - Oct 31	35.8	53.7	XXX	20	30	40
Nov 1 - Apr 30	44.8	71.7	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	53.7	80.6	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	5.3	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	16.1	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	3.5	XXX	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.

**PA0026743 A-1**, Sewage, SIC Code 4952, **Lancaster City Lancaster County**, 120 N Duke Street, Lancaster, PA 17608. Facility Name: Lancaster City STP. This existing facility is located in Lancaster City, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 32.08 MGD. There are also six combined sewer overflow outfalls included in the permit: 002, 003, 004, 005, 006, and 100. There are also three stormwater outfalls included in the permit: 007, 008, 009.

The amendment would allow the inlets and catch basins of the collection system to be checked and cleaned at least once per year instead of twice per year as part of the facility's Combined Sewer Overflow Long Term Control Plan [Part C. General Conditions, V. Combined Sewer Overflows].

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

The EPA Waiver is not in effect.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PA0221830**, Sewage, SIC Code 4952, **West Sunbury Borough Municipal Authority Butler County**, PO Box 202, West Sunbury, PA 16061-0202. Facility Name: West Sunbury Borough STP. This existing facility is located in West Sunbury Borough, **Butler 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 is an unnamed tributary of South Branch Slippery Rock Creek, located in State Water Plan watershed 20-C and classified for cold water fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.028 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	5.8	9.3	XXX	25	40	50
Total Suspended Solids	7.0	10.5	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia as Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	6.5	XXX	13
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	41

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0263958**, SIC Code 4952, **OM Recreation Inc.**, PO Box 126, Tionesta, PA 16353. Facility Name: Seldom Inn SFTF. This proposed facility is located in Green Township, **Forest County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a proposed Small Flow Sewage Treatment Facility.

The receiving stream(s), Unnamed Tributary to Little Tionesta Creek, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
UV Transmittance (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Geo Mean report	XXX	XXX

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

- eDMR Reporting

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

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

**WQM Permit No. 1512407**, Sewage, **Borough of Kennett Square**, 120 Marshall Street, Kennett Square, PA 19348. This proposed facility is located in the Borough of Kennett Square, **Chester County**.

Description of Action/Activity: Construction and operation of a new chemical feed system for phosphorous removal.

**WQM Permit No. 4609411**, Sewage, **East Norriton Township**, 2501 Stonebridge Street, East Norriton, PA 19401.

This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Action/Activity: Proposed bypass force main will discharge to existing gravity manhole which flow to Albert Einstein Medical Center Pump Station.

**WQM Permit No. 1512408**, Sewage, **East Vincent Township**, 262 Ridge Road, Spring City, PA 19475.

This proposed facility is located in East Vincent Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new wastewater treatment plant to take the place of the existing Veterans Center wastewater treatment plant.

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

**WQM Permit No. 0612403**, Sewerage, **Kutztown Road Association, Inc.**, Martin J. Rapoport, 6081 Fairway Lane, Allentown, PA 18106-9699.

This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for construction/operation of sewage facilities to serve The Rink, proposed roller skating facility.

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

**WQM Permit No. 2689404-A2**, Sewerage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401-2214

This existing facility is located in Springhill Township, **Fayette County**

Description of Proposed Action/Activity: Permit amendment application.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01091111	Kinder Morgan Bulk Terminals, Inc. 1 Sinter Road Fairless Hills, PA 19030	Bucks	Falls Township	Delaware River (WWF-MF)

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

*Luzerne County Conservation District: 325 Smiths Pond Road, Shavertown, PA 18708, 570-674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024012001	PPL Electric Utilities Marc St. Amour Two North Ninth St. GENN 3 Allentown, PA 18101	Luzerne	Conyngham Twp., Hollenback Twp., Sugarloaf Twp., Hazle Twp.	Susquehanna River, WWF, MF; Little Wapwallopen Creek, HQ-CWF, MF; Wapwallopen Creek, HQ-CWF, MF; Nescopeck Creek, HQ-CWF, MF; Little Nescopeck Creek, HQ-CWF, MF; Black Creek, CWF, MF; Stony Creek, CWF, MF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507009(1)	The Spirit of Swiftwater, Inc. 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Pocono Twp.	Swiftwater Creek, HQ-CWF, MF

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, 570-253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026412001	Zaremba Group LLC 14600 Detroit Ave. Lakewood, OH 44107	Wayne	Honesdale Bor.	Lackawaxen River, HQ-TSF, MF

*Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, 570-836-2589.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026612001	S.T.J. Williams Family Partnership LTD P. O. Box 3655 Scranton, PA 18507	Wyoming	Eaton Twp.	Bowmans Creek, HQ-CWF, MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033612003	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	Pequea Creek HQ-CWF
PAI026703002R	Gerard Lenhoff Gerard Builders, Inc. P. O. Box 301 New Providence, PA 17560	York	East Hopewell Township	UNT to Rambo Run EV

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*McKean County Conservation District, 17137 Route 6, Smethport PA 16749*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064212002	Keating Township PO Box 103 7160 Route 46 East Smethport PA 16730	McKean	Keating Township	Kinzua Creek CWF; Minard Run EV; Railroad Run EV; Droney Run EV; Wolf Run EV; Potato Creek TSF/WWF; UNTs Potato Creek CWF; Little Black Brook CWF; Marvin Creek CWF; Panther Run EV; Blacksmith Run HQ, CWF/ CWF

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**PAG128392, CAFO, Presque Isle Downs, Inc.,** 8199 Perry Highway, Erie, PA 16509-6640.

This proposed facility is located in Summit Township, **Erie County**.

Description of Size and Scope of Proposed Operation/Activity: Renewal of existing permit and expansion of number of stables from 500 to 600.

The receiving stream, Unnamed Tributary to Walnut Creek, is in watershed 15 and classified for: CWF; MF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**STATE CONSERVATION COMMISSION  
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS  
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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. Comments should be sent to the SCC, 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**

<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>
Mike Boyer 255 Lake Meade Road East Berlin, PA 17316	Adams	15	704.04	Turkeys	NA	New

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.



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

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

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

**A. Hunsinger 1H/3H Well Site**, 243 Lathrop Road, State Route 3001, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud as a result of a release from a reserve pit and mudshelf. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard and Background Standard for soil. 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. A Final Report was simultaneously submitted.

**C. LaRue 4H/5H Well Site**, State Route 3010, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud and pit contents as a result of a release which occurred when the drilling mud and pit contents escaped from the confines of the reserve pit liner. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard and Background Standard for soil. 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. A Final Report was simultaneously submitted.

**D. Grosvenor 1H/2V Well Site**, State Route 3001 and State Route 3019, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by brine fluid as a result of an accidental overflow of an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Final Report was simultaneously submitted.

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

**Saylor's IGA and Walter's Excavating, Inc.**, 37 Carlisle Road and 1 Mill Street, Newville, PA 17241, West Pennsboro Township, **Cumberland County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite

310, Harrisburg, PA 17110, on behalf of Apple Hill Business Advisors, Inc., 33 North Second Street, Harrisburg, PA 17101, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline, diesel fuel, No. 2 fuel oil and used motor oil. The site will be remediated to the Site-Specific Standard and remain commercial.

**Tremellen's Tire & Auto, Inc.**, 1071 Manheim Pike, Lancaster, PA 17601, City of Lancaster and Manheim Township, **Lancaster County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of 420 Real Estate LLC, c/o Loan Ranger, 22 East Mifflin Street, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline. The site had formerly operated as a truck terminal and gasoline filling station. Future use will be non-residential. The site will be remediated to the Residential Statewide Health standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Brodart—Memorial Avenue Site**, City of Williamsport, **Lycoming County**. AMEC E&I, Inc., 800 N. Bell Avenue, Suite 200, Carnegie, Pa 15106 on behalf of Brodart Company, 500 Arch Street, Williamsport, Pa 17701 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with VOCs, SVOCs, and metals. The applicant proposes to remediate the site to meet the Site Specific Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**I-80 Eastbound MM 94 Diesel Fuel Spill Site**, Washington Township, **Jefferson County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 on behalf of JM Leasing Company, P. O. Box 27, Clarion, PA 16214 and Transportation Spill Solutions, P. O. Box 1067, Athens, GA 30603 has submitted a Notice of Intent to Remediate. A multiple vehicle accident occurred on January 2, 2012, resulting in the release of approximately 300 gallons of diesel fuel to the environment. The proposed remediation standard is Statewide Health Residential. Future use of the property will remain non-residential. The Notice of Intent to Remediate was published in *The Courier Express* on April 6, 2012.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received 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 the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR113. Piney Creek LP**, 428 Power Lane, Clarion Pa 16214. General Permit Number WMGR113 authorizes beneficial use of non-hazardous coal tar and oil-contaminated waste as alternate fuels to be combined with waste coal/coal to produce specification fuel for circulating fluidized bed boilers (CFB). This general permit also authorizes the beneficial use of the resulting ash. Piney Creek LP requested modification of General Permit Number WMGR113 to allow use of non-hazardous wood waste, including wood

treated with creosote and pentachlorophenol, and fiberboard to also be used as alternative fuel. The application was received by Central Office on April 2, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR113" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application No. WMGR097R023. NJ Zinc Brownfield, LLC**, 1120 Mauch Chunk Road, Palmerton, PA 18071-1110. This application is for research and development. The proposed research and development project involves mixing C&D fines with regulated fill to produce levels of compaction that will support structures for brownfield remediation activities. The application was determined to be administratively complete by Central Office on April 24, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenudeall@pa.gov. When submitting via e-mail, place "Comments on WMGR097R023" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### **DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

#### **Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR082D003. Impact Environmental Consulting, Inc.**, 170 Keyland Court, Bohemia, NY 11716. Site: Total Recycling Fullerton Slag Bank, 1820 North Dauphin Street, Allentown, PA 18109-0674. The Department of Environmental Protection, Bureau of Waste Management has received a renewal application for a determination of applicability under the General Permit # WMGR082. The general permit WMGR082 is for processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag as a construction material. The application for renewal of the determination of applicability was determined administratively complete by Central Office on April 24, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR082D003" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## **AIR QUALITY**

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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



### PLAN APPROVALS

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

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**03-00185A: Vista Metals, Inc.** (1024 E Smithfield Street, McKeesport, PA 15135) to: increase VOC emissions from 37.6 tons to 49.9 tons, to increase amount lost each month from 4 tons to 5 tons, and to cease annually testing the Carbon Room dust collection system in favor of performing daily visual inspections per manufacturer's recommendations at the Kittanning Plant in East Franklin Township, **Armstrong County**. This is a State Only facility Plan Approval submittal. 11-00524B: United Industrial (163 Cramer Pike, Johnstown, PA 15906-1157) for installation of surface coating for a paint booth at the facility in West Taylor Township, Cambria County.

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

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

**37-300B: North American Forgemasters** (710 Moravia Street, New Castle, PA 16101) for construction of two (2) additional forge furnaces to provide capacity during the subsequent furnace removal and construction of six (6) new forge furnaces which will replace six existing forge furnaces in New Castle City, **Lawrence County**. This is a State Only facility.

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

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

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

**AMS 11353: Sunoco, Inc.** (3144 Passyunk Avenue, Philadelphia, PA 19145) to incorporate the NO<sub>x</sub> and SO<sub>2</sub> emission limit of the 1232 FCCU from the second amendment of the Consent Decree 05-CV-2866 in the City of Philadelphia, **Philadelphia County**. The facility is not modifying any equipment or increasing any emission due to this project. The permit will contain operating, monitoring, and recordkeeping requirements to assure compliance in accordance with the consent decree.

### OPERATING PERMITS

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

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

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

**09-00015: Rohm and Haas Co.** (200 Route 413, Bristol, PA 19007) for renewal of the Title V Operating Permit, issued on July 12, 2007, and amended on March 22, 2012 in Bristol Township, **Bucks County**. This proposed renewal of the Title V Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The Rohm and Haas Company is a diverse chemical manufacturing facility. The area source boiler MACT of 40CFR 63 Subpart JJJJJJ, and NESHAP of 40 CFR 63 Subpart VVVVVV, are not applicable. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00122: Arkema, Inc.—Altuglas International** (100 Route 413, Bristol, PA 19007) for a renewal of the Title V Operating Permit in Bristol Township, **Bucks County**. The initial permit was issued on 6-7-2007 and will expire on 6/30/2012. The facility manufactures a variety of acrylic molding resins that are used as the raw material in a variety of applications (i.e., lighting applications, tail light lenses, faucet handles, etc.). As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**13-00014: Silberline Manufacturing Co., Inc.** (130 Lincon Drive, P. O. Box B, Tamaqua, PA 18252) for operation of aluminum pigment manufacturing and boilers operation in Lansford Borough, **Carbon County**. This action is a renewal of the Title V Operating Permit. These sources have the potential to emit major quantities of regulated pollutants (VOC) above Title V emission thresholds. The proposed Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, 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, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-949-705-4863*

**21-05038: Holy Spirit Hospital** (503 North 21st Street, Camp Hill, PA 17011) for operation of their hospital and medical services institution in East Pennsboro Township, **Cumberland County**.

In accordance with 25 Pa. Code § 127.463 the Department of Environmental Protection (DEP) has received an application and intends to issue a modification of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2011: 8 tons of NO<sub>x</sub>; 6 tons of CO; 1 ton of PM<sub>10</sub>; 1 ton of SO<sub>x</sub>; 0.5 ton VOC; 8,376 tons of CO<sub>2</sub>; and 8,379 tons of CO<sub>2e</sub>. The Operating Permit will be modified to incorpo-

rate updated requirements (40 CFR Part 60, Subpart Ce—Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators (HMIWIs)) for the HMIWI and new requirements (40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources) for the three boilers.

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

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

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

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

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

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

**49-00014: Jeraco Enterprises** (135 Sodom Road, Milton, PA 17847-9232) for renewal of the Title V Operating Permit for their facility in Milton Borough, **Northumberland County**. The facility's sources include eight heaters with heat input ratings ranging from 1.98 million Btu per hour to 0.15 million Btu per hour, a fiberglass reinforced plastics spray layup and cleanup operation, a resin storage tank and eight surface coating spray booths and associated cleanup operations. The facility has the potential to emit volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) above the major emission thresholds. The potential emission of nitrogen oxides (NO<sub>x</sub>), carbon monoxide, sulfur oxides (SO<sub>x</sub>) and particulate matter (PM/PM<sub>10</sub>) are below their respective major emission thresholds. The fiberglass reinforced plastics spray layup and cleanup operation and the resin storage tank are subject to Subpart WWWW of the federal National Emissions Standards for Hazardous Air Pollutants for Reinforce Plastic Composites Production, 40 CFR Sections 63.5780 through 63.5935, and the surface coating spray booths and associated cleanup operations are subject to Subpart PPPP of the federal National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products, 40 CFR Sections 63.44800 through 63.4581. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00016: Plastic Development Co.** (PO Box 4007, Williamsport, PA 17701-0607) for renewal of the Title V operating permit for their facility in Williamsport, **Lycoming County**. The facility's sources include thirteen heaters with heat input ratings ranging from 0.184

million Btu per hour to 0.118 million Btu per hour, a gelcoat hand layup operation, a resin spray layup operation, a PVC cementing operation, a polyurethane foam operation, a surface coating operation, a cleanup operation and three fuel oil storage tanks. The facility has the potential to emit hazardous air pollutants (HAPs) above the major emission thresholds. The potential emission of nitrogen oxides (NO<sub>x</sub>), carbon monoxide, volatile organic compounds (VOCs), sulfur oxides (SO<sub>x</sub>) and particulate matter (PM/PM<sub>10</sub>) are below their respective major emission thresholds. The gelcoat hand layup operation, the resin spray layup operation and all associated cleanup operations are subject to Subpart WWWW of the federal National Emissions Standards for Hazardous Air Pollutants for Reinforce Plastic Composites Production, 40 CFR Sections 63.5780 through 63.5935. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**V11-003: Exelon Generating Co.—Richmond Station** (3901 North Delaware Avenue, Philadelphia, PA 19137) City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 838 MMBTU/hr combustion turbines and a 1.77 MMBTU/hr boiler.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above 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 thirty days before the hearing.

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**48-00087: Federal White Cement, Inc.** (72 West 21st Street, Northampton, PA 18067-1276) for a Portland Cement Distribution Terminal in Northampton Borough, **Northampton County**. The facility's main sources include two cement distribution silos. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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



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

**22-03014: Stewart Amos Steel, Inc.** (4400 Paxton Street, Harrisburg, PA 17111) for operation of a steel surface coating operation at their Harrisburg plant in Swatara Township, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility's volatile organic compound (VOC) emissions are usually less than two tons per year and the potential emissions are estimated at around five tons per year.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from both 25 Pa. Code § 129.52.

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

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

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

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

**31-03003: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for a limestone crushing plant at their Orbisonia Quarry in Cromwell Township, **Huntingdon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 2.0 tons per year of particulate matter and 0.8 tons per year of PM-10. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

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

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

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

**07-05031: Union Tank Car Co.** (P. O. Box 2003, Altoona, PA 16603-2003) for a railroad tank car maintenance, repair and refurbishing facility located in the City of Altoona, **Blair County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 33.97 tons per year of volatile organic compounds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

**05-05001: Cycling Sports Group, Inc.** (172 Friendship Village Road, Bedford, PA 15522) for a bicycle assembly facility located in Bedford Township, **Bedford County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 0.14 tons per year of volatile organic compounds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

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

**08-00007: Leprino Foods Co.** (400 Leprino Avenue, Waverly, NY 14892-1384) for operation of their cheese production and manufacturing facility in the South Waverly Borough, **Bradford County**. The facility's main sources are four (4) 20.9 MMBTU/hr natural gas/#2 through #6 fuel oil fired boilers and a whey drying operation. This facility has the potential to emit sulfur oxides, (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM<sub>10</sub>) below the major emission thresholds.

**41-00069: Fisher Mining Co.** (40 Choate Circle, Montoursville, PA, 17754-9791) for issuance of a state only operating permit for their facility in Williamsport, **Lycoming County**. The facility's source is a coal railcar loading operation. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**57-00002: Haines and Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) to issue a renewal state only operating permit for their Dushore Materials facility in Cherry Township, **Sullivan County**. The facility's major sources include four (4) stone crushers, three (3) screening units, and six (6) diesel-fired engines each rated between 99 and 890 horsepower. The proposed state only

operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**26-00477: BAE Systems Land & Armaments, LP** (2198 University Drive, Lemont Furnace, PA, 15456) for custom picture framing shops and repair services at the Fayette Plant in North Union Township, **Fayette County**. This is a State Only Operating Permit Renewal application submittal.

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

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

**S11-029: Philadelphia Tramrail Company** (2207 East Ontario Street, Philadelphia, PA 19134) for the manufacturing of overhead cranes and hydraulic balers and compactors in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 1.75 MMBTU/hr #2 oil-fired space heaters and three (3) painting stations with filters.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code 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 Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above 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 thirty days before the hearing.

**N12-007: SJA Construction, Inc.** (at 3600 S 26th Street Philadelphia, PA 19145) for operating Asphalt and Concrete Plant facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two Cement Bin, a 12CY Mixer, a C&W Baghouse and an Impact Crusher.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code 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 Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above 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 thirty days before the hearing.

**N12-014: Tenet Health System—Hahnemann University Hospital** (at 230 North Broad Street, Philadelphia, PA 19107) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes nine (9) emergency generators, and three (3) fire pumps.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code 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 Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above 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 thirty 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 Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must

contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

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

**56951301 and NPDES No. PA0214850. RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541). To renew the permit for the Augustus Mine in Shade and Stonycreek Townships, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 23, 2012. Application received: October 31, 2011.

**03060701 and NPDES No. PA0235661. McVile Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). To renew the permit for the McVile Coal Refuse Disposal Area #2 in South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 27, 2012. Application received: November 3, 2011.

**32830701 and NPDES No. PA0215015. Pennsylvania Mines, LLC**, (2 North 9th Street, Allentown, PA 18101). To renew the permit for the Greenwich No. 2 Refuse Site in Green Township, **Indiana County** and Susquehanna Township, **Cambria County** for reclamation only and to revise the permit for a land use change to 11.5 acres from wildlife habitat to unmanaged natural habitat. Includes deletion of NPDES discharge point 001. No discharges. The application was considered administratively complete on April 30, 2012. Application received: January 30, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC** (308 Dents Run Road, Morgantown, WV 26501). Revision application for land use change from forestland to post mining land use of unmanaged natural habitat to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 120.0 acres. Receiving streams: unnamed tributaries to Dunkard Creek and Monongahela River, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: Dunkard Valley Water Authority and Masontown Water Works. Application received: April 24, 2012.

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

**33120103 and NPDES Permit No. PA0259276. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Commencement, operation and restoration of a bituminous surface mine in Beaver Township, **Jefferson County** affecting 68.0 acres. Receiving streams: One unnamed tributary to Redbank Creek, two unnamed tributaries to Little Sandy Creek, and Brosius Run, all classified for the following uses: CWF. This application also includes a request to change



the post-mining land use from forestland to unmanaged natural habitat on the Ammon Anson Brosius property. Application received: April 23, 2012.

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

**14860103 and NPDES No. PA0115576. Keystone Coal Co.** (1375 Jackson St., Suite 401, Fort Myers, FL 33901). Renewal of an existing bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 199.0 acres. Receiving stream: unnamed tributary to Beech Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2012.

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

**49950202R3. Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Mt. Carmel Township, **Northumberland County** affecting 148.0 acres, receiving stream: Shamokin Creek, classified for the following use: warm water fishes. Application received: April 23, 2012.

**54860207R5. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in West Penn Township, **Schuylkill County** affecting 65.0 acres, receiving stream: Little Schuylkill River, classified for the following use: cold water fishes. Application received: April 25, 2012.

#### *Noncoal Applications Received*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63090601 and NPDES Permit No. PA0251712. Arthur J. Boyle** (P. O. Box 400, Laughlintown, PA 15665). Revision application for land use change from forestland to post mining land use of unmanaged natural habitat to an existing large noncoal surface mine, located in East Bethlehem Township, **Washington County**, affecting 50.3 acres. Receiving streams: unnamed tributaries to Ten Mile Creek and Ten Mile Creek, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: PA American Water Co., Brownsville Plant and Tri County Joint Municipal Authority. Application received: April 19, 2012.

**63920301 and NPDES Permit No. PA0203424. Langeloth Metallurgical Co., LLC** (10 Langeloth Plant Drive, Langeloth, PA 15054). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Smith Township, **Washington County**, affecting 13.0 acres. Receiving streams: unnamed tributary to Burgetts Fork, 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: April 25, 2012.

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

**37950303. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153) Application for a wetlands encroach-

ment to mine through 3.02 acres and reconstruct 4.75 acres of palustrine emergent—palustrine scrub/shrub wetlands in Lake Township, **Mercer County**. Receiving streams: Little Shenango River, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: April 25, 2012.

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

**58980807. Thomas J. Shields**, (1371 Baptist Hill Road, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Liberty Township, **Susquehanna County** affecting 2.0 acres on property owned by Thomas J. Shields. Application received: March 16, 2012.

**67010801. Craig E. Dallmeyer**, (4775 N. Sherman Street, Mt. Wolf, PA 17347), Stage I & II bond release of a quarry operation in East Manchester Township, **York County** affecting 5.0 acres on property owned by York Bakers Farm, LP. Application received: April 5, 2012.

**64072804. Joseph G. Bunnell**, (267 Tryon Street, Honesdale, PA 18431), Stage I & II bond release of a quarry operation in Texas Township, **Wayne County** affecting 5.0 acres on property owned by Joseph G. Bunnell. Application received: April 16, 2012.

**64020802. Bruce R. Stanton**, (43 Scott Center Road, Starrucca, PA 18462), Stage I & II bond release of a quarry operation in Preston Township, **Wayne County** affecting 1.0 acre on property owned by Bruce R. Stanton. Application received: April 19, 2012.

**66030804. Larry Trauger**, (152 Aleah Lane, Factoryville, PA 18419), Stage I & II bond release of a quarry operation in Falls Township, **Wyoming County** affecting 1.0 acre on property owned by Larry Trauger. Application received: April 24, 2012.

#### **MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:



<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality 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 (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges

associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0235989 (Mining Permit No. 56100701), Wilson Creek Energy, LLC**, (140 West Union Street, Suite 102, Somerset, PA 15501). A revision to the NPDES and mining activity permit for the Milford #3 Coal Refuse Disposal Area in Milford Township, **Somerset County** to change the water handling and add three NPDES outfalls. Surface Acres Affected 89.4. Receiving streams: South Glade Creek and Unnamed Tributaries to South Glade Creek, all classified for the following use: WWF. Casselman River TMDL. The application was considered administratively complete on March 19,

2012. Application received November 22, 2011.

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

The proposed average daily discharge rate for Outfall 001 is 0.08 MGD

Outfall 001 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for Outfall 001 Lat: 39° 57' 46" Long: 79° 09' 49" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.75	3.5	4.38
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				Monitor and Report
Flow				Monitor and Report
Osmotic Pressure (mOs/kg)				Monitor and Report
Total Dissolved Solids (mg/l)				Monitor and Report
Sulfates (mg/l)				Monitor and Report
Specific Conductance (umho)				Monitor and Report

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 0.07 MGD

Outfall 002 discharges to: South Glade Creek

The proposed effluent limits for Outfall 002 Lat: 39° 57' 31" Long: 79° 10' 07" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.75	3.5	4.38
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				Monitor and Report
Flow				Monitor and Report
Osmotic Pressure (mOs/kg)				Monitor and Report
Total Dissolved Solids (mg/l)				Monitor and Report
Sulfates (mg/l)				Monitor and Report
Specific Conductance (umho)				Monitor and Report

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 003 is 0.58 MGD

Outfall 003 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for Outfall 003 Lat: 39° 57' 47" Long: 79° 10' 02" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.75	3.5	4.38
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				Monitor and Report
Flow				Monitor and Report
Osmotic Pressure (mOs/kg)				Monitor and Report
Total Dissolved Solids (mg/l)				Monitor and Report
Sulfates (mg/l)				Monitor and Report
Specific Conductance (umho)				Monitor and Report

<sup>1</sup> The parameter is applicable at all times.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0069159 (Mining permit no. 11773037), Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for reclamation only on a surface mine in Conemaugh Township, **Cambria**

**County**, affecting 358.7 acres. Receiving stream(s): unnamed tributaries to/and Little Conemaugh River, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: January 31, 2012.

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

The outfall(s) listed below discharge to unnamed tributaries to/and Little Conemaugh River.

The treated wastewater outfall listed below discharge to unnamed tributary to Little Conemaugh River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
011	N

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

**NPDES No. PA0259161 (Permit No. 16110104). Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) New NPDES permit for a bituminous surface mine in Clarion Township, **Clarion County**, affecting 11.0 acres. Receiving streams: unnamed tributary to the Clarion River, classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: September 8, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.2	4.4	5.5
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		.75	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup>The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				5.5
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

This draft permit also addresses the following pre-existing substandard discharges which the applicant proposes to improve through re-mining:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
D1	Y

Under 25 Pa. Code § 87.207 the applicant will not incur liability for these discharges unless its activities cause the baseline pollution load(s) to increase. Should the applicant incur liability for the discharges, then the following effluent limits will apply:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				5.5
Manganese (lbs/day)				0.1
Aluminum (lbs/day)				0.4
Alkalinity greater than acidity <sup>1</sup>				
Net Acidity (lbs/day)				3.0

<sup>1</sup>The parameter is applicable at all times.

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

**NPDES No. 0257796 (Mining Permit No. 17110108), RES Coal, LLC**, 8912 Clearfield-Curwensville Highway, Clearfield, PA 16830, new NPDES permit for bituminous coal surface mining in Gulich Township, **Clearfield County**, affecting 141 acres. Receiving streams: Little Muddy Run classified for the following use: High Quality-Cold Water Fishery (above Janesville Dam). Application received: June 24, 2011.

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

The outfalls listed below discharge to: Unnamed Tributaries to Little Muddy Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
TF-2	Y
TF-3	Y
TF-4	Y

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
TF-2	Y
TF-3	Y
TF-4	Y

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0241938 (Permit No. 10010309). Annandale Sandstone** (219 Goff Station Road, Boyers, PA 16020) Renewal of the NPDES permit for a large industrial minerals surface mine in Venango Township, **Butler County**, affecting 17.6 acres. Receiving streams: Unnamed tributary to Seaton Creek, classified for the following uses: CWF. TMDL: Seaton Creek. Application received: December 16, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Seaton Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N

The outfall(s) listed below discharge to unnamed tributary to Seaton Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
01	N

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

**NPDES No. PA0223751 on Surface Mining Permit Nos. 52970301 and 5278SM4. G.F. Edwards, Inc.**, (204 SR 435, Elmhurst, PA 18444), renewal of an NPDES Permit for sandstone quarry operations in Greene Township, **Pike County**, affecting 173.06 acres. Receiving stream: Wallenpaupack Creek, classified for the following use: HQ-cold water fishes. Application received: March 13, 2012.

Unless otherwise noted for a specific outfall, the proposed and existing effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Wallenpaupack Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	E&S/Stormwater

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of

an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which



the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-873 Warrington Township**, 7852 Easton Road, Warrington Township, **Bucks County**, ACOE Philadelphia District.

To amend previously authorized Permit No E09-873 associated with the proposed water obstruction and encroachment activity across Little Neshaminy Creek (WWF, MF):

1. To construct and maintain a 4-foot long, 70-foot span, 3.75-foot high pedestrian bridge. This work includes the associate trail modifications on the approaches to the bridge.

The project will permanently impact approximately 10 linear feet of stream. The site is located approximately 397 feet southeast of the terminus of Bradley Road in Warrington Township, Bucks County (Ambler, PA USGS Quadrangle N: 20.22 inches; W: 5.99 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E39-517. City of Allentown, Department of Public Works**, 641 South 10th Street, 3rd Floor, Allentown PA 18103-3173, City Of Allentown, **Lehigh County**, U.S. Army Corps Of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 48.5-foot wide composite prestressed concrete bulb-tee bridge across Cedar Creek (HQ-CWF, MF) having a 90-foot span and an 8-foot approximate underclearance. The project is located on Union Street approximately 0.1 mile east of its intersection with St. Elmo Street (Allentown East, PA Quadrangle Latitude: 40°35'31"; Longitude: -75°29'52") in the City of Allentown, Lehigh County.

**E45-573. Jan Lorenz**, 19 Skyview Drive, Scotrun, PA 18355, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 0.35-acre off-stream excavated pond in the floodway of a tributary to Dry Sawmill Run (HQ-CWF, MF) with a 4-inch diameter PVC intake pipe from the tributary crossing approximately 6 feet of EV wetlands and a 6-inch diameter PVC outlet pipe to the tributary crossing approximately 4 feet of EV wetlands. The project is located at 19 Skyview Drive (Pocono Pines, PA Quadrangle, Latitude: 41°04'20"; Longitude: -75°22'33").

**E52-236. Delaware Valley School District**, 258 Route 6 & 209, Milford, PA 18337, in Westfall Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Rosetown Creek (HQ-CWF, MF) consisting of a 24-inch diameter smooth-lined corrugated polyethylene pipe, flared end section and rock outlet protection. The outfall is associated with the Delaware Valley High School Gym Addition. The project is located on the south side of Route 6 & 209 approximately 1 mile west of the Interstate-84, Exit 53 Interchange (Port Jervis South, NY-NJ-PA Quadrangle, Latitude: 41°20'59"; Longitude: -74°44'08").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E67-900: Codorus Ventures, LLC, Hills at Valley View**, 113 Westminster Road, Reisterstown, MD 21136, in Codorus Township, York County, ACOE Baltimore District

To: 1) construct and maintain a 64.0-foot long, 6.0-inch depressed, 72.0-inch × 113.0-inch elliptical reinforced concrete pipe in an unnamed tributary to Codorus Creek (TSF, MF) with depressed riprap aprons extending 10.0 feet upstream and 35.0 feet downstream; 2) construct and maintain a 37.0-foot long, 6.0-inch depressed, 72.0-inch × 113.0-inch elliptical reinforced concrete pipe in an unnamed tributary to Codorus Creek (TSF, MF) with depressed riprap aprons extending 10.0 feet upstream and 30.0 feet downstream; 3) construct and maintain a 10.0-foot wide, single span pedestrian bridge having a normal span of 23.0 feet and an underclearance of 4.0 feet across an unnamed tributary to Codorus Creek (TSF, MF); and 4) install and maintain two 8.0-inch sewer lines in and across an unnamed tributary to Codorus Creek (TSF, MF), all for the purpose of constructing a residential development. The project is located at 5137 Sinsheim Road, Spring Grove, Pennsylvania 17362 (Seven Valleys, PA Quadrangle; Latitude: 39°48'36.9", Longitude: -76°51'9.1") in Codorus Township, York County.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-031: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, New York, 14845, Elkland and Fox Townships, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 191 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'33"N, 76°39'18"W);

(2) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 193 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'34"N, 76°39'18"W);

(3) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 17 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'35"N, 76°39'19"W);

(4) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 194 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'45"N, 76°39'31"W);

(5) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 72 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk Quadrangle 41°32'45"N, 76°39'32"W);

(6) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 191 linear feet of Elk Creek (EV) (Shunk Quadrangle 41°32'57"N, 76°40'05"W);

(7) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 2,576 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'50"N, 76°40'32"W);

(8) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'38"N, 76°41'13"W);

(9) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 133 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'38"N, 76°41'13"W);

(10) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 190 linear feet of an unnamed tributary to Porter Creek (EV) (Shunk Quadrangle 41°32'14"N, 76°41'54"W);

(11) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 530 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk Quadrangle 41°32'14"N, 76°41'55"W);

(12) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 2,075 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'15"N, 76°41'57"W);

(13) A temporary road crossing using a wood mat bridge and a 16 one 16.0-inch diameter gathering line impacting 224 linear feet of Porter Creek (EV) (Shunk Quadrangle 41°32'16"N, 76°42'29"W);

(14) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 94 linear feet of an unnamed tributary to Porter Creek (EV) (Shunk Quadrangle 41°32'14"N, 76°42'30"W);

(15) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 2,683 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'15"N, 76°43'03"W);

(16) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 418 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'16"N, 76°43'11"W);

(17) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 128 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk Quadrangle 41°32'22"N, 76°43'37"W);

(18) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 190 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk Quadrangle 41°32'24" N, 76°43'46" W);

(19) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 6,339 square feet of an palustrine scrub/shrub (PSS) wetland (Shunk Quadrangle 41°32'28"N, 76°44'06"W);

(20) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 1,410 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk Quadrangle 41°32'36"N, 76°44'34"W);

(21) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 205 linear feet of Hoagland Branch (EV) (Shunk Quadrangle 41°32'36"N, 76°44'35"W);

(22) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 540 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°32'31"N, 76°44'48"W);

(23) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 581 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°32'30"N, 76°44'51"W);

(24) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 216 linear feet of Fall Run (EV) (Grover Quadrangle 41°32'27"N, 76°45'04"W);

(25) A temporary road crossing using a wood mat bridge and a 16 inch diameter well line impacting 121 linear feet of an unnamed tributary to Fall Run (EV) (Grover Quadrangle 41°32'19"N, 76°45'09"W).

The project will result in 17,224 square feet of temporary wetland impacts and 2,479 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Elkland and Fox Township, Sullivan County. The permittee will provide 0.29 acre of compensatory mitigation for impacts throughout the project at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

**E1729-004. Energy Corporation of America.** 1380 Route 286 Hwy E., Suite 221, Indiana, PA 15701. COP Tract 324A Project, in Girard Township, **Clearfield County**, ACOE Baltimore District. (The Knobs, PA Quadrangle, Latitude: N41°09'44.0", Longitude: W78°18'53.0").

Applicant proposes to construct, operate, and maintain fill in 1522.0 square feet (0.03 acre) of isolated palustrine emergent (PEM) wetlands located on an existing shallow gas well pad in order to convert the existing shallow natural gas wellsite into a Marcellus Shale wellsite.

**E6629-006: Appalachia Midstream Services, LLC,** 100 IST Center, Horseheads, NY 14845, Windham and North Branch Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 3,406 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°33'54", Longitude: W76°12'49");

2. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 3,515 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'05", Longitude: W76°12'38");

3. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 511 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'18", Longitude: W76°12'40");

4. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 168.0 linear feet of Sugar Run Creek (CWF, MF) and 12,018 square feet of Palustrine Emergent/Palustrine Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'33", Longitude: W76°12'36");

5. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 1,009 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'52", Longitude: W76°12'41");

The project will result in 168.0 linear feet of temporary stream impacts, 7,412 square feet (0.17 acre) of temporary PEM wetland impacts, 12,018 square feet (0.28 acre) of temporary PEM/PSS wetland impacts, and 1,009 square feet (0.02 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

**E6629-007: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Windham Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Rosalie Gathering Line, with impacts as follows:

1. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 984 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'12.8", Longitude: W76°11'40.6");

2. one 12 inch diameter natural gas line via boring impacting 122 square feet of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'12.2", Longitude: W76°11'38.4");

3. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 40.0 linear feet of a UNT to Roaring Run (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°33'11.6", Longitude: W76°11'35.2");

4. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 51.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'54.8", Longitude: W76°10'37.4");

5. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,634 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'54.7", Longitude: W76°10'35.9");

6. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 81.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'49.0", Longitude: W76°10'14.5");

7. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 4,739 square feet of Palustrine Emergent/Open Water (PEM/POW) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'44.7", Longitude: W76°09'54.1");

8. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,584 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'39.5", Longitude: W76°09'24.4");

9. one 12 inch diameter natural gas line via open cut trenching impacting 21.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'40.7", Longitude: W76°09'07.5");

10. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 2,044 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'46.3", Longitude: W76°09'01.2"); and

11. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 319.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'51.0", Longitude: W76°08'56.1").

The project will result in 512.0 linear feet of temporary stream impacts, 3,150 square feet (0.07 acre) of temporary PEM wetland impacts, 3,218 square feet (0.07 acre) of temporary PEM/PSS wetland impacts, and 4,739 square feet (0.11 acre) of temporary PEM/POW wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8460, Harrisburg, PA 17105-8460*

**D64-023. Perch Pond Dam, Camp Starlight, Inc.**, 151 Starlight Lake Road, Starlight, PA 18461. To modify, operate, and maintain the Perch Pond Dam across a tributary to Shehawken Creek (HQ-CWF), having no proposed impacts to waterways or wetlands, for the purpose of rehabilitating and repairing the existing recreational dam to ensure compliance with Department regulations. (Hancock, PA Quadrangle N: 3.2 inches; W: 4.0 inches) in Preston Township, **Wayne County**.

#### STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for 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—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**



<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12009	Bri-Chem Supply Corporation 59 Industrial Drive Leetsdale, PA 15056 Attn: John Hazlewood	Allegheny	Leetsdale Borough	4 ASTs storing base oil and drilling fluids	75,600 gallons total

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**ACTIONS**


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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**I. NPDES Renewal Permit Actions**

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064106 (Sewage)	Benton Nicholson Joint Sewer Authority WWTP Cobb Hill Road Nicholson, PA 18446	Wyoming County Nicholson Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y
PA0060496 (Sewage)	Little Washington WW Co. Mast Hope Development WWTP Mast Hope Rapids Hawley, PA 18428	Pike County Lackawaxen Township	Delaware River (1-A)	Y



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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0088668 (Sew)	J Wilmer Lehman Metal Township Municipal Authority PO Box 232 Fannettsburg, PA 17221	Franklin County / Metal Township	West Branch Conococheague Creek / 13-C	Y
PA0259942 (Sew)	Steven Nye 38 Harmon Rd. Newburg, PA 17240	Cumberland / Upper Mifflin Township	Three Square Hollow Run / 7-B	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0209350 (Sewage)	Delmar Township Smithville Heise Run Road Wellsboro, PA 16901	Tioga County Delmar Township	Heise Run (9-A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0254525 Sewage	Trader's Path Crossing MHP 100 Lorraine Drive Lower Burrell, PA 15068	Westmoreland County Lower Burrell City	Chartiers Run	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0020885, Amendment No. 3**, Sewage, **Mechanicsburg Borough**, 36 West Allen Street, Mechanicsburg, PA 17055.

This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PA0261530, Amendment No. 1**, Sewage, **Roddy A. Runyan**, 1370 Waggoners Gap Road, Carlisle, PA 17013.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Permit.

**NPDES Permit No. PA0009164, Amendment No. 2**, Industrial Waste, **Standard Steel, LLC**, 500 North Walnut Street, Burnham, PA 17009-1644.

This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Kishacoquillas Creek in Watershed 12-A.

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

**PA0024091 A-1**, Sewage, SIC Code 4952, **Millville Borough**, PO Box 30, Millville, PA 17846-0030. Facility Name: Millville Borough Sewer System STP. This existing facility is located in Millville Borough, **Columbia County**.

Description of Existing Activity: The action is an NPDES permit amendment for an existing discharge of treated sewage. The amendment only modifies the existing fecal coliform limitations, copper limitations, and all other Chapter 92a related permit boiler plate modifications.

The receiving stream(s), Little Fishing Creek, is located in State Water Plan watershed 5-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Total Copper	0.13	0.20	XXX	0.052	0.081	XXX
		Daily Max			Daily Max	

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

The EPA Waiver is in effect.

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

**NPDES Permit No. PA0254517**, Sewage, **Robert E. Lape**, 1004 Wildflower Court, Davidsville, PA 15928

This proposed facility is located in Jenner Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for discharge of treated sewage from a single residence sewage treatment facility.

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

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

**WQM Permit No. 0990418**, Sewage, Transfer, **Joseph F. Hogan**, 820 Cherry Lane, Newtown, PA 18940-3655.

This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: Permit transferred of ownership with continued operation of a small flow sewage treatment plant.

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

**WQM Permit No. 3512401**, Sewage, SIC Code 8221, **Lackawanna College**, 501 Vine Street, Scranton, PA 18509.

This proposed facility is located in Covington Township, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a 945 GPD peak flow small flow treatment facility (septic tank, Marsh machine greenhouse) with reuse of treated disinfected effluent for toilet flushing or disposal via evapotranspiration, with zero discharge to the environment.

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

**WQM Permit No. 2112403**, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428.

This proposed facility is located in Lower Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a sanitary sewer pumping station located near Windsor Park.

**WQM Permit No. 2111404, Transfer No. 1**, Sewerage, **Roddy A. Runyan**, 1370 Waggoners Gap Road, Carlisle, PA 17013.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Permit.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**WQM Permit No. WQM1400403-A3**, Sewerage [SIC 4952], **Martha's Furnace MHP, LLC.**, 105 Peppermint Lane, Julian, PA, 16844.

This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: The modifications to the existing facility consist of the installation of a Membrane Bioreactor (MBR) treatment system to replace the activated sludge extended aeration plant.

**WQM Permit No. 0805201**, Industrial Waste, SIC Code 2011, **Cargill Meat Solutions Corp**, PO Box 188, Wyalusing, PA 18853-0188.

This existing facility is located in Wyalusing Township, **Bradford County**.

Description of Proposed Action/Activity: Permit amendment issued authorizing design, construction and operation of upgraded industrial wastewater treatment system.

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

**WQM Permit No. 5611401**, Sewerage, **Robert E. Lape**, 1004 Wildflower Court, Davidsville, PA 15928

This proposed facility is located in Jenner Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

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

**WQM Permit No. WQG018836**, Sewage, **Lisa & Tim Williams**, 1772 Saxonburg Boulevard, Tarentum, PA 15084.

This proposed facility is located in Tionesta Township, **Forest County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG028331**, Sewerage, **Lafayette Township**, 7534 Route 59, Lewis Run, PA 16738

This proposed facility is located in Lafayette Township, **McKean County**.

Description of Proposed Action/Activity: This General Permit approves the construction and operation of a sewer extension and pump station.

**WQM Permit No. WQG018837**, Sewage, **David J. & Lisa J. Burek**, 354 Lynnhaven Drive, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG028332**, Sewerage, **Millcreek Township Sewer Authority**, 3806 West 26th Street, Erie, PA 16506

This proposed facility is located in the City of Erie, **Erie County**.

Description of Proposed Action/Activity: This General Permit approves the construction and operation of a sewer extension for Hershey-Grubb Road Area.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025406004R	KP Tamaqua, L.P. 2700 Water St. York, PA 17405	Schuylkill	Rush Twp.	Nesquehoning Creek, HQ-CWF, MF
PAI024512001	Frank J. Riccobono P. O. Box 1217 Marshalls Creek, PA 18335	Monroe	Pocono Twp.	Pocono Creek, HQ-CWF, MF
PAI023911019	St. Luke's Hospital & Health Network 1736 Hamilton St. Allentown, PA 18104	Lehigh	City of Allentown	Cedar Creek, HQ-CWF, MF

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

*Jefferson County Conservation District, 1514 Route 28, Brookville PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063311004	Clearfield Jefferson County Regional Airport Authority 377 Aviation Way Reynoldsville Pa 16581	Jefferson	Washington Township	UNT Keys 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 in 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage

PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Plumstead Township Bucks County	PAG0200 0910011-R	Michael Noftsger 6102 Point Pleasant Road Doylestown, PA 18902	North Branch Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township and Multiple Townships Bucks County	PAG0200 0911079	Bucks Co Water & Sewer Auth 1275 Almshouse Road Warrington, PA 18976	Neshaminy, Pennypack and Poquessing Creeks (WWF-MF; TSF-MF; WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0912023	David Callan 159 North State Street Newtown, PA 18940	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1511041	Chester County Facilities Dept 313 West Market St, Ste 5402 PO Box 2748 West Chester, PA 19380-0991	Valley Creek—West (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sadsbury Township Chester County	PAG0200 1505035-R	Cosmos Properties, LP 2949 Lincoln Highway, 2nd Fl PO Box 10 Sadsburyville, PA 19369	Buck Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Oxford Township Chester County	PAG0200 1504078A-1-R	Oxford Area Sewer Authority 14 South Third Street PO Box 379 Oxford, PA 19363	Leech Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4611073-1	Todd Burch 225 West Washington Street Indianapolis, IN 46204	Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4609012-1	Pastor Hanks Choi 3260 Morris Road Lansdale, PA 19446	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bushkill Twp., Northampton Co.	PAG02004811009	Raymond Orwig 220 East Lawn Road Ste. 12 Nazareth, PA 18064	UNT Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Nazareth Twp. and Nazareth Borough Northampton Co.	PAG02004811004	Susan C. Drabic Moravian Hall Square 175 West North St. Nazareth, PA 18064	UNT Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Palmer Twp., Northampton Co.	PAG02004810002(1)	Gary J. Strausser Strausser Enterprises, Inc. 1108 VanBuren Road Easton, PA 18045	Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Upper Saucon Twp., Lehigh Co.	PAG02003911007	Steve Messerschmidt First Horizon Home Loans 165 Madison Ave. 3rd Flr. Memphis, TN 38103	Laurel Run Tributary to Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Orwigsburg Bor., Schuylkill Co.	PAG02005406028R	Rhodes Organization Attn: Michael Rhodes 813 S. Reading Ave. Boyertown, PA 19512	UNT to Pine Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Reading City Berks County	PAG02000610035R	Dean Miller Reading Area Water Authority 815 Washington Street Reading, PA 19601	Schuylkill River/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Lower Heidelberg Township Berks County	PAG02000612007	Terrence McGlenn 540 Brownsville Road Sinking Spring, PA 19608	Little Cacoosing Creek/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Hampden Township Cumberland County	PAG02002112015	Jordan Richard Smith Land and Improvement Corporation 2010 State Road Camp Hill, PA 17011	Tributary to Conodoguinet Creek/WWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Hampden Township Cumberland County	PAG02002105040R(1)	Richard Yingst Fishing Creek Valley Assoc. 4712 Smith Street Harrisburg, PA 17109	Pine Run to Conodoguinet Creek/WWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Hampden Township Cumberland County	PAG02002111011	William Shrader Giant Food Stores, LLC 1149 Harrisburg Pike Carlisle, PA 17013	Pine Run/CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
West Hanover Township Dauphin County	PAG02002212013	Harry C. Nye 221 S. Filey's Road Dillsburg, PA 17019	Beaver Creek/WWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100

NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Hanover Township Dauphin County	PAG02002212010	Huan Le 2810 Paxton St Harrisburg, PA 17111	Beaver Creek/WWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
West Hanover Township Dauphin County	PAG02002212011	Andrew Williams Lexington Partners 2325 Paxton Church Road Harrisburg, PA 17110	Beaver Creek/WWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Middle Paxton Township Dauphin County	PAG02002212005	Reverend Paul Clark Saint Matthew's Parish PO Box 459 Dauphin, PA 17018	Stony Creek/CWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Rye Township Perry County	PAG02035012002	Richard Albright 67 Fleisher Road Marysville, PA 17053	UNT to Fishing Creek/WWF	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Sayre Borough Bradford County	PAG02000812008	Jack McLain Norfolk Southern Railway Company 1200 Peachtree St NE 7-142 Atlanta GA 30309	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
North Towanda Township Bradford County	PAG02000812020	James Bower Canyon Real Estate LP 18 E Ave Wellsboro PA 16901	Hemlock Run WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
College Township Centre County	PAG02001410002R	Neidi Nicholas NPK Southridge Assoc 210 W Hamilton Ave State College PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Belleville PA 16823 Phone: (814) 355-6817

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Ferguson Township Centre County	PAG02001412005	Bruce Pincus Minitab Inc 1829 Pine Hall Rd State College PA 16801	Trib to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
Grugan Township Clinton County	PAG02001811007	PA DCNR-Forestry PO Box 8451 Harrisburg PA 17105	West Branch Susquehanna River WWF, MF	Clinton County Conservation District 45 Cooperation Lane Mill Hall PA 17751 (570) 726-3798
Borough of Wellsboro Tioga County	PAG02005912004	Dennis Phelps 10 Public Ave Montrose PA 18801	Boyden Brook WWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5
White Deer Township Union County	PAG02006011015	John Moran 202 E 7th St Watsontown PA 17777	Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
City of Hermitage Mercer County	PAG02004311011	LRC Hermitage PA LLC Commercial Development Attn: Kevin Woodman 1585 Frederick Blvd Akron OH 44320	Bobby Run WWF	Mercer County Conservation District 724-662-2242
City of Farrell Mercer County	PAG02004312001	Choice Farrell Homes LP Peggy Smith 5309 Transportation Blvd Cleveland OH 44126	Shenango River WWF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Clearfield Borough Clearfield County	PAR314814	Vanderra Resources, LP P O Box 122448 Fort Worth, TX 76121	West Branch Susquehanna River—8-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Asylum Township Bradford County	PAR314816	Heckmann Water Resources Cvr Inc. 300 Cherrington Parkway Suite 200 Coraopolis, PA 15108	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berwick Borough Columbia County	PAR124817	Penford Carolina LLC 920 7th Avenue Berwick, PA 18603	East Branch Briar Creek—5-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Loyalsock Township Lycoming County	PAR124804	Schneider Valley Farms 1860 East Third Street Williamsport, PA 17701	West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Franklin Township Snyder County	PAR214824	US Concrete 3369 Paxtonville Road Middleburg, PA 17842	Unnamed Tributary of Middle Creek— 6-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Parker Township Butler County	PAR308304	Thomas E. Siegel 208 Woodland Road Shippensburg, PA 16254	Unnamed Tributary to Bear Creek (17-C)	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Meadville City Crawford County	PAR118318	Seco/Warwick 180 Mercer Street Meadville, PA 16335	French Creek (16-D)	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Tionesta Township Forest County	PAG041068	Lisa & Tim Williams 1772 Saxonburg Boulevard, Tarentum, PA 15084	Unnamed Tributary to the Allegheny River 16-F	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hayfield Township Crawford County	PAG041069	David J. & Kelly J. Burek 354 Lynnhaven Drive, Saegertown, PA 16433	Unnamed Tributary to the Brookhouser Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-07*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Philadelphia Renewable Biofuels Philadelphia County City of Philadelphia	PAG070012	Synagro-WWT, Inc. 3501 Asiatic Avenue Balto, MD 21226	Philadelphia Renewable Biofuels 7990 Penrose Ferry Road Philadelphia, PA 19153	Southeast Region Clean Water Program 484.250.5970

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office &amp; Phone No.</i>
Solebury Township Bucks County	PAG10-0037	Texas Eastern Transmission, LP 5400 Westheimer Court 5D-65 Houston, TX 77056	Pennsylvania Canal	Southeast Region Clean Water Program 484-250-5970

*General Permit Type—PAG-12*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Harrison Township Potter County	PAG124824	Lane Farms 750 Woodard Road Harrison, PA 16927-9434	Cowanesque River—4-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—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>
Jobo Holstein Farm, LLC 200 Tall Oaks Road Gettysburg, PA 17325	Adams	1007.8	1609.88	Dairy	NA	Approved
Hillandale Gettysburg, LP Hillandale 94 Farm 6108 Carlisle Pike East Berlin, PA 17316	Adams	34.5	1562.4	Poultry- Layer	NA	Approved
Rowe Family Farm David Rowe 216 Pawling Station Rd Selinsgrove, PA 17870	Snyder	117.0 Acres But 0 for manure App.	557.08	Swine, Poultry	N/A	Approval

### PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

#### SAFE DRINKING WATER

#### **Actions taken under the Pennsylvania Safe Drinking Water Act**

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

#### **Permit No. 6712505 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Sensenig Meats</b>
Municipality	Heidelberg Township
County	<b>York</b>
Responsible Official	Wesley Sensenig, Owner 6999 Cannery Road Hanover, PA 17331
Type of Facility	Nitrate treatment.
Consulting Engineer	Janet R McNally, P.E. William F Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Permit to Construct Issued:	4/27/2012

#### **Permit No. 0511506 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>West St. Clair Township/Pleasantville Borough Municipal Water Authority</b>
Municipality	West St. Clair Township
County	<b>Bedford</b>
Responsible Official	Richard Barefoot, President 151 Industrial Lane Alum Bank, PA 15521
Type of Facility	4-log Treatment of Viruses.
Consulting Engineer	1 - Not Available
Permit to Construct Issued:	4/24/2012

#### **Permit No. 6711524 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Newberry Farms</b>
Municipality	Newberry Township
County	<b>York</b>
Responsible Official	James Perano, COO PO Box 677 Morgantown, PA 19543
Type of Facility	4-log treatment of viruses.

Consulting Engineer James A. Cieri, P.E.  
ACT ONE Consultants, Inc.  
200 S. 41 Street  
Harrisburg, PA 17111

Permit to Construct 4/24/2012  
Issued:

**Permit No. 6712508 MA, Minor Amendment, Public Water Supply.**

Applicant **The York Water Company**  
Municipality West Manheim Township  
County **York**  
Responsible Official Mark S Snyder, Engineering  
Manager  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Type of Facility Nitrate treatment.

Consulting Engineer Mark S Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct 4/27/2012  
Issued:

**Operations Permit** issued to: **City of Lancaster**, 7360058, West Lampeter Township, **Lancaster County** on 4/23/2012 for the operation of facilities approved under Construction Permit No. 3611504.

**Operations Permit** issued to: **Green Acres MHP**, 7380018, North Lebanon Township, **Lebanon County** on 4/16/2012 for the operation of facilities submitted under Application No. 3811516 MA.

**Operations Permit** issued to: **Pine Manor MHP**, 7220029, Londonderry Township, **Dauphin County** on 4/16/2012 for the operation of facilities submitted under Application No. 2211515 MA.

**Operations Permit** issued to: **New Enterprise Water Association**, 4050033, South Woodbury Township, **Bedford County** on 4/24/2012 for the operation of facilities approved under Construction Permit No. 0511504 MA.

**Operations Permit** issued to: **Forest Lakes Water Association**, 7670106, Shrewsbury Township, **York County** on 4/10/2012 for the operation of facilities submitted under Application No. 6711519 MA.

**Operations Permit** issued to: **Osterburg Water Company**, 4050030, King Township, **Bedford County** on 4/9/2012 for the operation of facilities submitted under Application No. 0511507 MA.

**Operations Permit** issued to: **Best Western Hotel**, 4050370, East Providence Township, **Bedford County** on 4/10/2012 for the operation of facilities submitted under Application No. 0512506 MA.

**Operations Permit** issued to: **Elizabethtown Area Water Authority**, 7360124, Elizabethtown Borough, **Lancaster County** on 4/24/2012 for the operation of facilities submitted under Application No. 7360124.

**Operations Permit** issued to: **Round Top RV, LLC**, 7010046, Cumberland Township, **Adams County** on 4/24/2012 for the operation of facilities submitted under Application No. 0112501 MA.

**Operations Permit** issued to: **Broad Top City Water Authority**, 4310023, Broad Top City Borough, **Huntingdon County** on 4/9/2012 for the operation of facilities submitted under Application No. 3111508 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. Minor Amendment—Construction/Operation Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
[Township or Borough] Penn Township

County **Snyder**  
Responsible Official Patrick R. Burke, Regional  
Manager  
Northeast and Central Operations  
Aqua Pennsylvania, Inc.  
1 Aqua Way  
White Haven, PA 18661

Type of Facility Public Water Supply

Consulting Engineer William A. LaDieu P.E.  
CET Engineering Services—GHD  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit Issued April 25, 2012

Description of Action Construction of 64 feet of 24-inch diameter detention piping 4-log inactivation of viruses in groundwater that has been pumped from Well No. 3, at a peak rate of 65 gallons per minute, and has been chlorinated before flowing through this detention piping and arriving at the new Groundwater Rule compliance monitoring point, prior to Entry Point 100 to the distribution system.

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

**Permit No. 1011508 Public Water Supply**

Applicant **Slippery Rock Municipal Authority**

Township or Borough Slippery Rock Township  
County **Butler**

Type of Facility Public Water Supply

Consulting Engineer Daniel E. Dow, P.E.  
Herbert, Rowland & Grubic, Inc.  
200 West Kensinger Drive, Suite 400  
Cranberry Township, PA 16066

Permit to Construct April 26, 2012  
Issued

**Permit No. 4311503 Public Water Supply**

Applicant **Eagle Developing Corporation d/b/a Sunnyview Mobile Home Park**

Township or Borough Pymatuning Township  
County **Mercer**

Type of Facility Public Water Supply



Consulting Engineer Joseph P. Pacchioni, P.E.  
Herbert, Rowland & Grubic, Inc.  
3755 East State Street  
Hermitage, PA 16148

Permit to Construct April 27, 2012  
Issued

## 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—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Feasterville Plaza Shopping Center**, Lower Southampton Township, **Bucks County**. Michael A. Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440, Deborah A. Colson, Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD on behalf of Jeffrey W. Franz, FTP Feasterville Plaza, LP, 1138 Sewell Lane, Jenkintown, PA 19046 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with

inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard and Statewide Health Standard.

**Green Wood Charter School**, City of Philadelphia, **Philadelphia County**. Toby J. Kessler, P.G. Gilmore & Associates, Inc., 65 East Avenue, Suite 100, New Britain, PA 18901 on behalf of Green Wood Charter School, 8480 Hagys Mill Road, Philadelphia, PA 19128, Donna Lee Sickenberger, Keenan Valley View Inn, 468 Domino Lane, Philadelphia, PA 19128 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with benzo, arsenic and lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Sunoco Inc. Philadelphia Refinery Schuylkill River Tank Farm AO1-7**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, James Oppenheim, Colleen Costello, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Scott Baker, Sunoco, Inc., (R&M) 3144 Passyunk Avenue, PA 19145 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Krasny Residence**, Lower Merion Township, **Bucks County**. Thomas Hippensteal, Environsearch Consultants, Inc., PO Box 940, Springhouse, PA 19477 on behalf of Scott Krasny, 1007 Yardley Road, Yardley, PA 19067 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Amos Realty LP**, Ridley Township, **Delaware County**. Phil Getty, Boucher & James, Inc., 1456 Ferry Road, Doylestown, PA 18901, Greg Tax, US Environmental, 409 Boot Road, Downingtown, PA 19335 on behalf of Mike Evans, Amos Realty LLP, 126 Talbot Avenue, Holmes, PA 19403 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**777 South Broad Street**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, William Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Josh Weingra, 777 South Broad Associates, LP, 3180 Chestnut, Street, Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, benzo and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Quality Gas**, Warwick Township, **Bucks County**. Jeffery A. WarmKessel, PG, Center Point Tank Services, Inc. 536 East Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Don & Theresa Jakeman, 2140 York Road, Jamison, PA 18920 has submitted a 90 day Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**335 South Bellevue Avenue Property**, Langhorne Borough, **Bucks County**. Jason Pero, Brilliant Environ-



mental Services, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020, Dan Forest, Bristol Environmental Services Company, 311 State Road, Croydon, PA 19020 on behalf of James Allen, Wood Service, P. O. Box 36, Longhorn, PA 19047 has submitted a 90 day Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Solid State Scientific Inc.**, Montgomery Township, **Montgomery County**. Paul C. Miller, Environmental Alliance Inc. 5341 Limestone Road, Wilmington, DE 19808 on behalf of Anthony Cino, 160 Commerce Drive, LP, 301 Oxford Valley Road, Suite 702 Yardley, PA 19067-7713 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Ursinus College**, Collegeville Borough, **Montgomery County**. Gilbert Marshall, Marshall Geoscience, Inc. 170 East First Avenue, Collegeville, PA 19426, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Andrew Feick, Ursinus College, 601 Main Street, Collegeville, PA 19426 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Gateway Shopping Center/Gateway Cleaners**, Tredeyfrin Township, **Chester County**. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with PCE and chloride. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Apfelbaum Residence**, Cheltenham Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, Insurance, Pennsylvania Fire Claims, PO, Box, 10610, Atlanta, GA 30348-6110 on behalf of Sharon Hicson-Camack, 210 Paxson Avenue, Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Parring Southampton Road Armory**, City of Philadelphia, **Philadelphia County**. David Swetland, P.G., Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Dave Miles, PA DMVA, Bldg 0-11 Fort Indiantown Gap, Annville, PA 17003 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Naval Support Activity Bldgs. 22 & 10**, City of Philadelphia, **Philadelphia County**. Joseph S. Tomalavage, Tetra Tech Inc., 234 Mall Boulevard, Suite 260, King of Prussia, PA 19406 on behalf of Terence Earley, US Navy, 700 Robbins Avenue, Philadelphia, PA 19111 has submitted a Final Report concerning remediation of site leaded soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Umbria Street Property**, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19119, Dan Lacz,

JERC Partners XVI, L.P., 171 State Road 173, Asbury, NJ 08802 on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Cleanup and Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with pah, inorganics and chlorinate solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

**3101 Red Lion Road Site**, City of Philadelphia, **Philadelphia County**. Jeremy Bolyn, Environmental Maintenance Company Inc., 1420 Eat Mermaid Lane, Glenside, PA 19038 on behalf of Miles Gross, 3070 Bristol Pike, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganic. The report is intended to document remediation of the site to meet the statewide Health Standard.

**Ginyard Residence**, East Norriton Township, **Montgomery County**. Mark Zunich, Reliance Environmental, Inc. 130 East Chestnut Street, Lancaster PA 17602 on behalf of Delores Ginyard, 3012 Cottage Lane, Norristown, PA 19401 has submitted a 90 day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dansko District Center**, Penn Township, **Chester County**. Jennifer Risser, Reliance Environmental, Inc. 130 East Chester Street, Lancaster, PA 17601 on behalf of Daria Payne Cabot Kjellerup Realty Trust, 8 Federal Road, West Grove, PA 19390 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**CTS Flooring**, Limerick Township, **Montgomery County**. Staci Cottone, J&J Spill Services and Supplies Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Ken Brown, CTS Flooring & Collegeville, Contracting, Inc. 319 West Ridge, Limerick PA 19468 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**A. Hunsinger 1H/3H Well Site**, 243 Lathrop Road, State Route 3001, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud as a result of a release from a reserve pit and mudshelf. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

**C. LaRue 4H/5H Well Site**, State Route 3010, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found

to have been impacted by drilling mud and pit contents as a result of a release which occurred when the drilling mud and pit contents escaped from the confines of the reserve pit liner. The report was submitted to document attainment of the Residential Statewide Health Standard and Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

**Apollo Metals**, 1001 14th Avenue, Bethlehem City, **Lehigh County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 E. Mermaid Lane, Glenside, PA 19038 has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Apollo Metals, Ltd (Corus Group), 1001 14th Avenue, Bethlehem, PA 18018), concerning the remediation of soil and groundwater found to have been impacted by metals as a result of historical operations at this metal plating facility and a volatile organic compound, potentially as a background contaminant. The combined report was submitted to document partial fulfillment of the Site-Specific Standard for soil and groundwater. A public notice regarding the submission of the Remedial Investigation Report/Final Report was published in *The Morning Call* on April 5, 2012.

**Bangor Former Manufactured Gas Plant Site**, Bangor Borough, **Northampton County**. John J. Mahfood, The Mahfood Group, LLC, 1061 Waterdam Plaza Drive, Suite 201, McMurray, PA 15317 has submitted a Final Report on behalf of his client, UGI Utilities, 2525 N. 12th Street, Suite 360, Reading, PA 19612, concerning the remediation soils and groundwater found to have been impacted by coal tar residuals including polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethylbenzene and xylenes (BTEX compounds) associated with the manufacturing of coal gas. The report was submitted to document attainment of the Statewide Health Standard and Site-Specific Standard for soils and groundwater. A Public Notice regarding the submission of the Final Report was published in *The Express-Times* on April 4, 2012.

**D. Grosvenor 1H/2V Well Site**, State Route 3001 and State Route 3019, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by brine fluid as a result of an accidental overflow of an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

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

**Reading LLC / former O. Ames Facility**, 1122-1142 Butler Street, Reading, PA 19601, City of Reading, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of David Leland, 1061 River Wind Circle, Vero Beach, FL 32967, submitted a combined Remediation Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil and gasoline. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Background Standards.

**Lancaster Shopping Center**, 1605-1659 Lititz Pike, Manheim Township, **Lancaster County**. Island Environ-

mental Inc., 4253 Old National Pike, Suite 4, Middletown, MD 21769, on behalf of Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852 and Manheim Associates, c/o Branch Eichler, LLC, 101 Eisenhower Parkway, Roseland, NJ 07068, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents from historical operations of a dry cleaners. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Mod Trans, Inc.** Selinsgrove Borough, **Snyder County**. Northridge Group, Inc. on behalf of First National Bank of Pennsylvania has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether at the property located at 136 West Pine St, Selinsgrove, PA. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**I-80 Eastbound MM 94 Diesel Fuel Spill Site**, Washington Township, **Jefferson County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Final Report concerning remediation of site soil contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, and 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the



presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**R. Smith 3H Well Site**, State Route 3004, Springville Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a revised Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by brine fluids as a result of a release from a storage tank. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for soil and was approved on April 19, 2012. The original report was submitted within 90 days of the release.

**Corbin 4H Well Site**, Township Road 544, Brooklyn Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a revised Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by synthetic based drilling mud (SBDM) as a result of a release from a leaking SBDM supply hose. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for soil and was approved on April 19, 2012. The report was originally submitted within 90 days of the release.

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

**Former Tyler Run, LLC Property**, 427 Kings Mill Road, York, PA 17403, York City and Spring Garden Township, **York County**. Herbert, Rowland, & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Tyler Run, LLC, 11915 Park Heights Avenue, Owings Mills, MD 21117, submitted a Final Report concerning remediation of soils contaminated with Inorganics, VOCs, SVOCs and PCBs. The Final Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on April 30, 2012.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Dresser Piping Solutions**, City of Bradford, **McKean County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of DII Industries, LLC., P. O. Box 42806, Houston, TX 77242-2806 has submitted a Final Report concerning the remediation of site soil contaminated with Organic Compounds, Acenaphthene, Acenaphthylene, Acetone, Anthracene, Benzene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, 2-Butanone (methyl ethyl ketone), Carbon Disulfide, Carbon Tetrachloride, Chlorobenzene, Chrysene, Dibenzo[a,h]anthracene, Ethylbenzene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Isopropylbenzene (cumene), 1-Methylnaphthalene, 2-Methylnaphthalene, Naphthalene, PCB-1254, PCB-1260, Phenanthrene, Pyrene, Tetrachloroethene, Toulene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylene (total), Inorganic Compounds, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 19, 2012.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP3-09-0106: KPK Development Co., LP.** (1082 Temperance Lane, Richboro, PA 18954) on April 24, 2012, to operate two (2) portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

**GP9-09-0034: KPK Development Co., LP.** (1082 Temperance Lane, Richboro, PA 18954) on April 24, 2012, to operate a diesel/#2 fuel-fired internal combustion engines in Falls Township, **Bucks County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-310-058GP3: Popple Construction, Inc.** (215 East Saylor Avenue, Laflin, PA 18702) on April 13, 2012, to construct and operate a Portable Crushing Operation with watersprays at their Little Meadows Marcellus No. 1 Quarry in Rush Township, **Susquehanna County**.

**58-329-051GP9: Popple Construction, Inc.** (215 East Saylor Avenue, Laflin, PA 18702) on April 13, 2012, to install and operate Diesel I/C engines at their Little Meadows Marcellus No. 1 Quarry in Rush Township, **Susquehanna County**

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

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

**GP3-41-697: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on April 26, 2012, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Flicks Run Well pad located in Cogan House Township, **Lycoming County**.

**GP11-41-697: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on April 26, 2012, to construct and operate three (3) diesel-fired engines (a Caterpillar model C-12 BDL03201 425 horsepower (hp) engine to power the Trakpactor crusher, a Deutz model BFM2012 109 hp engine to power the Powerscreen 2100 and a Cummins 85 hp engine to power the Powerscreen M85 stacking conveyor) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at the Flicks Run Well pad located in Cogan House Township, **Lycoming County**.

**GP10-60-00013A: RR Donnelley** (1601 Industrial Boulevard, Lewisburg, PA 17837) on April 26, 2012, to construct and operate installation of two new non-heatset web offset lithographic printing presses pursuant to the General Plan Approval And/Or General Operating Permit For Non-Heatset Web Offset Lithographic Printing Press (BAQ-GPA/GP-10) at Lewisburg plant located in East Buffalo Township, **Union County**.

**GP5-59-224: Mainesburg, GS, LP** (5613 DTC Parkway, Suite 200, Greenwood Village, CO 80111) on January 19, 2012, to construct and operate a 1,340 brake horsepower, Caterpillar model G3516LE natural gas-fired engine and a 20 MMscf/day, Tri-ethylene glycol dehydrator pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at the DCNR Tract 001 Booster Compressor Station located in Sweden Township, **Potter County**.

**GP3-08-364: Meshoppen Stone, Inc.** (PO Box 127, Meshoppen, PA 18630) on April 27, 2012, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Fields Well Site located in Herrick Township, **Bradford County**.

**GP9-08-364: Meshoppen Stone, Inc.** (PO Box 127, Meshoppen, PA 18630) on April 27, 2012, to construct and operate one 425 brake horsepower, CAT C9 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or #2 Fuel-fired Internal Combustion Engines at the Fields Well Site located in Herrick Township, **Bradford County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP1-65-00921A: Farmland Foods, Inc.** (2200 Rivers Edge Drive, Arnold, PA 15068) on April 26, 2012, for continued operation of a small natural gas-fired boiler rated at 16.33 MMBtu/hr at its Arnold Plant in Arnold City, **Westmoreland County**. The facility was previously operated by North Side Foods, Inc.

**GP5-32-00341A: Kriebel Minerals, Inc.** (633 Mayfield Road, P. O. Box 765, Clarion, PA 16214) on April 26, 2012, to install and operate one (1) Caterpillar G3306 NA, 4SRB, gas fired compressor engine, rated 145 bhp and One (1) Condensate tank with a capacity of 2,100 gallons at the Charles Tunnelton Station in Conemaugh Township, **Indiana County, PA**.

**GP5-32-00418: Aquatic Synthesis Unlimited, LLC** (340 North Main Street, Suite 203, Butler, PA 16001) on April 27, 2012, to construct and operate four (4) John Deere diesel-fired engines, rated at 325 bhp each, to power high volume water pumps at the proposed Kay's Arena Water Treatment Facility in Rayne Township, **Indiana County**.

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

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

**GP1-10-331A: Butler Memorial Hospital** (911 East Brady Street, Butler, PA 16001) on April 20, 2012, to operate two (2) Babcock & Wilcox boilers rated at 19.4 MMBtu/hr (BAQ-GPA/GP-1) in City of Butler, **Butler County**.

**GP2-43-316A: Reed Oil Co., Inc.** (408 Erie Street, Grove City, PA 16127) on April 20, 2012, for post-construction operation of two (2) 12,000 gallon tanks to store gasoline (BAQ-GPA/GP-2) in Grove City Borough, **Mercer County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**09-0217: Particle Size Technology, Inc.** (1930 Kumry Road, Quakertown, PA 18951) on April 27, 2012, to construct a dry powder particle sizing manufacturing operation in Milford Township, **Bucks County**. Particle Size Technology is a minor facility. The manufacturing process consists of sizing, repackaging and analysis of plastics, resins, toners, waxes and polymers for the foods, cosmetic and pharmaceutical industries. The main emissions from this type of operation are particulate matter (PM). Best Available Technology (BAT) is applicable for this authorization. BAT for this project will be capturing and controlling the PM with dust collectors with an emission rate of 0.02 gr/dscf or less to the atmosphere. The Plan Approval will include: work practice standards, and testing, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**09-0219: Premium Excavating, LLC** (18 Steel Road West, Morrisville, PA 19067) on April 27, 2012, to install a nonmetallic crushing plant to process construction washout material (concrete waste) from concrete delivery trucks in Falls Township, **Bucks County**. The Plan Approval will contain all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.



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

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

**06-05069R: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on April 19, 2012, for modifications to the battery assembly plant in Richmond Township, **Berks County**. The approved modifications to the facility are as follows:

In the A-1 Facility:

Item 1) One new COS & envelope will be added to Source 192 controlled by C92.

Item 2) One new envelope will be added to Source 114 controlled by C01.

Item 3) One envelope now a part of Source 114 controlled by C41 will be moved and added to Source 192 controlled by C92.

Item 4) One COS & envelope now a part of Source 192 controlled by C92 will be moved to the A-2 Building and added to Source 193 controlled by C93. This COS & envelope will replace a COS & envelope now a part of Source 193 controlled by C93. The removed COS & envelope will be decommissioned.

Item 5) One hand-burning station now a part of Source 114 controlled by C41 will be moved and remain a part of Source 114 controlled by C09.

Item 6) One COS & envelope now a part of Source 192 controlled by C92 will be moved and added to Source 112 controlled by C09.

Item 7) Installation of a new fan on C09 to increase maximum air flow from 45,000 CFM to 60,000 CFM.

Item 8) Installation of secondary HEPA filtration on C09 to be called C09A.

In the A-2 Facility:

One COS & envelope now a part of Source 192 controlled by C92 will be moved from the A-1 Building to the A-2 Building and added to Source 193 controlled by C93. This COS & envelope will replace a COS & envelope now a part of Source 193 controlled by C93. The removed COS & envelope will be decommissioned. (See A-1 Facility Item 4 above.)

In the Industrial Facility:

Item 1) One new COS & envelope will be added to Source 148 controlled by C30.

Item 2) Installation of a new fan on C30 to increase maximum air flow from 45,000 CFM to 60,000 CFM.

Item 3) Installation of secondary HEPA filtration on C30 to be called C30A.

In the Oxide #2 Building:

Installation of six lead oxide mills No. 29 through No. 34 (Sources 229 through 234) each with a cyclonic product collector controlled by a fabric collector followed by a HEPA filter.

Construction of a new structure to be called "Smelter Annex" with one-half housing equipment associated with Lead Smelting Operations under 06-05040 and the other half housing equipment associated with Battery Manufacturing Operations under 06-05069.

Item 1) Physical relocation of an existing currently uncontrolled parts casting operation Source 506 from the Industrial Facility to the proposed Smelter Annex.

Item 2) Installation of a new hydracast operation in the proposed Smelter Annex as a part of Source 506.

Item 3) Installation of a new 120,000 CFM fabric filter dust collector (C506) equipped with secondary HEPA filtration (C506A) to capture and control exhaust emissions from the relocated parts casting operation and from the new hydracast operations.

Item 4) Physical relocation of Source 603 (Small Parts Coating Operation) and its control devices from the Injection Molding No. 2 Plant to the proposed Smelter Annex. The Small Parts Coating Operation will continue to be Source 603 controlled by Dry Filters (C603A) to capture overspray followed by carbon adsorption (C603) to capture VOC.

**06-05040B: East Penn Manufacturing Company, Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on April 26, 2012, for modifications to the secondary lead smelting facility in Richmond Township, **Berks County**. The approved modifications to the facility are as follows:

1. Construction of a new structure "Smelter Annex" one-half housing equipment associated with Lead Smelting Operations under 06-05040 and the other half housing equipment associated with Battery Manufacturing Operations under 06-05069.

2. Physical relocation of existing slag storage operations (Source 111) from the Secondary Lead Smelting Facility to the proposed Smelter Annex. The slag storage operations will be Source 711.

3. Installation of a new 70,000 CFM fabric filter dust collector (C711) equipped with secondary HEPA filtration (C711A) to capture and control exhaust emissions from the relocated slag storage operation.

*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*

**04-00084B: Monomoy Capital Partners LP—Anchor Acquisition** (400 Ninth Street, Monaca, PA 15061) on April 25, 2012, to allow an increase in the rolling 30-day glass furnace production rate from 240 tons per day (tpd) to 285 tpd by re-commissioning the gas-oxy system including the replacement of two gas-oxy burners, each rated at 4 MMBtu/hr, at the Anchor Hocking Monaca Plant in Monaca Borough, **Beaver County**. This plan approval also authorizes the installation and temporary operation of a multi-pollutant ceramic activated dust filtration (CADF) control system to achieve reductions in emissions from the glass melting furnace of: filterable PM through ceramic filtration; nitrogen oxides (NO<sub>x</sub>) through selective catalytic reduction; and sulfur dioxide (SO<sub>2</sub>) through injection of a dry sorbent. Upon installation of the sources and control devices under this plan approval, this will no longer be a Title V facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**23-0114: Henry H. Ottens Manufacturing Co.** (7800 Holstein Avenue, Philadelphia, PA 19151) on April 25, 2012, to operate a boiler in Folcroft Township, **Delaware County**.

**46-0019A: Lockheed Martin** (230 Mall Boulevard, Building 100, King of Prussia, PA 19406) on April 25, 2012, to operate an emergency generator in Upper Merion Township, **Montgomery County**.

**09-0021C: MRI Flexible Packaging Co.** (122 Penns Trail, Newtown, PA 18940) on April 27, 2012, to operate a regenerative thermal oxidizer in Newtown Township, **Bucks County**.

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

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

**49-00064A: Milton Sewer Regional Authority** (5585 State Route 405, PO Box 433, Milton, PA 17847) on April 20, 2012, to construct and operate a waste water to energy plant at their wastewater plant until October 25, 2013 in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

**14-00014D: Glenn O Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 18, 2012, to extend the authorization to temporarily operate sources at their facility in Spring Township, **Centre County** until September 17, 2012. The plan approval has been extended.

**19-00003A: Bloomsburg University** (400 East Second Street Bloomsburg, PA 17815-1301) on April 20, 2012, to extend the authorization to temporarily operate their biomass boiler at their facility in the Town of Bloomsburg, **Columbia County** until October 19, 2012. The plan approval has been extended.

**47-00005A: Geisinger Medical Center** (100 North Academy Avenue Danville PA 17822) on April 24, 2012, to extend the temporary period of operation of the emergency engine-generator and combustion turbine and continue to allow the compliance evaluation of the sources for an additional 180 days pursuant to 25 Pa. Code § 127.12b(d) in **Montour County**. Monitoring, recordkeeping and reporting conditions have been included in the plan approval to verify compliance with applicable regulatory requirements for stationary air contaminant sources. The plan approval has been extended.

**18-00011I: Croda, Inc.** (8 Croda Way, Mill Hall PA 17751) on April 4, 2012, to extend the temporary period of operation of the ethylene oxide handling process and allow construction of the propylene oxide handling process to be finished at the their plant in Bald Eagle Township, **Clinton County**. Additionally, the pressure requirement of railcar was lowered by Croda's vendor and the maximum emissions from depressurization were revised to reflect this change. No change to the annual throughput of railcars was made in this revision. The plan approval has been extended.

**53-00001E: Tennessee Gas Pipeline Co., LLC** (197 Tennessee Road, Coudersport PA 16915) on April 24, 2012, to extend the temporary period of operation of the emergency engine-generator to continue to allow the compliance evaluation of the source to continue for an additional 180 days pursuant to 25 Pa. Code § 127.12b(d). Monitoring, recordkeeping and reporting conditions have been included in the plan approval to verify compliance with applicable regulatory requirements for stationary air contaminant sources. The plan approval has been extended.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00955A: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) on April 26, 2012, to extend the period of temporary operation of two lean burn natural gas-fired engines rated at 2,370 bhp each and controlled by oxidation catalysts, until October 26, 2012, at Buffalo Compressor Station located in Buffalo Township, **Washington County**.

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

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

**62-017P: United Refining Company** (15 Bradley Street, Warren, PA 16365), issued on April 30, 2012, for the modification of Boiler #4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**23-00066: Pyropure, Inc.—t.a. Pyromet** (5 Commerce Drive, Aston, PA 19014) on April 27, 2012, for a State Only, Natural Minor Operating Permit in Chester Township, **Delaware County**. This is a smelting operation recovering silver from medical x-ray, and scraps from silver-plating industry. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

**22-05045: Harrisburg Authority** (212 Locust Street, Suite 302, Harrisburg PA 17101-1510) on April 19, 2012, for the Harrisburg Advanced Wastewater Treatment Facility in Swatara Township, **Dauphin County**. The State-only permit was renewed.

**21-03027: Lafferty & Company, Inc.** (1100 Hummel Avenue, Lemoyne, PA 17043-1700) on April 26, 2012, for their lumber processing facility in Lemoyne Borough, **Cumberland County**. The State-only permit was renewed.

**06-03032: Hamburg Manufacturing, Inc.** (221 South 4th Street, PO Box 147, Hamburg, PA 19526) on April 24, 2012, for the metal castings manufacturing facility known as Plant No. 1, at 147 South 4th Street in Hamburg Borough, **Berks County**. The State-only permit was renewed.

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

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

**49-00056: Quikrete Co., Inc.** (5517 Snyderstown Road, Paxinos, PA 17860) on April 27, 2012, to operate their Harrisburg Plant facility in Shamokin Township, **Northumberland County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**17-00008: Triangle Suspension Systems, Inc.** (P. O. Box 425, Dubois, PA 15801) on April 30, 2012, to operate their Dubois Plant facility in Sandy Township, **Clearfield County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

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

**S11-006: Amuneal Manufacturing Corp.** (at 4737 Darrah St., Philadelphia, PA 19124) for the operation of a sheet metal fabrication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a batch vapor degreaser.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**21-05028: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17050-2654) on April 26, 2012, for their printing facility in Mechanicsburg Borough, **Cumberland County**. The State-only permit was administratively amended to incorporate the provisions of Plan Approval No. 21-05028B. De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

**25-00066: Accuride—Erie Forge** (1015 E. 12th Street, Erie, PA 16503) for its facility located in Erie City, **Erie County**. The De minimis emission increase is for the exhausting of the three existing Wheel Machining Lines (2, 8, & 9) through six existing mist collectors. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department 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 March 23, 2009.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2/27/12	Mega Line	0.01	0.001	0.1314	0.053	0.111
4/26/12	Wheel Machining Lines 2, 8, & 9	0.52			0.02	
Total Reported Increases		0.53	0.001	0.1314	0.073	0.111
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**43-00270: CCL Container** (1 Llodio Drive, Hermitage, PA 16148) for its facility located in Hermitage City, **Mercer County**. The De minimis emission increase is for the addition of deco stacks that will vent emissions from the decorating operations for lines 6—9 directly to the atmosphere instead of venting into the existing RTO. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department 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 facility Operating Permit issuance on February 6, 2009.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
4/30/12	Lines 6—9 Deco stacks				0.9	
Total Reported Increases					0.9	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility



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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**49-00044: Bear Gap Stone Quarry** (432 Quarry Road, Elysburg, PA 17824-7046) terminated State Only operating permit on April 18, 2012, for their Bear Gap Stone Quarry in Ralpho Township, **Northumberland County**. The facility now operates pursuant to the General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) and General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9).

**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; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Actions*

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

**03961302 and NPDES No. PA0214990. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the TJS No. 4 Deep Mine in Plumcreek Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. and to renew the permit for reclamation only. No discharges. The application was considered administratively complete on February 7, 2012. Application received January 30, 2012. Permit issued April 25, 2012.

**56841328 and NPDES No. PA0033677. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for Mine 78 in Adams Township, **Cambria County** and related NPDES permit for construction plan modifications at the St. Michael Treatment site to include a subsoil storage area and sediment traps. No new NPDES outfalls are proposed with this revision. Surface Acres Proposed 23.0. No additional discharges. The application was considered administratively complete on January 30, 2012. Application received January 17, 2012. Permit issued April 30, 2012.

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

**33100106 and NPDES Permit No. PA0259004. Strishock, LLC** (P. O. Box 1006, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface mine in Washington Township, **Jefferson County** affecting 257.5 acres. Receiving streams: Eight unnamed tributaries to Horn Run and three unnamed tributaries to Five Mile Run. Application received: December 23, 2010. Permit Issued: April 24, 2012.

**33110101 and NPDES Permit No. PA0259063. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface mine in Beaver Township, **Jefferson County** affecting 30.0 acres. Receiving streams: Unnamed tributary No. 1 to Reitz Run. Application received: April 7, 2011. Permit Issued: April 24, 2012.

**1361-33110101-E-1. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to Reitz Run in Beaver Township, **Jefferson County**. Receiving streams: Unnamed tributary No. 1 to Reitz Run. Application received: April 7, 2011. Permit Issued: April 24, 2012.

**10100101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous surface mine to add auger mining in Karns City Borough & Fairview Township, **Butler County**. Receiving streams: unnamed tributary to South Branch Bear Creek. Application received: January 27, 2012. Permit Issued: April 26, 2012.

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

**17814000 and NPDES No. PA0608769. Rob Holland Enterprises** (52 Holland Lane, Curwensville, PA 16833). Transfer of an existing bituminous surface/auger mine from TDK Coal Sales, Inc. located in Penn and Brady Townships, **Clearfield County** affecting 204.2 acres. Receiving streams: unnamed tributaries to Irish Run and Irish Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 8, 2011. Permit issued: April 18, 2012.

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

**40663034R5 and NPDES Permit No. PA0225215. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Foster Township, **Luzerne County** affecting 360.0 acres, receiving stream: Oley Creek, classified for the following use: HQ—cold water fishes. Application received: February 25, 2011. Renewal issued: April 25, 2012.

*Noncoal Permits Actions*

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

**41100301 and NPDES No. PA0257486. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803-1694). Commencement, operation and restoration of a large industrial mineral surface mine located in Armstrong Township, **Lycoming County** affecting 100.6 acres. Receiving stream: Hagerman's Run—cold water fisheries section only. There are no potable water supply intakes within 10 miles downstream. Application received: December 16, 2010. Permit issued: April 23, 2012.



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

**58112505. L & D Stoneworks, Inc.**, (2774 Stone Street, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 10.0 acres, receiving stream: Stonestreet Creek. Application received: April 5, 2011. Permit issued: April 24, 2012.

**58112505GP104. L & D Stoneworks, Inc.**, (2774 Stone Street, Montrose, PA 18801), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58112505 in Forest Lake Township, **Susquehanna County**, receiving stream: Stonestreet Creek. Application received: April 5, 2011. Permit issued: April 24, 2012.

**8073SM5A1C9 and NPDES Permit No. PA0013731. Gill Quarries, Inc.**, (P. O. Box 187, Fairview Village, PA 19409), correction to an existing quarry operation in East Norriton Township, **Montgomery County**, to decrease the permitted acreage from 98.0 to 38.31 acres and renew the NPDES Permit for discharge of treated mine drainage, receiving stream: unnamed tributary to Stony Creek. Application received: November 12, 2009. Permit Correction/Renewal issued: April 30, 2012.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

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

**24124002. Tidelands Geophysical Co., Inc.** (101 East Park Boulevard, Suite 955, Plano, TX 75074) Blasting activity permit for seismic exploration in Highland, Millstone, Spring Creek and Jenks Townships, **Elk & Forest Counties**. This blasting activity permit will expire on April 13, 2013. Permit Issued: April 24, 2012.

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

**36124117. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Rock Hall Estates in Mt. Joy Township, **Lancaster County** with an expiration date of April 15, 2013. Permit issued: April 23, 2012.

**36124118. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Park Ridge Crossing in Manheim Township, **Lancaster County** with an expiration date of April 19, 2012. Permit issued: April 23, 2012.

**58124133. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Peterson Bunnell Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of April 13, 2013. Permit issued: April 25, 2012.

**36124119. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Dwayne Brown foundation in Manor Township, **Lancaster County** with an expiration date of April 24, 2013. Permit issued: April 26, 2012.

**36124120. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Meadow Springs Farm in Clay Township, **Lancaster County** with an expiration date of August 30, 2012. Permit issued: April 26, 2012.

**38124114. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Strathford Meadows in South Lebanon Township, **Lebanon County** with an expiration date of April 30, 2013. Permit issued: April 26, 2012.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E05-362: Pennsylvania Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, Pennsylvania 16648, in Snake Spring Township, **Bedford County**, ACOE Baltimore District

To: 1) remove the existing structure, 2) construct and maintain a single span pre-stressed concrete beam bridge skewed 80° having a normal clear span of 112.30 feet, a width of 31.40 feet, and a minimum underclearance of 7.28 feet across Cove Creek (EV, MF), 3) remove a gravel bar from Cove Creek (EV, MF) having a length of 175.0 feet, an average width of 35.0 feet, and an average depth of 1.5 feet, 4) stabilize approximately 73.0 feet of the left streambank and 71.0 feet of the right streambank of Cove Creek (EV, MF) with rock, and 5) temporarily impact 0.09 acre of PEM EV wetlands, all for the purpose of improving transportation safety and roadway standards. The project will involve the use of two-staged causeways for construction and demolition. The project is located along SR 1004 (Everett West, PA Quadrangle, (N: 1.0 inch, W: 6.7 inches; Latitude: 40°00'20", Longitude: -78°25'21") in Snake Spring Township, Bedford County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E17-471. United Electric Cooperative, Inc.**, PO Box 688, DuBois, PA 15801-0688. Merrill Road Power Line Extension Project, Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle, Latitude: 41° 13' 17.07"; Longitude: 78° 18' 27.95").

The applicant describes the project as the installation of a new 5.4 mile overhead power line along Merrill Road through the Quehanna Wild Area of Moshannon State Forest from north of McNerney Run south to Caledonia Pike. The coordinates of the endpoints are 41° 13' 17.07"; 78° 18' 27.95 (north end) and 41° 10' 19.28"; 78° 18' 9.59 (south end). Activities required to complete the project include the clearing of forested vegetation within 25 feet of the power line and setting of new poles every 250 feet. Most of the poles will be installed along Merrill Road and Caledonia Pike and can be placed with equipment situated on the roads; thereby, reducing the total earth disturbance. There are delineated wetlands within the project area and a permanent 12 square foot impact will occur in one wetland where three poles will be installed. Temporary wetland impacts will total 4,400 square feet and are a result of installing a temporary access road across a large wetland to install the poles. All impacts associated with the temporary structures approved by this permit shall be temporary impacts for which no mitigation is required. The project will also result in overhead crossing of Gifford and McNerney Runs as well as two unnamed tributaries of Gifford Run. Only one temporary stream crossing is permitted and is located on McNerney Run. Since McNerney Run is listed as a wild trout stream, no in-stream work will be permitted between October 1 and December 31 without prior written approval from the Pennsylvania Fish and Boat Commission.

**E19-283. Al Deans**, PO Box 208, Northumberland, PA 17857. Deans Cabin, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41°5'52.9"; Longitude: 76°22'35.8").

This permit authorizes the construction, operation and maintenance 22 concrete piers to support a raised cabin structure on the existing footprint. The structures first floor elevation shall be a minimum of 18 inches above

elevation of 608.0 feet. The pier layout shall be configuration every 10 feet depending on the area of the structure. The structure measures 48 feet by 34 feet. This property is located SR 487 north above Orangeville, rt onto Roberts Grove Rd, left at the "Y"; Cottage number is 52E on the right. This permit was issued under Section 105.13(e) "Small Projects."

**E19-285. Rod V. Berlin**, 63 Maplewood Road, Berwick, PA 18603. Berlin Cabin, in Orange Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41°5'29.8"; Longitude: 76°23'57.1").

This permit authorizes the construction, operation and maintenance 29 concrete piers to support a raised cabin structure on the existing footprint. The structures first floor elevation shall be a minimum of 18 inches above elevation of 586.5 feet. The pier layout shall be a configuration every 8 feet depending on the area of the structure. Piers will be placed under the porches and deck to elevate those 18 inches above the 100 year flood surface elevation. This property is located .33 miles north on SR 487, right onto Pleasant Pins road, bear right at the "Y" and the cottage is last on the left. This permit was issued under Section 105.13(e) "Small Projects."

**E19-287. Pamela J Patterson**, 42 E Tulane Road, Columbus, OH 43202. Patterson Cabin, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41°5'54.9"; Longitude: 76°22'33.6").

This permit authorizes the construction, operation and maintenance of 14 concrete piers to support a raised cabin structure on the existing footprint in the floodway of Fishing Creek. The structures first floor elevation shall be a minimum of 18 inches above elevation of 608.0 feet. The pier layout shall be of configuration every 10 feet depending on the area of the structure. The structure measures 34 feet by 32 feet. This property is located on SR 487 north above Orangeville, rt onto Roberts Grove Road, right at the "Y"; Cottage number is 538E on the left. This permit was issued under Section 105.13(e) "Small Projects."

**E19-290. Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. Rest Room Facility, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 40°59'29"; W: 76°26'58.7").

To remove the existing 474.2 square foot restroom facility and dispose of the material outside the floodplain and to construct, operate and maintain a new 336.0 square foot facility that measures 24 feet long and 14 feet wide in the floodplain of the Susquehanna River. This project also authorizes the installation of a new at grade concrete sidewalk surrounding the building and extending to the southeast and northeast from the new building. The total length of walk way is 130 linear feet. This project is located at the first parking lot on the right off of W Fort McClure Boulevard from the intersection of Market Street and W Fort McClure Boulevard.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-022: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 85 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'22"N, 76°35'37"W);

(2) a 16 inch diameter gathering line impacting 36 linear feet of Mill Creek (EV) (Overton, PA Quadrangle 41°32'19"N, 76°32'42"W);

The project will result in 121 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development.

**E0829-033: Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 8 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'35", Longitude: -76°17'03");

2. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 20 linear feet of Rummerfield Creek (WWF, MF) and a Palustrine Emergent Wetland impacting 335 square feet (Le Raysville, PA Quadrangle, Latitude: 41°48'34", Longitude: -76°16'51");

3. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) and a Palustrine Emergent Wetland impacting 1,385 square feet (Le Raysville, PA Quadrangle, Latitude: 41°48'45", Longitude: -76°16'20");

4. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,080 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 48'46", Longitude: -76° 16'07");

5. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'46", Longitude: -76°15'58");

6. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'45", Longitude: -76°15'52");

7. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 5 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'45", Longitude: -76°15'45");

8. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) and a Palustrine Emergent Wetland impacting 50 square feet (Le Raysville, PA Quadrangle, Latitude: 41°48'43", Longitude: -76°15'34");

9. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 20 linear feet of Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'26", Longitude: -76°16'21");

10. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 3,945 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 48'16", Longitude: -76° 16'24");

The project will result in 82 linear feet and 2,150 square feet of temporary stream impacts, and 6,795 square feet (0.156 acre) of PEM wetland all for the purpose of installing a natural gas pipeline and water line with associated access roadways.

**E5329-010. Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA, 15825. Wingo Property Surface Water Withdrawal and Waterline, in Ulysses Township, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle, N: 41°49'36.44"; W: 77°47'49.49").

To construct, operate, and maintain a surface water withdrawal and underground utilities with the following impacts:

1. 31.0 linear feet (165.0 square feet) of temporary impacts to a pond (HQ-CWF) for a submerged intake structure, a waterline, and an electric line to be placed on the bottom of the pond.

2. 58.0 square feet of temporary impacts to an EV wetland (PEM/PSS) for underground water and electric lines installed via open trenching.

3. 12.0 linear feet (21.0 square feet) of permanent impacts, and 23.0 linear feet (130.0 square feet) of temporary impacts to an Unnamed Tributary to Pine Creek (HQ-CWF, MF), and 68.0 square feet of adjacent EV wetlands (PEM) for the replacement of an existing 12" culvert stream crossing and the installation of underground water and electric lines installed via open cut trenching.

The project will result in 126.0 square feet (0.01 acre) of EV wetland impacts via open cut trenching, 31.0 linear feet of impacts to the bottom of a pond, and 23.0 linear feet of channel impacts via open cut trenching, all for the purpose of Marcellus Shale wellsite development.

**E0829-032: Chief Gathering, LLC**, 6051 Wallace Road, Suite 210, Wexford, PA 15090, Towanda Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. One 8 inch diameter natural gas line and a timber mat bridge impacting 66 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'16", Longitude: -76°30'52").

2. One 8 inch diameter natural gas line and a timber mat bridge impacting 122 linear feet of an unnamed tributary to French Run (CWF, MF), and an adjacent Palustrine Forested Wetland impacting 2,064 square feet (Powell, PA Quadrangle, Latitude: 41°44'17", Longitude: -76°30'51");

3. One 8 inch diameter natural gas line and a timber mat bridge impacting 39 linear feet of an unnamed tributary to French Run (CWF, MF), and an adjacent Palustrine Emergent Wetland impacting 4,220 square feet (Powell, PA Quadrangle, Latitude: 41°44'17", Longitude: -76°30'49");

4. One 8 inch diameter natural gas line and a timber mat bridge impacting 1,412 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'13", Longitude: -76°30'39");



5. One 8 inch diameter natural gas line and a timber mat bridge impacting 1,412 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'12", Longitude: -76°30'36");

6. One 8 inch diameter natural gas line and a timber mat bridge impacting 1,171 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°44'12", Longitude: -76°30'34");

7. One 8 inch diameter natural gas line and a timber mat bridge impacting 36 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'13", Longitude: -76°30'33");

8. One 8 inch diameter natural gas line and a timber mat bridge impacting 29 linear feet of an unnamed tributary to French Run (CWF, MF), and an adjacent Palustrine Forested Wetland impacting 10,287 square feet (Powell, PA Quadrangle, Latitude: 41°44'11", Longitude: -76°30'24");

9. One 8 inch diameter natural gas line and a timber mat bridge impacting 10,679 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'17", Longitude: -76°30'15");

10. One 8 inch diameter natural gas line and a timber mat bridge impacting 31 linear feet of an unnamed tributary to Towanda Creek (CWF, MF), an adjacent Palustrine Emergent and Palustrine Forested Wetland impacting 28,374 square feet (Powell, PA Quadrangle, Latitude: 41°44'15", Longitude: -76°30'05");

11. One 8 inch diameter natural gas line and a timber mat bridge impacting 3,015 square feet of a Palustrine Emergent Wetland (Monroeton, PA Quadrangle, Latitude: 41°44'02", Longitude: -76°29'48");

The project will result in 323 linear feet and 2,451 square feet of temporary stream impacts and 63,156 square feet (1.45 acres) of PEM and PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways.

**E0829-026: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Ulster Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 672 square feet (Ulster, PA Quadrangle, Latitude: 41°48'21", Longitude: -76°31'46");

2. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 245 square feet (Ulster, PA Quadrangle, Latitude: 41°48'16", Longitude: -76°31'37");

3. a 16 inch diameter natural gas line and a timber mat bridge impacting 55 linear feet of an unnamed tributary to Sugar Creek (WWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 5,097 square feet (Ulster, PA, Latitude: 41°48'07", Longitude: -76°31'15");

4. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland (PEM) and Palustrine Scrub-Shrub Wetland (PSS). Impacted Area: 4,472 square feet (Ulster, PA Quadrangle, Latitude: 41°48'16", Longitude: -76°31'12");

5. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland (PEM) and Palustrine Scrub-Shrub Wetland (PSS). Impacted Area:

1,251 square feet (Ulster, PA Quadrangle, Latitude: 41°48'17", Longitude: -76°31'11");

6. a 16 inch diameter natural gas line and a timber mat bridge impacting 97 linear feet of an unnamed tributary to Hemlock Run (WWF, MF) and adjacent Palustrine Forested Wetland (PFO) impacting 9,602 square feet (Ulster, PA, Latitude: 41°48'27", Longitude: -76°31'08");

7. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of an unnamed tributary to Hemlock Run (WWF, MF) and adjacent Palustrine Scrub-Shrub (PSS) impacting 1,020 square feet (Ulster, PA, Latitude: 41°48'28", Longitude: -76°30'51");

The project will result in 302 linear feet and 3,305 square feet of temporary stream impacts, 12,757 square feet (.29 acre) of PEM/PSS temporary wetland impacts and 9,602 square feet (0.22 acre) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-081-0053

Applicant Name Seneca Resources Corporation

Contact Person Michael Clinger

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

County Lycoming County

Township(s) Lewis Township

Receiving Stream(s) and Classification(s) Hagerman Run;

Trout Run (EV);

Secondary: Lycoming Creek (EV, MF)

ESCGP-1 # ESX12-081-0056

Applicant Name Anadarko E&P Company, LP

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200



City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Lewis Township  
 Receiving Stream(s) and Classification(s) Lycoming Creek  
 (EV/MF);  
 Secondary: West Branch Susquehanna River (WWF/  
 MF)

ESCGP-1 # ESX12-033-0007 (01)  
 Applicant Name Northeast Natural Energy, LLC  
 Contact Person Brett Lofflin  
 Address 707 Virginia Street, Suite 1400  
 City, State, Zip Charleston, WV 25301  
 County Clearfield County  
 Township(s) Graham Township  
 Receiving Stream(s) and Classification(s) UNT to Brown's  
 Run;  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-117-0037  
 Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Richmond Township  
 Receiving Stream(s) and Classification(s) UNT to Canoe  
 Camp Creek/Susquehanna River Basin in PA—Susque-  
 hanna River (List H) (CWF)

ESCGP-1 # ESX12-115-0062  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) UNTs to White  
 Creek (CWF), White Creek (CWF)

ESCGP-1 # ESX12-015-0098  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) West Burlington Township  
 Receiving Stream(s) and Classification(s) The Mill  
 Creek—(TSF/MF)

ESCGP-1 # ESX11-081-0090 (01)  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Nathan S. Bennett  
 Address 33 W. Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) UNT Wolf Run,  
 Big Sandy Run (HQ)

ESCGP-1 # ESX12-015-0091  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) UNT to Billings  
 Creek, Trib. To Wyalusing Creek (WWF/MF);  
 Secondary: Wyalusing Creek (WWF/MF)

ESCGP-1 # ESX12-081-0026 (01)  
 Applicant Name Pennsylvania General Energy Company,  
 LLC

Contact Person Mark C. Mummert  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming County  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) 2-UNT to Little  
 Pine Creek (EV), Little Pine Creek (HQ/TSF);  
 Secondary: Pine Creek (HQ/TSF)

ESCGP-1 # ESX09-131-0002 (02)  
 Applicant Name Citrus Energy Corporation  
 Contact Person Andrew Roberts  
 Address 5000 Legacy Drive, Suite 300  
 City, State, Zip Plano, TX 72024  
 County Wyoming County  
 Township(s) Washington Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River (CWF)

ESCGP-1 # ESX12-113-0021  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan County  
 Township(s) Forks Township  
 Receiving Stream(s) and Classification(s) Black Creek,  
 Trib 20233 to Black Creek, Trib. 20239 to Black Creek,  
 UNT to Black Creek, Loyalsock Creek Watershed (EV);  
 Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX12-081-0046  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Franklin Township  
 Receiving Stream(s) and Classification(s) UNT to Beaver  
 Run, Beaver Run, Little Muncy Creek;  
 Secondary: Muncy Creek

ESCGP-1 # ESX12-015-0088  
 Applicant Name EOG Resources, Inc.  
 Contact Person Greg Shaffer  
 Address 191 Beaver Drive  
 City, State, Zip Dubois, PA 15801  
 County Bradford County  
 Township(s) Springfield Township  
 Receiving Stream(s) and Classification(s) UT Leonard  
 Creek, UT Mill Creek, Mill Creek;  
 Secondary: Leonard Creek, Mill Creek

ESCGP-1 # ESX12-015-0094  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Leroy Township  
 Receiving Stream(s) and Classification(s) Towanda Creek  
 (TSF/MF)

ESCGP-1 # ESX12-113-0020  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan County  
 Township(s) Cherry Township  
 Receiving Stream(s) and Classification(s) 2-UNT to Black  
 Creek (EV), Loyalsock Creek Watershed (EV);  
 Secondary: Black Creek (EV)

ESCGP-1 # ESX10-113-0005 (01)  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Sullivan County  
 Township(s) Elkland Township  
 Receiving Stream(s) and Classification(s) UNT to Elk  
 Creek (EV);  
 Secondary: Elk Creek (EV)

ESCGP-1 # ESX12-115-0048  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Forest Lake Township  
 Receiving Stream(s) and Classification(s) UNT to Middle  
 Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX12-117-0042  
 Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Sullivan Township  
 Receiving Stream(s) and Classification(s) Trib to Corey  
 Creek (HQ-CWF/MF)

ESCGP-1 # ESX12-035-0009  
 Applicant Name XTO Energy, Inc.  
 Contact Person Stacey Vehovic  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Clinton County  
 Township(s) Chapman Township  
 Receiving Stream(s) and Classification(s) Abe's Run (HQ)  
  
*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0079A—Hinch Smith Unit No. 1H,  
 2H, 3H, 4H Major Modification  
 Applicant XTO Energy Inc  
 Contact Ms. Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Butler(s)  
 Receiving Stream(s) and Classification(s) UNT of Butcher  
 Run—WWF; Butcher Run—WWF

ESCGP-1 #ESX12-121-0014-Haslet Unit 1H  
 Applicant Range Resources  
 Contact Mark Galbo  
 Address 100 Throckmorton Street, Suite 1200  
 City Fort Worth State TX Zip Code 76102  
 County Venango Township(s) Oakland(s)  
 Receiving Stream(s) and Classification(s) UNT to Wolf  
 Run-CWF

ESCGP-1 #ESX12-019-0136-Burgh Gas Well  
 Applicant RE Gas Development LLC  
 Contact Lauren Parker  
 Address 310 Seven Fields Blvd  
 City Seven Fields State PA Zip Code 16046  
 County Butler Township(s) Lancaster(s)  
 Receiving Stream(s) and Classification(s) 2 UNT's to  
 Little Yellow Creek-CWF, Little Yellow Creek-CWF,  
 UNT to Scholars Run-WWF, Slippery Rock Watershed

*Southwest Region: Oil & Gas Program Mgr. 400 Water-  
 front Dr. Pittsburgh PA*

3/26/12  
 ESCGP-1 No: ESX12-125-0040  
 Applicant Name: MARKWEST LIBERTY MIDSTREAM &  
 RESOURCES LLC  
 Contact Person MR RICK LOWRY  
 Address: 824 MORGANZA ROAD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON  
 Township: ROBINSON  
 Receiving Stream (s) And Classifications: UNT's TO  
 ROBINSON RUN (WWF); OTHER

2/9/2012  
 ESCGP-1 No.: ESX12-063-0004  
 Applicant Name: XTO ENERGY INC  
 Contact Person: MELISSA BREITENBACH  
 Address: 502 KEYSTONE DRIVE  
 City: WARRENDALE State: PA Zip Code: 15086  
 County: INDIANA Township(s): NORTH MAHONING  
 Receiving Stream(s) and Classifications: UNT OF LITTLE  
 MAHONING CREEK-HQ-CWF; HQ

12/8/11  
 ESCGP-1 No.: ESX11-005-0021  
 Applicant Name: EQT GATHERING LLC  
 Contact Person: BRIAN M CLAUTO  
 Address: 455 RACETRACK ROAD  
 City: WASHINGTON State: PA Zip Code: 15301  
 County: ARMSTRONG  
 Township(s): KITTANNING  
 Receiving Stream(s) and Classifications: CHERRY RUN,  
 CROOKED CREEK, HORNEY CAMP RUN; SEE AT-  
 TACHMENT E FOR STREAM TABLE; OTHER

4/4/12  
 ESCGP-1 No.: ESX12-003-0001 MAJOR REVISION  
 Applicant Name: RANGE RESOURCES APPALACHIA  
 LLC  
 Contact Person: MR GLENN TRUZZI  
 Address: 3000 TOWN CENTER BOULEVARD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: ALLEGHENY  
 Township(s): FRAZER  
 Receiving Stream(s) and Classifications: UNT TO BULL  
 CREEK (TSF) AND UNT TO DAYS RUN (WWF)/  
 LOWER ALLEGHENY RIVER WATERSHED; OTHER

4/5/12  
 ESCGP-1 No.: ESX12-125-0045  
 Applicant Name: CHESAPEAKE APPALACHIA LLC  
 Contact Person: ERIC HASKINS  
 Address: 101 NORTH MAIN STREET  
 City: ATHENS State: PA Zip Code: 18810  
 COUNTY WASHINGTON  
 Township(s): WEST FINLEY  
 Receiving Stream(s) and Classifications: UNT TO ROBIN-  
 SON FORK-(WWF)/WHEELING CREEK; OTHER

4/18/12  
 ESCGP-1 No.: ESX11-005-0015  
 Applicant Name: EXCO RESOURCES (PA) LLC  
 Contact Person: MR BRIAN E RUSHE  
 Address: 3000 ERICSON DRIVE SUITE 200  
 City: WARRENDALE State: PA Zip Code: 15086  
 County: ARMSTRONG  
 Township(s): W. FRANKLIN  
 Receiving Stream(s) and Classifications: UNT TO BUF-  
 FALO CREEK; HQ; OTHER-TSF

3/12/12  
 ESCGP-1 No.: ESX12-125-0031  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person: MR DANIEL BITZ

Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code 15370  
 County: WASHINGTON  
 Township(s): MORRIS  
 Receiving Stream(s) and Classifications: 3 UNT TO  
 SHORT CREEK (TSF); OTHER

2/24/12  
 ESCGP-1 No.: ESX12-059-0011  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person: MR DANIEL BITZ  
 Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: GREENE  
 Township(s): MORRIS  
 Receiving Stream(s) and Classifications: 2 UNT TO  
 PATTERSON CREEK (PATTERSON CREEK (HQ-  
 WWF); HQ

2/27/12  
 ESCGP-1 No.: ESX12-129-0004  
 Applicant Name: LAUREL MOUNTAIN MIDSTREAM  
 LLC  
 Contact Person: STEPHANIE L RANKER  
 Address: 2620 MEMORIAL BLVD SUITE A  
 City: CONNELLSVILLE State: PA Zip Code: 15425  
 County: WESTMORELAND  
 Township(s): SALEM  
 Receiving Stream(s) and Classifications: WHITEHORN  
 CREEK (WWF), UNT's TO CRABTREE CREEK  
 (WWF)/LOYALHANNA CREEK (HUC #05100080108);  
 OTHER

3/13/12  
 ESCGP-1 NO.: ESX12-125-0032

Applicant Name: RANGE RESOURCES APPALACHIA  
 LLC  
 CONTACT PERSON: LAURA M RUSMISEL  
 ADDRESS: 3000 TOWN CENTER BOULEVARD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON  
 Township(s): ROBINSON  
 Receiving Stream(s) and Classifications: UNT 33810 AND  
 UNT 33811 TO ST PATRICK RUN /RACCOON  
 CREEK WATERSHED; OTHER

3/14/12  
 ESCGP-1 NO.: ESX12-059-0017  
 Applicant Name: ENERGY CORPORATION OF  
 AMERICA  
 CONTACT: TRAVIS WENDEL  
 ADDRESS: 1380 RTE 286 HWY E SUITE 221  
 City: INDIANA State: PA Zip Code: 15701  
 County: GREENE  
 Township(s): CUMBERLAND  
 Receiving Stream(s) and Classifications: MUDDY CREEK  
 AND COAL RUN / LOWER MONONGAHELA WA-  
 TERSHED; OTHER

1/20/12  
 ESCGP-1 NO.: ESX12-059-0004  
 Applicant Name: COAL GAS RECOVERY LLC  
 CONTACT: JOANNE REILLY  
 ADDRESS: 158 PORTAL ROAD PO BOX 1020  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: GREENE  
 Township(s): WASHINGTON / FRANKLIN  
 Receiving Stream(s) and Classifications: UNT TO PUR-  
 MAN RUN, GRIMES RUN AND JERSEY RUN (WWF);  
 JERSEY RUN (WWF); OTHER

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Accredited Radon Reduction of West Pennsylvania	2822 Golden Mile Highway Pittsburgh, PA 15239	Mitigation
Accredited Radon Systems	2822 Golden Mile Highway Pittsburgh, PA 15239	Mitigation
Kevin Adams	208 Latimer Avenue Strabane, PA 15363	Testing
Clifford Ardinger, II	101 Bertley Ridge Drive Coraopolis, PA 15108	Testing
Jim Bucciarelli	474 Easton Road Horsham, PA 19044	Mitigation
Nathaniel Burden, Jr.	626 Jacksonville Road Suite 200 Warminster, PA 18974	Mitigation
Frank Carey	120 Aster Court Exeter, PA 18643	Testing
Thomas d'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
James Davis	624 Lincoln Avenue	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
	Jermyn, PA 18433	
DeMar Associates Testing Services	P. O. Box 296 Green Lane, PA 18054	Testing
Eagle Home Inspections	543 Twele Road Greenock, PA 15047	Testing
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Frank Glantz	P. O. Box 866 Lemont, PA 16851	Mitigation
Russell Heiges	351 Big Oak Road Dillsburg, PA 17019	Mitigation
Scott Latosky	722 Sue Street Houtzdale, PA 16651	Testing
Eric Levine	110 Music Center Drive East Stroudsburg, PA 18301	Testing & Mitigation
Stephen Mento	25 Fox Farm Lane Downingtown, PA 19335	Testing
Charles Miller	11 Edbert Street Selinsgrove, PA 17870	Testing
David Milliron	126 Oakford Park Road Jeannette, PA 15644	Testing
Cristopher Murphy WIN-Murrysville	3045 Heider Lane Export, PA 15632	Testing
Pillar to Post	2370 York Road A-9 C Jamison, PA 18929	Testing
Lisa Roddis	P. O. Box 862 Hockessin, DE 19707	Testing
Larry Smith	HCR #1, Box 48 Brodheads ville, PA 18322	Testing
Michael Walther	6876 Susquehanna Trail South York, PA 17403	Testing
John Wilson	107 Lockerbie Lane West Chester, PA 19382	Testing
David Yocum	215 Taylor Road York, PA 17406	Mitigation

[Pa.B. Doc. No. 12-834. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—New Guidance*

DEP ID: 385-2188-002. Title: Reuse of Treated Wastewater Guidance Manual. Description: The Department by this notice is providing the final version of the Reuse of Treated Wastewater Guidance Manual; Document No. 385-2188-002 (Manual). This guidance was created to provide guidance to Department staff and the public for reusing treated wastewater in an environmentally protective manner in accordance with Department regulations.

The draft version of the Manual was announced for a 30-day public comment period at 39 Pa.B. 287 (January



10, 2009). In response to the notice the Department received 20 comments from 5 commentators. The Department has developed a Comment and Response document that summarizes the comments received and the Department's response to the comment. No significant changes have been made from the draft guidance, but some minor clarifications have been made to portions of the document, as requested by public comments. Contact: Questions regarding this final guidance document should be directed to Kevin McLeary, (717) 783-1820 or kmcleary@pa.gov.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-835. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 16(1047)102.1, Abandoned Mine Land Reclamation Project, Pine City, Elk Township, Clarion County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 81,900 cubic yards; tree planting 8,750 each; and seeding 4.4 acres. This bid issues on May 11, 2012, and bids will be opened on June 5, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-836. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Clean Air Interstate Rule; 2012 Allocation of 2011 Vintage NO<sub>x</sub> Allowances Set Aside to Offset SO<sub>2</sub> Emissions; Correction

In accordance with 25 Pa. Code § 145.212(f)(2) (relating to CAIR NO<sub>x</sub> allowance allocations), the Department of Environmental Protection (Department) is providing notice of a correction, which results in an allocation of 2011 vintage Clean Air Interstate Rule (CAIR) nitrogen oxides (NO<sub>x</sub>) allowances to Piney Creek, LP, an owner or operator of a CAIR sulfur dioxide (SO<sub>2</sub>) unit for the purpose of offsetting SO<sub>2</sub> emissions. This unit was exempted under the Federal Acid Rain Program provisions in section 405(g)(6)(A) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)) and therefore did not receive SO<sub>2</sub> allowances, yet is subject to the CAIR SO<sub>2</sub> Trading Program.

The Commonwealth's CAIR NO<sub>x</sub> Annual Trading Program budget contained 99,049 CAIR NO<sub>x</sub> allowances for 2011; the Department allocated 97,761 of the CAIR NO<sub>x</sub> allowances at 40 Pa.B. 297 (January 9, 2010). The Department set aside the remaining 1,288 CAIR NO<sub>x</sub> allowances in accordance with 25 Pa. Code § 145.212(f)(2) and (4), 1.3% of the CAIR NO<sub>x</sub> Annual Trading Program

budget, for allocations to qualifying fossil fuel-fired units that did not receive SO<sub>2</sub> allocations under the Acid Rain Program due to their exempt status. On March 3, 2012, the Department published the allocation notice of 2011 vintage CAIR NO<sub>x</sub> allowances set aside to offset SO<sub>2</sub> emissions at 42 Pa.B. 1185 (March 3, 2012). The Department is publishing a correction to that notice because Piney Creek's on-time request was inadvertently omitted in the notice published at 42 Pa.B. 1185.

The Department is allocating these allowances on a ratio of 1 CAIR NO<sub>x</sub> allowance to every 8 tons of SO<sub>2</sub> emitted by the unit in 2011, minus any excess CAIR NO<sub>x</sub> allowances already allocated to the unit for the 2011 control period that were not used to cover NO<sub>x</sub> emissions for the 2011 control period. The result is an allocation of 185 CAIR NO<sub>x</sub> allowances.

The following table lists the facility name, ORIS number and unit identification number and the number of CAIR NO<sub>x</sub> allowances to be allocated.

Facility name	ORIS #	Unit ID	# of NO <sub>x</sub> allowances
Piney Creek, LP	54144	31	185

Owners and operators of qualifying units should be aware that CAIR NO<sub>x</sub> allowances do not constitute property rights, and that actions at the Federal or State level, including possible court action in *EME Homer City Generation, L.P. v. EPA*, D.C. Cir. 11-1302, could affect the allocated CAIR NO<sub>x</sub> allowances.

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 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 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 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.

Questions concerning this notice should be directed to Randy Bordner, Chief, Stationary Source Section, Bureau of Air Quality, (717) 772-3921, ranbordner@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-837. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Implementation of Settlement Agreement

The Department of Environmental Protection (Department) is issuing this notice under a Stipulation of Settlement made between Damascus Citizens for Sustainability, Inc., the Delaware Riverkeeper, the Delaware Riverkeeper Network, James R. Wilson, Jonathan B. Gordon, Thomas Cooney and Michael Cooney and the Department, signed by the parties on February 10, 2012, in *Damascus Citizens for Sustainability, Inc. et al. v. Commonwealth of Pennsylvania, Department of Environmental Protection and Neufield Appalachia, LLC, EHB Doc. No. 2010-102-M*.

A person proposing oil and gas activities, as that term is defined in 25 Pa. Code § 102.1 (relating to definitions), must demonstrate compliance with antidegradation regulations under 25 Pa. Code Chapter 93 (relating to water quality standards), prior to the commencement of any earth disturbance activities where: 1) there will be between 1 and 5 acres of earth disturbance over the life of the project; 2) under 58 Pa.C.S. § 3211(a) (relating to well permits), the project requires a well permit to drill a well targeting an unconventional formation as defined in 25 Pa. Code § 78.1 (relating to definitions); and 3) the project is located in a watershed that has a designated or existing use of High Quality of Exceptional Value under 25 Pa. Code Chapter 93.

In the Stipulation of Settlement, the Department agreed to provide public notice of the previous requirement and incorporate it in applicable well permits on or before May 13, 2012.

More information can be found on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), select Oil and Gas, then select Industry Resources and select Informational Resources.

Inquiries regarding this notice should be directed to Kurt Klappkowski, Director, Bureau of Oil and Gas Planning and Program Management, Office of Oil and Gas Management, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17101.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-838. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Mining and Reclamation Advisory Board Special Meeting

The Mining and Reclamation Advisory Board (Board) will hold a special meeting on Tuesday, May 15, 2012, at 2 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The purpose of the meeting is to review as final the proposed coal mining permit fees rulemaking package.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Questions concerning the May 15, 2012, meeting of the Board may be directed to James Charowsky at (717) 787-7007 or [jcharowsky@pa.gov](mailto:jcharowsky@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7007 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-839. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program). These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

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 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.

For further information about these actions or the Trading Program, contact Karen Price, Interstate Waters Office, Department of Environmental Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785, [kprice@pa.gov](mailto:kprice@pa.gov) or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

**Entech Engineering on behalf of Butler Township Wastewater Department (Luzerne County).** This approval is applicable to nitrogen credits to be generated from the pollutant reduction activity of Butler Township's installed treatment process. This approval includes a verification plan and authorizes the generation of: 19,294 nitrogen reduction for the 2012 Compliance Year; 18,828 nitrogen reduction credits for the 2013 Compliance Year; 18,185 nitrogen reduction credits for the 2014 Compliance Year; 17,740 nitrogen reduction credits for the 2015 Compliance Year; and 16,678 nitrogen reduction credits for the 2016 Compliance Year. This certification is valid until September 30, 2016, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activity may only be generated if renewal or recertification, which will be based on the program requirements in place on the date of the renewal or recertification submission, is obtained. Notice of the certification request was published for comment at 42 Pa.B. 620 (January 28, 2012).

**Lennon, Smith, Souleret Engineering, Inc. on behalf of Martinsburg Municipal Authority (Blair County).** This approval is applicable to nitrogen and phosphorus credits to be generated from the pollutant reduction activity of Martinsburg Municipal Authority's installed treatment process. This approval includes a verification plan and authorizes the generation of: 2,300 nitrogen reduction credits for the 2012 Compliance Year; 126 phosphorus reduction credits for the 2012 Compliance Year; 2,191 nitrogen reduction credits for the 2013 Compliance Year; 117 phosphorus reduction credits for the 2013 Compliance Year; 2,083 nitrogen reduction credits for the 2014 Compliance Year; 107 phosphorus reduction credits for the 2014 Compliance Year; 1,975 nitrogen reduction credits for the 2015 Compliance Year; 98 phosphorus reduction credits for the 2015 Compliance Year; 1,866 nitrogen reduction credits for the 2016 Compliance Year; and 88 phosphorus reduction credits for the 2016 Compliance Year. This certification is valid until September 30, 2016, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activity may only be generated if renewal or recertification, which will be based on the program requirements in place on the date of the renewal or recertification submission, is obtained. Notice of the certification request was published for comment at 42 Pa.B. 730 (February 4, 2012).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-840. Filed for public inspection May 11, 2012, 9:00 a.m.]

### **Pennsylvania's 2013 Ambient Air Monitoring Network Plan; Availability for Public Comment**

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants in 40 CFR Parts 53 and 58 (relating to

ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air-monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due July 1, 2012, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a State's Monitoring Network Plan.

On May 12, 2012, the 2013 Annual Air Monitoring Network Plan will be made available for public comment on the Department's web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. The plan has been updated to address changes that have been made in the Commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in 2013.

The public is invited to submit comments on this network plan. Comments must be received by the Department on or before June 11, 2012. Written comments should be sent to the attention of Nicholas Lazor, Chief, Division of Air Quality Monitoring, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [rapair@pa.gov](mailto:rapair@pa.gov). Use "Annual Monitoring Network Plan" as the subject line.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-841. Filed for public inspection May 11, 2012, 9:00 a.m.]

### **Proposed Annual Monitoring Network Plan for Philadelphia**

Part 58 of 40 CFR (relating to ambient air quality surveillance) requires state and local air pollution control agencies to adopt and submit to the United States Environmental Protection Agency (EPA) Regional Administrator an Annual Monitoring Network Plan (AMNP) by July 1, 2012. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. A proposed AMNP must be made available for public inspection for at least 30 days prior to submission to the EPA.

Air Management Services is the local air pollution control agency for the City of Philadelphia under the Department of Public Health. Philadelphia has an air monitoring network of 11 air monitoring stations that house instruments that measure ambient levels of air pollutants.

The proposed AMNP is available for public inspection on the City's web site at <http://www.phila.gov/health/AirManagement/index.html> and at the office of Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, during normal business hours. For further information, contact Henry Kim, Chief of Program Services at (215) 685-9439.



Written comments on the proposed AMNP should be sent to Henry Kim, Chief of Program Services, Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Only written comments will be accepted. Comments received by facsimile will not be accepted. Persons wishing to file comments on the proposed AMNP must submit comments by June 12, 2012.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-842. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Solid Waste Advisory Committee Meeting Cancellation**

The Solid Waste Advisory Committee (Committee) meeting scheduled for Thursday, June 7, 2012, has been cancelled. The next Committee meeting is scheduled for Thursday, September 13, 2012, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next meeting of the Committee should be directed to Ali Tarquino-Morris at (717) 783-2360, altarquino@pa.gov. The agenda and meeting materials for the September 13, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection’s (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: “Public Participation, Participate”).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-843. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Stream Redesignation Evaluations; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the following streams to determine the proper Aquatic Life Use or Special Protection designations in this Commonwealth’s Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Lycoming Creek, Basin	Lycoming, Tioga	West Branch Susquehanna River
West Branch Susquehanna River tributaries, Basins from Sinnemahoning Creek to Pine Creek	Clinton	West Branch Susquehanna River

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Council Run, Basin	Centre	Beech Creek
Mehoopany Creek, Basin from source to the confluence with the North Fork Mehoopany Creek	Wyoming, Sullivan	Susquehanna River
UNT (unnamed tributary) 08187 to South Branch Codorus Creek (locally known as Shaeffer Hollow), Basin	York	South Branch Codorus Creek
Beaver Creek, Basin	York	Susquehanna River
Cabin Creek, Basin	York	Susquehanna River
Mitchell Run, UNTs 17754 and 17777 to Middle Creek, Basins	Snyder	Middle Creek
Swiftwater Creek, Basin	Monroe	Forest Hills Run
UNT 01714 to Schuylkill River (locally known as Mill Creek), Basin	Berks	Schuylkill River
Perry Magee Run, Basin	Warren	Allegheny River
Camp Run, Basin	Armstrong	Mahoning Creek

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, tshaw@pa.gov. Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

More information on stream redesignation notifications is available online at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: “Stream Assessment Notification”).

Lycoming Creek mainstem is currently designated Cold Water Fishes, Migratory Fishes (CWF, MF) from the source to Long Run. Tributaries to Lycoming Creek from source to Long Run are currently designated High Quality-Cold Water Fishes, Migratory Fishes (HQ-CWF, MF). Lycoming Creek basin is currently designated Warm Water Fishes, Migratory Fishes (WWF, MF) from Long Run to the mouth. The study area will include the entire Lycoming Creek basin.

West Branch Susquehanna River tributaries from Sinnemahoning Creek to Queens Run are currently designated HQ-CWF, MF with the exception of the following named tributaries that are currently designated Exceptional Value: Fish Dam, Barney and Paddy Runs, Boggs Hollow, Young Womans Creek basin from source to Left Branch Young Woman and Lick Run basin from source to the uppermost SR 1001 crossing; and the following named



tributaries which are currently designated CWF, MF: Cooks Run, the lower reaches of Drury Run and Tangascootack Creek. West Branch Susquehanna River tributaries from Queens Run to Pine Creek (not including Bald Eagle Creek) are currently designated CWF, MF with the exception of Love and Henry Runs, which are designated HQ-CWF, MF. The study area will include West Branch Susquehanna River tributary basins from Sinnemahoning Creek to Pine Creek, with the exception of Kettle, Tangascootack and Bald Eagle Creeks.

UNT 08187 to South Branch Codorus Creek basin (locally known as Shaeffer Hollow), Cabin Creek and UNT 01714 to Schuylkill River (locally known as Mill Creek) basins are currently designated WWF, MF. These study areas will include each basin in its entirety.

The Mehoopany Creek basin from the source to the confluence with the North Fork Mehoopany Creek is currently designated HQ-CWF, MF. The study area will include the entire Mehoopany Creek basin from the source to the confluence with the North Fork.

The Swiftwater Creek basin is currently designated HQ-CWF, MF. The study area will include the entire Swiftwater Creek basin.

Beaver Creek, Mitchell Run, UNTs 17754 and 1777 to Middle Creek and Council Run basins are currently designated CWF, MF. These study areas will include each basin in its entirety.

Camp and Perry Magee Runs basins are currently designated CWF. These study areas will include each basin in its entirety.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-844. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Water Resources Advisory Committee Meeting

The Water Resources Advisory Committee will hold a meeting on Wednesday, May 16, 2012, at 9:30 a.m. in The Susquehanna Conference Room, Department of Environmental Protection South Central Regional Office Building, 909 Elmerton Avenue, Harrisburg, PA.

Questions concerning this meeting can be directed to Duke Adams at (717) 783-7404, ranadams@pa.gov. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Duke Adams directly at (717) 783-7404 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-845. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P. S. §§ 51—732), has published the proposed 2012 real property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

Individuals who wish to comment on the proposed plan should do so in writing to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 12-846. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny Reproductive Health Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny Reproductive Health Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.8-3.6.5.1, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-847. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Allentown Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allentown Women's Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.8-3.6.5.1, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code § 551.22(2) (relating to criteria for performance of ambulatory surgery on pediatric patients).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-848. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Berger & Benjamin, LLP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berger & Benjamin, LLP has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard

contained in this publication: 3.8-3.6.5.1, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2), 571.2(d) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; modification of HHS requirements; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-849. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Philadelphia Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Philadelphia Women's Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.8-3.3, 3.8-3.6.5.1, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2), 571.2(d) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; modification of HHS requirements; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-850. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Central Pennsylvania, York Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Central Pennsylvania, York Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.7-3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1, 3.7-3.3.6.2, 3.8-3.3, 3.8-3.4.2.2, 3.8-3.6.5, 3.8-3.6.6, 3.8-3.7, 3.8-5.1.2, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-7.2.2.2(2), 3.8-7.2.3.2(2) and 3.8-7.2.3.4(2).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-851. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Western Pennsylvania, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Western Pennsylvania, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b), 559.3(b) and 571.2(d).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-852. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Western Pennsylvania, Women's Health Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Western Pennsylvania, Women's Health Services has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.7-3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1, 3.7-3.3.6.2, 3.8-3.3, 3.8-3.4.2.2, 3.8-3.6.5, 3.8-3.6.6, 3.8-3.7, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-7.2.2.2(2), 3.8-7.2.3.2(2) and 3.8-7.2.3.4(2).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously



listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-853. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood York Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood York Health Center has requested an exception to the requirements of 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b), 559.3(b) and 567.11(5).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-854. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Reproductive Health and Counseling Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reproductive Health and Counseling Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2), 571.2(d) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; modification of HHS requirements; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-855. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Health Care Associated Infection Benchmarking Areas for Hospitals under the Medical Care Availability and Reduction of Error (MCARE) Act; Final Notice

Section 408(9) of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. § 1303.408(9)) requires that the Department of Health (Department) publish a notice in the *Pennsylvania Bulletin* of the specific benchmarks the Department will use under section 408(8) to measure the progress health care facilities are making to reduce the incidence of healthcare associated infections (HAI). Before publishing a final notice on the benchmarks, the Department is to seek public comment and respond to any comments received during the public comment period.

The public notice was published at 42 Pa.B. 273 (January 14, 2012). The Department proposed to use catheter-associated urinary tract infections (CAUTI), central line-associated bloodstream infections and selected surgical site infections (SSI) as benchmarking conditions. For these HAI infection types, the Department proposed to define hospitals that are not meeting reduction targets as those that, for each of the two most recent years of analyzed data, had both standardized infection ratios (SIR) and infection rates that were above the 90th percentile when compared to other Commonwealth hospitals.

During the 30-day comment period, the Department received a total of four submissions. These comments were generally supportive of the approach proposed by the Department but raised concerns about the inherent difficulty of assessing performance across the range of hospitals found in this Commonwealth. Specific comments are summarized as follows along with the Department's response. Some respondents raised multiple concerns. Therefore the total number of items exceeds the number of submissions. The number of respondents who raised each concern is included.

1. *Two respondents indicated the data used for analysis should be as accurate as possible. They felt that until the*



*data used for analysis had been validated through auditing, it is possible that conclusions based on the current data set will be inaccurate and potentially biased.*

The Department concurs that audits of data quality are important to assure the accuracy of reporting by Commonwealth hospitals and the validity of analyses of the data performed by the Department. The Commonwealth uses a number of auditing methods to accomplish these goals. All data submitted to the National Healthcare Safety Network (NHSN) by Commonwealth hospitals are assessed for potential errors and hospitals receive a quarterly data integrity validation (DIV) report and are asked to investigate and (if necessary) correct any errors. Since the DIV report has been in operation as a feedback mechanism, the number of identified errors has declined substantially. In addition, Department representatives routinely visit hospitals to determine whether HAI reporting requirements and data collection methods are being followed. Finally, the Department has conducted onsite chart audits of both 2009 and 2010 HAI data in a selected sample of hospitals. Findings of these audits were provided to the audited hospitals and seminars were conducted for all hospitals to review the overall results to identify common issues and improve reporting accuracy. The Department agrees that more extensive onsite chart audits would be beneficial. However, conducting onsite audits of all Commonwealth hospitals before the data are analyzed would result in substantial delays in producing any reports. In addition, the findings of the chart audits performed to date do not suggest that error rates are high enough (either over- or under-reporting) to invalidate the data analyses published to date by the Department. Therefore, the Department does not believe the published benchmarking methods require modification based on this comment.

*2. Two respondents noted there are important differences between different types and groups of hospitals that cannot be easily accounted for through the use of an overall SIR. These respondents felt it was not appropriate to aggregate all Commonwealth hospitals to generate SIRs for the proposed ranking as described in the Notice.*

The Department concurs that there are differences between hospitals (individually and by group). Each hospital differs by location, by size, by population served and by the level and type of care. The Department accounts for these differences through indirect adjustment of the predicted number of infections (which in turn determines the SIR) based on the ward types present in each hospital, by hospital size, medical school affiliation and hospital geographic location. These are factors commonly recognized as possibly confounding HAI rates. For SSIs, direct adjustment using patient-level data is performed. However, there are no adjustment methods that can perfectly account for differences between hospitals. Sub-stratification of hospitals for the purposes of generating SIRs based on hospital type or other factors would be problematic because the number of facilities in some categories would be small and would make generation of meaningful SIRs nearly impossible. The Department believes the use of an overall SIR for benchmarking purposes is a reasonable approach and therefore does not believe the proposed analytic method requires modification based on this comment.

*3. Two respondents suggested that additional strategies are needed to standardize data from hospitals that provide care to children, as the risk factors for infection in children are different from the risk factors in adults. The*

*respondents felt the adjustments used by the Department to generate SIRs are insufficient to account for these risk factors.*

The Department concurs that risk factors for infection in children may differ from those in adults. This is why the Department calculates Statewide ward-specific rates (including rates for pediatric ward types) and incorporates these rates into its risk adjustment calculations by adjusting for the ward types present in each hospital. This Commonwealth has a small number of exclusively pediatric hospitals, but the number of general hospitals that have pediatric wards (including neonatal intensive care units) is much larger. Therefore it would be inappropriate to separately display or separately calculate SIRs for pediatric-only facilities with the knowledge that a large proportion of pediatric care occurs in other hospital types. The Department welcomes feedback that might improve current risk adjustment methods. But this feedback would not produce any alteration in the proposed approach to identifying hospitals not meeting benchmark reduction targets. It would only alter which hospitals would be identified by the proposed method. Therefore no changes need to be made in the methods based on this comment.

*4. One respondent indicated that the approach to identifying hospitals not making progress towards the reduction of HAIs should be amended, as there may be organizations identified as not making progress that have actually decreased their rates of infection, but the decreases are not as large as those that have occurred in other organizations. In addition, it may be difficult to identify reductions for organizations that have successfully reduced utilization of devices such as urinary catheters and central lines as an HAI prevention method.*

The Department concurs that a hospital's annual SIR may paradoxically increase if the rates of HAI reductions occurring in most other hospitals are greater than the ones that have occurred at the hospital in question. This is because the predicted number of infections at each hospital is based on overall Statewide rates. This is the reason the Department has chosen to assess both the SIR and the actual HAI rate for each hospital, and to only cite hospitals that have both SIRs and rates that are above the 90th percentile. This approach identifies hospitals not performing as well as its peers, and does not penalize hospitals with very low HAI rates even though the rate may slightly increase from one year to the next. The Department considers its approach to be a broad one that fulfills the obligation to identify less well performing hospitals without citing hospitals that are sufficiently addressing HAI prevention.

*5. One respondent suggested that organizations may be repeatedly identified as not meeting benchmark reduction targets.*

The respondent is correct that the same hospital may be repeatedly identified as not meeting benchmark reduction targets. If certain hospitals are not making sufficient progress in comparison to other hospitals or have sustained high SIRs and rates, the Department's methods will continue to identify these institutions. Hopefully, this will allow the hospital to identify approaches that will reduce their HAI incidence in future years. The Department does not believe that citing a facility for one 2-year period should remove it from being cited again if the rates or SIRs remain high.

*6. One respondent noted that the methodology appears to be biased against larger organizations that care for more complex patients.*

The Department has performed and published analyses of HAI data for the last half of 2008, for 2009 and for 2010. The findings indicate that larger hospitals tend to have SIRs that are significantly higher or lower than predicted when compared to smaller hospitals. This is because the larger number of HAIs, device days and patient days allows more reliable estimates of actual rates to be calculated. This can be seen in the much narrower confidence intervals for larger hospitals than smaller hospitals. However, the proposed methodology for identifying hospitals with high SIRs or rates considers only the actual SIR and rate, not their significance. This approach would therefore not penalize larger hospitals, and no changes are needed based on this comment.

*7. One respondent noted that the proposed approach does not use the most currently available information. Hospitals that are identified as not meeting benchmark targets may have actually made progress since the time period used for the calculations. The proposed methodology should be used as a screening tool only and a correction plan should only be required if there is no evidence of subsequent improvement with more recent data.*

The Department produces an annual report on HAIs. This report is targeted for publication approximately 6 months after the close of the reporting period because data submission, DIV and data cleaning follow a 4-month cycle. In addition, implant-associated surgical procedures must be followed to see if an HAI develops for a full 12 months post-procedure. Therefore, SSI data has a 1-year lag period for reporting. The Department does not believe it is appropriate to use more recent (which would be partial year, provisional data) data to determine whether a hospital should be cited for the previous 2 years of high SIRs and rates. The goal of notifying the hospitals of this finding is to alert them to the problem and assist them in identifying and correcting the conditions that result in HAIs. If the hospital has been following the Department's published reports, it may already have noted its performance relative to other facilities and taken appropriate steps. In this situation, no further actions or interventions would be needed unless the interventions are unsuccessful. Since this comment does not suggest any changes in the proposed benchmark methods, the Department does not believe the proposed approach needs modification based on the comment.

Therefore, the final approach to benchmarking hospitals and identifying those not making sufficient progress in reducing HAIs is as follows:

The Department, under section 408(8) and (9) of the MCARE Act, publishes this notice regarding the methods to be used to measure progress of hospitals in reducing the occurrence of HAIs and identify hospitals not meeting benchmark reduction targets.

#### A. Purpose and Statutory Authority

Section 408(8) of the MCARE Act requires that the Department develop, in consultation with the Patient Safety Authority and the Pennsylvania Health Care Cost Containment Council, "reasonable benchmarks to measure the progress [hospitals] make toward reducing health care-associated infections." The section further provides, "Beginning in 2010, all health care facilities shall be measured against these benchmarks."

Section 408(9) of the MCARE Act requires that the Department publish a notice in the *Pennsylvania Bulletin* of the specific benchmarks the Department will use under section 408(8) of the MCARE Act to measure health care facilities. Section 408(9) of the MCARE Act requires that prior to publishing the final notice, the Department is to seek public comment for at least 30 days on the benchmarks and respond to the comments received during the public comment period. The Department published a notice at 42 Pa.B. 273 announcing these benchmarks and requesting public comment. The Department's responses to these comments are included in the present notice.

#### B. Background

Since the HAI reporting provisions of Chapter 4 of the MCARE Act (40 P. S. §§ 1303.401—1303.411) took effect in February 2008, the Department has used the following list of HAIs for benchmarking purposes:

- Central Line Associated Blood Stream Infection (CLABSI)
- CAUTI
- SSI for:
  - o Coronary artery bypass graft with both chest and donor site incisions
  - o Coronary artery bypass graft with chest incision only
  - o Cardiac surgery
  - o Hip arthroplasty
  - o Knee arthroplasty
  - o Abdominal hysterectomy (HYST)

Data on these benchmark HAIs have been published annually. Currently, data from 2009 is considered to be the baseline year for trend analysis. As published at 41 Pa.B. 6454 (December 3, 2011), beginning January 1, 2012, the Department will also collect data regarding SSIs for colon surgeries for benchmarking purposes in the future.

Infections associated with surgeries that involve an implant may not develop or be detectable for some time following the surgical procedure. Accordingly, the United States Department of Health and Human Services, Centers for Disease Control and Prevention, NHSN, requires a full year of patient follow-up for complete identification and reporting of infections associated with procedures that involve an implant. Among the six surgical procedure types selected for benchmark SSI consideration, all but abdominal HYSTs may involve an implant. Consequently, annual data on SSIs are published in the year after data on CLABSIs and CAUTIs is published, that is, HAI data published in 2011 includes the CLABSI and CAUTI data for procedures completed in 2010 and the SSI data for procedures completed in 2009. At this time, the 2010 data for SSIs that is required for comparison to the 2009 baseline year is not available yet. However, the 2010 data needed to measure health care facilities against benchmarks are available for CLABSIs and CAUTIs.

#### C. Benchmark Methodology

The Department uses two metrics for calculating rates for CAUTIs and CLABSIs. The first metric is the incidence rate of infection. For CAUTIs, this is the number of infections per 1,000 urinary catheter days. For CLABSIs, this is the number of infections per 1,000 central line days. The second metric used by the Department is the SIR. The SIR consists of the number of infections observed (reported) by the health care facility divided by the number of infections predicted to be reported by the

health care facility. The predicted number is a risk-adjusted calculation made by the Department based on Statewide rates of HAIs. The methodology for risk adjustment and calculation of the predicted number of infections can be found in the published annual HAI reports prepared by the Department and posted on its web site, <http://www.health.state.pa.us>. SIRs are produced for each hospital.

For the initial measurement of hospital progress in reducing HAIs, the Department proposes to rank all hospitals separately by their incidence rates of infection and SIRs for CAUTIs and CLABSI, in two separate consecutive years, currently 2009 and 2010. Accordingly, hospitals will be ranked for:

CAUTI Benchmark Targets:

- 1) Incidence rate of infection for CAUTIs in year one
- 2) SIRs for CAUTIs in year one
- 3) Incidence rate of infection for CAUTIs in year two
- 4) SIRs for CAUTIs in year two

CLABSI Benchmark Targets:

- 1) Incidence rates of infection for CLABSI in year one
- 2) SIRs for CLABSI in year one
- 3) Incidence rates of infection for CLABSI in year two
- 4) SIRs for CLABSI in year two

The Department will then identify the hospitals that fall above the 90th percentile for all Commonwealth hospitals in each of the previously listed rankings. As an example, the 90th percentile for the 2010 CAUTI rate was 3.81 per 1,000 catheter days and the 90th percentile for the 2010 CAUTI SIR was 2.37. Any hospital identified as having both an incidence rate of CAUTIs and an SIR for CAUTIs above the 90th percentile for all Commonwealth hospitals in 2 consecutive years shall be considered not making progress towards the reduction of CAUTI HAI rates. Similarly, any hospital identified as having both an incidence rate of CLABSI and an SIR for CLABSI above the 90th percentile for all Commonwealth hospitals in 2 consecutive years shall be considered not making progress towards the reduction of CLABSI HAI rates.

When the 2010 data are available for SSIs, similar procedures will be used to identify the hospitals not making progress towards meeting the SSI benchmark targets for each individual procedure. In subsequent years, the Department will conduct a similar analysis for CAUTIs, CLABSI and SSIs using the most currently available annual data for 2 consecutive years.

*D. Affected Persons*

All hospitals are currently required to comply with the HAI reporting requirements of the MCARE Act and will be measured for progress in meeting benchmark targets set forth. Section 103 of the MCARE Act (40 P.S. § 1303.103) defines a "hospital" as "An entity licensed as a hospital under the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L. 130, No. 48), known as the Health Care Facilities Act."

For additional information, or for persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille), contact the Office of Healthcare Associated Infection Prevention, 555 Walnut Street, 8th Floor Forum Place, Harrisburg, PA 17101, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-856. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Long-Term Care Nursing Facilities; Request for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Westminster Village  
803 North Wahneta Street  
Allentown, PA 18103  
FAC ID 124102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Cranberry Place  
5 St. Francis Way  
Cranberry Township, PA 16066

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@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-857. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Organ Donation Advisory Committee Meeting**

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 7, 2012, from 10 a.m. to 3 p.m. The meeting will be held at the



Giant Community Center, 2nd Floor Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-858. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Black Tie 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 Black Tie.

2. *Price:* The price of a Pennsylvania Black Tie instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Black Tie instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING 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) and 30 (THIRTY). 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) and a Diamond (DMND) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15<sup>.00</sup> (FIFTN), \$20<sup>.00</sup> (TWENTY), \$30<sup>.00</sup> (THIRTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$25,000 (TWYFIVTHO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$400, \$500, \$1,000, \$10,000, \$25,000 and \$300,000. A player can win up to 16 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct one Pennsylvania Black Tie Event second-chance drawing for which non-winning Pennsylvania Black Tie instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 11,520,000 tickets will be printed for the Pennsylvania Black Tie instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area 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 matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in twelve of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in fifteen of the “prize” areas and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in twelve of the “prize” areas, a prize symbol of \$30<sup>.00</sup> (THIRTY)



appears in two of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in twelve of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in fourteen of the “prize” areas, on a single ticket, shall be entitled to a prize of \$150.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in thirteen of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *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 Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,520,000 Tickets:</i>
\$5 × 2	\$10	15	768,000
\$10	\$10	12	960,000
\$5 + \$10	\$15	120	96,000
\$15	\$15	120	96,000
\$5 × 4	\$20	120	96,000
(\$5 × 2) + \$10	\$20	60	192,000
\$10 × 2	\$20	120	96,000
\$20	\$20	60	192,000
\$5 × 6	\$30	600	19,200
\$10 × 3	\$30	300	38,400
\$10 + \$20	\$30	600	19,200
\$30	\$30	600	19,200
\$5 × 10	\$50	150	76,800
\$10 × 5	\$50	75	153,600
\$20 + \$30	\$50	150	76,800
\$50	\$50	75	153,600
DIAMOND w/(\$5 × 13) + (\$10 × 2) + \$15	\$100	600	19,200
\$10 × 10	\$100	600	19,200
\$20 × 5	\$100	600	19,200
\$50 × 2	\$100	600	19,200

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,520,000 Tickets:
\$100	\$100	600	19,200
DIAMOND w/(\$5 × 2) + (\$10 × 14)	\$150	2,000	5,760
\$15 × 10	\$150	6,000	1,920
\$30 × 5	\$150	6,000	1,920
\$50 × 3	\$150	6,000	1,920
\$50 + \$100	\$150	6,000	1,920
\$150	\$150	6,000	1,920
DIAMOND w/(\$10 × 12) + (\$20 × 4)	\$200	3,333	3,456
(\$15 × 10) + \$50	\$200	8,000	1,440
\$20 × 10	\$200	8,000	1,440
\$50 × 4	\$200	8,000	1,440
\$100 × 2	\$200	10,000	1,152
\$200	\$200	10,000	1,152
DIAMOND w/(\$20 × 12) + (\$30 × 2) + (\$50 × 2)	\$400	4,000	2,880
\$50 × 8	\$400	12,000	960
\$100 × 4	\$400	12,000	960
\$400	\$400	12,000	960
DIAMOND w/(\$30 × 15) + \$50	\$500	4,000	2,880
\$50 × 10	\$500	24,000	480
\$100 × 5	\$500	24,000	480
(\$150 × 2) + \$200	\$500	24,000	480
\$500	\$500	24,000	480
DIAMOND w/(\$50 × 12) + (\$100 × 4)	\$1,000	12,000	960
\$100 × 10	\$1,000	60,000	192
\$200 × 5	\$1,000	60,000	192
(\$150 × 6) + \$100	\$1,000	60,000	192
\$500 × 2	\$1,000	60,000	192
\$1,000	\$1,000	60,000	192
\$1,000 × 10	\$10,000	320,000	36
\$10,000	\$10,000	320,000	36
\$25,000	\$25,000	320,000	36
\$300,000	\$300,000	960,000	12

Reveal a "DIAMOND" (DMND) symbol, win all 16 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

**10. Pennsylvania Lottery's Black Tie Event Second-Chance Drawing Requirements:**

(a) To be eligible for the Pennsylvania Lottery's Black Tie Event second-chance drawing, players must enter one non-winning PA-0931 Black Tie (\$10) instant lottery ticket via the Lottery's website (palottery.com). To enter non-winning tickets players must visit the Lottery's website, click on the Black Tie Event promotional link, follow the instructions to establish an entry account and enter the identifying information from one PA-0931 Black Tie (\$10) instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries must be submitted from a computer within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's Black Tie Event second-chance drawing is via the Pennsylvania Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) Entering a non-winning PA-0931 Black Tie (\$10) instant ticket will entitle the player to one entry in the Pennsylvania Lottery's Black Tie Event second-chance drawing. Players may submit unlimited entries for the Pennsylvania Lottery's Black Tie Event second-chance drawing.

**11. Pennsylvania Lottery's Black Tie Event Second-Chance Drawing:**

(a) The Lottery will conduct one second-chance drawing as part of the Pennsylvania Lottery's Black Tie Event promotion. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery's Black Tie Event second-chance drawing entries received on or before 11:59:59 p.m. July 23, 2012, will be entered in the Pennsylvania Lottery's Black Tie Event second-chance drawing, which will be held the week of July 24, 2012.

(2) The winners of the Pennsylvania Lottery's Black Tie Event second-chance drawing will be announced during the Pennsylvania Lottery's live drawing show on July 28, 2012.

(3) The odds of an entry being selected in a Pennsylvania Lottery's Black Tie Event second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in the Pennsylvania Lottery's Black Tie Event second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's Black Tie Event second-chance drawing.

(d) If a Pennsylvania Lottery's Black Tie Event second-chance drawing entry is rejected during or following a Pennsylvania Lottery's Black Tie Event second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing. Subsequent entries, from the same individual, selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's Black Tie Event second-chance drawing rules and any material describing the Pennsylvania Lottery's Black Tie Event second-chance drawing, the Pennsylvania Lottery's Black Tie Event second-chance drawing rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC and other agents and families living in the same household of each are not eligible to participate in the Pennsylvania Lottery's Black Tie Event second-chance drawing. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's Black Tie Event second-chance drawing is not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's Black Tie Event second-chance drawing.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's Black Tie Event second-chance drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's Black Tie Event second-chance drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner).

#### 12. *Description of Pennsylvania Lottery's Black Tie Event second-chance drawing prizes:*

(a) The first winner selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$50,000.

(b) The second winner selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$25,000.

(c) The third winner selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$10,000.

(d) The fourth through the sixth winners selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$5,000.

(e) All prizes awarded in the Pennsylvania Lottery's Black Tie Event shall be paid as lump-sum cash payments.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Black Tie instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Black Tie, prize money from winning Pennsylvania Black Tie 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 Black Tie 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.

15. *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.

16. *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 Black Tie or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-859. Filed for public inspection May 11, 2012, 9:00 a.m.]

### **Pennsylvania Money Roll 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 Money Roll.

2. *Price:* The price of a Pennsylvania Money Roll instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Money Roll instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Apple (APPLE) symbol, Gold Bar (BAR) symbol, Bell (BELL) symbol, Berries (BERRY) symbol, Bow Tie (BOW) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Coat (COAT) symbol, Crown (CROWN) symbol, Diamond (DMND) symbol, Gift (GIFT) symbol, Grapes (GRAPES) symbol, House (HOUSE) symbol, Key (KEY) symbol, Lemon (LEMON) symbol, Melon (MELON) sym-



bol, Necklace (NKLACE) symbol, Piggybank (PIGBNK) symbol, Pineapple (PINAPLE) symbol, Pot of Gold (POT) symbol, Rainbow (RAINBW) symbol, Ring (RING) symbol, Safe (SAFE) symbol, Horseshoe (SHOE) symbol, Star (STAR) symbol, 7 (SVN) symbol, Wallet (WALLET) symbol, \$\$ (DBL\$) symbol and a Moneyroll (MNYROLL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$75.<sup>00</sup> (SVY FIV), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$75, \$100, \$250, \$500, \$1,000 and \$25,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,400,000 tickets will be printed for the Pennsylvania Money Roll instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$75.<sup>00</sup> (SVY FIV) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$150.

(g) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$75.<sup>00</sup> (SVY FIV) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$75.

(i) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$50.<sup>00</sup>

(FIFTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$1.

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:

Reveal A "MONEYROLL" (MNYROLL)  
Symbol, Win Prize Shown Under It. Win  
With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,400,000 Tickets
\$1 w/\$\$	\$2	15	760,000
\$2	\$2	16.67	684,000
\$2 × 2	\$4	75	152,000
\$2 w/\$\$	\$4	37.5	304,000
\$4	\$4	75	152,000
(\$2 w/\$\$) + \$1	\$5	50	228,000
\$5	\$5	150	76,000
\$2 × 5	\$10	375	30,400
\$5 × 2	\$10	750	15,200
\$5 w/\$\$	\$10	300	38,000
\$10	\$10	500	22,800
\$2 × 10	\$20	750	15,200
\$5 × 4	\$20	750	15,200
\$10 w/\$\$	\$20	300	38,000
\$20	\$20	750	15,200
\$4 × 10	\$40	1,500	7,600
\$10 × 4	\$40	2,400	4,750
\$20 × 2	\$40	2,182	5,225
(\$10 w/\$\$) × 2	\$40	1,500	7,600
\$20 w/\$\$	\$40	1,500	7,600
\$40	\$40	2,182	5,225
\$20 + (\$10 × 2) + (\$5 × 7)	\$75	2,000	5,700
(\$20 × 3) + \$10 + \$5	\$75	4,000	2,850
(\$20 w/\$\$) + (\$10 w/\$\$) + (\$5 w/\$\$) + \$5	\$75	3,000	3,800
\$75	\$75	4,000	2,850
\$10 × 10	\$100	6,000	1,900
\$75 + \$20 + \$5	\$100	8,000	1,425
(\$5 w/\$\$) × 10	\$100	4,800	2,375
(\$10 w/\$\$) × 5	\$100	4,800	2,375
\$100	\$100	8,000	1,425
(\$100 × 2) + \$50	\$250	40,000	285
(\$20 w/\$\$) × 6 + \$10	\$250	24,000	475
(\$75 w/\$\$) + \$100	\$250	24,000	475
\$250	\$250	40,000	285
\$100 × 5	\$500	60,000	190
\$250 w/\$\$	\$500	30,000	380
\$500	\$500	60,000	190
\$1,000	\$1,000	40,000	285
\$25,000	\$25,000	760,000	15

Reveal a "\$\$" (DBL\$) symbol, win double the prize shown under it.

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 Money Roll 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 Money Roll, prize money from winning Pennsylvania Money Roll 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 Money Roll 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 Money Roll or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-860. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Pennsylvania \$10,000 A Month For Life '12 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 \$10,000 A Month For Life '12.

2. *Price:* The price of a Pennsylvania \$10,000 A Month For Life '12 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania \$10,000 A Month For Life '12 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING 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) and 30 (THIRTY). 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), LIFE (LIFE) symbol and a Star (STAR) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$10,000 (\$10,000/MO/LF).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$10,000 a month for life (\$2.4 million lifetime minimum). A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 19,680,000 tickets will be printed for the Pennsylvania \$10,000 A Month For Life '12 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 "WINNING NUMBERS" play symbols and a prize symbol of LIFE (\$10,000/MO/LF) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000 a month for life (\$2.4 million lifetime minimum) which will be paid by an initial cash payment of \$120,000 plus equal annual payments of \$120,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$2.4 million minimum has been paid to the designated beneficiary(s) or the estate of the deceased. If the winner of the Pennsylvania \$10,000 A Month For Life '12 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$5,000 (FIV THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.



(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$15.<sup>00</sup> (FIFTN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$15.<sup>00</sup> (FIFTN) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 19,680,000 Tickets:</i>
\$5	\$5	10	1,968,000
\$5 × 2	\$10	60	328,000
\$10 w/STAR	\$10	60	328,000
\$10	\$10	60	328,000
\$5 × 3	\$15	200	98,400
\$5 + \$10	\$15	200	98,400
\$15 w/STAR	\$15	100	196,800
\$15	\$15	150	131,200
\$5 × 4	\$20	300	65,600
\$10 × 2	\$20	300	65,600
\$20 w/STAR	\$20	150	131,200
\$20	\$20	300	65,600
\$5 × 5	\$25	600	32,800
\$5 + \$20	\$25	600	32,800
(\$10 w/STAR) + (\$15 w/STAR)	\$25	300	65,600
\$25 w/STAR	\$25	600	32,800
\$25	\$25	600	32,800
\$10 × 4	\$40	600	32,800
\$20 × 2	\$40	600	32,800
\$40 w/STAR	\$40	600	32,800
\$40	\$40	600	32,800
\$10 × 5	\$50	600	32,800
\$25 × 2	\$50	600	32,800
\$50 w/STAR	\$50	600	32,800
\$50	\$50	600	32,800
\$20 × 5	\$100	2,000	9,840
\$25 × 4	\$100	2,000	9,840
\$50 × 2	\$100	2,000	9,840
(\$10 w/STAR) × 10	\$100	1,500	13,120
\$100 w/STAR	\$100	1,500	13,120
\$100	\$100	2,000	9,840

When Any Of Your Numbers Match Any  
Winning Number, Win Prize Shown  
Under The Matching Number. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 19,680,000 Tickets:	
\$25 × 8	\$200	30,000	656
\$50 × 4	\$200	30,000	656
\$100 × 2	\$200	24,000	820
(\$20 w/STAR) × 10	\$200	20,000	984
\$200 w/STAR	\$200	20,000	984
\$200	\$200	24,000	820
\$100 × 5	\$500	120,000	164
(\$50 w/STAR) × 10	\$500	120,000	164
\$500 w/STAR	\$500	120,000	164
\$500	\$500	120,000	164
\$500 × 2	\$1,000	60,000	328
(\$100 w/STAR) × 10	\$1,000	30,000	656
\$1,000 w/STAR	\$1,000	30,000	656
\$1,000	\$1,000	60,000	328
\$5,000	\$5,000	492,000	40
LIFE	\$10,000/MO/LIFE	4,920,000	4

Reveal a "STAR" (STAR) symbol, win prize shown under it automatically.  
Reveal a "LIFE" (LIFE) symbol, win \$10,000 a month for life.

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 \$10,000 A Month For Life '12 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 \$10,000 A Month For Life '12, prize money from winning Pennsylvania \$10,000 A Month For Life '12 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 \$10,000 A Month For Life '12 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 \$10,000 A Month For Life '12 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-861. Filed for public inspection May 11, 2012, 9:00 a.m.]

## Pennsylvania Triple Dynamite 777 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 Triple Dynamite 777.

2. *Price:* The price of a Pennsylvania Triple Dynamite 777 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Triple Dynamite 777 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 7 (SEVEN) symbol and a Dynamite (DYNMT) symbol.

4. *Prize Symbols:* The prize symbols and their captions are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$75<sup>00</sup> (SVY FIV), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$17,000 (SVTN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$75, \$100, \$250, \$500, \$1,000, and \$17,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,040,000 tickets will be printed for the Pennsylvania Triple Dynamite 777 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$17,000 (SVTN THO) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$17,000.

(b) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets with a Dynamite (DYNMT) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$120.

(f) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$75<sup>00</sup> (SVY FIV) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$75.

(h) Holders of tickets with a Dynamite (DYNMT) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$60.

(i) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a Dynamite (DYNMT) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN

DOL) appears in the "Prize" area to the right of that Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a Dynamite (DYNMT) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a Dynamite (DYNMT) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$1.

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>Reveal a "7" (SEVEN) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,040,000 Tickets:</i>
\$2	\$2	8.82	1,251,200
\$1 × 4	\$4	37.5	294,400
\$4	\$4	50	220,800
\$1 × 5	\$5	75	147,200
\$5	\$5	75	147,200
\$2 × 5	\$10	1,500	7,360
\$5 × 2	\$10	750	14,720
(\$4 × 2) + \$2	\$10	1,500	7,360
(\$2 w/ DYNAMITE) + \$4	\$10	150	73,600
\$10	\$10	750	14,720
\$2 × 10	\$20	750	14,720
\$5 × 4	\$20	750	14,720
\$10 × 2	\$20	750	14,720



Reveal a "7" (SEVEN) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:

(\$5 w /DYNAMITE) + \$5
\$20
\$4 × 10
(\$5 w/ DYNAMITE) × 2) + \$10
(\$10 w/ DYNAMITE) + \$10
\$40
\$5 × 10
\$10 × 5
(\$5 w/ DYNAMITE) + (\$10 w/ DYNAMITE) + \$5
\$50
(\$5 × 7) + (\$10 × 2) + \$20
(\$10 × 7) + \$5
\$50 + \$20 + \$5
(\$5 w/ DYNAMITE) × 5
\$75
\$10 × 10
\$20 × 5
\$50 × 2
(\$10 w/ DYNAMITE) × 3) + \$10
(\$20 w/ DYNAMITE) + \$40
\$100
(\$40 × 5) + (\$10 × 5)
\$50 × 5
(\$40 w/ DYNAMITE) × 2) + \$10
\$250
\$50 × 10
\$100 × 5
\$500
\$1,000
\$17,000

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,040,000 Tickets:
\$20	150	73,600
\$20	375	29,440
\$40	1,600	6,900
\$40	960	11,500
\$40	960	11,500
\$40	1,600	6,900
\$50	3,429	3,220
\$50	3,429	3,220
\$50	2,182	5,060
\$50	3,429	3,220
\$75	20,000	552
\$75	20,000	552
\$75	20,000	552
\$75	6,000	1,840
\$75	12,000	920
\$100	20,000	552
\$100	24,000	460
\$100	24,000	460
\$100	15,000	736
\$100	15,000	736
\$100	24,000	460
\$250	60,000	184
\$250	60,000	184
\$250	20,000	552
\$250	60,000	184
\$500	60,000	184
\$500	60,000	184
\$500	60,000	184
\$1,000	40,000	276
\$17,000	552,000	20

Reveal a "DYNAMITE" (DYNMT) symbol, win triple the prize shown to the right of it.

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 Triple Dynamite 777 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 Triple Dynamite 777, prize money from winning Pennsylvania Triple Dynamite 777 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 Triple Dynamite 777 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 Triple Dynamite 777 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-862. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Pennsylvania \$2,000 Spin 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 \$2,000 Spin.
2. *Price:* The price of a Pennsylvania \$2,000 Spin instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania \$2,000 Spin instant lottery game ticket will contain one play area featuring a "WINNING SPIN NUMBER" area and a "YOUR SPIN NUMBERS" area. The play symbols and their captions printed in black ink and located in the "WINNING SPIN NUMBER" 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) and 30 (THIRTY). The play symbols and their captions printed in red ink and located in the "WINNING SPIN NUMBER" 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) and 30 (THIRTY). The play symbols and their captions printed in black ink and located in the "YOUR SPIN 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) and 30 (THIRTY). The play symbols and their captions printed in red ink and located in the "YOUR SPIN 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) and 30 (THIRTY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SPIN NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100, \$200 and \$2,000. A player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 20,400,000 tickets will be printed for the Pennsylvania \$2,000 Spin instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE

HUN) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania \$2,000 Spin instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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 Spin Numbers Match The Winning Spin Number; Win Prize Shown Under That Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 20,400,000 Tickets</i>
FREE	FREE \$1 TICKET	9.52	2,142,000
\$1 × 2	\$2	42.86	476,000
\$2	\$2	37.5	544,000
\$1 × 3	\$3	100	204,000
\$1 + \$2	\$3	100	204,000
\$3	\$3	100	204,000
(\$2 × 2) + \$1	\$5	136.36	149,600
\$5	\$5	130.43	156,400
\$5 w/ RED	\$10	300	68,000
\$5 × 2	\$10	1,500	13,600
(\$4 × 2) + \$2	\$10	1,000	20,400
(\$2 × 3) + \$4	\$10	1,500	13,600
(\$2 × 2) + (\$3 × 2)	\$10	1,000	20,400
\$10	\$10	1,500	13,600
\$10 w/ RED	\$20	500	40,800
\$5 × 4	\$20	3,000	6,800
\$10 × 2	\$20	3,000	6,800
(\$5 × 2) + \$10	\$20	3,000	6,800
\$20	\$20	3,000	6,800
(\$5 w/ RED) + ((\$10 w/ RED) × 2)	\$50	1,500	13,600
(\$10 × 3) + \$20	\$50	6,000	3,400
(\$20 × 2) + \$10	\$50	6,000	3,400
(\$20 × 2) + (\$5 × 2)	\$50	6,000	3,400
\$50	\$50	6,000	3,400
\$50 w/ RED	\$100	8,000	2,550
\$50 × 2	\$100	24,000	850
(\$20 × 2) + \$10 + \$50	\$100	24,000	850
\$100	\$100	24,000	850
\$100 w/ RED	\$200	20,000	1,020
\$200	\$200	30,000	680
\$2,000	\$2,000	204,000	100

When the matching numbers are red, win double the prize shown under it.



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 \$2,000 Spin 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 \$2,000 Spin, prize money from winning Pennsylvania \$2,000 Spin 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 \$2,000 Spin 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 \$2,000 Spin or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-863. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Core Realty, Inc., 114 Chestnut Street, Philadelphia, PA 19106.

Core Realty, Inc. is seeking to lease highway right-of-way located on LR 1000, Section B6RW, at the intersection of East Laurel and North Front Street, Philadelphia

County, City of Philadelphia, 61,904 square feet of land ±, adjacent to LR 1000, Section B6RW for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, PennDot, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-864. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Neighborhood Garden Association, 100 North 20th Street, Philadelphia, PA 19103-1454.

Neighborhood Garden Association is seeking to lease highway right-of-way located on LR 67045, Section 12B, within the boundaries of Fifth Street on the east, County of Philadelphia, City of Philadelphia, 6,407.2778 square feet of land ±, adjacent to LR 67045, Section 12B RW for purposes of a community garden.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, PennDot, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-865. Filed for public inspection May 11, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions to and Removal from List

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 16 and 17, 2012, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Blair	UNT to Frankstown Branch Juniata River	Frankstown Branch Juniata River	Headwaters downstream 1.24 miles to Sinkhole
Cambria	Strayer Run	Saint Clair Run	Headwaters to Mouth
Clarion	UNT to Toby Creek	Toby Creek	Headwaters to Mouth
Clearfield	Stony Run	Anderson Creek	Headwaters to Mouth
Clinton	Hoover Hollow Run	Kettle Creek Lake	Headwaters to Mouth
Cumberland	Burd Run	Middle Spring Creek	Headwaters to Mouth
Elk	Connerville Run	Clarion River	Headwaters to Mouth
Elk	Gillis Run	Clarion River	Headwaters to Mouth
Fayette	Tebolt Run	Big Sandy Creek	Headwaters to Mouth
Fayette	Mounts Creek	Youghiogheny River	Headwaters to Bridge on T819 (Eutsey Road)
Forest	Coleman Run	Clarion River	Headwaters to Mouth
Forest	Johns Run	Tionesta Lake	Headwaters to Mouth
Forest	Twomile Run	Salmon Creek	Headwaters to Mouth
Forest	UNT to Salmon Creek	Salmon Creek	Headwaters to Mouth
Jefferson	Daugherty Run	Clarion River	Headwaters to Mouth
Jefferson	Hugh Run	Mill Creek	Headwaters to Mouth
Jefferson	Leeper Run	Clarion River	Headwaters to Mouth
Jefferson	Parks Run	Mill Creek	Headwaters to Mouth
Lackawanna	Painter Creek	Panther Creek	Headwaters to Mouth
Lehigh	Rockdale Creek	Lehigh River	Headwaters to Mouth
Northampton	Bull Run	Lehigh River	Headwaters to I-78 (eastbound lane culvert)
Northumberland	Lithia Springs Creek	North Branch Susquehanna River	Headwaters to SR 0011 Bridge
Pike	UNT to Pinchot Brook (RM 0.01 Woodtown Road)	Pinchot Brook	Headwaters to Mouth
Schuylkill	Keenigs Creek	Little Schuylkill River	Headwaters to Mouth
Schuylkill	Stump Run	Little Schuylkill River	Headwaters to Mouth
Schuylkill	UNT to Little Schuylkill River (RM 12.99—Hecla West Side)	Little Schuylkill River	Headwaters to Mouth
Schuylkill	UNT to Little Schuylkill River (RM 18.24—Zehners)	Little Schuylkill River	Headwaters to Mouth
Somerset	UNT to Whites Creek (RM 7.34)	Whites Creek	Headwaters to Mouth
Venango	Porcupine Run	East Sandy Creek	Headwaters to Mouth
Venango	Shaw Run	East Sandy Creek	Headwaters to Mouth
Venango	Shull Run	Allegheny River	Headwaters to Mouth
Warren	Bimber Run	Allegheny River	Headwaters to Mouth
Warren	UNT to Tionesta Creek (Henry's Mills)	Tionesta Creek	Headwaters to Mouth
Westmoreland	Poplar Run	Baldwin Creek	Headwaters to Mouth
Westmoreland	Sugar Run	Big Spring Run	Headwaters to Mouth

In addition, the Commission will consider removal of the following stream from the list, as a recent survey documented the absence of wild trout in that water.

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Westmoreland	Bear Pond Hollow	Freeman Run	Headwaters to Mouth

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to 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](http://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.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 12-866. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Proposed Changes to List of Class A Wild Trout Streams

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on July 16 and 17, 2012.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Clinton	Spring Run	01	Headwaters to Mouth	57.67	7.97	2.2	2011
Clinton	West Kammerdiner Run	01	Headwaters to Mouth	48.65	—	2.1	2011
Lackawanna	Lackawanna River	07	RT 347 to Green Ridge Street	—	47.38	5.8	2010



The Commission also will consider a revision to the section limits of the Class A designation of Baldwin Run, Tioga County. On October 30, 2008, Commission staff participated in a joint survey of Baldwin Run (309A) at the request of the Department of Environmental Protection to determine wild trout population status in the lower reaches of the stream, downstream of the confluence with an unnamed tributary at RM 1.16 that drains a large wetland complex. Baldwin Run is a tributary to Marsh Creek and was initially surveyed by Commission staff in 1995. Survey results indicated the presence of a very good wild brook trout population with an estimated biomass of 40.5 kg/ha. In 1999, the Commission designated Baldwin Run from the headwaters to the mouth as a Class A Wild Trout Stream. However, subsequent evaluation of Baldwin Run indicated that the stream's character significantly changes when it flows out of the narrow mountainous valley (where the initial survey was conducted in 1995) and reaches the wide valley floor. Results of the 2008 survey indicate that the lower 1.16 miles of Baldwin Run (below the large wetland complex) harbors a warm/coolwater fish community including bluntnose minnow, brown bullhead, central stoneroller, chain pickerel, creek chub, creek chubsucker, pumpkinseed, tessellated darter and white sucker; no trout were collected. Follow up surveys on July 14, 2009, and August 18, 2010, confirmed the results of the 2008 survey, as only warm/coolwater fish species were collected and no trout were present. Therefore, the Commission will consider revising the Class A section limits of Baldwin Run from the headwaters downstream to the confluence with the unnamed tributary at RM 1.16. The Commission already has revised the section limits of its wild trout stream designation on Baldwin Run.

Persons with comments, objections or suggestions concerning the designations and redesignation are invited to submit comments in writing to 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 also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://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.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 12-867. Filed for public inspection May 11, 2012, 9:00 a.m.]

## GOVERNOR'S ADVISORY COMMISSION ON POSTSECONDARY EDUCATION

### Meeting Scheduled

The Governor's Advisory Commission on Postsecondary Education (Commission) will be meeting Thursday, May 17, 2012. The meeting will begin at 2 p.m. at the Pennsylvania Chamber of Business and Industry, 417 Walnut Street, Harrisburg, PA 17101. Persons interested in attending are encouraged to register through the Commission's web site at [www.pahigheredcommission.com](http://www.pahigheredcommission.com) due to limited seating. Questions can be directed to Becky Myers at (717) 772-9048 or [rebmyers@pa.gov](mailto:rebmyers@pa.gov).

ROBERT WONDERLING,  
*Chairperson*

[Pa.B. Doc. No. 12-868. Filed for public inspection May 11, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-287	Pennsylvania Public Utility Commission Code of Conduct 42 Pa.B. 796 (February 11, 2012)	3/27/12	4/26/12
16A-4933	State Board of Medicine Prescribing 42 Pa.B. 1122 (March 3, 2012)	4/2/12	5/2/12

**Pennsylvania Public Utility Commission Regulation  
#57-287 (IRRC #2929)  
Code of Conduct  
April 26, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the February 11, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. Need for the regulation.**

This regulation proposes amendments to the Code of Conduct for electric distribution companies (EDC) and electric generation suppliers (EGS) providing service to Pennsylvania customers, in accordance with the Electricity Generation Customer Choice and Competition Act. See 66 Pa.C.S. §§ 2801, et. seq. The existing Code of Conduct was implemented in July of 2000.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest by considering criteria set forth in the RRA, including the need for the regulation. See 71 P. S. § 745.5b(b)(3)(iii). As explained below, we do not believe the PUC has established a compelling need for the amendments to the regulation sufficient for us to make a determination that the amendments are in the public interest.

Commentators on the proposed amendments, representing a broad range of interested parties, do not see a need for the amendments. According to the Energy Association of Pennsylvania (Energy Association):

Pennsylvania EDCs have employed considerable resources and successfully implemented the current regulations as evidenced by lack of complaints or requests for mediation filed over the last twelve years under the existing Code of Conduct. While the Association commends the periodic review of long-standing regulations, major regulatory changes are not warranted where, as here, no evidence or support has been offered to suggest that the existing rules do not serve to deter or prevent the undesired behavior. . . .

The joint comments of PPL Electric Utilities Corporation and PPL Energy Plus, LLC (PPL) note that: “the existing Code of Conduct has worked well and has aided in the successful development of Pennsylvania’s electric retail market.” Other commentators expressed similar sentiment.

In our consideration of the need for the amendments to the regulation, we have reviewed the Preamble (as contained in the Proposed Rulemaking Order for this regulation), the Regulatory Analysis Form (RAF) and the proposed regulation. The PUC itself acknowledges that most parties found the existing Code of Conduct effective. In this proposed rulemaking, there is no information in the PUC’s Preamble that demonstrates a compelling public need. For example, the PUC states the regulation provides a safeguard against cross-subsidization between an EDC and its affiliated EGS. The existing Code of Conduct has been in place for more than ten years. However, the PUC did not provide any specific findings, such as complaints filed with the PUC or an investigation, to substantiate that cross-subsidization is a significant problem.

Therefore, we recommend that in the final-form regulation submittal the PUC specifically explain the need for this regulation, and in particular describe any instances of misconduct or other circumstances that warrant changes to the existing regulation.

**2. Fiscal impact of the regulation.**

IRRC is also required to consider economic or fiscal impacts of the regulation in our determination of whether the regulation is in the public interest. See 71 P. S. § 745.5b(b)(1). Questions 14 through 18 of the RAF are intended to provide a cost and impact analysis of the regulation. In response to Question 17, the PUC did not identify savings or costs to the regulated community associated with implementation of this regulation. Question 18 of the RAF asks the PUC to explain how the benefits of the regulation outweigh any cost and adverse effects.

The PUC responded to this question with the following explanation:

While the costs associated with the regulation are not fully known at the present time, there will be significant economic benefits to Pennsylvania electricity consumers resulting from the elimination of cross-subsidization of service between electric distribution companies and their affiliated electric generation suppliers. . . .

Several commentators refute the PUC’s evaluation of costs. They demonstrate that implementation of this regulation will impose significant costs on the regulated community, thereby impacting how much consumers will actually pay for their electric services. The joint comments of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (FirstEnergy) estimate increased operating expenses of \$26 to \$43 million per year, as well as a capital investment exceeding \$100 million due to implementation of this regulation. Commentators assert that significant costs will be incurred without any identifiable benefit to consumers.

Also relating to fiscal impact, we question who will ultimately bear the costs of the amendments to the Code of Conduct. Costs incurred by an EDC are likely to be recovered through PUC-approved rates charged to the EDC’s captive customers because the costs were incurred to comply with the PUC’s regulations. On the other hand, similar costs incurred by a competitive EGS would not be recovered with the same degree of certainty and would presumably be recovered either through the EGS’s rates, thereby harming its competitiveness in the marketplace, or by absorbing the costs, thereby lowering the EGS’s profits. Consequently, a logical business decision for anyone with common interests in both an EDC and an EGS may be to incur costs through changes to the EDC rather than the EGS. For example, to comply with the PUC’s proposed regulation, an entity may change the EDC’s logo and maintain the EGS’s logo. From a business perspective, this entity could recover the costs through the EDC while simultaneously maintaining the EGS’s profits and competitive place in the marketplace. In this scenario, the costs imposed by the amendments to the Code of Conduct could be imposed almost exclusively on the captive customers of the EDC through rates, and possibly rate increases, approved by the PUC.

Upon review of the information provided by the PUC in the proposed regulation submitted, we do not believe sufficient information was provided to evaluate the economic or fiscal impact of this regulation. We recommend

that the PUC carefully review costs with the regulated community. In addition, the PUC needs to explain who will bear the costs imposed by the amendments to the regulation. In the final-form regulation submittal, the PUC needs to provide a detailed economic and fiscal impact analysis so that we can determine whether the regulation is in the public interest.

### 3. Determination of whether the regulation is in the public interest.

Sections of the RAF and Preamble submitted with this rulemaking lack the necessary information to allow IRRC to make a determination that the regulation is in the public interest. For example, the statutory authority references contained in the RAF are inconsistent with those contained in the Preamble. The RAF (#8) cites the following from the Public Utility Code as the statutory authority for this regulation: 66 Pa.C.S. §§ 501(b), 504, 505, 506, 508, 701, 1301, 1304, 1502, 1505, 1701—1705, 2101—2107, 2804, 2807(d), 2809, and 2811(a). Not only is it unclear how several of these citations are directly applicable to the proposed rulemaking, but the Preamble cites only §§ 501, 2804(2) and 2807(e).

Another example pertains to the description of how the regulation compares with those of other states. (RAF #22). The RAF highlights Texas, Illinois, New Jersey, Maryland, Ohio, and Massachusetts as states having similar Codes of Conduct as the proposed regulation. Commentators, however, argue that other states do not operate under comparable requirements.

In summary, the information contained in the RAF and Preamble is not sufficient to allow us to determine if the regulation is in the public interest. We recommend that the PUC revise both the RAF and the Preamble to ensure that all of the information provided in the final-form regulatory package is accurate, complete and consistent between the two documents. The Preamble should also provide a more detailed description of the basis for the amendments proposed in each section of the regulation.

### 4. Recommendation for an Advanced Notice of Final-Form Rulemaking.

As noted above, in 2010, the PUC issued an Advanced Notice of Proposed Rulemaking Order, and the regulated community had the opportunity to review and comment on the regulation. Comments were provided by several parties. The PUC states that these comments, as well as additional safeguards identified by the PUC, were taken into consideration in developing and drafting the proposed regulation. (RAF #19). At both the proposed and advanced notice stages, however, the regulated community indicated that modifications are not necessary, as the existing Code of Conduct already affords the appropriate protections against misconduct between the EDC and its affiliated EGS.

We commend the PUC for providing the regulated community with an advanced opportunity to comment on the proposed regulation. We strongly encourage the PUC to continue this dialogue with stakeholders as it develops the final-form regulation. Additionally, we recommend that the PUC publish an Advanced Notice of Final Rulemaking to allow the opportunity to review the costs and resolve any remaining issues prior to submittal of a final-form regulation.

### Section 54.122 (3) Prohibited transactions and activities.

#### 5. Subsection 54.122 (3)(ii)—EDC sale of assets—Statutory authority; Adverse effects on prices and competition; Reasonableness.

Subsection (3)(ii) states that: “An electric distribution company may not sell, release or otherwise transfer to an affiliate electric generation supplier, at less than market value, assets, services or commodities that have been included in regulated rates.” Both PPL and the Energy Association assert that while the Public Utility Code allows the PUC to regulate transfers and sales between these parties, the Public Utility Code does not permit the PUC to mandate the price. See 66 Pa.C.S. § 2102. The final-form regulation should explain the PUC’s statutory authority for regulating the fair market value of a transferred or sold electric asset, service or commodity.

The joint comment of UGI Corporation, UGI Utilities, Inc. and UGI Energy Services, Inc. contends that implementation of this provision would result in out-of-state EGS marketers gaining a competitive advantage over an EGS affiliated with a Pennsylvania EDC, because those located out-of-state are unaffected by the regulation and are therefore still able to acquire assets at below market value. This would result in a significant barrier for EGS affiliates to compete in the interstate market. The PUC should explain how Subsection (3)(ii) will not place Pennsylvania EGS affiliates at a competitive disadvantage over out-of-state affiliates.

#### 6. Subsections 54.122 (3)(iv) and (v)—Conflicting language—Possible conflict with regulation.

Both of these subsections pertain to whether an EDC and its affiliated EGS may advertise a shared name. It appears that the name sharing requirements in each subsection conflict.

Subsection (3)(iv) states that: “An electric generation supplier may not use a word, term, name, symbol, device, registered or unregistered mark or a combination thereof (collectively and singularly referred to as “EDC identifier”) that identifies or is owned by an electric distribution company, in connection with the sale, offering for sale, distribution or advertising of goods or services, *unless the electric generation supplier includes a disclaimer and enters into an appropriate licensing agreement specifying the rights.*” (Emphasis added.)

However, Subsection (3)(v) states that: “An electric generation supplier *may not* have the same or substantially similar name or fictitious name as the electric distribution company or its corporate parent . . .” (Emphasis added.)

We recommend that the PUC reconcile these subsections in the final-form regulation.

#### 7. Subsection 54.122 (3)—Name prohibition—Statutory authority; Fiscal impact; Consistency with federal law; Need; Implementation procedures.

Subsection (3)(v) prohibits an EGS from having the same or “substantially similar” name as the EDC or its corporate parent.

##### a. Statutory authority

Commentators argue that the PUC does not have the authority to restrict the naming rights of an EDC or its corporate parent. Several commentators state that the Public Utility Code limits the PUC’s jurisdiction to regulating rates, facilities and services. See 66 Pa.C.S. §§ 501 and 1501. Commentators assert that the Legislature did



not intend for the PUC's authority to extend beyond these functions, as the Public Utility Code does not explicitly grant authority pertaining to name prohibition. What is the PUC's statutory authority for prohibiting an EGS from using the same name as the EDC or its corporate parent? The final-form regulation should clarify this authority.

*b. Need and Fiscal impact*

The majority of the commentators oppose Subsection (3)(v) for several reasons. First, according to PPL, there is no evidence that "consumers are being harmed or that competitors are being prevented from entering the market" as a result of an EGS sharing the name of its EDC or corporate parent.

Second, commentators argue that this provision will severely hinder affiliated EGSs from continuing to operate in Pennsylvania. They contend that the name that an existing EGS affiliate shares with its EDC or corporate parent has been well established through the branding process, and to require the EGS to change its name would result in a complete overhaul of that company's brand. Commentators argue that this overhaul would negate significant investments made since 2000 in developing its brand and consequently result in increased costs for the EGS as it re-invents its brand name. In addition, these costs also will affect the relationship between the Pennsylvania affiliate EGS and the corporate parent. We are particularly concerned by comments that the corporate parent, who is able to share its name in other jurisdictions, may simply require its affiliates to leave Pennsylvania altogether in order to avoid the added expense of a name change.

Third, commentators argue that customer confusion would result during the transition process. According to FirstEnergy Solutions Corp.: "the requirement that an EGS conceal its affiliation with an EDC runs counter to the obligation to provide customers with adequate and accurate information to enable them to make informed choices regarding the purchase of electricity service." Several EGSs also emphasize that the name itself is not the key, but more important are the disclosures that should be made to the consumer about the relationship between the EDC and the EGS affiliate. With this information, the consumer would be able to understand which party is providing what service, regardless of whether they share a name.

Finally, commentators contend that no state has this name sharing prohibition. According to the Preamble, use of this restriction "varies" in other jurisdictions. However, commentators point out that no state mentioned by the PUC in the RAF prohibits name sharing between the EGS and the EDC or corporate parent.

We believe commentators raise valid concerns relating to the name sharing prohibition. In contrast, the PUC has not demonstrated a compelling public need for imposing these requirements. Therefore, the PUC should explain not only the need for this subsection, but also how the costs imposed are warranted.

*c. Conflict with federal law*

Commentators assert that state regulation of trademarks is a violation of existing federal law. According to commentators, the Lanham Act establishes the regulation of trade names and trademarks as an area of exclusive federal jurisdiction. See 15 USC §§ 1051, et seq. They further assert that to prohibit an affiliated EGS from name sharing with an EDC will result in the EGS changing federally trademarked names in order to do

business in Pennsylvania. We will review the PUC's response to these comments as part of our determination of whether the regulation is in the public interest.

*d. 6-month timeframe*

According to Subsection (3)(v), an EGS that shares the same or substantially similar name as the EDC or its corporate parent must change its name within 6-months after the effective date of the rulemaking. Commentators have established that to change a name would require companies to create an entirely new brand, which would be a very time-consuming process. We recommend that the PUC review the branding processes detailed in comments, and provide an explanation of how an EGS can reasonably comply with the timeframe specified in the final-form regulation.

**8. Subsection 54.122 (3)(vii)—Joint Marketing, Sales and Promotional Activities.—Clarity.**

This subsection states that an EDC and its affiliated EGS may not engage in "joint marketing, sales or promotional activities" unless a similar opportunity is "offered to electric generation suppliers in the same manner under similar terms and conditions." A commentator questions whether these activities would extend to providing information beyond that related to the affiliated EGS's product or service, for example to educational materials. To improve clarity, we recommend that the final-form regulation specify what encompasses "joint marketing, sales or promotional activities."

**9. Subsection 54.122 (3)(ix)—Prohibition of sharing office space.—Statutory authority; Fiscal impact; Consistency with federal law; Need; Reasonableness.**

This subsection prohibits an EDC and its affiliated EGS from sharing office space and requires that they must be "physically separated by occupying different buildings."

*a. Statutory authority*

Commentators argue that there is no provision in the Public Utility Code that would allow the PUC to force this type of structural separation. They cite Section 2804(5) of the Public Utility Code, which states that: "the commission may permit, *but shall not require*, an electric utility to divest itself of facilities or to reorganize its corporate structure." (Emphasis added.) Commentators suggest that their current method for maintaining operations separate from their affiliated EGS is through offices on separate floors in the same building. According to FirstEnergy, complying with this provision would: "impose a wall of separation between EDCs and their affiliated EGSs so pervasive that it would be the functional equivalent of a forced reorganization or divestiture, which the Public Utility Code does not permit." The PUC should explain how the occupation of different buildings by an EDC and its affiliated EGS is consistent with the Public Utility Code.

*b. Need and Reasonableness*

According to the Preamble, occupation of different buildings is a common limitation imposed on EDCs and their affiliated EGSs in other jurisdictions. However, commentators argue that while most states prohibit shared office space, the physical separation is imposed by placing the EDC and its affiliated EGS on different floors, not in different buildings. For example, a commentator points out that Texas law permits the EDC and its affiliated EGS to operate in the same building, as long as their offices are on separate floors or have separate

access. See 16 Texas Admin. Code § 25.272 (d)(5). Additionally, the PUC has not provided specific examples of abuses or complaints which would warrant a requirement for occupying different buildings. The PUC should delete this requirement or explain why it is needed and reasonable.

*c. Consistency with federal law*

Additionally, requiring the EDC and its affiliated EGS to occupy different buildings may be inconsistent with federal regulations. Commentators state that, according to the Federal Energy Regulatory Commission's (FERC) Standards of Conduct and Affiliate Rules: "to the maximum extent practical, the employees of a market-regulated power sales affiliate must operate 'separately' from the employees of any affiliated franchised public utility with captive customers." See 18 C.F.R. § 35.39(c)(2)(i). Commentators further assert that while FERC's rule requires that employees must operate separately, it does not mandate different buildings. Therefore, the PUC should explain why it is in the public interest to require Pennsylvania's EDC and its affiliated EGS to occupy different buildings, which is more stringent than the employee separation requirements imposed by FERC.

*d. Fiscal impact*

According to the RAF (#10), the PUC asserts that: "Most electricity consumers in the Commonwealth are likely to benefit from this regulation." However, commentators indicate that moving entire organizations to different facilities will be a costly endeavor for utilities, ultimately resulting in increased costs of services to consumers. The PUC needs to evaluate the costs of this requirement and explain how the benefits of the requirement outweigh the costs.

**Section 54.122 (4) Accounting and training requirements.**

**10. Subsection 54.122 (4)(ii)—A log of business transactions between the EDC and its EGS affiliate.—Clarity.**

Subsection (4)(ii) requires an EDC with an EGS affiliate to document their business relationship through a cost allocation manual. According to Subsection (4)(ii)(A), this manual must include a "log of business transactions" between the EDC and the EGS, but the regulation does not detail specifically what types of business transactions should be included. We recommend that the final-form regulation specify what "business transactions" must be documented.

**11. Subsection 54.122 (4)(iii)—Prohibition on sharing employees or services—Statutory authority; Fiscal impact; Consistency with federal law; Reasonableness; Clarity.**

Subsection (4)(iii) prohibits an EDC and its affiliated EGS or transmission supplier from sharing employees or services, except corporate support services, emergency support services, and tariff services. The major area of concern for commentators is the exceptions included in Subsection (4)(iii)(A) as to what may constitute "corporate support services." According to this subsection, "corporate support services" does not include services such as: "information systems . . . strategic management and planning . . . legal services . . . lobbying . . ."

*a. Statutory authority*

Commentators argue that there is no provision in the Public Utility Code that would allow the PUC to prohibit an EDC and its affiliated EGS from sharing these

excluded services. As noted above, Section 2804(5) of the Public Utility Code states that "the commission may permit, *but shall not require*, an electric utility to divest itself of facilities or to reorganize its corporate structure." (Emphasis added.)

Many EDCs represent branches of larger parent companies, with service provided in many states. According to commentators, while an EDC and its affiliate EGS may provide services specifically to Pennsylvania customers, certain internal functions may be provided by the EDC or the parent company, for example legal or Information Technology assistance. Subsection (4)(iii)(A) would bar the EGS from continuing to receive these services from both the EDC and the parent company. Commentators further argue that not only would this separation apply to specific services, but it may also affect the relationship between the EDC, the EGS and the parent company's board of directors, since Subsection (4)(iii)(A) specifically excludes "strategic management and planning" as a corporate support service.

We also question the PUC's authority to restrict the sharing of legal services between an EDC and its affiliate, since the Pennsylvania Supreme Court has the exclusive authority to regulate the practice of law in the Commonwealth. Similar concerns relate to the prohibition on the sharing of lobbying services.

Commentators conclude that these consequences run contrary to prohibitions already contained in Section 2804(5), as they would result in the functional equivalent of a forced reorganization or divestiture of an electric utility. Therefore, the PUC should explain how the exclusions contained in Subsection (4)(iii)(A) are consistent with the Public Utility Code.

*b. Reasonableness and Clarity*

The regulation does not clearly specify what constitutes "corporate support services." Subsection (4)(iii)(A) only provides what services are *not* considered corporate support, and does not establish what services are permitted to be shared between the parties. Furthermore, commentators question why the PUC prohibited the sharing of services such as legal, technical and strategic management and planning since this prohibition could have an adverse economic and operational impact on their companies. The final-form regulation should contain a definition of "corporate support services" that specifically identifies the services permitted to be shared by the EDC and its EGS affiliate. The PUC also should further explain why the services in Subsection (4)(iii)(A) are not corporate support services.

*c. Consistency with federal law*

Commentators note that the FERC Standards of Conduct and Affiliate Rules also contain requirements for employee sharing. According to commentators, FERC rules permit the sharing of corporate support employees and boards of directors as long as these employees do not participate in certain operational functions, such as marketing. See 18 C.F.R. § 35.39 (c)(2)(ii). The final-form regulation should explain how imposing more stringent requirements in Subsection (4)(iii)(A) than those imposed by FERC is in the public interest.

*d. Fiscal impact*

Commentators state that complying with Subsection (4)(iii)(A) will increase costs. This provision would prohibit the current efficiency of sharing costs of corporate support services. Commentators argue that not only will costs be imposed on the EGS, but also on the EDC and

the parent company, as a result of the process for establishing this functional separation with the EGS affiliate. Has the PUC considered these costs? The Preamble and the RAF to final-form regulation should include a detailed explanation of the costs imposed by Subsection (4)(iii)(A) on the regulated community and how the benefits of the exclusions in Subsection (4)(iii)(A) outweigh the costs.

**Section 54.122 (5) Dispute resolution procedures.**

**12. Subsection 54.122 (5)(ii)—Notice of the dispute—Implementation procedures; Clarity.**

This subsection requires EDCs to adopt dispute resolution procedures to address alleged violations of the regulation.

Subsection (5)(ii) requires designated representatives of the parties to attempt to resolve the dispute informally within five days of receipt of notice of the dispute. We question whether five days provides enough time, and ask the PUC to explain how it determined five days was an appropriate timeframe for resolution.

Additionally, several commentators suggest that the PUC offer a hotline for confidential reporting of conduct violations. Has the PUC considered this option?

**State Board of Medicine Regulation #16A-4933  
(IRRC #2931)**

**Prescribing**

**May 2, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the March 3, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. Economic impact of the regulation.**

The Board proposes to add three drugs to the more stringent evaluation and recordkeeping requirements of Section 16.92. The Board states in the Preamble and in responses in the Regulatory Analysis Form (RAF) that compliance with the proposed rulemaking will not result in additional costs and will not require any additional recordkeeping. However, it appears that requiring more stringent evaluations and recordkeeping would likely impact the regulated community in one or both of these areas. Therefore, the Board should either amend the information provided on the RAF regarding economic impact (RAF #14) and recordkeeping (RAF #24), or further explain why the Board does not anticipate either savings or costs, or additional paperwork, associated with compliance with the rulemaking.

**2. Section 16.92. Prescribing, administering and dispensing.—Protection of the public health, safety and welfare; Clarity.**

*“Or cause to be carried out”*

Subsection (b) requires licensed health care providers to carry out, “or cause to be carried out,” the minimum standards specified in the regulation. In the Preamble, the Board states that the proposed rulemaking is necessary to protect the public from unscrupulous practitioners who inappropriately prescribe or overprescribe drugs of abuse that are not controlled substances. The Board also states that the problems caused by inappropriate prescribing and overprescribing have been compounded in

recent years by rogue online pharmacies. The phrase “or cause to be carried out” might be exploited by unscrupulous practitioners to circumvent the intent of the proposed rulemaking. For these reasons, the Board should clarify the phrase “or cause to be carried out” in Subsection (b).

*Initial medical history and physical examination*

Paragraph (b)(1) requires an initial medical history and physical examination. However, the medical records required by Paragraph (b)(4) do not require documentation of the initial medical history and physical examination. We suggest adding this documentation to the medical records required by Paragraph (b)(4).

*Reevaluations*

Paragraph (b)(2) requires periodic reevaluations of the patient’s condition and efficacy of the drug therapy. We suggest adding documentation of reevaluations to the medical records required by Paragraph (b)(4).

*Patient counseling*

Under Paragraph (b)(3), we question the exemption of a patient in an inpatient care setting from counseling regarding possible side effects. A patient in a hospital, for example, may notice the occurrence of side effects well before a health care professional might observe them. We suggest adding “possible side effects” to the counseling requirements in the first sentence of Paragraph (b)(3) and removing “possible side effects” from the exemption in the second sentence of Paragraph (b)(3) so that patient counseling on possible side effects will occur regardless of the care setting.

*Medical records*

Subparagraph (b)(4)(ii) lists the information, such as the name and strength of a drug, that must be recorded in a patient’s medical record *after* the initial occasion when a drug is prescribed, administered or dispensed. The Board should consider requiring the same information on the *initial* occasion under Subparagraph (b)(4)(i).

**3. Miscellaneous clarity.**

- The Board should consider including a reference to the appropriate section of the Medical Practice Act regarding penalties for non-compliance with this proposed rulemaking.

- For consistency, the Board should use the term “licensed health care provider” throughout the proposed regulation. Specifically, “licensed” should be added to “health care provider” in Clause (b)(4)(i)(A) and “practitioner” should be replaced with “licensed health care provider” in Paragraph (b)(8).

- We recognize the phrase “written prescription” is used in existing regulation in Paragraph (a)(5), which is repeated in the new language of Paragraph (b)(5). The requirement for “written” prescriptions may be outdated because many prescriptions are relayed to pharmacies electronically. Would a prescription relayed electronically to a pharmacist meet the requirement in Paragraph (b)(5) that an emergency oral prescription “shall be covered by a written prescription delivered to the pharmacist within 72 hours”? If so, the final-form regulation should include this clarification.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-869. Filed for public inspection May 11, 2012, 9:00 a.m.]



### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the Commission's web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-273	Pennsylvania Public Utility Commission Default Service Regulations	5/1/12	5/17/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-870. Filed for public inspection May 11, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of East Falls Gulf, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2010-0071(F); Doc. No. UT12-04-013

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant provisions of law.

A hearing will occur on June 5, 2012, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before May 22, 2012. Answers to petitions to intervene, if any, shall be filed on or before May 29, 2012.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-871. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Geisinger Quality Options, Inc.; Individual PPO Rate Filing

Geisinger Quality Options, Inc. requests approval to increase the Individual PPO Plan rates. The average requested rate increase is 7.7% for medical and 4.9% for prescription drugs. The proposed rate increase would affect approximately 6,500 subscribers and would produce additional revenue of about \$1,192,000 annually. The requested effective date of the change is August 1, 2012.

Unless formal administrative action is taken prior to July 26, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find..." click on "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-872. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Medically Underwritten CompleteCare Program (Western Region); Rate Filing

By filing No. 1A-CCP-12-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its medically underwritten CompleteCare Program. The average requested rate increase is 9.9%. The proposed rate increase would affect approximately 12,000 contract holders and would produce additional revenue of about \$5.3 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 26, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find..." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regu-

lation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-873. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Highmark Blue Shield; Medically Underwritten Direct Pay PPO High Deductible Health Plans, Medically Underwritten Direct Pay Non-Qualified HDHP and Simply Blue Medically Underwritten Direct Pay PPO (Central Region); Rate Filing**

By filing No. 1A-HDHP-NQHDHP-SB-12-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to adjust rates for its Medically Underwritten Direct Pay PPO High Deductible Health Plans, Medically Underwritten Direct Pay Non-Qualified HDHP and Simply Blue Medically Underwritten Direct Pay PPO. The average requested rate increase is 4.6%. The proposed rate increase would affect approximately 13,100 contract holders and would produce additional revenue of about \$2.1 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 26, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-874. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Highmark Blue Shield; Medically Underwritten Direct Pay PPO Program (Central Region); Rate Filing**

By filing No. 2A-BSMUPPO-12-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to adjust rates for its medically underwritten Direct Pay PPO Plan. The average requested rate increase is 9.9%. The proposed rate increase would affect approximately 5,000 contract holders and would produce additional revenue of about \$2.1 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 26, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-875. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Highmark, Inc., Blue Cross Blue Shield; Medically Underwritten Direct Pay PPO Plans (High Deductible Health, Non-Qualified High Deductible and Simply Blue) (Western Region); Rate Filing**

On April 25, 2012, Highmark, Inc., Blue Cross Blue Shield, submitted a rate filing to increase the premium rates for its Medically Underwritten Direct Pay PPO Plan High Deductible Health Plans, Medically Underwritten Direct Pay Non-Qualified High Deductible Health Plans and Simply Blue Medically Underwritten Direct Pay PPO Plans in the Western Region. This filing proposes an average rate increase of 9.9%. Benefit changes are also proposed. The value of the benefit changes is -1.17%.

This filing will affect approximately 24,500 contract holders and produce additional premium income of about \$6.4 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 25, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-876. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Highmark, Inc., Blue Cross Blue Shield; Medically Underwritten Direct Pay PPO (Western Region); Rate Filing

On April 25, 2012, Highmark, Inc., Blue Cross Blue Shield, submitted a rate filing to increase the premium rates for its Individual Medically Underwritten Direct Pay PPO Plan for the Western Region. The Plan proposes an average rate increase of 7.5% or \$21.72 per contract per month. Benefit changes are also proposed. The value of the benefit changes is -3.63%.

This filing will affect approximately 16,100 contract holders and produce additional premium income of about \$4.2 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 25, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-877. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

##### Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

##### Aviation

- Fixed Base Operations
- Bridge and Tunnel Contractors (liability only)
- Chemical Spray and/or Drift

- Crane and Rigging Contractors (liability and physical damage only)
- Crop Dusters (aircraft liability and aircraft hull coverage only)
- Day Care Centers, including Sexual Abuse Coverage
- Demolition Contractors Liability
- Firework Sales/Manufacturing
- Flood Insurance not provided under Federal Flood Insurance
- Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
- Guides and Outfitters (liability only)
- Hazardous Waste Haulers (excess auto liability and auto physical damage only)
- Hazardous Waste Storage and Disposal (liability only)
- Hunting Clubs
- Kidnapping, Ransom and Extortion Insurance
- Liquor Liability (monoline)
- Medical Malpractice Liability with or without related General Liability Coverages
- Miscellaneous Errors and Omissions or Professional Liability except architects and engineers, medical malpractice, lawyers, personnel agencies, travel agents, real estate brokers and insurance agents and brokers
- Nursing Home Liability with or without other Affiliated Elder Care Services
- Paint and Coating Manufacturers—Liability
- Pest Control (Exterminators) Liability
- Pollution Liability and/or Environmental Impairment Coverage
- Products Liability (monoline) for the Manufacturing of:
  - Aircraft and Component Parts
  - Automotive and Component Parts
  - Farm and Industrial Equipment
  - Firearms
  - Medical Equipment
  - Petrochemicals
  - Pharmaceuticals
- Products Recall (monoline) for the Manufacturing of:
  - Aircraft and Component Parts
  - Automotive and Component Parts
  - Farm and Industrial Equipment
  - Firearms
  - Medical Equipment
  - Petrochemicals
  - Pharmaceuticals
- Railroad, including Consultants, Contractors and Suppliers
- Real-Estate Environmental Impairment Coverage
- Security/Detective/Patrol Agencies
- Tattoo Parlors
- Taxicab Liability
- Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 41 Pa.B. 2400 (May 7, 2011), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, [cbybee@pa.gov](mailto:cbybee@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-878. Filed for public inspection May 11, 2012, 9:00 a.m.]



### Keystone Health Plan West; Direct Pay HMO; Rate Filing

On April 25, 2012, Keystone Health Plan West submitted a rate filing to increase the premium rates for its Individual Medically Underwritten and Guaranteed Issue Direct Pay HMO products. The Plan proposes an average rate increase of 9.9% or \$47.61 per contract per month.

This filing will affect approximately 4,200 contract holders and produce additional premium income of about \$2.4 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 25, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-879. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting; Rate Filing

On April 30, 2012, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association a filing to increase rates overall by 6.9% for institutional and noninstitutional health care providers. This overall figure represents an average; the effect of this filing on the rates for individual insureds may vary. The filing includes the following revisions:

- Changes to 20 class relativities.
- Changes to four territory relativities.
- The elimination of one specialty.
- Movement of eight specialties from one class to another.
- Movement of five counties from one territory to another.

Unless formal administrative action is taken prior to June 29, 2012, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2013, by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@pa.gov](mailto:mmckenney@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-880. Filed for public inspection May 11, 2012, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board lease will expire:

Luzerne County, Wine & Spirits Store #4024 (Relocation), Pittston, PA

*Lease expiration date:* January 31, 2014

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,500 net useable square feet of new or existing retail commercial space. Location must be within a 0.50-mile radius of the intersection of Hill and Ziegler Streets, Pittston Township, PA.

*Proposals due:* June 1, 2012, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Region #2, Northwest Office Building, Room 314, 910 Capital Street, Harrisburg, PA 17124-0001  
**Contact:** Ronald Hancher, Jr., (717) 787-9540, [rhancher@pa.gov](mailto:rhancher@pa.gov)

JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 12-881. Filed for public inspection May 11, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Indirect Minority Transfer of Ownership

**A-2012-2301648, A-2012-2301650, A-2012-2301651. First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc.** Joint application of First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc. for approval of the indirect minority transfer of ownership of First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc. to FirstEnergy Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 29, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc.

*Through and By Counsel:* Daniel P. Delaney, Esquire, K & L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-882. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Petition of the North American Numbering Plan Administrator on Behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 Numbering Plan Area**

Public Meeting held  
April 26, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson, statement follows; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Petition of the North American Numbering Plan Administrator on behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 NPA; Doc. No. P-2009-2112925*

**Order**

*By the Commission:*

In this order, the Commission revisits the issue of the implementation of area code relief in the 814 Numbering Plan Area (NPA) or area code and the numerous petitions for reconsideration filed at the above-captioned docket. The most recent numbering data concerning the 814 NPA demonstrates that this area code has experienced a significant decrease in the demand of numbering resources since the filing of the area code relief petition. The latest projected forecast for the exhaustion of the 814 area code, which was released in March 2012, is now the second quarter of 2018, which is more than five years away. Accordingly, the Commission orders the rescission of the implementation of the geographic split for the 814 NPA and dismisses the 814 area code relief petition filed on June 9, 2009.

**Background**

Much of the information leading to the current area code relief process for the 814 NPA can be found in prior Commission orders. Nevertheless, because of the action we are taking today in regards to the 814 NPA, we will reiterate the pertinent portions of the past and present area code relief efforts for the 814 NPA.

**History of the 814 NPA**

The 814 area code is one of Pennsylvania's original four area codes. It was established in 1947. The geographic area covered by the 814 area code generally comprises the central portion of the state. The 814 NPA extends in a northerly direction to the borders of the state of New York, in a westerly direction towards the borders of the state of Ohio, and in a southerly direction to the borders of the state of Maryland. The 814 NPA is divided into 178 rate centers which encompass twenty-six counties and includes such cities as State College, Altoona, Johnstown, Somerset and Erie.

**A. Initial Area Code Relief Efforts for 814 NPA**

Relief planning for the 814 area code initially began in 2002 when the 2001 Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis June 1, 2001 Update (2001 NRUF Report)<sup>1</sup> indicated that the 814 NPA would exhaust during the first quarter of 2005. Consequently, the telecommunications industry met on March 21, 2002, in Pittsburgh, Pennsylvania, to discuss the five relief alternatives<sup>2</sup> that were set forth in the Initial Planning Document (IPD) that NANPA had distributed to them pursuant to the NPA Relief Planning Guidelines.

At this March 21st meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend an all-services distributed overlay plan, as the preferred method of relief for the 814 NPA. The all-services distributed overlay, would superimpose a new NPA over the same geographic area covered by the existing 814 NPA. All existing customers would retain the 814 area code and would not have to change their telephone numbers. Consistent with Federal Communications Commission (FCC) regulations, the relief plan would require 10-digit dialing for all local calls within and between the 814 NPA and the new NPA. The Industry further recommended that calls between NPAs be dialed using 1+10-digits and 0+10 dialing for operator assisted calls. Lastly, Industry participants reached consensus to recommend to the Commission a thirteen-month schedule for implementation of the overlay.

**B. Impact of Number Conservation Measures on the Initial Area Code Relief Process in the 814 NPA**

Due to the implementation of the number conservation measure 1,000-block (1K) number pooling<sup>3</sup> in the 814 area code, the 814 area code experienced an unprecedented, efficient use of its numbering resources, which, in turn, lengthened the life expectancy of the 814 area code. The Industry acknowledged the disruption to customers caused by changes in their area code, especially when implementing such area code relief is no longer necessary. Consequently, the Industry decided to delay filing the petition for relief until such time that future NRUF reports indicated a more immediate need.

**C. Re-initiation of the Area Code Relief Process in the 814 NPA**

Subsequently, the April 2009 NRUF Report indicated that the 814 NPA was projected to exhaust all of its available NXX codes during the third quarter of 2012. After the release of the April 2009 NRUF Report, the Industry met via conference call to re-initiate the 814 area code relief process and decided to file an updated petition for relief with the Commission recommending the same relief as before, an all-services distributed overlay. That petition was filed with the Commission on June 9, 2009. The FCC's regulations<sup>4</sup> provide for certain options when an area code is determined to exhaust or run out of

<sup>1</sup>Federal rules that went into effect on July 17, 2000, require all carriers to report to the NANPA their historical and forecast utilization data. 47 C.F.R. § 52.15(f). These reports are made semi-annually and are referred to as the "NRUF Reports." Using this data, along with the rate of assignment of NXX codes in the NPA, the NANPA predicts the exhaust date for all NPAs in its NPA Exhaust Analysis. These reports can be found at [www.nanpa.com](http://www.nanpa.com).

<sup>2</sup>The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of a total of five relief alternatives consisting of three two-way geographic split alternatives, referred to in the IPD as Alternatives #1, #2 and #5, an all-services distributed overlay relief alternative, referred to as Alternative #3 and a technology specific overlay, referred to as Alternative #4.

<sup>3</sup>Thousand-block number pooling is the process by which a 10,000 block of numbers is separated into ten sequential blocks of 1,000 numbers and allocated separately to providers within a rate center.

<sup>4</sup>See 47 C.F.R. § 52.19.

NXX codes.<sup>5</sup> The June 2009 Petition included five options for area code relief but only two of those alternatives were in accordance with industry guidelines.<sup>6</sup> The FCC's regulations direct that the states are to provide timely area code relief by one of several options but the most common and workable methods are geographic splits and overlays.

#### D. Implementation of Geographic Split of the 814 NPA

By Order entered July 29, 2009, the Commission denied the Industry's recommendation and requested written comments from interested parties on the five relief alternatives that had initially been presented by Neustar to the telecommunications industry at the March 21, 2002 meeting. Thereafter, by an Order entered January 28, 2010, the Commission scheduled five public input hearings in various cities located throughout the 814 NPA to receive comments and discuss the relief alternatives.<sup>7</sup>

In the meantime, the October 2010 NRUF Report indicated that the 814 NPA was now projected to exhaust its remaining supply of telephone numbers by the first quarter of 2013. The Commission believed that this change in the projected forecast date for the 814 NPA was due in part to our efforts to implement mandatory 1K number pooling statewide.<sup>8</sup> Nonetheless, in accordance with the FCC's directives and industry guidelines, we determined we must continue with this instant area code relief process.

Consequently, by Order entered December 17, 2010, at the above-captioned docket, the Commission, pursuant to the authority<sup>9</sup> delegated to it by the FCC, determined that area code relief was still necessary for the 814 NPA. Accordingly, the Commission chose one of the two workable solutions presented to it by Neustar and the telecommunications industry in its June 2009 Petition—a geographic split.<sup>10</sup>

Additionally, the Commission directed that all network preparation for the implementation of the geographic split of the 814 area code be completed no later than February 1, 2012, at 12:01a.m (EST). The Commission had determined this timeframe was sufficient for telecommunications carriers and alarm companies to prepare their individual networks and systems in preparation of the new area code. Additionally, when introducing a new area code, there is an adjustment period commonly known as a permissive dialing period. Therefore, the Commission further directed that the permissive dialing period would not commence before February 1, 2012, which is the activation date of the new area code.

#### E. Petitions of Reconsideration Against the Decision to Implement a Geographic Split of the 814 NPA

In response to its December 17th Order, the Commission received over forty petitions for reconsideration from residents and businesses located within the 814 area

code.<sup>11</sup> Because of the level of concern articulated in those petitions, by Order entered January 13, 2011, the Commission granted the petitions for reconsideration, pending review of the merits.

Additionally, by separate action, the Commission reopened the record for further evidentiary and public input hearings.<sup>12</sup> The Commission believed that allowing additional evidentiary hearings would assist in gathering the information needed to review the merits of the various petitions for reconsideration including the further need and implementation of area code relief in the 814 NPA. As a result, the Commission directed the Office of Administrative Law Judge (OALJ) to schedule at least one technical conference and any others, as appropriate, throughout the region of the 814 NPA to develop the record on any technical impediments to a geographic split and to further develop record evidence of the economic impact of both the geographic split and overlay options presented in the June 2009 Petition.<sup>13</sup>

The Commission also determined that there was a great need for all participants to fully understand the possible area code relief options that are available to the Commission in accordance with FCC regulations and industry guidelines. Thus, in addition to gathering additional evidentiary information, the Commission contemplated that further public input hearings would serve to educate all participants and to determine the least disruptive option concerning area code relief for the 814 NPA.<sup>14</sup> Furthermore, in an effort to ensure that new area codes are not introduced prematurely, the Commission directed the Law Bureau and the Bureau of Fixed Utility Services Staff<sup>15</sup> to provide monthly updates on projected exhaust dates for the 814 NPA and information concerning the exhaust status of the 814 NPA. Subsequently, the Commission requested Neustar to submit more recent information concerning the projected exhaust status of the 814 area code for its review. As a result of this request, Neustar performed a delta NRUF of the 814 area code, the result of which were provided to the Commission on February 18, 2011.

#### F. Suspension of the Timeline for the Implementation of Geographic Split of the 814 NPA

The delta NRUF<sup>16</sup> performed by Neustar indicated that the current projected exhaust date for the 814 area code

<sup>5</sup> An NXX code is a 10,000 block of telephone numbers assigned to a particular rate center. Currently, thousands block pooling permits a block of 10,000 numbers to be separated into ten sequential blocks of 1,000 numbers and allocated to different providers within a rate center.

<sup>6</sup> The NPA Relief Planning Guidelines can be accessed on the ATIS website located at <http://www.atis.org>. NANPA and the industry utilize the NPA Relief Planning and Notification Guidelines in the planning and implementation of area code relief efforts.

<sup>7</sup> The public input hearings were held in the cities of Altoona, Johnstown, State College, Erie and Somerset.

<sup>8</sup> Implementation of Additional Delegated Authority Granted to Pennsylvania by the Federal Communications Commission in its Order Released May 18, 2010—Mandatory Thousands-Block Number Pooling in the 215/267, 570, 610/484, 717 and 814 NPAs, M-2010-2178173 (Order entered June 3, 2010).

<sup>9</sup> Section 251(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251(e).

<sup>10</sup> As a result of its decision to implement a geographic split, NANPA informed the Commission that "582" will be assigned as the new area code for portions of the current 814 area code east of Jefferson, Elk and McKean counties. The boundary runs in a north/south direction east Singlehouse, Wilcox, Kersey, Dubois and Sykesville rate centers.

<sup>11</sup> Petitions for Reconsideration were received from the following: Honorable State Representative Kathy Rapp, Velocity.Net Communications, Inc., Core Communications, Inc. and the Honorable State Senator Mary Jo White, Coaxial Cable Television, the Honorable State Representative Brad Roae, the Honorable Mayor Joseph E. Sinnott, Daniel H. Miller, Debbie Richardson, Alice M. Swavey, Ann DiMarco, Carol Storch, Carl Bradshaw, Charmaine Koehler-Lodge, Dana Swavey, DLF Associates, Donna Rosenquest, Douglas Lodge, Carol Flak, Jane Gable, Keystone Metal Center, Lois and Charles Griggs, Paris Brothers and Company, Inc., James and Janet Kelso, Jared A. Daly, Jim and Laura Faith Bock, Christopher and Donna Keller, Kenneth C. Springirth, Debra Leasure, Marjic Embroidery, Marjorie Sipos, Manufacturer and Business Association, Memory Lane Jewelers, McCarthy, Martone, & Peasley, Janice Y. Patton, Robert B. Mooney, Jr's Last Laugh, Robert and Maryann Martin, Ruth and John Jackson, Clayton Schulze, Dr. Richard Teubert, The Victor Group Inc., Janice Thomas, Troy McFate, Waldameer Park Inc., William E. Terrell, Michael Cooper, Douglas Boldt and Save814.com, Epic Web Studios LLC, Global Insurance and Investments, Inc., Mary Humes, Robert and Carol Keller, Memory Lane Jewelers, the Pennsylvania Office of Consumer Advocate, Verizon Pennsylvania, Inc., Verizon North LLC, MCI Metro Access Transmission Services LLC d/b/a/ Verizon Access Transmission Services (collectively "Verizon"), Verizon Wireless, AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, TCG Delaware Valley, Inc., and New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility (collectively "AT&T"), T-Mobile Northeast LLC, and VoiceStream Pittsburgh (collective "T-Mobile"), and Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc. and NCPD (collectively "Sprint"), Roger W. Stranahan, and William and Judith Bargar.

<sup>12</sup> Petition of the North American Numbering Plan Administrator on behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 NPA, Docket No. P-2009-2112925 (Order entered January 13, 2011).

<sup>13</sup> The Commission held the technical conferences in State College and Erie.

<sup>14</sup> The Commission held additional public input hearings in State College, Erie, Oil City, Bradford, Dubois, Punxsutawney, Somerset, Bedford, Altoona and St. Mary's.

<sup>15</sup> The Bureau of Fixed Utility Services has been renamed the Bureau of Technical Utility Services.

<sup>16</sup> The term "delta NRUF" connotes an NPA area code exhaust forecast that is performed outside its normal timing sequence.



has been revised to the first quarter of 2015 instead of the first quarter 2013, which is an increase of approximately four years from the initial projection given in 2009. Given this new information regarding the projected exhaust date for the 814 NPA, the Commission determined that the immediacy for the implementation of timely area code relief in the 814 area code had diminished. Thus, by Order entered March 17, 2011, the Commission indefinitely suspended the timeline for the implementation of the geographic split for the 814 area code.

The Commission determined that, by suspending the timeline for implementation, affected carriers would not have to commence network modifications and residents and businesses would not have to endure new dialing patterns prematurely. However, since the projected exhaust date for the 814 area code was still too close to the mandatory three-year time frame set forth by the NPA Code Relief Planning Guidelines<sup>17</sup> (INC Guidelines) to implement timely area code relief when the supply of numbers is depleting rapidly, the Commission determined that it would be premature to rescind its initial decision to implement timely area code relief for the 814 NPA. Accordingly, the Commission determined that it had no choice but to continue to move forward with its implementation of area code relief pending review of information concerning the exhaust status of the 814 NPA and the impact of mandatory thousands block number pooling<sup>18</sup> in the area code.

#### G. Release of October 2011 NRUF data

In accordance with the federal numbering procedures, the October 2011 NRUF data, which contains the updated projected forecasts for the exhaustion of the Pennsylvania area codes, including 814, was released by the FCC. Based on the new data, the forecasted exhaust dates for the 814 area code has been extended from the previously reported date of the first quarter of 2015 to the first quarter of 2016. By a Secretarial letter dated January 11, 2012, the Commission determined that it was premature to dismiss the petition for area code relief in 814 at that time. Nevertheless, the Commission also determined the immediacy for the implementation of timely area code relief in the 814 area code continues to diminish and; accordingly, stated that the status quo for the area code relief effort for the 814 NPA would remain intact, i.e., the suspension of the implementation of the area code relief would remain in place. Lastly, the Commission stated that upon the release of the latest NRUF data in April 2012, it would revisit the issue of the implementation of area code relief in the 814 NPA and if need be, also address the numerous petitions for reconsideration filed at the above-captioned docket at an upcoming regularly scheduled Public Meeting.

#### H. Release of March 2012 Delta NRUF Data

On March 9, 2012, Neustar released modifications that had been made to the previously projected NPA exhaust dates set forth in the October 2011 NPA exhaust analysis. This data indicates that the exhaust date for the 814 NPA has been extended from the previously reported date of the first quarter of 2016 to the second quarter of 2018, which is more than five years away.

<sup>17</sup> These guidelines of the Industry Numbering Committee address NPA code relief planning activities. This includes the relief planning process, industry notification process and NANPA's responsibilities to affected parties and applicable regulatory authorities within the North American Numbering Plan area.

<sup>18</sup> Mandatory thousands block number pooling had been implemented in the 814 NPA as recently as September 30, 2010.

## Discussion

Pursuant to the FCC-approved INC Guidelines, the NANPA is charged with the responsibility of predicting the expected exhaust period for an area code by analyzing the historical growth data available for the NPA as well as any expected changes to the NXX demands in the future.<sup>19</sup> As previously stated, once the NANPA projects the exhaust date for the NPA to occur within 36 months, the INC Guidelines state that NANPA is required to prepare relief options and to conduct industry meetings with the goal of reaching industry consensus regarding the form of relief for the NPA.

However, if during the period after the NANPA has filed an industry relief plan but prior to regulatory approval of that plan it is determined that the NPA will not exhaust in the next five years, a relief plan may be withdrawn.<sup>20</sup> Also, the INC Guidelines allow a state commission to dismiss the relief plan when the regulatory body determines that area code relief is no longer needed.<sup>21</sup> Under the INC Guidelines, a state commission can end the relief planning process even after the issuance of a prior order implementing area code relief.

In March 2012, the NANPA revised the projected exhaust date for the 814 NPA to the second quarter of 2018 or approximately six years from now. Accordingly, since the new projected exhaust date of the 814 area code is over five years out, we believe that area code relief is no longer needed and that there is good cause to dismiss the NANPA's petition for approval of its relief plan in the 814 NPA. We dismiss the petition pursuant to our delegated authority over NPA relief. 47 C.F.R. § 52.19(c)(3)(ii). Furthermore, we note that independent state law permits the Commission to rescind or amend any order made by it after notice and opportunity to be heard.<sup>22</sup>

Since the filing of the June 9, 2009 area code relief petition, the 814 NPA has experienced a significant decrease in the demand for numbering resources and an efficient use of numbering resources due in large part to the implementation of mandatory number pooling within a majority of the rate centers within the 814 NPA. From June 2009, when the area code relief petition was filed for the 814 NPA, through November 2011, which is approximately 30 months, an average of 0.400 codes per month were assigned. However, there have been only a total of two NXX codes assigned over the past twelve months. The average quantity of NXX codes assigned to carriers over the past twelve months is 0.1667 codes per month. We believe that the decrease in code demands and subsequent code assignments will continue in the 814 area code.

Furthermore, according to information on the NANPA's website,<sup>23</sup> as of March, 2012, there were approximately 81 full NXX codes still available for assignment to carriers in the 814 NPA. Moreover, in addition to the full NXX codes available for assignment in the 814 NPA, there are approximately 2158 individual 1K blocks of telephone numbers still available for assignment in the 814 NPA according to the Pooling Administrator's data. Clearly, there are adequate numbering resources available to the telecommunications carriers providing service in the 814 NPA.

<sup>19</sup> See § 5.1 of the INC Guidelines.

<sup>20</sup> Id. at § 5.11.

<sup>21</sup> Id. at § 5.12.

<sup>22</sup> 66 Pa.C.S. § 703(g).

<sup>23</sup> www.nanpa.com.

More importantly, the April 2012 biennial NRUF data shows that the average utilization rate<sup>24</sup> for the total NXX codes assigned in the 814 NPA is 34%. This means that the telecommunications carriers still have the ability to assign many more numbers from their current inventories in order to meet customer demand.

The current numbering data clearly demonstrates that both the decrease in demand and the number conservation measures implemented and utilized by the Commission within the 814 NPA have resulted in the availability of adequate numbering resources for telecommunications carriers providing service in the 814 NPA. This fact is evident by the changes in the projected exhaust date of the 814 NPA from the date the petition for area code relief for the 814 NPA was filed with the Commission in June 2009. The initial projected exhaust date for the 814 NPA, which was based upon the April 2009 NRUF data, was the first quarter of 2012. The latest projection from the March 2012 Delta NRUF data is the second quarter of 2018, which is a substantial increase of twenty-six quarters overall (or approximately 6.5 years). The 814 NPA will not be approaching exhaustion of their numbering resources in the near future.

Pursuant to our December 17th Order, we directed the implementation of area code relief—a two-way geographic split of the 814 NPA; however, we are rescinding that action based upon the latest projected exhaust date for the 814 NPA. Additionally, we received numerous petitions for reconsideration against that particular decision. In a previous order in this docket, we granted the numerous petitions for reconsideration filed against that decision, pending review of the merits, and scheduled technical conferences and additional public input hearings to receive evidence regarding whether to reconsider our decision to geographically split the 814 area code.

The Commission would like to express its sincere thanks to those that submitted written comments in this proceeding and to those who attended and participated in the public input hearings and technical conferences to offer their concerns and suggestions regarding which form of area code relief the Commission should implement for the 814 area code. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties in their petitions for reconsideration. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); also see, generally, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). In any event, we are denying the petitions for reconsideration as they are all moot based upon our decision today.<sup>25</sup>

### Conclusion

We note that in a previous order in this docket, we stated that we would continue to diligently monitor NXX code activity and the projected exhaust date for the 814 NPA. Based on our analysis of the current numbering resources available in the 814 area code, adequate resources exist for carriers to receive numbers in a timely fashion. Nevertheless, we encourage the industry and the NANPA to work together with the Commission to ensure

<sup>24</sup> “Utilization” rate has been defined as the percentage of NXX codes assigned to end-users from the carriers total inventory of NXX codes within a NPA.

<sup>25</sup> Nevertheless, we note for the record that the overwhelming testimony received at the public input hearings was in favor of rescinding the geographic split decision and implementing an overlay as the appropriate form of area code relief for the 814 area code. Residents and businesses located within the 814 area code testified that they preferred the implementation of the overlay as the form of area code relief because they believed that it was the least disruptive of area code relief. Additionally, at the technical conferences, the telecommunications carriers submitted testimony and evidence that the implementation of an overlay presented less technical complications and network issues compared to the implementation of a geographic split of an area code.

the efficient use of our finite numbering resources in the 814 area code so that new area codes are not unnecessarily opened in the Commonwealth. The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is minimized to the extent possible.

The recent numbering data from the NANPA clearly demonstrates that the implementation of number conservation measures have resulted in a significant decrease in the demand of NXX codes in the 814 NPA. As a result, telecommunications carriers have adequate numbering resources available to them and, thus, the implementation of an all services distributed overlay as the appropriate form of area code relief in the 814 NPA is no longer immediately necessary; *Therefore*,

#### *It Is Ordered That:*

1. The June 9, 2009 petition filed by Neustar with the Commission on behalf of the Pennsylvania telecommunications industry at the above-docket for approval of its relief plan for the 814 area code is hereby dismissed.
2. The December 7, 2010 Order, implementing a geographic split as the form of area code relief for the 814 NPA and adopting the previous implementation schedule for the 582 and 814 NPAs is hereby rescinded.
3. The petitions for reconsideration filed at the above-captioned docket are denied as moot, consistent with this Opinion and Order.
4. The North American Numbering Plan Administrator shall reclaim the 582 NPA and return it to the pool of available area codes within the North American Numbering Plan and place it in “reserved” status.
5. A copy of this order shall be sent to the North American Numbering Plan Administrator.
6. A copy of this order shall also be published in the *Pennsylvania Bulletin* and posted on the Commission’s website.

ROSEMARY CHIAVETTA,  
*Secretary*

*Statement of Vice Chairperson John F. Coleman, Jr.*

In the end, the regulatory process worked here, and I am obviously pleased that we were able to dismiss the area code relief petition in the 814 NPA. Since the last update in October 2011, the new projected exhaust date for 814 has moved back over two years to the second quarter of 2018, which is six years away. This is certainly great news, as I recognize that any form of area code relief has an impact on the industry and the public. Today’s action certainly helps minimize that impact.

As stated in the Commission’s order, the 814 area code has experienced a significant decrease in the demand for numbering resources and has experienced a more efficient use of telephone numbers since the filing of the area code relief petition in June 2009. In particular, number conservation efforts such as 1,000-block pooling have helped prolong the life of the 814 area code to reach the point where we are today, which is a dismissal of the 814 relief petition. Our number conservation efforts will continue, and we expect the decrease in code demands to also continue in 814. Nevertheless, the Commission will continue to diligently monitor NXX code activity and projected exhaust data for 814.

The public input process established after petitions for reconsideration were filed sought to provide interested

parties with another meaningful opportunity to be heard in this matter and was to aid the Commission in making a fully informed decision. I want to thank the public for participating and for providing good information that would have been critical in deciding the appropriate form of area code relief. I also want to thank the public for its patience while this process unfolded. As we previously cautioned, there was no guarantee that the updated exhaust data would show adequate numbering resources in 814 to discontinue area code relief, even though the exhaust data trending was favorable. Fortunately, for all parties involved, adequate numbering resources are projected to exist for the foreseeable future, and area code relief is no longer needed in 814 at this time.

JOHN F. COLEMAN, Jr.,  
Vice Chairperson

[Pa.B. Doc. No. 12-883. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 29, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2012-2285059. Advance Care, Inc., t/a Advance Care Ambulance** (111 Buck Road, Door 500, Suite 3, Huntingdon Valley, Bucks County, PA 19006)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. Vlad Tinovsky, Esquire, Tinovsky Law Firm, 3 Neshaminy Interplex Drive, Suite 301, Trevoise, PA 19053.

**A-2012-2290583. Ascot Transportation Group, LLC** (209 Bradley Court, Holland, PA 18966)—for the right to begin to transport, as a common carrier, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery to points in Pennsylvania, and return. *Attorney:* David P. Temple, Gallagher Malloy & Georges, Suite 1100, 1760 Market Street, Philadelphia, PA 19103-4104, (215) 963-1555.

**A-2012-2291730. Alford E. Donovan** (706 Market Street, Lykens, Dauphin County, PA 17048)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Lancaster, Franklin, Northumberland and Perry, to points in Pennsylvania, and return.

**A-2012-2291933. Blaine Benton** (94 Creek Drive, Halifax, Dauphin County, PA 17032)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Lancaster, Franklin, Northumberland and Perry, to points in Pennsylvania, and return.

**A-2012-2293269. Violet Phillips** (108 Lilly Road, Honey Brook, PA 19344), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Chester County to points in Pennsylvania and return.

**A-2012-2294681. Bruce J. Byram** (1021 Glen View Drive, Denver, Lancaster County, PA 17517)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2012-2295358. Robert E. Mitchell** (52 Rummel Road, Halifax, Dauphin County, PA 17032)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Dauphin County, to points in Pennsylvania, and return.

**A-2012-2295525. Galen E. Sweigart, Jr., t/a G. Sweigart Transport Services** (533 Airport Road, New Holland, PA 17557)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

#### Applications of the following for the approval of the *transfer of stock as described under each application.*

**A-2012-2294093. Cranberry Taxi, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (500 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2294261. Air Star Transportation & Limousine Service, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (1,000 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2294269. Classy Cab Company, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (52,150 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2294281. Star Limousine Service, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (5,000 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

#### Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*



**A-2012-2292793. Chris L. Cloud & Associates, LLC** (747 Cypress Street, Yeadon, Delaware County, PA 19050)—to discontinue service as a common carrier by motor vehicle, at A-6410591, authorizing the transportation, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Montgomery, Delaware, Chester and Bucks, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2292817. Peaks and Valleys Transport, LLC** (1380 Route 286 Highway East, Building #2 Office 223, Indiana, Indiana County, PA 15701)—to discontinue service as a common carrier by motor vehicle, at A-6411239, authorizing the transportation, as a common carrier, by motor vehicle, persons in Airport Transfer service, from points in Indiana County to John Murtha Airport, located in Johnstown, Cambria County, Pittsburgh Internal Airport, located in Pittsburgh, Allegheny County and University Park Airport, located in State College, Centre County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-884. Filed for public inspection May 11, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2300998. Windstream and Time Warner Cable Information Services (Pa), LLC.** Joint petition of Windstream and Time Warner Cable Information Services (Pa), LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream and Time Warner Cable Information Services (Pa), LLC, by its counsel, filed on April 25, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement 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 Windstream and Time Warner Cable Information Services (Pa), 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.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-885. Filed for public inspection May 11, 2012, 9:00 a.m.]

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## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been

filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Janny's Cab, Inc. (CPC No. 1000217-01, Medallion P-0197) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-04-03. Paonta, Inc.,** 2301 Church Street, Philadelphia, PA 19124 registered with the Commonwealth on February 1, 2010.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 29, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-886. Filed for public inspection May 11, 2012, 9:00 a.m.]

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### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by R&D Taxi, Inc. (CPC No. 1000562-01, Medallion P-0697) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-04-01. Paonta, Inc.,** 2301 Church Street, Philadelphia, PA 19124 registered with the Commonwealth on February 1, 2010.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 29, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-887. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Motor Carrier Transfer Application for Dispatch Service in the City of Philadelphia

Authority to render services as a common carrier in Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Crescent Cab Association, Inc. (CPC 1013172-03) to dispatch medallion taxicabs in the City of Philadelphia.

**A-12-04-02. DW Radio, Inc., d/b/a Crescent Cab,** 6749 Upland Street, Philadelphia, PA 19142 registered with the Commonwealth on April 13, 2012, application pending.

Formal protests must be filed in accordance with 52

Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 29, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-888. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Taxicab and Limousine Division Approved Fee Schedule for the Fiscal Year Beginning July 1, 2012

The following table lists all fees for the Taxicab and Limousine Division (TLD) for the Fiscal Year (FY) 2013. The Philadelphia Parking Authority may also charge for goods such as postings in taxicabs, training material and incidental services such as copying, computer access and record checks.

All fees are nonrefundable.

<i>Fee Description</i>	<i>Fee</i>
Annual Medallion Assessment Fee for all Medallion Taxicabs Except that the First 30 Wheelchair Accessible Vehicles to Register Pay "zero." This is only for FY 2013.	\$1,275 / medallion payable in two installments if elected and approved
Annual Metered or Mileage Based Tariff Limousine Fee—1—15	\$700 for first 15 vehicles
Annual Metered or Mileage Based Tariff Limousine Fee—16—30	\$650 for second 15 vehicles
Annual Metered or Mileage Based Tariff Limousine Fee—31 or more	\$600 for all additional vehicles
Annual Assessment Fee for Partial Rights Cabs	\$1,500 / vehicle payable in two installments if elected and approved
Annual Fee for Limousines—All Classes 1—15	\$350 for the first 15 vehicles
Annual Fee for Limousines—All Classes 16—30	\$325 for the second 15 vehicles
Annual Fee for Limousines—All Classes 31 or more	\$300 for all additional vehicles
Limousine Stickers Pro-rated 1/1/13 to 3/31/13 50% Discount	\$175, \$162.50, \$150
Limousine Stickers Pro-rated 4/1/13 to 6/30/13 75% Discount	\$87.50, \$81.25, \$75.00
Limousine Replacement Registration Sticker	\$30
Limousine Daily Passes for Temporary Vehicles	\$30 / vehicle / day
Remote Carrier Registration Fee per Vehicle per Year	\$15
Large Vehicle Registration Fee—Per Company—One Time Fee	\$15
Annual Assessment Fee for Dispatcher	\$2,750 / certificate payable in two installments if elected and approved
Dispatcher Change in Colors and Markings Scheme	\$500
Annual Renewal Fee for Single Driver Certificate	\$80
Annual Renewal Fee for Dual Driver Certificate	\$160
Duplicate Certificate Replacement	\$25
New Driver Certification with Classroom Training Required for Taxicab Driver Certification	\$130
New Driver Certification without Classroom Training (for Limousine Drivers Only)	\$100

<i>Fee Description</i>	<i>Fee</i>
Dual Certification	\$230
Individual Medallion or CPC Ownership Transfer Fee	\$2,000 or 3% of purchase price, whichever is greater
Annual Medallion Broker Registration Fee	\$1,200
Application for new Dispatch Service—Fee	\$15,000
Application for new Limousine Certificate—Fee	\$12,000
Additional Limousine Rights at time of Initial Application	\$3,000
Additional Limousine Rights after Initial Rights Granted by Board	\$6,000
New Limousine Certificate Application Protest Fee	\$2,500
Petition Filing fee for Regulation Waivers and Non-Waiver Petitions	\$200
New Car and Replacement Vehicle Transfers	\$200
Pennsylvania State and TLD Semi Annual Inspections Under 210,000 miles	\$75
Pennsylvania State and TLD Semi Annual Inspections, 210,000 Miles and Above	\$100
Inspection Fee for Green and Accessible Vehicles Under 200,000 Miles	\$50
Inspection Fee for Green and Accessible Vehicles, 200,000 Miles and Above	\$75
Emission Waiver	\$100
Reinspection Fee at Third Inspection after Two Failures	\$125
Rescheduling Fee	\$100
Offsite Limousine Inspection per Vehicle (twice standard fee)	\$150
Medallion Return after Sheriff Levy	\$200
Administrative Hearing Fee (due if found liable)	\$75
Cab Replacement Postings (each)	\$10 (each posting)
Department of Transportation Processing Fees (above Department of Transportation costs)	\$20
Communication Fee Associated with Hospitality Initiative (VTS Vehicles Only)	\$18 per month
Bounced Check Fee	\$200
Voluntary Suspension of Individual Medallion or CPC	\$50

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-889. Filed for public inspection May 11, 2012, 9:00 a.m.]

## STATE BOARD OF MEDICINE

### Bureau of Professional and Occupational Affairs v. Ronald Rahman, MD; Doc. No. 1799-49-09

On March 2, 2012, Ronald Rehman, MD, license no. MD023525E, of Philadelphia, Philadelphia County and Voorhees, NJ, had his Pennsylvania license automatically suspended, for at least 10 years, based upon his conviction to the crime of distribution of prescription drugs.

Individuals may obtain a copy of the final order by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine'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.

JAMES W. FREEMAN, MD,  
*Chairperson*

[Pa.B. Doc. No. 12-890. Filed for public inspection May 11, 2012, 9:00 a.m.]



# STATE BOARD OF OSTEOPATHIC MEDICINE

## **Bureau of Professional and Occupational Affairs v. R. Wayne Mosier, DO; Doc. No. 1314-53-10**

On November 16, 2011, R. Wayne Mosier, DO, license no. OS007796L, of Talihina, OK, had his Pennsylvania license revoked based on disciplinary action taken against his license to practice osteopathic medicine by the proper licensing authority of another state.

Individuals may obtain a copy of the final order by writing to Sabina I. Howell, Board Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Osteopathic Medicine'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.

JOSEPH C. GALLAGHER, Jr., DO,  
*Chairperson*

[Pa.B. Doc. No. 12-891. Filed for public inspection May 11, 2012, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 401a, 461a,  
465a, 467a, 521 AND 525 ]

#### Accounting and Internal Controls; Commencement of Slot and Table Game Operations

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207, 1322, 13A02(1)—(6) and 13A25, amends Chapters 401a, 461a, 465a and 467a and rescinds §§ 521.3, 521.11 and 525.1—525.20 to read as set forth in Annex A.

#### *Purpose of the Final-Form Rulemaking*

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board adopted temporary regulations in Chapters 521 and 525. With this final-form rulemaking, the Board is rescinding temporary § 521.3 by amending Chapter 465a (relating to accounting and internal controls), rescinding temporary § 521.11 by amending Chapter 467a (relating to commencement of slot and table game operations) and rescinding temporary §§ 525.1—525.20 by amending Chapter 465a.

This final-form rulemaking amends the internal control provisions and the provisions on the commencement of gaming operations so the current requirements for slot operations will also be applicable to table game operations. This final-form rulemaking also provides some clarity, deletes some filings and updates the regulations to reflect the Board's experience to date.

#### *Explanation of Amendments to Chapters 401a, 461a, 465a and 467a*

Throughout this final-form rulemaking, the term "table games" has been added so that the requirements that were applicable to slot machine operations are now applicable to table game operations within the same licensed facility. The terms "cashiers' cage" and "slot cage" have been changed since there is not a separate slot cage or cashiers' cage but one cage or a main cage for facilities with satellite cages. Additionally, "person" has been changed to "individual" in many sections since "person" is a statutorily defined term that includes both individuals and entities.

In § 401a.3 (relating to definitions), the definition of "complimentary" has been amended to include points awarded to patrons who are members of a slot machine licensee's player rewards program or credits for promotional slot play.

The term "certificate holder" was added to § 401a.3 and is used throughout the regulations to refer to those slot machine licensees that have been awarded a certificate to operate table games at the licensed facility.

The definition of "gaming employee" has been amended. Although the individuals listed in subparagraph (i)(P) of the definition are directors or department heads and were previously required to be licensed as key employees, these individuals are currently permitted as gaming employees.

In § 461a.1 (relating to definitions), the definition of "cash equivalents" has been updated to reflect statutory

amendments to 4 Pa.C.S. Part II (relating to gaming). The term "count team" has been added to this section. The count team includes those individuals who count the contents of slot cash storage boxes and table game drop boxes while the drop team consists of those individuals who pick up the boxes from the gaming floor. Adding this definition does not imply that two separate teams are required since at most facilities the drop team and the count team are comprised of the same individuals.

The term "gaming day" was amended by deleting the reference to the central control computer system (CCS) since the CCS does not calculate gross table game revenue (GTGR). The definition of "gaming voucher" has been amended allowing noncashable credits to be used only on slot machines.

In § 461a.12(g) (relating to progressive slot machines), RAM clear was added to the list of processes that require testing by the Bureau of Gaming Laboratory Operations. This was added because a RAM clear zeroes out meters which are used to calculate gross terminal revenue. A process that impacts meters requires testing by the Bureau of Gaming Laboratory Operations. Other examples of modifications that require lab testing were added to subsection (g). One of the references to the progressive jackpot was deleted as unnecessary language in subsection (i) and the cross reference was changed from subsection (j) to the proper subsection (k).

In § 465a.2 (relating to internal control systems and audit protocols), slot machine applicants were deleted as they do not submit internal controls. Internal controls are submitted only by licensees prior to the commencement of slot or table game operations. Subsection (a)(8) was amended for clarity. In subsection (b), "competent person" was changed to "delegated individual" because this responsibility should be performed by someone who is authorized to sign on behalf of the chief executive officer or chief financial officer. The remaining changes to this section were made for clarity.

In § 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting), the type of financial reports in subsections (c), (e) and (f) are no longer required to be filed as part of the slot machine licensee's audited financial statements. The reference to subsection (e) has therefore been deleted from subsection (d). The remaining subsections were renumbered.

In subsection (c), the time period to file the audited financial statements was extended from 60 days to 90 days in conformity with statutory amendments to 4 Pa.C.S. Part II.

In § 465a.6(c)(3) (relating to retention, storage and destruction of books, records and documents), the retention period for voided gaming vouchers was reduced from 6 months to 30 days. Voided gaming voucher information can be obtained through the facility's computer system so retention of claimed gaming vouchers for 6 months is unnecessary. In subsection (c)(4), fully automated electronic gaming tables were added since both slot and fully automated machines accept gaming vouchers.

Section 465a.7(a) (relating to complimentary services or items) has been amended to require Executive Director approval of the internal controls regarding authorization and issuance of complimentary services and items. Informal reviews of these internal controls developed by slot



machine licensees to date have found that these internal controls, in some cases, are not adequate. Therefore, slot machine licensees will be required to submit their internal controls regarding complimentary items to the Board for review in the same manner as other internal controls.

Additionally, the general language in subsection (a) concerning the specific employees to whom these internal controls will apply has been deleted and replaced with a new, more detailed provision in subsection (b)(3), which requires the slot machine licensee to develop a matrix which shows which employees (by job title) are authorized to issue complimentary services or items including cash and noncash reimbursements, which comps those employees are allowed to issue and at what value. These changes make clear which employees are authorized to issue complimentaries and strengthen the effectiveness of oversight on the issuance of complimentaries.

Finally, subsection (e) has been amended so the required report will be submitted to the Bureau of Casino Compliance rather than the Bureau of Investigations and Enforcement.

Section 465a.8 (relating to licensed facility) has been amended so the Bureau of Casino Compliance, not the Bureau of Gaming Operations, is responsible for inspecting and approving various aspects of the licensed facility prior to the commencement of gaming operations including audible alarms, signage and the suitability of the casino compliance office.

Section 465a.9(a) (relating to surveillance system; surveillance department control; surveillance department restrictions) requires the Bureau of Casino Compliance, instead of the Bureau of Investigations and Enforcement, to review surveillance coverage. Subsection (c) was amended for clarity and to add the requirements for table game surveillance coverage. On table games that are not fully automated, operators are required to have a specific number of cameras, as specified in subsection (c)(2), depending on the table game type. Fully automated electronic gaming tables are required to have the same camera coverage as slot machines. Adequate surveillance coverage is necessary to detect and record cheating and theft, to reconstruct patron play in the event of a dispute or irregularity and for the protection of assets during the drop and count process.

In subsection (e), the slot machine licensee is now required to continuously record the distribution, inspection and retrieval of cards, dice and tiles to and from the gaming pits. This is to ensure the integrity of the equipment used for play.

Subsection (j) was updated to reflect the changes made to subsection (e). Operators will be required to retain for 30 days the surveillance recordings regarding the following: transactions conducted at the main cage or satellite cage; the count process; armored car collection and delivery; operations conducted at ATMs, coupon redemption units and jackpot payout machines; and entrances and exits. Only one retention period was extended from 7 days to 30 days and that was the counting of assets conducted in the count room. Based on the Board's experience to date, a 7-day retention period is not adequate to determine if theft or mishandling of funds in the count room was an isolated incident by one individual or a repeated course of conduct by many individuals. Subsection (m) was amended for clarity.

Amendments to § 465a.11 (relating to slot machine licensee's organization; jobs compendium) add additional surveillance requirements regarding the operation of

table games; require that the director of finance be responsible for the issuance of credit; require a certificate holder to have a table games department or a gaming department which includes both slot machine and table game operations; and update the assets that the finance department is now responsible for.

Subsections (g)—(m) are added to require a licensee to submit a jobs compendium which includes organizational charts of each department or division and detailed job descriptions for each position. This information will be reviewed by Board staff to ensure that there is a proper segregation of duties, assets are protected and to verify proper licensing, permitting or registration of employees. This section also sets forth the process to be used to amend the jobs compendium and requires that an updated jobs compendium be filed annually. The jobs compendium submission requirement is consistent with 4 Pa.C.S. § 13A25(c) (relating to table game accounting controls and audit protocols).

Section 465a.12 (relating to access badges and temporary access credentials) has been updated to require operators to provide an access matrix containing all restricted areas and the employees who have access to those areas. This is necessary to ensure that only those employees who are authorized to be in certain areas of the licensed facility, such as the cage or storage areas, have access to those areas.

The cage characteristics in § 465a.15 (relating to cage characteristics) and the accounting controls for the cage in § 465a.16 (relating to accounting controls for the cage) have been updated to reflect the additional types of assets that the cage is responsible for with the addition of table games. In § 465a.15(b), the supervisor of the cage is no longer required to be licensed as a key employee but is permitted as a gaming employee. This was updated to reflect the statutory amendments to 4 Pa.C.S. Part II.

Section 465a.17 (relating to bill validators, slot cash storage boxes and table game drop boxes) has been updated to add table game drop boxes and key control requirements for those boxes. Since fully automated electronic gaming tables are equipped like a slot machine, the requirements for bill validators and key controls have been applied to fully automated electronic gaming tables in subsections (a)—(e). The requirements for table game drop boxes from a table game that is not a fully automated electronic gaming table have been added in subsections (f)—(j). These requirements are necessary to ensure the protection of the assets contained within those slot cash storage boxes and table game drop boxes.

Section 465a.18 (relating to transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage) has been updated to add the requirements for the movement of table game drop boxes from the gaming floor. Table game drop boxes from fully automated electronic gaming tables may be collected at the same time as slot cash storage boxes. Table game drop boxes from live play tables are required to be collected daily, regardless of whether the table was open for play. Requiring the drop of an empty drop box on a table that was not open for play ensures that boxes are not missing and that all boxes containing funds were collected during a drop. Operators are required to file a schedule of which boxes are picked up daily, the route the drop team will take to and from the count room and which employees will have access to the keys to open the boxes. These are the requirements designed to protect the assets contained within the slot cash storage and table game drop boxes.

Section 465a.19 (relating to acceptance of tips or gratuities from patrons) has been updated to reflect the statutory amendments to 4 Pa.C.S. § 13A02(6) (relating to regulatory authority). An operator is required to submit internal controls specifying its policy on tips and gratuities. The pooling of tips required under 4 Pa.C.S. Part II reduces the likelihood of diverting chips into an employee's tip box since all chips for banked dealers are required to be distributed pro rata among dealers. The Department of Revenue (Department) also has an interest in adequate tip procedures to ensure the proper reporting of income from employees, particularly dealers who derive a substantial portion of their pay through tips.

In § 465a.20(b) (relating to personal check cashing), the provision prohibiting a licensee from cashing a check or multiple checks totaling \$2,500 or more per day does not apply to checks written in conjunction with a credit transaction authorized under the credit provisions in Chapter 609a (relating to credit).

Section 465a.22 (relating to cash equivalents) has been updated. When 4 Pa.C.S. Part II was amended, "cash equivalent" was defined to include chips or tokens as well as travelers checks, certified checks, money orders and personal checks. This section is applicable to checks and other types of cash equivalents but is not applicable to chips or tokens used for play at a gaming table. Subsection (a) was therefore added excluding gaming chips or plaques from the requirements on cash equivalents in this section.

Section 465a.24 (relating to count room characteristics) was updated to reflect the additional types of drop boxes that the count room is responsible for with the addition of table games.

In § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes), the count process for the slot cash storage boxes and table game drop boxes has been updated. Although the amount of tax collected for the Commonwealth on slot revenue is based on the slot machine meters recorded by the Department's CCS, the revenue for table game play is based on the unrecorded funds in the table game drop boxes that are then counted and recorded by the count team. Additional safeguards are therefore necessary to ensure the accurate counting and recording of table game drop boxes.

For clarity and to provide a logical flow of the count room process, the former provisions in § 465a.25 have been replaced. Operators are still required to submit internal controls, which were previously required in subsection (f), regarding the count process. Subsection (a) consolidates what must be in the internal controls. The workflow diagram in subsection (a)(1) is a new requirement which provides an overview of where cash, cash equivalents and equipment should be during every step of the counting process. Having the diagram makes it easier for casino compliance representatives and the surveillance department, which is required to record the count, to trace irregularities in the count process.

The requirements in subsection (a)(2) regarding a description of all equipment and files used to conduct the count was moved from former subsection (g). Internal controls on the procedures the facility shall utilize to empty and count the contents of storage and drop boxes in subsection (a)(3) has been updated so the requirements for slot cash storage boxes are also applicable to table game drop boxes. Several of the provisions in subsection (a)(3) were moved from former subsections (b), (h) and (i).

The required procedures in subsection (a)(4) and (5), regarding internal controls for scheduled breaks and the

proper wearing of jumpsuits, are designed to protect the assets removed from slot cash storage boxes and table game drop boxes and to deter or minimize employee theft from the count room.

Under subsection (b), operators shall file a schedule setting forth the times that the contents of the slot cash storage boxes and table game drop boxes will be counted. The Bureau of Casino Compliance is now required because the onsite casino compliance representatives observe the table game count which occurs immediately after the drop.

Subsection (d) permits only the individuals necessary to conduct the count in the count room. Additionally, individuals participating in the count may not access areas that are unnecessary to the count process. Subsection (e) requires the presence of a casino compliance representative in the count room prior to the commencement of the count of table game drop boxes from table games that are not fully automated electronic gaming tables. The casino compliance representative presence is not required for the counting of table game drop boxes from fully automated electronic gaming tables because, like slot machines, the CCS, not the count, determines the revenue.

Subsection (f) requires employees and the casino compliance representative observing the count to sign an attendance sheet. Subsection (g) describes the jumpsuit and which individuals are required to wear the jumpsuit during the count process. This was an existing requirement moved from the current subsection (c).

Subsection (h), regarding the carrying of bags into the count room and the proper procedure for clearing the hands of individuals involved in the count process, was moved from former subsection (d). Subsection (i) was added permitting the doors of the count room to be opened for very limited purposes since the count room should be secure while assets are being counted. Requiring employees to clear their hands and having at least three employees in the count room during a count, as required in subsections (j) and (k), is intended to reduce the likelihood of employee theft or collusion.

In accordance with subsection (m), operators are not required to collect slot cash storage boxes from all slot machines on the gaming floor every day. However, table game drop boxes from live table games are required to be collected daily. Subsection (n) also allows the main bank to buy the counted currency from slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables together since, as previously mentioned, the CCS determines the revenue to tax.

Additional requirements for the counting of table game drop boxes from tables that are not fully automated were added in subsection (o).

Since the CCS is not involved in the counting of slot cash storage boxes or table game drop boxes from fully automated electronic gaming tables, former subsection (j), which required the presence of a casino compliance representative if the CCS was not online, was not moved into a new subsection. Instead, subsection (p) requires that if a problem occurs with the slot or table game count, the problem shall be brought to the attention of the casino compliance representative and a written report must be filed with the casino compliance representatives within 24 hours of the conclusion of the count.

Operators may utilize, after submitting internal controls, an alternative procedure for the drop and count of Poker drop boxes. The count shall be conducted in the presence of the casino compliance representative by two

employees of the finance department with no incompatible duties. This area is required to be under surveillance and in a segregated area of the Poker cage.

The procedures required in § 465a.25 are necessary for the safeguarding of assets and to deter or minimize employee theft from the count room. Having standardized count room procedures ensures the consistent and accurate accounting of assets and revenue and makes it easier for the facility's surveillance department and the casino compliance representatives to detect and track irregularities in the count process.

Section 465a.26 (relating to jackpot and credit meter payouts) has been amended to include fully automated electronic gaming tables which, like slot machines, have credit meters and jackpot payouts. Subsection (b) was updated to account for the different Federal tax reporting requirements for slot machines versus table games. A player who wins \$1,200 or more on a single win at a slot machine is required to complete a W-2G for Federal tax reporting of gambling winnings. A slot machine is therefore programmed to lock out at \$1,200. For table game play, a player must win \$600 or more, not including the amount of the initial wager, and the odds have to be at least 300 to 1 before a W-2G is required to be completed. On the fully automated electronic gaming tables, only one optional side wager pays out at that amount and at those odds. The lock out amount on the fully automated electronic gaming tables has therefore been set at \$5,000.

In § 465a.29(a) (relating to automated teller machines), language has been added which prohibits the placement of ATMs that offer credit card advances on the gaming floor. This amendment is consistent with changes made to 4 Pa.C.S. § 13A27(a) (relating to other financial transactions), which prohibits the placement of credit card advance machines on the gaming floor.

In § 465a.31(b) (relating to gaming day), unnecessary language has been deleted. In subsection (c), an operator is required to get the approval of the Board's Executive Director prior to changing the facility's hours of operation.

Section 465a.32(1) (relating to signature) was amended to specify Board-issued credential number since not all employees are licensed.

In consultation with the Department and the system operator, which is currently Gtech, § 465a.33 (relating to access to areas containing central control computer equipment) was amended. This section now requires a licensee to make arrangements with the Department and the system operator before accessing an area containing the CCS. The approval of the Board's casino compliance representatives is no longer required. The director of security was added in paragraph (3) because the director of security maintains the key to the area containing the CCS, which may be signed out to employees of the Department or the system operator only if the employee is on the authorized access list, which the director of security was previously not authorized to obtain.

In § 465a.34(b)(4) (relating to automated gaming voucher and coupon redemption machine accounting controls), an incorrect cross reference was amended.

The remaining sections in Chapter 465a are new provisions applicable to table game internal controls which were taken from the temporary regulations in Chapter 525.

Section 465a.35 (relating to personnel assigned to the operation and conduct of table games) sets forth mini-

mum staffing requirements for the operation and supervision of table games. The staffing levels in this section are not applicable to fully automated electronic gaming tables, which do not have a live dealer.

Subsection (b) requires two dealers at a Baccarat table because the table seats up to 14 players and the players handle the cards. Craps requires three dealers, one dealer to handle the dice (stickperson) and one dealer to handle patron's wagers at each end of the craps table.

While surveillance is recording activity on the gaming floor, adequate supervisory staff, which is specified in subsections (c), (e), (f) and (g), can detect and deter cheating and theft on the gaming floor and can alert surveillance to direct camera coverage to certain tables or individuals. On-the-floor staffing protects patrons, the integrity of gaming and the revenues to the facility and thus the Commonwealth.

Although minimum staffing levels are specified, subsections (d) and (h) allow certificate holders additional operating flexibility. Subsection (d) permits the supervision of a greater number of table games per floorperson when electronic gaming tables that are not fully automated gaming tables are being used. Subsection (h) allows a certificate holder to file a written request with the Board's Executive Director to use a staffing plan that differs from what is required under this section. After reviewing the plan, the Executive Director will send a letter notifying the operator whether the plan has been approved, denied or conditioned.

Section 465a.36 (relating to table inventories) contains security requirements associated with table inventories, articulates when gaming chips, coins and plaques may be added to or removed from a table inventory and specifies the information that must be included on Table Inventory Slips. Table Inventory Slips are necessary and important since the opening and closing inventory paperwork is used to calculate GTGR. For audit trail purposes, a Table Inventory Slip is required to be completed once each gaming day, regardless of whether the table was open for gaming, since table game drop boxes are collected each gaming day. Subsection (d) is a segregation of duties requirement which ensures asset protection.

Section 465a.37 (relating to procedures for opening table games) addresses the procedures that shall be followed when a table is being opened for gaming. The dealer or floorperson assigned to the table shall count the table inventory and compare their count to the totals on the Table Inventory Slip included in the table inventory. If the totals agree, the dealer or boxperson and supervising floorperson shall sign the Table Inventory Slip and place it in the drop box at the gaming table. If there is a discrepancy, notice shall be made to the appropriate parties and a written report shall be prepared explaining the cause of the discrepancy. Opening inventory is an essential component in calculating GTGR.

Section 465a.38 (relating to procedures for distributing value chips, coins and plaques to gaming tables) sets forth the procedures for adding value chips, coins or plaques to a gaming table to replenish the table inventory. A Fill Request Slip is completed specifying what value chips, coins or plaques are needed for the replenishment and that form is transported to the chip bank. The personnel in the chip bank will fill the request and complete a Fill Slip which is used to verify that the request has been completed and that the requested amount of value chips, coins or plaques are delivered to the gaming table. This section specifies the information



and signatures that must be on the Fill Request Slip and Fill Slip and how the copies of these forms are to be distributed. For audit purposes, the Fill Slip is required to be a four-part form so accounting has a copy, the chip bank that fills the request has a copy of what left the chip bank, the security employee who accepted the chips from the chip bank and transported them to the floor has a copy and the table that added the chips to the inventory has a copy. Copies of Fill Request and Fill Slips are reconciled in accounting daily. Fills are also a component in calculating GTGR.

Section 465a.39 (relating to procedures for removing value chips, coins and plaques from gaming tables) establishes the procedures to be used when excess value chips or plaques in a table inventory need to be sent back to the chip bank. Like the process for requesting fills, a Credit Request Slip is completed specifying which value chips, coins or plaques are being returned. Copies of Credit Request and Credit Slips are reconciled in accounting daily. Credits are also a component in calculating GTGR.

Section 465a.40 (relating to procedures for accepting cash for gaming chips, plaques or electronic wagering credits at table games) outlines the procedures that a dealer or boxperson shall use when a patron asks to exchange cash for gaming chips or electronic credits. These procedures are designed to ensure that the process is captured by the surveillance department and to avoid errors or disputes associated with the exchange. The cash accepted and deposited in the drop box is collected and recorded daily and is a component in calculating GTGR.

Section 465a.41 (relating to procedures for drops at open table games) establishes a procedure for recording the table inventory at a gaming table that is open when the drop occurs. The count of the table inventory just prior to the removal of the drop box is necessary so that the daily revenue for that gaming table can be calculated.

Section 465a.42 (relating to procedures for closing table games) sets forth the procedures that shall be followed when a gaming table is being closed. The dealer or boxperson and the floorperson assigned to the gaming table are required to complete a Table Inventory Slip which will be used to calculate the gaming revenue from that table and to verify the contents of the table inventory when the table is reopened. Additionally, this section requires that the Table Inventory Slip be secured in a container which is attached to the table or returned to the cage.

Section 465a.43 (relating to table inventories for Poker tables) allows certificate holders to use dealer impress table inventories for Poker tables. Dealers using an impress are responsible for their impress which must balance at the conclusion of the dealer's shift. If a dealer has an impressed inventory, the rake deposited in the drop box at Poker tables is the revenue for the table.

Section 465a.44 (relating to table inventory counts on a per shift basis) gives certificate holders that use drop boxes that segregate the contents by shift the option of adopting procedures which would require the completion of a new Table Inventory Slip at the close of each shift in addition to the other times a Table Inventory Slip is required to be completed under this chapter.

In § 467a.1 (relating to gaming floor plan), operators that have already submitted an initial gaming floor plan will no longer be required to submit large scale paper copies of revised gaming floor plans. Electronic submissions are preferred and will now be accepted provided

that there is enough detail in the electronic submission to read the information when enlarged. Electronic submissions will now be accepted since floor plan changes to move slot machines or table games to other parts of the licensed facility do not typically necessitate fully renderings. The Board staff may request paper submissions, which may be necessary in cases of a facility expansion or a relocation of large banks of machines or gaming pits.

In subsection (a)(3), language was changed which allowed underage individuals to traverse the gaming floor. These individuals may use areas adjacent to the gaming floor to access amenities, such as restaurants and shops, but may not be on or cross the gaming floor. Operators shall include underage pathways in the depictions of their floor plans as well as the designated smoking and nonsmoking areas.

The Board, at its July 29, 2010, meeting, delegated authority to the Executive Director to approve certain table game floor plan changes that involve less than 10% of the certificate holder's approved table games. Section 467a.1(c) codifies that delegation of authority.

Subsection (d) is amended to provide clarity to operators as to what information shall be submitted to the Board or Executive Director before the makeup or configuration of the gaming floor plan may be changed. Operators are now required to include in a petition or request the following: the table game and pit number or slot machine area affected; the type, location or number of slots or table games affected; and updates to staffing plans.

#### *Comment and Response Summary*

The proposed rulemaking was published at 41 Pa.B. 2581 (May 21, 2011). During the comment period the Board received comments from Chester Downs and Marina, LLC (Harrah's), Mountainview Thoroughbred Racing Association (Hollywood), Sands Bethworks Gaming LLC (Sands) and joint comments from Greenwood Gaming and Entertainment/Downs Racing (Parx/Mohegan Sun), SugarHouse/Rivers and Global Cash Access/Western Money Systems (GCA/WMS). Additionally, on July 20, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

#### *§ 401a.3. Definitions*

The proposed definition of "complementary" excluded points that are awarded to patrons who are members of the licensee's player rewards program and credits for promotional slot play. Parx/Mohegan Sun commented that by deleting this provision from the definition of "complementary," the Board was making an assessment regarding taxation.

Complementary items do include player rewards points and promotional slots play. Deleting player rewards and free slots play from the definition of "complimentary" was intended to exclude the nondiscretionary awarding of these items from the internal control requirements in § 465a.7. The Board, however, was not making an assessment regarding taxation, which is determined through the Department's CCS. However, to avoid confusion, the definition of "complimentary" has been updated to include player reward points and promotional credits for slots play. The exclusion for internal controls on the nondiscretionary awarding of these items was added to § 465a.7(f).

Complimentary items include promotional credits for slot play and personal property such as lodging, services,

cash and noncash gifts. Personal property is not deductible from gross terminal or GTGR. Promotional slots play, however, is deducted from gross terminal revenue. For table games, the Board to date has not authorized the use of free table game play, which would impact GTGR.

Gross terminal revenue is defined in 4 Pa.C.S. § 1103 (relating to definitions) and determined by the Department utilizing the CCS. GTGR is also defined in 4 Pa.C.S. § 1103 and the specific formula for determining GTGR is in § 601a.9 (relating to table game taxes and gross table game revenue).

*§ 465a.7. Complimentary services or items*

Subsection (a) requires operators to develop, maintain and apply adequate internal controls over the authorization and issuance of complimentary services or items. This final-form rulemaking also requires operators to submit the internal controls for review and approval. Parx/Mohegan Sun stated that requiring operators to submit internal controls is unnecessary and places an additional burden on the operators.

As previously discussed, complimentary services and items include the awarding of free lodging, promotional credits for slot play, which impacts gross terminal revenue, and the awarding of cash or noncash gifts such as reimbursements for table game losses, which can be substantial. The Board believes that this is an area ripe with potential for abuse, the cumulative effect of which can impact the overall financial stability and integrity of the facility and the facility's ability to maintain a steady level of growth of revenue as required under 4 Pa.C.S. § 1313(e) (relating to slot machine license application financial fitness requirements).

Board staff will review the internal controls to determine if the facility has proper oversight over who can give complimentary items, including the discretionary awarding of promotional slots play and cash comps. Operators, however, will not be required to submit internal controls for the nondiscretionary awarding of points or promotional play as these complimentary items are typically computer generated based on certain levels of play.

Lastly, the Board doesn't believe it places an onerous burden on operators to now submit internal controls on complimentary items considering operators have been required to maintain internal controls on complementary items since the regulations on internal controls were adopted in 2008.

Proposed subsection (a) also required Board approval of internal control submissions on complimentary items. SugarHouse/Rivers correctly commented that internal control submissions, other than the initial submissions, do not require approval of the Board but are submitted for review and subsequent approval by the Board's Executive Director. This subsection was therefore amended as suggested.

Proposed subsection (b)(4) required submission of internal controls for audits conducted on complimentary items. Harrah's commented that accounting should be performing this function not internal audit. The Board agrees but has deleted this subsection in the final-form rulemaking.

*§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.*

Proposed subsection (e)(10) required operators to install a camera at each automated gaming voucher, ticket redemption, jackpot payout and ATM. Hollywood, Sands, SugarHouse/Rivers, Parx/Mohegan, GCA/WMS commented that the expense for this requirement would be

considerable, necessitate a redesign of the kiosks to accommodate the cameras and force the facilities to rely on an outside entity to maintain the functionality of the cameras within the units. IRRRC asked the Board to explain the need for the additional requirement and provide a detailed fiscal analysis of the costs associated with this requirement.

After Board staff discussed the concerns and the logistical issues with several of the commentators, the Board believes it is not necessary at this time to require cameras in ATMs, ticket redemption units and jackpot payout machines. The proposed requirement was therefore deleted from the final-form rulemaking.

*§ 465a.11. Slot machine licensee's organization; jobs compendium*

Throughout this section, the Board refers to clandestine surveillance. IRRRC requested that the Board clarify the term. The plain meaning for clandestine surveillance is surveillance that is hidden or concealed.

Proposed subsection (b)(6) required that the employees responsible for the supervision and issuance of credit report directly to the director of finance. Harrah's requested that the word "directly" be removed. IRRRC requested that the Board explain why it was necessary to limit the reporting directly to the director of finance.

Credit limits require the approval of two employees of the certificate holder's finance department as specified in 4 Pa.C.S. § 13A27(d). Because two employees are required, the Board agrees that it is not necessary that they both report directly to the director of finance. Language was therefore amended so employees responsible for the issuance of credit are now required to be in a reporting line to the director of finance.

*§ 465a.17. Bill validators, slot cash storage boxes and table game drop boxes*

Subsection (f) addresses the cash, cash equivalents and paperwork deposited into the table game drop boxes. Parx/Mohegan Sun commented that Match Play Coupons were included in the temporary regulation and should be included in this final-form rulemaking as items to be deposited into the boxes. IRRRC requested an explanation for the variation between the temporary and final-form rulemakings.

Match play coupons were added to temporary internal controls in §§ 525.21 and 525.22 (relating to Match Play Coupons; physical characteristics and issuance; and Match Play Coupon use) after the proposed rulemaking was published. Because Match Play Coupons are currently neither included nor deducted from GTGR but do impact the hold percentage and the amount of win on each table, the Board doesn't believe it would be appropriate to add Match Play Coupons to this final-form rulemaking without allowing comment from the Department, the Office of Budget, the House Gaming Oversight Committee, the Senate Community, Economic and Recreational Development Committee, IRRRC or the industry.

Match Play Coupons will be added to Chapter 465a in a future rulemaking and available for comment from interested parties. When that rulemaking is adopted as final, it will supersede the last two provisions of the temporary table game internal controls in §§ 521.21 and 521.22.

To accommodate Match Play Coupons in the drop boxes, however, a generic provision "other table game wagering instruments as approved by the Board" was added in subsections (f)(4) and (g)(3). When the rulemaking on Match Play Coupons is proposed, the generic language will be replaced.

§ 465a.18—*Transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage*

Subsection (d)(1) requires that drop boxes removed from a slot machine or table game be transported and secured in the count room by at least one security department employee and one finance department employee. Parx/Mohegan Sun commented that since the count team is not involved in the drop, that the finance department employee should be replaced with another security department employee or a table games employee.

Parx/Mohegan Sun is correct that the Board does not require that the count team, as defined in § 461a.1, participate in the drop. However, the employees conducting the drop (defined as the drop team) consist of an employee from security and an employee from finance. This is a segregation of duties and a key control issue. The count room, drop boxes and the trolley are dual key controlled by finance, who is responsible for the safeguarding of assets of the licensee, and security. Two security department employees cannot have both keys to the trolley where drop boxes are placed when removed from the table or slot machine. Additionally, a table game or security employee may not access the count room to secure the trolley without a finance employee present. See also § 465a.24.

It is therefore unclear how Parx/Mohegan Sun would like to store drop boxes in the trolley or move them into the count room or storage area without the participation of a finance department employee. If Parx/Mohegan Sun would like to utilize a different drop system, other than the delineated procedure, Parx/Mohegan Sun can submit a request with the Executive Director in accordance with § 465a.30 (relating to waiver of requirements) to waive the requirement explaining an alternative procedure that ensures the safeguarding of assets, segregation of duties between different departments and proper key control.

Subsection (d)(3) requires emergency drop boxes to be transported from the gaming floor to the count room utilizing a trolley. Parx/Mohegan Sun requested that the Board delete the requirement. IRRC asked why a trolley was necessary.

A trolley ensures the security of a drop box that is filled with cash as it is transported across the gaming floor. The currency in the table game drop box is unrecorded revenue until counted in the count room. Security and finance are both required because, as previously stated, trolleys, drop boxes and the count room are dual key controlled by finance and security. Additionally, the Board doesn't specify the size or shape of the trolley utilized for emergency drops. Most facilities utilize a small milk cart trolley for emergency drops.

§ 465a.19. *Acceptance of tips or gratuities from patrons*

Subsection (a) prohibits employees in supervisory positions from accepting tips and gratuities. Parx/Mohegan Sun would like Poker supervisors to perform more customer service based functions and therefore believes Poker supervisors should be permitted to accept gratuities.

Table game supervisors, whether on a banked or nonbanked table game, are there to provide oversight and ensure the fairness and integrity of the game. Allowing supervisors to also accept tips increases the potential for collusion between dealers, players and supervisors. Additionally, the Board is concerned that allowing supervisors to also accept tips will undermine dealer compensation reliant in large part on tips.

Subsection (h) requires dealers to cash out their tip boxes at the end of each shift. Harrah's would like flexibility as to when dealers cash out such as the beginning of the next shift. IRRC requested that the Board explain the need for this provision.

Requiring dealers to cash out at the end of their shift is a logical way to ensure the proper reporting of tips. The Board believes that there are too many operational unknowns with the revision to allow the unspecified time period Harrah's is requesting. If a facility is requesting to do something other than the end of the Poker dealer's shift, the facility can submit a request with the Executive Director to waive the requirement in accordance with § 465a.30 explaining the following: where tip boxes that haven't been cashed out will be stored; how the facility will ensure the proper recording per payroll period of the dealer's tips, particularly when dealers don't work every day; and how those procedures will ensure the proper reporting of income to the Internal Revenue Service (IRS) and the Department.

Proposed subsection (i) required the facility to develop procedures for the reporting of dealer tips to the IRS. IRRC requested that the Board explain what types of procedures are to be included.

This provision was amended and now requires that the operator simply specify what type of reporting they do to the IRS with respect to tips. Several facilities report all dealer tips while others have established tip agreements with the IRS.

§ 465a.23. *Customer deposits*

Subsection (c)(2) required that customer deposits be withdrawn at the cage. Hollywood requested the flexibility to allow patrons to withdraw their deposits at a gaming table much like a Counter Check. The Board agrees and has added language to this final-form rulemaking.

§ 465a.30. *Waiver of requirements*

Subsections (a), (b) and (b)(2) reference technical standards adopted by the Board and published in the *Pennsylvania Bulletin*. IRRC inquired why the publication information was deleted from the proposed rulemaking.

After reviewing the reasons stated for including this language when the initial regulation was adopted as a final-form rulemaking, the Board agrees that the language should remain.

§ 465a.35. *Personnel assigned to the operation and conduct of table games*

Regarding minimum staffing levels assigned to the conduct of table games and the request to modify or eliminate requirements all together, the Board believes it prudent to provide more certainty in the regulatory environment for the casinos and its own compliance agents to maintain a generally-applicable rule for minimum staffing for all casinos and to address individual modifications on an as-needed basis.

The Board does not agree with Parx/Mohegan Sun that eliminating minimum staffing requirements for licensees and permitting licensees broad flexibility in the first instance without a general rule applicable to facilities is within the spirit of an oversight and supervisory environment dedicated to the prevention of fraud and the protection of the public. Based on the Board's experience to date, however, the Board is adopting several of the suggested revisions from Hollywood and Parx/Mohegan Sun.



Subsections (a)(1) and (b)(1) require the use of a pit clerk. Hollywood recommends deleting both references and allowing operators the discretion to utilize pit clerks. The Board agrees and deleted the requirement. In most instances, the regulations already allow for specific functions to be performed by a pit clerk or a floorperson or above.

Final-form subsection (b)(4) requires the use of one boxperson for each Craps table. Parx/Mohegan Sun believes that the requirement is inappropriate because a floorperson is also supervising Craps tables.

The Board believes that the maintenance of a boxperson at each Craps table is important to assure the integrity of the game. The number of persons who can play Craps at one time, the complexity and number of bets placed, the throwing of the dice and distractions involved with the game all militate in favor of maintaining strict oversight and supervision which accompanies a boxperson being present during the game.

If the Board eliminated the requirement for a boxperson, then a Craps table would not have ongoing supervision since one floorperson can supervise three tables. The Board therefore believes the requirement for one boxperson per Craps tables is appropriate. However, the Board does permit a licensee to submit an alternative minimum staffing plan should the configuration of the floor be such that game security can be properly monitored in an alternative fashion to the Executive Director's satisfaction.

Subsection (c)(1) limits a floorperson from supervising more than four tables other than those specifically listed. Hollywood requested that the number be increased to six tables. The Board believes that this should be addressed in a request for an alternative staffing plan based on the configuration of each facility's gaming floor.

Proposed subsection (c)(4) allowed a floorperson to supervise one Midibaccarat table and one table of any other banking table game except Baccarat, Craps, Mini-Craps and Pai Gow. Parx/Mohegan Sun asserts that one floorperson can adequately supervise one Midibaccarat table as well as one Pai Gow table. Based on the Board's experience to date, the Board agrees and amended the final-form rulemaking accordingly.

Proposed subsection (c)(6) prevented a floorperson from supervising more than one Craps table and one table of another banking table game. Parx/Mohegan Sun believes that a floorperson can adequately supervise one Craps game and two other banking table games. The Board agrees and amended the final-form rulemaking accordingly.

Proposed subsection (c)(10) allowed a floorperson to supervise one Pai Gow table and one table of any other banking table game except Baccarat, Midibaccarat, Craps and Mini-Craps. As stated regarding subsection (c)(4), Parx/Mohegan Sun asserts that one floorperson can adequately supervise one Midibaccarat table as well as one Pai Gow table. The Board agrees and amended the final-form rulemaking accordingly.

Proposed subsection (e) specified that a pit manager may supervise up to six floorpersons. Parx/Mohegan Sun requested to increase the number to eight floorperson. The Board agrees and has amended the final-form rulemaking accordingly.

#### § 465a.36. Table inventories

Subsection (c) requires that a Table Inventory Slip be done at least once each gaming day on all tables in the

licensed facility. Hollywood and Parx/Mohegan Sun believe that requiring a table inventory count be done daily, even if the table was not open for gaming, is inefficient and creates additional opportunity for fraud and errors. IRRRC requested that the Board explain the need for the inventory to be counted each gaming day.

This provision was added in consultation with the Department, the agency tasked with auditing revenue reported by the facility.

The win on a slot machine and the taxes owed to the Commonwealth are determined through the Department's CCS and are not based on the cash counted from the slot cash storage boxes. Unlike slot machines, however, there is no similar system for calculating revenue on table games. Revenue, and thus the tax to the Commonwealth, is determined manually based on the cash in the table game drop boxes, fills and credits and the opening and closing inventory recorded on the Table Inventory Slip. To ensure the proper accounting and recording of table game revenue and the taxes to the Commonwealth, table game drop boxes, other than the fully automated tables, are required to be collected each gaming day.

Pulling the boxes, even on tables that were closed, ensures that boxes are not missed or missing from the gaming floor. If a table is closed for more than 1 day, however, the drop box removed on each subsequent day will not contain a Table Inventory Slip. This creates a gap in the audit trail. The Table Inventory Slip, even on a table that was not open for gaming, provides documentation supporting that the box was in fact collected and it creates an accounting record that confirms that there was no activity on the table. If an inventory slip is not present, there is no audit trail to determine when the last play occurred on the table.

Additionally, a daily table inventory provides a more timely verification that the closing and opening chip inventory is correct. If inventories are incorrect, they shall be investigated in accordance with § 465a.37(h), utilizing, among other things, surveillance coverage, which is retained for a period of only 7 days. The Board believes it is more economical to conduct an inventory daily rather than require longer surveillance retention periods.

Lastly, if an operator would like to establish a different process that creates an adequate accounting record/audit trail, certifying that all boxes were collected and no gaming activity was in fact conducted on that table, the operator can submit a request with the Executive Director, in accordance with § 465a.30 detailing the procedure proposed.

#### § 465a.37. Procedures for opening table games

Subsection (h) requires the security department to investigate any discrepancy in the opening inventory greater than \$10. Harrah's commented that surveillance should also be involved in the investigation. The Board agrees and added language to the final-form rulemaking.

#### § 465a.38. Procedures for distributing value chips, coins and plaques to gaming tables

#### § 465a.39. Procedures for removing value chips, coins and plaques from gaming tables.

Hollywood provided several comments regarding the correct number of parts of forms and inconsistencies with the regulations between electronically generated fill and credit requests versus paper slips. IRRRC requested that the Board clarify the requirements for fills and credits.

The process in both of these related sections was updated for clarity, to reflect current practice and should address the concerns raised.

Fill and Credit Request Slips are a two-part form or may be electronically generated. A Fill or Credit Slip is prepared in the chip bank and must contain an accounting copy (or unalterable stored data), a drop box copy, an acknowledgement copy and a chip bank copy. These copies are necessary to document the transfer of assets from the chip bank cashier to the security employee to the gaming table.

At the conclusion of the gaming day, the copies of the slips that are retained by the chip bank cashier (Fill Request and Fill Slips and the Credit Request and Credit Slips) are forwarded to revenue audit for agreement with the accounting copies or stored data and the drop box copies that are removed during the count process. Accuracy in this process is vital as fills and credits are a component in calculating revenue to the facilities and thus the Commonwealth.

§ 467a.1. *Gaming floor plan*

Proposed subsection (a)(2) required that the slot machine licensee submit gaming floor plans that are certified by an architect licensed to practice in this Commonwealth unless Board staff indicated otherwise. IRRC inquired under what circumstances the Board would allow deviation from the requirement.

This provision was amended in the final-form rulemaking so only initial gaming floor plans and those plans submitted with a licensee's renewal application (every 3 years) shall be certified by an architect.

Subsection (c) addresses the changes to the approved gaming floor plan that require Board approve or approval of the Executive Director. Hollywood requested to allow the casino compliance representative supervisor to approve table game changes that don't require a different footprint provided that 48 hours notice is given. Hollywood commented that it should have the capability to change the types of games offered without a lengthy approval process.

Operators currently may change the types of table games offered by submitting a request with the Executive Director. Submissions to the Executive Director are typically approved in less than 3 days depending on the nature of the floor plan change. Additionally, amending the gaming floor plan may require altering the staffing levels and surveillance camera coverage at the table games, even if the footprint of the table remains the same, which requires a written request for Executive Director approval.

The Board, however, is mindful of the operators' wish to have flexibility to respond to market demands. The Board has therefore amended this section so that more floor plan changes can be approved by the Executive Director rather than require petition, which takes several weeks before presentation to the Board. Net increases to gaming floor plans can now be approved by the Executive Director unless the revision will also increase the gaming floor by 10% or more (typically an expansion situation). Operators are still required to file a petition and present to the Board modifications to the gaming floor that will decrease the number of slot machines by more than 2% or the number of tables by more than 10%. This is still required to ensure that the decrease to tables or slots won't result in a decrease to revenues to the facility and thus the Commonwealth.

Subsection (d) lists the information that an operator is required to submit when requesting to modify the gaming floor plan. SugarHouse/Rivers believes that only information in proposed subsection (d)(1), (4), (5) and (9) should be submitted to the Executive Director. The Board has adopted several of the suggested revisions. In subsection (d)(2), Board staff may still request that a complete floor plan be submitted which may be necessary after multiple floor plan changes have occurred. The Board, however, did amend the submission process so all floor plans should now be submitted electronically.

Proposed subsection (d)(3) was replaced since the collection and distribution routes are submitted to the onsite casino compliance representatives and do not require approval of the Executive Director or the Board. The operators are required to submit with requests a gaming floor reconfiguration checklist, which was sent to each operator. This checklist aids the operator and Board staff in ensuring that all aspects of a floor plan change have been considered and addressed accurately.

Proposed subsection (d)(6) was deleted. Proposed subsection (d)(7) and (8) (final-form subsection (d)(6) and (7)) may be necessary to submit along with the floor plan changes because altering the gaming floor may impact minimum staffing levels and surveillance coverage. The Board, however, did add the qualifying language in final-form subsection (d)(6)—(8) as suggested by SugarHouse/Rivers.

*Additional Revisions*

Throughout the final-form rulemaking, references to "Board" were amended to "Board staff" to reflect current practice. Additionally, a cross reference to approval procedures in § 601a.10 (relating to approval of table game layouts, signage and equipment) was added in several sections.

§ 465a.2. *Internal control systems and audit protocols*

Subsection (a)(8) was amended for clarity and to include the requirement that operators submit an annual certification regarding political contributions to not only to the Board but also the Department of State's Bureau of Commissions, Elections and Legislation as required under 4 Pa.C.S. § 1513(b) (relating to political influence).

§ 465a.8. *Licensed facility*

Subsection (d)(9) was added to the final-form rulemaking to require operators to provide current copies of operational blueprints and camera lists to the Bureau of Casino Compliance. This is necessary for investigative purposes of the Pennsylvania State Police and the onsite casino compliance representatives.

§ 465a.9. *Surveillance system; surveillance department control; surveillance department restrictions*

In subsection (c)(1)(vi), the Board added Bad Beat or High Hand Jackpot Payout Boxes to the surveillance requirements. These boxes contain chips that fund additional payouts for patrons and should be monitored on the gaming floor in a similar manner as cash, cash equivalents and the drop boxes.

In subsection (c)(6)(v), clause (B) was added requiring operators to have in their monitoring room a current copy of a complete camera list including camera numbers, the area under surveillance, the type of camera and the retention period for the camera. This is necessary when tracking patron and employee movements within the licensed facility. Operators should already have this infor-

mation readily available to surveillance employees monitoring the licensed facility. Proposed clauses (B) and (C) were therefore renumbered.

Due to the use of digital recording, the provision in subsection (k) regarding turning over copies of recordings back to the slot machine licensee was deleted as unnecessary.

§ 465a.14. *Security department minimum staffing*

The Board amended subsection (b) to clarify that off-duty law enforcement officers may be employed by licensees provided that the officers are not furnishing security related services.

§ 465a.17. *Bill validators, slot cash storage boxes and table game drop boxes*

Subsection (d) was amended to specify that the key control requirements in this subsection are applicable to table game drop boxes on fully automated electronic gaming tables. The key control requirements in subsection (d)(1) were updated to allow for the transfer of the keys maintained by the slots department to the finance department to conduct the drop.

Subsection (h) was also amended to allow for the transfer of the key maintained by security to the count room supervisor immediately prior to the count for the purpose of resetting empty table game drop boxes.

§ 465a.18. *Transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage*

Subsection (a)(3) now allows the operator to specify which table game drop boxes from fully automated electronic gaming tables are to be picked up each pick-up day. The Board previously required that these boxes be picked up and counted every day. These tables, however, are connected to the Department's CCS which determines the win and thus the tax to the Commonwealth based on the meters. Because the revenue and the tax is not determined based on the cash in the fully automated drop boxes, facilities are no longer required to collect and count these table game drop boxes daily. Subsections (b)(2) and (c) were also updated to reflect this change.

§ 465a.25. *Counting and recording of slot cash storage boxes and table game drop boxes*

Subsection (m) was amended to address that table game drop boxes from fully automated tables may now be collected, counted and recorded each gaming day. For clarity, the Board added subsection (m)(1)—(3) which specifies which drop boxes have to be counted and recorded separately. In subsection (m)(1), operators now collect and count table game drop boxes from fully automated tables with the slot drop and count. That process is separate from the count for banking table games and the count for nonbanking games, which both require the presence of an onsite casino compliance representative.

Subsection (q) allows operators to utilize an alternative procedure to drop and count table game drop boxes from nonbanking table games. Language in subsection (q)(1)(i) was deleted because the alternative procedure mentioned in this section is applicable only if the count of nonbanking drop boxes is not done inside the count room.

Additionally, in consultation with the Department, this subsection has been amended to provide minimum guidelines for operators that conduct a count outside the count room. These provisions ensure proper segregation of

duties among individuals participating in the count and provide safeguards over the assets of the count.

§ 465a.29. *Automated teller machines*

Subsection (c) was added which allows operators to utilize ATM machines that are combined with automated gaming voucher or coupon redemption units provided that the units comply with the key control requirements in § 465a.34.

§ 465a.30. *Waiver of requirements*

Subsection (a) provided that only the Board could waive a requirement to the internal controls. The Board, however, approves only the initial internal controls with amendments thereafter reviewed by Board staff and approved by the Executive Director. If a facility requests to utilize a different procedure than the procedure established in the regulations, the facility shall submit a request specifying how the different procedure will provide adequate safeguards over assets and the proper segregation of duties.

§ 465a.34. *Automated gaming voucher and coupon redemption machine accounting controls.*

The key control requirements in this section were replaced and should provide greater flexibility to operators to select which machines to utilize in licensed facilities. Operators may now provide internal controls specifying which departments have access to keys provided that the key to the lock securing compartments containing currency has to be maintained and controlled by finance.

§ 467a.1. *Gaming floor plan.*

In § 467a.1(a), the Board amended the submission and approval process for floor plans. In the proposed rulemaking, operators were required to submit initial and up-to-date floor plans once every 12 months. The initial and yearly submission was required to be a scaled paper rendering, certified by an architect. The Board no longer believes that it is necessary to submit the full floor plan yearly. Operators will now submit a full floor plan including the restricted areas once every 3 years at the time the operator submits its license renewal application.

Revised floor plans submitted with petitions or requests to modify the gaming floor may now be submitted electronically (preferred method) and do not have to be certified by an architect. Proposed subsection (a)(1) and (2) was therefore deleted in the final-form rulemaking and the subsection was renumbered.

*Affected Parties*

Slot machine licensees shall submit updated internal controls to reflect the amendments in this final-form rulemaking. Additionally, slot machine licensees that have not yet been issued a license as well as successful future applicants shall comply with the provisions in this final-form rulemaking.

The Board will experience increased regulatory demands to review the revised internal controls that are submitted by the current operators.

*Fiscal Impact*

*Commonwealth.* The Board will experience increased regulatory demands to review the new and revised internal controls submitted by the operators. These reviews will be conducted by existing Bureau of Gaming Operations staff so the Board does not expect that it will incur cost increases as a result of this final-form rulemaking.



*Political subdivisions.* This final-form rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* The surveillance requirements in § 465a.9 will not impose additional costs on the current certificate holders since surveillance systems have already been updated prior to the commencement of table game operations. The operators did experience significant costs for the following: the installation of new cameras and other surveillance equipment; the reconfiguration of the gaming floor and positioning and repositioning of new and existing cameras; and the addition of new employees for their surveillance departments. The Board projected the costs regarding surveillance requirements to be in the \$150,000 to \$300,000 range depending on the type of equipment purchased, the size of the gaming floor and the types of table games installed.

This final-form rulemaking combines into one chapter two separate internal controls sections on slot operations and table game operations. Before authorized to commence table game operations, the certificate holder was required to expand and revise the scope of its internal controls. The revised costs were estimated at between \$20,000 and \$50,000 depending on the scope of the revisions and if the revisions were prepared internally. Although operators will again have to submit updated internal controls, those internal controls combine the separate sections that, for the most part, should already be written.

Certificate holders were also required to hire and train additional staff to operate table games. To satisfy the minimum staffing requirements in the temporary rulemaking, operators hired 12 key employees, 967 managers and supervisors, 3,264 dealers and 221 security guards. The cost for a gaming employee application is \$350 while the cost for key employee licenses is \$2,500. Although turnover in staff is expected, the Board does not have an estimate regarding the number of additional gaming and key employees an operator will be required to hire in the future to comply with the minimum staffing requirements in this final-form rulemaking.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

This final-form rulemaking requires operators to draft and submit revised internal controls. Several reports were deleted and are no longer required to be filed as part of the operator's annual audit. Additionally, with this final-form rulemaking, operators will no longer be required to submit large scale gaming floor plans with every petition to modify the gaming floor but may now submit an electronic version.

*Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. However, operators will have 120 days from the date of publication to submit their updated internal controls.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 3, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 2581, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 4, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 5, 2012, and approved the final-form rulemaking.

*Findings*

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

*Order*

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

(a) The regulations of the Board are amended by deleting §§ 521.3, 521.11 and 525.1—525.20, adding §§ 465a.35—465a.44 and amending §§ 401a.3, 461a.1, 461a.12, 465a.1—465a.3, 465a.5—465a.9, 465a.11, 465a.12, 465a.14—465a.26, 465a.29—465a.34, 467a.1 and 467a.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

*(Editor's Note:* Sections 521.1, 521.2 and 521.4—521.10 are being deleted in the final-form rulemaking published at 42 Pa.B. 2629 (May 12, 2012).)

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

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*. Operators shall submit updated internal controls by September 10, 2012.

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 2253 (April 21, 2012).)

**Fiscal Note:** Fiscal Note 125-145 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 401a. PRELIMINARY PROVISIONS**

**§ 401a.3. Definitions.**

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

\* \* \* \* \*

*Central control computer*—A central site computer controlled by the Department and accessible by the Board to

which all slot machines communicate for the purpose of auditing capacity, real-time information retrieval of the details of a financial event that occurs in the operation of a slot machine, including, coin in, coin out, ticket in, ticket out, jackpots, machine door openings and power failure, and remote machine activation and disabling of slot machines.

*Certificate holder*—A slot machine licensee that was awarded a certificate to operate table games.

*Certified gaming service provider*—A gaming service provider that holds a gaming provider certification.

\* \* \* \* \*

*Complimentary*—

(i) Any lodging, service or item, including a cash or noncash gift, which is provided directly or indirectly to an individual at no cost or at a reduced cost which is not generally available to the public.

(ii) The term includes lodging provided to an individual at a reduced price due to the anticipated or actual gaming activities of that individual. Group rates, including convention and government rates, shall be deemed generally available to the public.

(iii) The term includes points that are awarded to patrons of a licensed facility who are members of the licensed facility's player rewards program and credits for promotional slots play.

\* \* \* \* \*

*Gaming employee*—

(i) An employee of a slot machine licensee, including:

- (A) Cashiers.
- (B) Change personnel.
- (C) Count room personnel.
- (D) Slot attendants.
- (E) Dealers of croupiers.
- (F) Machine mechanics, computer machine technicians or table game device technicians.
- (G) Security personnel.
- (H) Surveillance personnel.
- (I) Personnel with SLOTS Link security administrator access and responsibilities.
- (J) Hosts or other individuals authorized to extend complimentary services, including employees performing functions similar to those performed by a gaming junket representative.
- (K) Promotional play supervisors, credit supervisors, pit supervisors, cashier supervisors, shift supervisors, table game managers and assistant managers and other supervisors and managers, except for those specifically identified in this part as key employees.
- (L) Boxpersons.
- (M) Floorpersons.
- (N) Personnel authorized to issue promotional play.
- (O) Personnel authorized to issue credit.
- (P) Directors of the following departments:
  - (I) Food and beverage.
  - (II) Facilities.
  - (III) Construction.

(ii) Employees of a licensed supplier, manufacturer, manufacturer designee, gaming service provider or gaming related gaming service provider whose duties are directly involved with the repair, service or distribution of slot machines, table game devices or associated equipment sold or provided to a licensed facility within this Commonwealth.

(iii) Employees of a registered or certified gaming service provider, licensed manufacturer or manufacturer designee whose duties require the employee's presence on the gaming floor or in a restricted area of a licensed facility.

(iv) Gaming junket representatives.

(v) Other employees or individuals who the Board determines, after a review of the work being performed, require permits for the protection of the integrity of gaming.

\* \* \* \* \*

*Key employee*—An individual who is:

(i) Employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate slot machine or table game operations in this Commonwealth, including the general manager and assistant manager of the licensed facility, director of slot operations, director of table games operations, director of cage operations, director of credit operations, director of surveillance, director of marketing, director of management information systems, director of security, director of human resources, comptroller and any employee who is not otherwise designated as a gaming employee and who supervises the operations of these departments or to whom these department directors or department heads report.

(ii) Employed by a slot machine licensee, manufacturer licensee or supplier licensee whose duties affect or require contact with slot machines, slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems for use or play in this Commonwealth, whether or not the individual is assigned to gaming operations in this Commonwealth.

(iii) A sales representative seeking to sell slot machines, table game devices and associated equipment for use in this Commonwealth on behalf of a licensed manufacturer, manufacturer designee or supplier.

(iv) Employed in other positions which the Board will determine based on detailed analyses of the employee's duties or the job descriptions.

\* \* \* \* \*

**Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT**

**CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL**

**§ 461a.1. Definitions.**

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

\* \* \* \* \*

*Cash equivalents*—Instruments with a value equal to United States currency or coin including value chips and plaques, Counter Checks, personal checks, certified checks, cashier's checks, travelers' checks, money orders, gaming vouchers or other representations of value that the Board deems a cash equivalent.

\* \* \* \* \*

*Conversion*—A change or alteration to a slot machine that does not affect the manner or mode of play or operation of the slot machine.

*Count team*—The group of employees of a slot machine licensee who are responsible for counting the contents of slot cash storage boxes and table game drop boxes.

*Coupon*—An instrument issued by a slot machine licensee under which cashable or noncashable slot machine credits are provided directly or indirectly to a patron with or without regard to the identity of the patron or the patron’s level of gaming activity.

\* \* \* \* \*

*Drop team*—The group of employees of a slot machine licensee who are responsible for collecting and transporting slot cash storage boxes and table game drop boxes.

*Educational institution*—A facility that teaches and certifies students in slot machine design, operation, repair or servicing.

*External bonusing system*—The collective hardware, software, communications technology and other ancillary equipment used in conjunction with slot machines to deliver randomly selected player incentives (bonus awards) to active slot machine players and to effect the accurate metering of the bonus award event on the slot machine.

*Fill*—The distribution of gaming chips, coins and plaques to a gaming table to replenish the table inventory.

*Finance department*—The department that is responsible for the management of the financial and accounting activities relating to slot machines and table games being utilized in a licensed facility.

*Gaming day*—A period of time not to exceed 24 hours corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination of gross terminal and gross table game revenue.

*Gaming voucher*—An instrument that upon insertion into a bill validator entitles the patron inserting the gaming voucher to cashable or noncashable credits on a slot machine and cashable credits on an electronic gaming table corresponding to the value printed on the gaming voucher. A gaming voucher that contains noncashable credits may be used only for the purpose of slot machine gaming.

\* \* \* \* \*

**§ 461a.12. Progressive slot machines.**

\* \* \* \* \*

(g) A slot machine that offers either a new progressive jackpot or undergoes a modification or RAM clear of an existing progressive jackpot may not be made available for play by the public until the slot machine has been tested and certified by the Bureau of Gaming Laboratory Operations. For purposes of this subsection, a modification includes any change in the software, hardware, including controllers, and any associated equipment that relates to progressive functionality.

(h) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

- (1) The amount indicated has been actually paid to a winning patron.
- (2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal

controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, upon Board approval, been transferred to another progressive slot machine or wide area progressive system in accordance with this subpart.

(4) The change is necessitated by a slot machine or meter malfunction, in which case for progressive jackpots governed by subsection (b), an explanation shall be entered on the progressive slot summary required under this subpart and the Board shall be notified of the resetting in writing.

(i) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron, has been transferred to another progressive slot machine or wide area progressive system or has been removed in accordance with subsection (k).

\* \* \* \* \*

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

**§ 465a.1. Accounting records.**

(a) A slot machine licensee shall maintain complete, accurate and legible records of all transactions pertaining to the revenues and expenses of each licensed facility.

(b) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles in the United States. Detailed, supporting and subsidiary records sufficient to meet the requirements of subsection (c) shall also be maintained in accordance with the requirements of this chapter.

(c) The detailed, supporting and subsidiary records include:

- (1) Records pertaining to revenue that is taxable or subject to taxation under the act.
- (2) Records pertaining to the financial statements and all transactions impacting the financial statements of the slot machine licensee including contracts or agreements with licensed manufacturers, suppliers, gaming junket enterprises, certified and registered gaming service providers, contractors, consultants, management companies, attorneys and law firms, accountants and accounting firms, insurance companies and financial institutions, including statements and reconciliations related thereto.

(3) Records that identify the handle, payout, actual win amounts and percentages, theoretical win amounts and percentages, and differences between theoretical and actual win amounts and percentages, for each slot machine and table game on a week-to-date, month-to-date and year-to-date basis.

(4) Records documenting the costs of complimentary services and items as defined in § 401a.3 (relating to definitions).

(5) Records of loans and other amounts payable by the slot machine licensee.

(6) Records of investments, advances, loan and receivable balances due to the slot machine licensee.

(7) Records created in connection with the system of internal controls submitted to the Board under § 465a.2 (relating to internal control systems and audit protocols).

(8) Records of returned checks.



**§ 465a.2. Internal control systems and audit protocols.**

(a) A slot machine licensee shall submit to the Board and the Department a written description of its initial system of administrative and accounting procedures, including its internal control systems and audit protocols (collectively referred to as its "internal controls") at least 90 days before slot or table game operations are to commence. A written system of internal controls must include:

(1) Records of direct and indirect ownership in the slot machine licensee, its affiliates, intermediaries, subsidiaries or holding companies.

(2) Organization charts depicting segregation of functions and responsibilities in accordance with § 465a.11 (relating to slot machine licensee's organization; jobs compendium).

(3) A description of the duties and responsibilities of each licensed or permitted position shown on the organization charts and their respective lines of authority in accordance with § 465a.11.

(4) A detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of this subpart.

(5) A record retention policy in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents).

(6) Procedures to ensure that assets are safeguarded, and counted in conformance with effective count procedures.

(7) Procedures governing the conduct of all gaming related promotions to be offered by the slot machine licensee.

(8) Policies to prevent political contributions in accordance with section 1513 of the act (relating to political influence) and an annual certification to the Board and the Department of State's Bureau of Commissions, Elections and Legislation that the slot machine licensee has conducted a good faith investigation that has not revealed any violations of section 1513 of the act.

(9) Procedures to ensure that the slot machine licensee's employees comply with Chapter 435a (relating to employees).

(10) Other items the Board may request in writing to be included in the internal controls.

(b) A submission must be accompanied by the following:

(1) An attestation by the chief executive officer or other delegated individual with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the requirements of the act and this subpart.

(2) An attestation by the chief financial officer or other delegated individual with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including the act and this subpart.

(c) The initial submission must also be accompanied by a report from an independent registered public accounting

firm licensed to practice in this Commonwealth. The report should express an opinion as to the effectiveness of the design of the submitted system of internal controls over financial reporting and should further express an opinion as to whether the submitted system of internal controls materially deviates from the requirements of applicable laws and regulations, including the act and this subpart.

(d) A submission by a slot machine licensee must include, at a minimum, the following:

(1) Administrative controls which include the procedures and records that relate to the decision making processes leading to management's authorization of transactions.

(2) Accounting controls that safeguard assets and revenues and ensure the reliability of financial records. The accounting controls must be designed to provide reasonable assurance that:

(i) Transactions or financial events which occur in the operation of a slot machine or table game are executed in accordance with management's general and specific authorization.

(ii) Transactions or financial events which occur in the operation of a slot machine or table game are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, the act and this subpart.

(iii) Transactions or financial events which occur in the operation of a slot machine or table game are recorded in a manner which provides reliable records, accounts and reports, including the recording of cash and evidences of indebtedness, for use in the preparation of reports to the Board related to slot machines or table games.

(iv) Transactions or financial events which occur in the operation of a slot machine or table game are recorded to ensure accountability for assets and to permit the proper and timely reporting of gross terminal and gross table game revenue, fees and taxes.

(v) Access to assets is permitted only in accordance with management's general and specific authorization.

(vi) The recorded accountability for assets is compared with existing physical assets at reasonable intervals and that appropriate action is taken with respect to any discrepancies.

(3) Procedures and controls for ensuring, in accordance with section 1323 of the act (relating to central control computer system), that each slot machine and fully automated electronic gaming table directly provides and communicates all required activities and financial details to the central control computer system as set by the Board.

(4) Procedures and controls for ensuring that all functions, duties and responsibilities are segregated and performed in accordance with sound financial practices by qualified personnel.

(5) Procedures and controls for ensuring, through the use of surveillance and security departments, that the licensed facility is secure during normal operations and during any emergencies due to malfunctioning equipment, loss of power, natural disaster or any other cause.

(e) The Board, in consultation with the Department, will review each initial submission made under subsection (a) and determine whether it conforms to the requirements of the act and this subpart and provides adequate and effective controls to insure the integrity of the

operation of slot machines and table games at a licensed facility. If the Board determines that the submission is deficient in any area, the Board will provide written notice of the deficiency to the slot machine licensee and allow the slot machine licensee to submit a revision to its submission. A slot machine licensee is prohibited from commencing slot or table game operations until its system of internal controls is approved by the Board.

(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations using the Amendment and Waiver Request Form posted on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov). A request for a change or amendment must include electronic copies of the attestations required under subsection (b)(1) and (2). The slot machine licensee shall also submit a written copy of the change or amendment and the required attestations to the Department. The slot machine licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the slot machine licensee receives written notice tolling the change or amendment in accordance with subsection (g).

(g) If during the 30-day review period in subsection (f), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of slot or table game operations or the control of gross terminal or gross table game revenue, the Bureau of Gaming Operations, by written notice to the slot machine licensee, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (f) be tolled and that any internal controls at issue not be implemented until approved under subsection (i).

(h) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of slot or table game operations or the control of gross terminal or gross table game revenue may include the following:

(1) Submissions that fail to provide an audit trail sufficient to permit the review of gaming operations or the reconstruction of gross terminal or gross table game revenue transactions.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position to both commit an error or perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under the act or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board or Board staff, unless the submissions are required as part of an authorized test of the equipment or related device or software.

(i) When a change or amendment has been tolled under subsection (g), the slot machine licensee may submit a revised change or amendment within 30 days of receipt of

the written notice from the Bureau of Gaming Operations. The slot machine licensee may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the slot machine licensee receives written notice tolling the change or amendment in accordance with subsection (g) or written notice from the Board's Executive Director rejecting the change or amendment.

(j) A current version of the internal controls of a slot machine licensee shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the slot machine licensee and the Board's onsite facilities required under § 465a.8 (relating to licensed facility). The slot machine licensee shall also maintain a copy, either in paper or electronic form, of any superseded internal control procedures for a minimum of 5 years. The original signed two attestations required under subsection (b)(1) and (2) shall also be maintained for a minimum of 5 years. Each page of the internal controls must indicate the date on which it was approved by the Board.

**§ 465a.3. Forms, records and documents.**

(a) Information required under this part to be placed on any form, record or document and in stored data shall be recorded on the form, record or document and in stored data in ink or other permanent manner.

(b) Whenever duplicate or triplicate copies are required of a form, record or document, the original, duplicate and triplicate copies must have the name of the department receiving the copy preprinted on the bottom of that copy so as to differentiate between the copies.

(c) Whenever under this part, forms or serial numbers are required to be accounted for and an exception is noted, the exceptions shall be reported in writing to the slot machine licensee's internal audit department within 2 days of identification of the exception or upon its confirmation, whichever occurs earlier.

(d) Unless otherwise specified in this part, all forms, records, documents and stored data required to be prepared, maintained and controlled by this chapter must have the name of the licensed facility and the title of the form, record, document and, for stored data, the date imprinted or preprinted thereon.

(e) Nothing in this chapter shall be construed as prohibiting a slot machine licensee from preparing more copies of any form, record or document than those prescribed by this chapter.

**§ 465a.5. Annual audit; other reports; suspicious activity and currency transaction reporting.**

(a) A slot machine licensee shall, at its own expense, have its annual financial statements audited in accordance with generally accepted auditing standards (when applicable, the Standards of the Public Company Accounting Oversight Board (United States)) by an independent certified public accountant or, when appropriate, an independent registered public accounting firm licensed to practice in this Commonwealth.

(b) The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present the financial position and results of operations in conformity with generally accepted accounting principles in the United States.

(c) One copy of the audited financial statements, together with any management letter or report prepared

thereon by the slot machine licensee's independent certified public accountant or independent registered public accounting firm, shall be filed with the Bureau of Licensing not later than 90 days after the end of the licensee's fiscal year.

(d) The slot machine licensee shall file with the Bureau of Licensing one copy of any other reports on internal controls, administrative controls or other matters relative to the slot machine licensee's accounting or operating procedures rendered by the licensee's independent certified public accountant or independent registered public accounting firm within 120 days following the end of the licensee's fiscal year or upon receipt, whichever is earlier.

(e) If the slot machine licensee or its holding company, intermediary or principal entity is publicly held, the slot machine licensee shall submit a notice to the Bureau of Licensing when the licensee, its holding company, intermediary or principal entity files any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and registration statements with the SEC or other domestic or foreign securities regulatory agency. The notice must include a listing of the reports or forms filed and the date of the filing. The notice to the Bureau of Licensing shall be made within 10 business days of the time of filing with the applicable Commission or regulatory agency.

(f) If an independent certified public accountant or independent registered public accounting firm that was previously engaged as the principal accountant to audit the slot machine licensee's financial statements resigns or is dismissed as the slot machine licensee's principal accountant, or another independent certified public accountant or independent registered public accounting firm is engaged as principal accountant, the slot machine licensee shall file a report with the Bureau of Licensing within 10 business days following the end of the month in which the event occurs, setting forth the following:

(1) The date of the resignation, dismissal or engagement.

(2) Whether in connection with the audits of the 2 most recent years preceding a resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure or auditing scope or procedure, including a description of each disagreement. The disagreements to be reported include those resolved and those not resolved.

(3) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of the adverse opinion, disclaimer of opinion or qualification shall be described.

(g) The slot machine licensee shall request the former accountant to furnish to the slot machine licensee a letter addressed to the Bureau of Licensing stating whether he agrees with the statements made by the slot machine licensee in response to subsection (f)(2). The letter shall be filed with the Bureau of Licensing as an exhibit to the report required under subsection (f).

(h) The slot machine licensee shall file with BIE a copy of any Suspicious Activity Report—Casino (SARC) that the slot machine licensee is required to file under 31 CFR 1021.320 (relating to reports by casinos of suspicious transactions). Each SARC shall be filed with BIE concurrently with the Federal filing.

(i) A slot machine licensee, director, officer, employee or agent who reports a suspicious activity under subsection

(h) may not notify any individual involved in the suspicious activity that the suspicious activity has been reported.

(j) The slot machine licensee shall file with BIE a copy of any Currency Transaction Report by Casino (CTRC) that the slot machine licensee is required to file under 31 CFR 1021.311 (relating to filing obligations). Each CTRC shall be filed with BIE concurrently with the Federal filing.

(k) Prior to commencing gaming operations, a slot machine licensee shall file with the Bureau of Gaming Operations, in a manner prescribed by the Bureau of Gaming Operations, a copy of the slot machine licensee's compliance program required under 31 CFR Part 1021 (relating to rules for casinos and card clubs). Thereafter, a slot machine licensee shall file with the Bureau of Gaming Operations any amendment or supplement to the compliance program on or before the effective date of the amendment or supplement.

#### **§ 465a.6. Retention, storage and destruction of books, records and documents.**

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of the licensed facility including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained under § 451a.1 (relating to recordkeeping generally) or this part. This definition applies without regard to the medium through which the record is generated or maintained, for example, paper, magnetic media or encoded disk.

(b) Original books, records and documents pertaining to the operation of a licensed facility shall be:

(1) Prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(2) Retained in a secure location in the licensed facility that is equipped with a fire suppression system or at another location approved under subsection (d).

(3) Made available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of a slot machine licensee and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by a slot machine licensee for a minimum of 5 years with the following exceptions:

(1) Documentation with regard to gaming vouchers reported to the Board as possibly counterfeit, altered or tampered with should be retained for a minimum of 2 years.

(2) Coupons entitling patrons to cash or slot machine credits, whether unused, voided or redeemed shall be retained for a minimum of 6 months.



(3) Voided gaming vouchers and gaming vouchers redeemed at a location other than a slot machine or fully automated electronic gaming table shall be retained for a minimum of 30 days.

(4) Gaming vouchers redeemed at a slot machine or fully automated electronic gaming table shall be retained for a minimum of 7 days.

(d) A slot machine licensee may request, in writing, that the Board's Executive Director approve a location outside the licensed facility to store original books, records and documents. The request must include the following:

(1) A detailed description of the proposed location, including security and fire suppression systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the location outside the licensed facility.

(e) A slot machine licensee may request, in writing, that the Board's Executive Director approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding:

(1) The processing, preservation and maintenance methods which will be employed to insure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to insure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader/printer for use by the Board, the Department and the Pennsylvania State Police at the licensed facility or other location approved by the Board and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of all microfilmed, microfiched or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving a slot machine licensee from meeting any obligation to prepare or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

**§ 465a.7. Complimentary services or items.**

(a) A slot machine licensee shall develop, maintain and apply adequate internal controls over the authorization and issuance of complimentary services or items as defined in § 401a.3 (relating to definitions). The slot machine licensee shall submit for approval in accordance with § 465a.2 (relating to internal control systems and audit protocols) internal controls for complimentary services and items.

(b) The internal controls must include the following:

(1) The procedures by which the slot machine licensee delegates to its employees the authority to approve the issuance of complimentary services or items.

(2) The procedures by which the slot machine licensee establishes, modifies or limits delegated authority, including limits based on relationships between the authorizer and recipient.

(3) A matrix of job titles authorized to issue complimentary services or items and a list of which complimentary services or items or the maximum dollar value of complimentary services or items each job title is authorized to issue.

(c) Complimentary services or items shall be recorded as follows:

(1) A complimentary service or item provided directly to a patron in the normal course of a slot machine licensee's business shall be recorded at an amount based upon the full retail price normally charged for the service or item by the licensee.

(2) A complimentary service or item not offered for sale to a patron in the normal course of a slot machine licensee's business but provided directly by the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of providing the service or item.

(3) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party not affiliated with the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of having the third party provide the service or item.

(4) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party who is affiliated with the slot machine licensee shall be recorded by the slot machine licensee in accordance with this section as if the affiliated third party were the licensee.

(d) If a slot machine licensee provides complimentary cash and noncash gifts recorded at a value of \$10,000 or more to a patron and the patron's guests within a consecutive 5-day period, the slot machine licensee shall record the reason why the gifts were provided, maintain the records and make them available for inspection by the Board and the Pennsylvania State Police. When the reason complimentary cash and noncash gifts were provided involves the patron's player rating, that rating must be based upon an evaluation of the amount and frequency of play by the patron as recorded in the slot machine licensee's player rating system. For the purposes of this section, "guest" means any individual who receives complimentary services or items as a result of his relationship with the patron receiving the primary complimentary services or items.

(e) A slot machine licensee shall submit to the Bureau of Casino Compliance a report listing each patron who, under subsection (d), received \$10,000 or more in complimentary cash and noncash gifts within a consecutive 5-day period ending during the preceding month. The report shall be filed by the last day of the month following the month in which the complimentary cash and noncash gifts or reimbursements were issued and include the total amount of complimentary cash or noncash gifts or reimbursements provided to each patron broken down into categories for food and beverage, hotel accommodations, travel, reimbursements and other services.

(f) Notwithstanding the requirements in subsections (a)—(e), a slot machine licensee is not required to submit internal controls for the nondiscretionary awarding of the following:

(1) Points to patrons who are members of the licensee's player rewards program.

(2) Promotional slots play.

**§ 465a.8. Licensed facility.**

(a) A licensed facility must be equipped with a surveillance system configured and approved in accordance with §§ 465a.9 and 465a.10 (relating to surveillance system; surveillance department control; surveillance department restrictions; and surveillance system recording formats). Except as otherwise provided in subsection (d)(1), the surveillance system shall be under the exclusive control of the surveillance department.

(b) Restricted areas within the licensed facility shall be designated for the repair and storage of slot machines, table games and table game equipment. Areas approved and utilized within the licensed facility for slot machine table game and table game equipment repair and storage shall be covered by the approved surveillance system.

(c) Emergency exits from the gaming floor and any other doors designated by the Bureau of Casino Compliance must be equipped with an audible alarm system that produces a loud, distinguishable warning sound, discernible in the vicinity of the exit, whenever the emergency door is opened. The alarm system shall be designed to require deactivation and reset by means of a key. The key is to be maintained by the security department.

(d) Slot machine licensees shall, in accordance with section 1207(13) of the act (relating to regulatory authority of board), provide for and maintain onsite facilities for use by the Board, the Department and the Pennsylvania State Police for the purpose of carrying out their respective responsibilities (collectively referred to as the "onsite facilities"). The onsite facilities must be located in the same building as the gaming floor, in locations approved by the Bureau of Casino Compliance and include suitable office space, equipment, partitions and supplies to meet the continuing needs of the Board, the Department and the Pennsylvania State Police at the facility including the following:

(1) A surveillance system monitoring room, located within the onsite facilities, with full camera control capability for the reception of transmissions generated by each camera approved for use as part of the slot machine licensee's surveillance system. Full camera control capability includes the ability to override the camera control capability of the slot machine licensee's surveillance system.

(2) An area for the detention of individuals detained or taken into custody by the Pennsylvania State Police. The detention area must be located within the onsite facilities and consist of a bench or other apparatus which is permanently affixed to the wall or floor to which the individual in custody can be handcuffed with as little discomfort to that individual as is possible under the circumstances.

(3) A fingerprinting and photographing facility for use by the Pennsylvania State Police located in conformance with and outfitted in compliance with specifications established by the Pennsylvania State Police.

(4) Adequate computer, telephone and copying capability to meet the Board's, the Department's and the Pennsylvania State Police's continuing data processing and related needs.

(5) Direct telephone connections between the onsite facilities and the slot machine licensee's surveillance monitoring room and its security department.

(6) Computer terminals providing read only access to any computerized slot monitoring system or casino man-

agement system, or both, used by the slot machine licensee in its gaming operations.

(7) An area for the operation and storage of the central control computer equipment which must be equipped with an uninterruptible power supply.

(8) Signs indicating the location of the Board's office. The size, location and design of the signs must be approved by the Bureau of Casino Compliance.

(9) Current copies of the operational blueprints and camera lists as required under § 465a.9(c)(6)(v)(A) and (B).

(e) Keys or alternative locking mechanisms securing access to the onsite facilities shall be under the exclusive custody and control of the Bureau of Casino Compliance, the Department or the Pennsylvania State Police respectively.

(f) Slot machine licensees shall provide additional accommodations within the licensed facility upon receipt of a written request from the Board, the Department or the Pennsylvania State Police to accommodate periodic audit, compliance or investigative reviews at the licensed facility.

(g) Slot machine licensees shall provide adequate parking spaces adjacent or proximate to the onsite facilities, clearly marked for the Board, the Department or Pennsylvania State Police use only.

(h) Slot machine licensees shall equip licensed facilities with communication systems necessary to insure communication between the licensed facility and the Board, the Department, the Pennsylvania State Police, any applicable local law enforcement agency or emergency first responders.

**§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.**

(a) The surveillance system of a licensed facility must comply with 18 Pa.C.S. Chapter 57 (relating to Wiretapping and Electronic Surveillance Control Act) and section 1522 of the act (relating to interception of oral communications) and shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The Bureau of Casino Compliance will review surveillance system specifications, inclusive of the camera configuration and any changes or modifications to the system specifications, to determine whether the system provides the adequate and effective surveillance of activities inside and outside the licensed facility mandated by section 1207(11) of the act (relating to regulatory authority of board). A slot machine licensee may not commence gaming operations until its surveillance system is approved by the Board.

(b) A slot machine licensee shall at all times provide the Board and the Pennsylvania State Police with access to its surveillance system and its transmissions. Each member of its surveillance department shall comply with any request made by the Board or the Pennsylvania State Police to:

(1) Use, as necessary, any surveillance monitoring room in the licensed facility.

(2) Display on the monitors in the monitoring room any event capable of being monitored by the surveillance system.

(3) Make a video and, if applicable, audio recording of, and take a still photograph of, any event capable of being monitored by the surveillance system.

(i) The slot machine licensee shall preserve and store each recording or photograph in accordance with the directions of the Board or the Pennsylvania State Police.

(ii) The Board and the Pennsylvania State Police shall have unfettered access to each recording or photograph. At the request of the Board or Pennsylvania State Police, access to a recording or photograph may be denied to a particular employee or department of the slot machine licensee.

(c) The surveillance system required in this section must include:

(1) Light sensitive cameras with lenses of sufficient magnification and 360° pan, tilt and zoom capabilities, without camera stops, to allow the operator to clandestinely monitor in detail and from various vantage points the following:

(i) The gaming conducted at the slot machines and fully automated electronic gaming tables in the licensed facility with sufficient clarity to read information on a reel strip or electronic table layout and the credit meter.

(ii) The gaming conducted at each table game that is not a fully automated electronic gaming table in the licensed facility with sufficient clarity to identify patrons and dealers and sufficient coverage to simultaneously view the table and determine the configuration of wagers, card, dice and tile values and game outcomes.

(iii) The operations conducted at and in the main cage and any satellite cage.

(iv) The operations conducted at automated bill breaker machines, automated gaming voucher and coupon redemption machines, automated jackpot payout machines and automated teller machines.

(v) The count processes conducted in the count room.

(vi) The movement of cash, gaming chips and plaques, tip boxes, table game drop boxes, Bad Beat or High Hand Jackpot payout boxes and slot cash storage boxes within the licensed facility.

(vii) The entrances and exits to the licensed facility, the gaming floor and the count room.

(viii) Any other activity or areas designated by the Bureau of Casino Compliance.

(2) The following number of cameras dedicated to table games that are not fully automated electronic gaming tables:

(i) At least one stationary camera for each table game offered by the licensed facility except Craps, Baccarat, Roulette and Big Six Wheel.

(ii) At least two stationary cameras for each Craps table, with one camera covering each end of the table.

(iii) At least two stationary cameras for each Baccarat table, with one camera covering each end of the table.

(iv) At least two stationary cameras for each Roulette table, with one camera covering the wheel and one camera covering the table layout.

(v) At least two stationary cameras for each Big Six Wheel, with one camera covering the wheel and one camera covering the table layout.

(3) Additional cameras as required by the Bureau of Casino Compliance. The additional cameras may include cameras with 360° pan, tilt and zoom capabilities.

(4) Video recording equipment which, at a minimum, must:

(i) Permit the preservation and viewing of a clear copy of the transmission produced by any camera connected to the surveillance system.

(ii) Be capable of superimposing the time and date of the transmission on each recording made by the video recording equipment.

(iii) Enable the operator to identify and locate, through the use of a meter, counter or other device or method, a particular event which was recorded.

(5) Recording media which shall be replaced immediately upon the manifestation of significant degradation in the quality of the images or sound, if applicable, recorded thereon. If videotape is utilized, it may be used for no more than 1 year.

(6) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraphs (1), (2) and (3). Each monitoring room shall be equipped with or serviced by:

(i) A communication system capable of monitoring all of the licensed facility's security department activities.

(ii) Computer terminals which provide read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operation.

(iii) Connections to all casino alarm systems. The systems must provide a visible, audible or combination signal. A robbery, fire or emergency alarm must be perceptually distinguishable from all nonemergency alarms.

(iv) An updated photo library, consisting of photographs that are no more than 4 years old, of all current employees of the slot machine licensee and a separate photo library that contains the photographs of individuals who are on the Board's self-exclusion or exclusion list. These photo libraries shall be available to the Board and the Pennsylvania State Police.

(v) Current copies of the following:

(A) An operational blueprint of the gaming floor and all areas of the licensed facility with a camera overlay.

(B) A complete camera list, in a searchable format, which includes the following:

(I) Camera numbers.

(II) A description of the area under surveillance with each camera.

(III) The type of camera such as stationary or a camera with pan, tilt and zoom capabilities.

(IV) The resolution or CIF ratio.

(V) The required retention period for each camera.

(C) Operating procedures addressing the evacuation of the licensed facility in the event of fire or other emergency.

(D) A contingency plan addressing a planned shutdown of the surveillance system and the contingency plan required under subsection (g) addressing any equipment failure that affects the slot machine licensee's monitoring room together with an emergency contact listing with telephone numbers for persons required to be notified of those events.



(7) An emergency power system, tested at intervals not to exceed 6 months, which can be used to operate the surveillance system in the event of a power failure.

(8) A preventive maintenance program, implemented by technicians assigned to the surveillance department, which insures that the entire surveillance system is maintained in proper working order and that the covers over the cameras are cleaned in accordance with a routine maintenance schedule.

(d) Areas subject to camera coverage under this section must contain continuous lighting that is of sufficient quality to produce clear video recordings and still picture reproductions.

(e) A slot machine licensee's surveillance system must continuously record transmissions from cameras used to observe the following locations, individuals, activities and transactions:

(1) Each transaction conducted on the gaming floor or at a main cage or satellite cage. Coverage of the transaction must include, but not be limited to, recording transmissions from cameras used to observe the face of each patron transacting business at a main cage or satellite cage from the direction of the cashier.

(2) The gaming conducted at all slot machines and table games.

(3) The main bank, vault and other areas specified by the Board.

(4) The collection of tip boxes, slot cash storage boxes and table game drop boxes.

(5) The distribution of cards, dice and tiles to gaming pits.

(6) The inspection of cards, dice and tiles in the gaming pits and at the gaming tables.

(7) The retrieval of cards, dice and tiles from the gaming pits at the end of the gaming day and the delivery of the cards, dice and tiles to the location designated and approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) (relating to approval of table game layouts, signage and equipment) for the inspection, cancellation, destruction or, if applicable, packaging for reuse.

(8) The count procedures conducted in the count room.

(9) Any armored car collection or delivery.

(10) The operations conducted at automated bill breaker machines, automated gaming voucher and coupon redemption machines, automated jackpot payout machines and automated teller machines.

(11) The entrances and exits to the licensed facility, the gaming floor, the main bank, the vault, the main cage and any satellite cage and the count room.

(f) Slot machine licensees shall maintain a surveillance log of all surveillance activities in the monitoring room. The log shall be maintained by monitoring room personnel in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic format which has an audit function that prevents modification of information after the information has been entered into the system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a surveillance log:

(1) The date and time each surveillance event commenced.

(2) The name and Board-issued credential number of each individual who initiates, performs or supervises the surveillance.

(3) When suspicious activity, suspected or alleged regulatory violations or suspected or alleged criminal activity is involved, the reason for the surveillance, including the name, if known, alias or description of each individual being monitored and a brief description of the activity in which the individual being monitoring is engaged. This entry should also include a notation of the reading on the meter, counter or device specified in subsection (c)(4)(iii) that identifies the point on the video recording at which the event was recorded.

(4) The time at which each video recording is commenced and terminated, if different than when surveillance commenced or terminated.

(5) Time each surveillance event terminated.

(6) A summary of the results of the surveillance.

(7) A complete description of the time, date and, if known, the cause of any equipment or camera malfunctions, and the time at which the security department was apprised of the malfunction in accordance with the casino licensee's internal controls submitted under § 465a.2(d)(5).

(g) In accordance with § 465a.2(d)(5), each slot machine licensee shall have a contingency plan to be utilized whenever there is an equipment failure that affects the slot machine licensee's monitoring room or other aspect of its surveillance system or operations.

(h) The casino compliance representatives at the licensed facility shall be notified within 30 minutes of any incident of equipment failure as noted in subsection (f) including the time and cause of the malfunction, if known, the time the slot machine licensee's security department was notified of the malfunction and the nature of communications with the security department relating to the malfunction.

(i) The casino compliance supervisor at the licensed facility shall be notified at least 48 hours in advance of the following:

(1) Relocation of an approved camera.

(2) Change in an approved camera's specifications.

(3) Change in lighting for areas required to be subject to camera coverage.

(4) Addition or change to the surveillance system.

(j) The surveillance recordings required under subsection (e)(1), (8), (9), (10) and (11) shall be retained for a minimum of 30 days. All other surveillance recordings shall be retained for a minimum of 7 days. Surveillance recordings shall be made available for review upon request by the Board or the Pennsylvania State Police.

(k) Any recording determined by the Board or the Pennsylvania State Police as being of potential evidentiary value shall be stored in accordance with Board or Pennsylvania State Police directives or turned over to the Board or the Pennsylvania State Police upon request.

(l) A surveillance employee assigned to the monitoring room shall work from the employee's own monitoring station.

(m) In accordance with § 465a.11(b)(1) (relating to slot machine licensee's organization; jobs compendium), each slot machine licensee shall submit for Board approval an initial minimum surveillance room staffing plan. The surveillance room staffing plan must provide for the continuous monitoring of activities inside and outside the licensed facility taking into account the size and layout of the licensed facility as well as the number and location of slot machines and table games on the gaming floor. A slot machine licensee may not implement a change to its surveillance room staffing plan without prior approval of the Board's Executive Director in accordance with § 601a.10(a).

(n) A slot machine licensee's surveillance department employees shall be independent of all other departments.

(o) A present or former surveillance department employee may not accept employment as a key employee or gaming employee with the same slot machine licensee for whom he was previously employed as a surveillance department employee unless 1 year has passed since the former surveillance department employee worked in the surveillance department. The present or former surveillance department employee may file a written petition as required under § 493a.4 (relating to petitions generally) requesting the Board to waive this restriction and permit the employment of a present or former surveillance department employee in a particular position. The Board may grant or deny the waiver upon consideration of the following factors:

(1) Whether the former surveillance department employee will be employed in a department or area of operation that the surveillance department monitors.

(2) Whether the surveillance and security systems of the slot machine licensee will be jeopardized or compromised by the employment of the former surveillance department employee in the particular position.

(3) Whether the former surveillance department employee's knowledge of the procedures of the surveillance department would facilitate the commission by any individual of irregularities or illegal acts or the concealment of any actions or errors.

(p) Entrances to the surveillance monitoring rooms may not be visible from the gaming floor. An individual entering the surveillance monitoring room who is not an employee of the surveillance department assigned to the monitoring room on the particular shift corresponding to the time of entry shall sign a monitoring room entry log upon entering the monitoring room. The monitoring room entry log shall be:

(1) Maintained in the monitoring room by monitoring room personnel and retained in accordance with § 465a.6.

(2) Maintained in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic format which has an audit function that prevents modification of information after the information has been entered into the system.

(3) Signed by each individual entering the monitoring room, with each entry containing the following:

- (i) The date and time of each entry.
- (ii) The entering individual's name, Board-issued credential number and department or affiliation.
- (iii) The reason for entering the monitoring room.
- (iv) The name of the individual authorizing the entry into the monitoring room.

(v) The date and time of exiting the monitoring room.

(4) Made available for inspection by the Board and the Pennsylvania State Police.

**§ 465a.11. Slot machine licensee's organization; jobs compendium.**

(a) Slot machine licensees' systems of internal controls must, in accordance with sections 1322 and 13A25(c) of the act (relating to slot machine accounting controls and audits; and table game accounting controls and audit protocols) and § 465a.2 (relating to internal control systems and audit protocols), include organization charts depicting segregation of functions and responsibilities and descriptions of the duties and responsibilities for each position shown on each organization chart. Slot machine licensees shall be permitted, except as otherwise provided in this section, to tailor organizational structures to meet the needs or policies of a particular management philosophy. A slot machine licensee's organization charts must provide for:

(1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility.

(2) The segregation of incompatible functions, duties and responsibilities so that no employee is in a position to both commit an error or perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) The performance of all functions, duties and responsibilities in accordance with sound financial practices by qualified personnel.

(4) The areas of responsibility which are not so extensive as to be impractical for an individual to monitor.

(5) A chief executive officer. For the purposes of this section, a "chief executive officer" means the individual located at the licensed facility who is ultimately responsible for the daily conduct of the slot machine licensee's gaming business regardless of the form of business association of the slot machine licensee or the particular title which that individual or any other individual holds. A slot machine licensee's organization chart may also include an assistant chief executive officer who is responsible for the daily conduct of the slot machine licensee's gaming business during the chief executive officer's absence. However, the assistant chief executive officer may not be the department head of one of the departments required under subsection (b). Each supervisor of a department required under subsection (b) shall report directly to the chief executive officer or assistant chief executive officer of the slot machine licensee regarding administrative matters and daily operations. The slot machine licensee's organization charts must designate which positions, in the absence of the chief executive officer and the assistant chief executive officer, shall be designated as having responsibility for the daily conduct of the slot machine licensee's gaming business.

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and must cooperate with, yet perform independently of, other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor that is not required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure

is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

(1) A surveillance department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

(i) The clandestine surveillance of the operation of, and gaming conducted at, slot machines and table games.

(ii) The clandestine surveillance of the operation of automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines.

(iii) The clandestine surveillance of the operation of the main cage, Poker room cage and any satellite cage.

(iv) The video recording of activities in the count room and the video recording of movements of cash, slot cash storage boxes and table game drop boxes.

(v) The clandestine surveillance of areas used for the storage of gaming chips, plaques, cards, dice, Sic Bo shakers, Roulette balls, Pai Gow tiles and other equipment used to conduct table games.

(vi) The detection of cheating, theft, embezzlement and other illegal activities within the licensed facility.

(vii) The detection of the presence of any individual who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act (relating to regulation requiring exclusion or ejection of certain persons; and repeat offenders excludable from licensed gaming facility) and Chapters 511a and 513a (relating to persons required to be excluded; and underage gaming), or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act (relating to list of persons self-excluded from gaming activities) and Chapter 503a (relating to self-exclusion).

(viii) The video recording of those locations, individuals, activities or transactions required under § 465a.9(e) (relating to surveillance system; surveillance department control; surveillance department restrictions) and of any illegal and unusual activities monitored by the surveillance department.

(ix) The provision of immediate notice to supervisors designated in the internal controls, the casino compliance representatives and the Pennsylvania State Police at the licensed facility upon detecting, and also upon commencing video recording of, an individual who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including an individual who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and Chapter 511a or 513a or is self-excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503a.

(x) The clandestine surveillance of any slot computer system or equipment designated for coverage by the Board in conjunction with the approval of a slot machine system, including a slot monitoring system, electronic gaming table system, casino management system, wide

area progressive system, gaming voucher system and any communication equipment with the central control computer.

(xi) The installation, maintenance and repair of the surveillance system equipment used by the surveillance department.

(xii) The submission of a surveillance staffing plan as part of the slot machine licensee's internal controls detailing the minimum staffing and the manner in which the responsibilities of this subsection shall be met.

(2) An internal audit department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of internal audit. The director of internal audit shall be subject to the reporting requirements specified in subsection (c) and licensed as a key employee.

(3) An information technology department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the information technology director. The information technology director shall be licensed as a key employee and be responsible for the quality, reliability and accuracy of all slot computer systems used by the slot machine licensee regardless of whether data, software or systems are located within or outside the licensed facility. The information technology director shall further be responsible for the security and physical integrity of, and the accountability and maintenance of, the following:

(i) Access codes and other security controls used to insure limited access to computer software and the system wide reliability of data.

(ii) Computer tapes, disks or other electronic storage media containing data relevant to the slot machine licensee's operations.

(iii) Computer hardware, communications equipment and software used in the conduct of the slot machine licensee's operations.

(iv) The computerized slot monitoring system utilized by the slot machine licensee. The information technology director shall ensure that:

(A) Slot machines and fully automated electronic gaming tables located on the gaming floor are connected electronically to the slot machine licensee's computerized slot monitoring system and to the Commonwealth's central control computer in accordance with section 1323 of the act (relating to central control computer system).

(B) The security features of the computerized slot monitoring system prohibit, at a minimum, the deletion, creation or modification of any data unless a permanent record is created that sets forth:

(I) The original information.

(II) Modifications to the original information.

(III) The identity of the employee making the modification.

(IV) The identity of each employee authorizing the modification, if applicable.

(C) Computerized jackpot payout systems utilized by the slot machine licensee are configured to require that any modification of \$100 or more to the original amount recorded on a computerized jackpot payout or system override is authorized by two slot operations department employees, one of whom is in a position of greater authority than the individual preparing the jackpot payout.



(D) Procedures and controls are in place that define and limit interaction between both the slot operations department and finance department and the computerized slot monitoring system including access to system menus, the establishment of slot machine and fully automated electronic gaming table profile parameters, and the ability of each department to access, delete, create or modify information contained in the slot monitoring system.

(4) Except as provided in paragraph (8), a slot operations department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of slot operations. The director of slot operations shall be licensed as a key employee and be responsible for the operation of, and conduct of gaming at, slot machines and fully automated electronic gaming tables within the licensed facility.

(5) A security department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of security. The director of the security department shall be licensed as a key employee and be responsible for the overall security of the licensed facility including the following:

- (i) The physical safety of individuals.
- (ii) The physical safeguarding of assets.
- (iii) The protection of the property of both the patron and the slot machine licensee from illegal activity.

(iv) The design, implementation and enforcement of a system for the issuance of temporary access credentials.

(v) The recording of any unusual incidents within the licensed facility in which the security department is involved. Each incident shall be recorded by security department personnel in a book with bound numbered pages that cannot be readily removed or be maintained in an electronic format which has an audit function that prevents modification of information after the information has been entered into the system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded:

- (I) The assignment number of the incident.
- (II) The date and time.
- (III) The nature of the incident.
- (IV) The individuals involved in the incident.
- (V) The security department employees assigned to cover the incident.
- (vi) The identification and removal of any individual who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may be excluded or ejected from the licensed facility under section 1515 of the act or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act.
- (vii) The performance of the duties and responsibilities required under the system of internal controls submitted and approved under § 465a.2.

(viii) The provision of immediate notice to the Pennsylvania State Police upon detecting the presence in the licensed facility of an individual possessing a weapon in violation of § 465a.13 (relating to possession of weapons within a licensed facility).

(ix) The provision of immediate notice to supervisors designated in the internal controls and the casino compli-

ance representatives and the Pennsylvania State Police at the licensed facility upon detecting any individual who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities.

(x) The provision of immediate notice to supervisors designated in the internal controls and the casino compliance representatives and the Pennsylvania State Police at the licensed facility upon detecting any individual who is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and Chapter 511a or 513a or is self-excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503a.

(6) A finance department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of finance. The director of finance shall be licensed as a key employee and responsible for all finance functions including the preparation and control of records and data, the control of stored data, the control of unused forms, the accounting for and comparison of operational data and forms, and the control and supervision of the inventory of gaming chips, the issuance of credit, the main cage, Poker room cage, satellite cages and the count room. The employees responsible for the issuance of credit shall be in a reporting line to the director of finance. The supervisor of the cage shall, on all shifts, be permitted as a gaming employee.

(7) Except as provided in subsection (8), a slot machine licensee that has a certificate to operate table games shall have a table games department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of table games. The director of table games shall be licensed as a key employee and responsible for all table game functions including the inventory of table game equipment.

(8) In lieu of separate slot and table games departments, a slot machine licensee may elect to have a gaming department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of gaming. The director of gaming shall be licensed as a key employee and responsible for the overall operation and conduct of gaming at slot machines and table games within the licensed facility. A slot machine licensee may also elect to have a director of table games and a director of slot operations who report to the director of gaming.

(c) The supervisors of the surveillance and internal audit departments required under subsection (b) shall report directly to one of the following persons or entities regarding matters of policy, purpose, responsibility and authority, which persons or entities shall also control the hiring, termination and salary of each supervisor:

- (1) The independent audit committee of the slot machine licensee's board of directors.
- (2) The independent audit committee of the board of directors of any holding or intermediary company of the slot machine licensee which has authority to direct the operations of the slot machine licensee.
- (3) The senior surveillance or internal audit executives of any holding or intermediate company included in paragraph (2) if the most senior executive in the reporting line reports directly to the independent audit committee of the board of directors of the holding or intermediary company.

(4) For slot machine licensees or holding companies that are not corporate entities, the noncorporate equivalent of any of the persons or entities listed in paragraphs (1)—(3).

(5) An independent audit committee or other individuals designated by the Board in the slot machine licensee's Statement of Conditions under § 423a.6 (relating to license, permit, registration and certification issuance and statement of conditions).

(d) The slot machine licensee's personnel shall be trained in all policies, procedures and internal controls relevant to each employee's individual function. Special instructional programs shall be developed by the slot machine licensee in addition to any on-the-job instruction sufficient to enable all members of the departments required under this section to be thoroughly conversant in, and knowledgeable of, the required manner of performance of all transactions relating to their functions.

(e) Notwithstanding other provisions to the contrary, a slot machine licensee may designate and assign more than one individual to serve jointly as the supervisor of a department required under this section. Each individual approved to serve as a joint supervisor of a mandatory department shall be located at the licensed facility and shall be individually and jointly accountable and responsible for the operations of that department.

(f) In the event of a vacancy in the chief executive officer position or any mandatory department supervisory position required under subsection (b), the following apply:

(1) The slot machine licensee shall notify the Board within 5 days from the date of vacancy. The notice must be in writing and indicate the following information:

- (i) The vacant position.
- (ii) The date on which the position will become or became vacant.
- (iii) The date on which it is anticipated that the vacancy will be filled on a permanent basis.

(2) The slot machine licensee shall designate an individual to assume the duties and responsibilities of the vacant position within 30 days after the date of vacancy. The individual may assume the duties and responsibilities of the vacant position on a temporary basis, provided that:

- (i) The individual does not also function as the department supervisor for any other mandatory department required under this section.
- (ii) The individual's areas of responsibility will not be so extensive as to be impractical for one individual to monitor.
- (iii) The position shall be filled on a permanent basis within 120 days of the original date of vacancy.

(3) Within 5 days of filling a vacancy under paragraph (2), the slot machine licensee shall notify the Board thereof. The notice must be in writing and indicate the following:

- (i) The position.
- (ii) The name of the individual designated.
- (iii) The date that the vacancy was filled.
- (iv) An indication of whether the position has been filled on a temporary or permanent basis.

(4) The notices required in this subsection shall be directed to the Bureau of Licensing.

(g) Each slot machine licensee shall prepare and maintain a jobs compendium consistent with the requirements of this section detailing job descriptions and lines of authority for all personnel employed by the slot machine licensee. The jobs compendium shall be submitted to the Board for approval as part of the slot machine licensee's internal controls required under § 465a.2 at least 90 days prior to the commencement of slot or table game operations. The Board will review the jobs compendium to determine whether the job descriptions and the organizational charts contained therein conform to the licensing, permitting and registration requirements and chain-of-command and segregation of duties requirements of the act and the Board's regulations as part of the Board's review of the slot machine licensee's internal controls required under § 465a.2.

(h) A jobs compendium must include the following sections:

(1) An alphabetical table of contents listing the position title, job code and the page number on which the corresponding job description may be found.

(2) An organizational chart for each department or division, including all positions and illustrating by position title, the direct and indirect lines of authority within the department or division. Each page of an organizational chart must specify the following:

- (i) The date the organizational chart was approved.
- (ii) The effective date of the previously submitted organizational chart that the revised organizational chart supersedes.
- (iii) A unique title or other identifying designation for that organizational chart.

(3) Job descriptions of each employee position that accurately correspond to a position title listed in the organizational charts and in the alphabetical table of contents. Each job description must be contained on a separate page, organized by departments or divisions, and include, at a minimum, the following:

- (i) The job title and corresponding department.
- (ii) Job duties and responsibilities.
- (iii) Detailed descriptions of experience or educational requirements.
- (iv) The type of Board-issued credential required under the act and the Board's regulations for each employee job description.

(v) The date of submission of each employee job description and the date of any prior job description it supersedes.

(vi) The access code that will be assigned to the employee job description for the access badge required under § 465a.12 (relating to access badges and temporary access credentials).

(i) Any proposed amendment to a previously approved jobs compendium, including any amendment to an organizational chart, which involves the departments listed in subsection (b) shall be submitted as an amendment to the slot machine licensee's internal controls in accordance with § 465a.2. Amendments that are required to be submitted under this subsection may be implemented by the slot machine licensee prior to approval of the amendment, if:

(1) The amendment is immediately recorded in the copy of the jobs compendium maintained by the slot machine licensee on its premises.

(2) The amendment is submitted to the Bureau of Gaming Operations by the end of the business day on the date of implementation, including at a minimum, the proposed changes to the information required under subsection (h), including the corresponding revised job descriptions and organizational charts, contained on pages which may be used to substitute for those sections of the jobs compendium previously approved by the Board.

(j) For departments that are not listed in subsection (b), unless otherwise directed by the Board, a slot machine licensee will not be required to submit amendments to its jobs compendium for approval. Instead, the certificate holder will be required to notify the Bureau of Licensing by the end of the business day on the date of implementation for newly created positions or changes to job descriptions and tables of organizations. The notification must include properly formatted job descriptions and organization charts for the affected departments. After the notification has been submitted, the Bureau of Licensing may require changes to the job descriptions and organizational charts to ensure compliance with licensing, permitting or registration requirements.

(k) Notwithstanding other requirements of this section, each certificate holder shall submit a complete and up-to-date jobs compendium to the Bureau of Gaming Operations and the Bureau of Licensing 12 months after its receipt of authorization to commence slot operations and every 12 months thereafter.

(l) Each slot machine licensee shall maintain on its premises a complete, updated copy of its jobs compendium, in a written or electronic form, which shall be made available for review upon request of the Board, the Department or the Pennsylvania State Police.

(m) This section may not be construed so as to limit a slot machine licensee's discretion in utilizing a particular job title for any position in its jobs compendium.

**§ 465a.12. Access badges and temporary access credentials.**

(a) Slot machine licensees shall develop an access control matrix indicating the restricted areas in a licensed facility that an employee may access for each employee job description. Access to restricted areas by an employee shall be limited to the restricted areas that the employee needs to access in the course of the performance of the employee's normal duties listed in the employee's job description.

(b) In the internal controls required to be submitted under § 465a.2 (relating to internal control systems and audit protocols), the slot machine licensee shall designate the department that shall be responsible for determining the appropriate level of access for each job description and updating the level of access when a job description changes. The level of access information for each employee shall be transmitted to the individual or department designated in subsection (c).

(c) In the internal controls required to be submitted under § 465a.2, the slot machine licensee shall designate the department that shall develop and maintain an electronic database system, or its functional equivalent, which contains the access level of all employees of the slot machine licensee. The electronic database system must be capable of tracking who enters or changes the access level assigned to each employee.

(d) In the internal controls required to be submitted under § 465a.2, the slot machine licensee shall designate the department that shall be responsible for entering or making changes to the access level of employees of the slot machine licensee in the electronic database system.

(e) In the internal controls required to be submitted under § 465a.2, the slot machine licensee shall include an access matrix containing all restricted areas and all employees, their position titles and departments who have access to those restricted areas.

(f) Read-only access to the electronic database system shall be made available through secure computer access to the Board's representatives at the licensed facility.

(g) Slot machine licensees shall develop an access badge system consisting of a badge that contains the employee's name and a color, code or symbol that indicates the areas in the licensed facility that the employee is allowed to access.

(h) Employees of a slot machine licensee shall be required to wear an access badge in a visible location at all times while they are working in a licensed facility.

**§ 465a.14. Security department minimum staffing.**

(a) In accordance with § 465a.2(d)(5) (relating to internal control systems and audit protocols), slot machine licensees shall be required to submit a minimum staffing submission with regard to its security department. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number and configuration of slot machines and table games on the gaming floor and must at all times provide for security of the gaming floor and restricted areas servicing the gaming operation. A slot machine licensee may not implement a change or amendment in its security department minimum staffing submission without approval from the Board's Executive Director, in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) of the change or amendment.

(b) A slot machine licensee may not employ off-duty law enforcement officers to provide security related services in the licensed facility.

**§ 465a.15. Cage characteristics.**

(a) A licensed facility shall have, immediately adjacent or proximate to the gaming floor, a physical structure known as a cage to house the cashiers and to serve as the central location in the licensed facility for:

(1) The custody of the cage inventory comprised of cash (currency or coin), gaming chips, plaques and the forms, documents and records normally associated with the operation of a cage.

(2) The functions normally associated with the operation of a cage.

(b) The supervisor of the cage shall, regardless of shift, be permitted as a gaming employee.

(c) The cage must be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein. Its design and construction must include:

(1) Manually triggered silent alarm systems located at the cashiers' window, vault and in ancillary office space adjacent or proximate thereto. The systems must be connected directly to the monitoring room of the surveillance department and to the security department.



(2) A double door entry and exit system that will not permit an individual to pass through the second door until the first door is securely locked. In addition, the following apply:

(i) The first door leading from the gaming floor of the double door entry and exit system must be controlled by the security department or the surveillance department.

(ii) The second door of the double door entry and exit system must be controlled by the cage, security department or the surveillance department, provided that the first and second door may not be controlled by the same department.

(iii) The double door entry and exit system must have surveillance coverage which shall be monitored by the surveillance department.

(iv) An entrance to the cage that is not a double door entry and exit system must be an alarmed emergency exit door only.

(3) If manual locks are used to secure each door of the double door entry and exit system, the keys to each door must be different from each other.

(4) A slot machine licensee may use a Board-approved computerized access system to meet the double door entry system requirements in paragraph (2) if:

(i) The computerized access system provides a functionally equivalent level of security.

(ii) The slot machine licensee includes provisions in the slot machine licensee's internal controls which will provide a functionally equivalent level of security when the computerized access system is not functioning.

(d) A licensed facility may also have one or more satellite cages separate and apart from the main cage established to maximize security, efficient operations or patron convenience. A satellite cage may perform all of the functions of the main cage and must be equipped with an alarm system in compliance with subsection (c)(1). The functions which are conducted in a satellite cage shall be subject to the accounting controls applicable to a main cage set forth in this subpart.

(e) A slot machine licensee shall maintain, immediately available to the Board and the Pennsylvania State Police, a current list, with Board credential numbers, of all persons:

(1) Possessing the combination or keys to the locks securing the double door entry and exit system restricting access to the main cage and any satellite cage and the vault.

(2) Possessing the ability to activate or deactivate alarm systems for the main cage, any satellite cage and vault.

**§ 465a.16. Accounting controls for the cage.**

(a) The assets for which cage cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, cage cashiers assigned to the outgoing shift shall record on a cashiers' count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory. Each cashiers' count sheet shall be signed by the preparing cage cashier attesting to the accuracy of the information thereon.

(b) At the opening of every shift, in addition to the imprest funds normally maintained by cage cashiers, each

slot machine licensee shall have in the main cage, a reserve cash bankroll sufficient to pay winning patrons.

(c) The main cage and any satellite cage shall be physically segregated by personnel and function as follows:

(1) Cage cashiers shall operate with individual imprest inventories of cash and their functions include the following:

(i) The receipt of cash, value chips, plaques and other cash equivalents from patrons in exchange for cash.

(ii) The receipt of personal checks for gaming purposes from patrons in exchange for cash, subject to the limitations on amount under § 465a.20 (relating to personal check cashing).

(iii) The receipt of cash, value chips, plaques and other cash equivalents, checks issued by the slot machine licensee, annuity jackpot checks, wire transfers and cashless funds transfers from patrons to establish a customer deposit under § 465a.23 (relating to customer deposits).

(iv) The receipt of customer deposit forms from patrons in exchange for cash under § 465a.23.

(v) The preparation of jackpot payout slips in accordance with this subpart and technical standards adopted by the Board under § 465a.26 (relating to jackpot and credit meter payouts).

(vi) The receipt of gaming vouchers from patrons, or from authorized employees who received gaming vouchers as gratuities, in exchange for cash.

(vii) Issuance, receipt and reconciliation of imprest funds used by slot attendants, including an imprest change/pouch payout fund.

(viii) The issuance of gaming vouchers.

(2) Main bank cashier functions include the following:

(i) The receipt of cash, value chips, plaques, cash equivalents, gaming vouchers, jackpot payout slips and personal checks received for gaming purposes from cage cashiers in exchange for cash.

(ii) The receipt of cash from the count rooms.

(iii) The receipt of personal checks accepted for gaming purposes from cage cashiers for deposit.

(iv) The preparation of the overall cage reconciliation and accounting records.

(v) The preparation of the daily bank deposit for cash, cash equivalents, Counter Checks and personal checks.

(vi) The issuance, receipt and reconciliation of imprest funds used by slot attendants.

(vii) The receipt from cage cashiers of documentation with signatures thereon, required to be prepared for the segregation of functions in the cage.

(viii) The responsibility for the reserve cash bankroll.

(ix) The receipt of unsecured currency and unsecured gaming vouchers and preparation of reports thereon.

(x) The issuance, receipt and reconciliation of cash and gaming vouchers to and from automated bill breaker, automated gaming voucher and coupon redemption and automated jackpot payout machines and preparation of related documentation.

(d) At the end of the gaming day a copy of the cage cashiers' count sheets and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories, agreement of amounts

thereon to other forms, records and documents required by this subpart and recording of transactions.

**§ 465a.17. Bill validators, slot cash storage boxes and table game drop boxes.**

(a) Slot machines and fully automated electronic gaming tables must be equipped with a bill validator configured to accept any combination of currency, gaming vouchers, coupons and other instruments authorized by the Board for incrementing credits on a slot machine or fully automated electronic gaming table.

(b) Access to the bill validator must be controlled by at least one lock, the key to which shall be controlled by the slot operations department.

(c) The bill validator in a slot machine or fully automated electronic gaming table must contain a secure tamper resistant container known as a slot cash storage box or table game drop box. Currency, gaming vouchers, coupons and Board-approved instruments inserted into the bill validator shall be deposited into the slot cash storage box or table game drop box.

(d) The slot cash storage box or table game drop box on a fully automated electronic gaming table must be secured to the bill validator by two separate locks, the keys to which shall be different from each other, one of which may be the lock to the belly door or main door of the slot machine or fully automated electronic gaming table and a second of which is the lock on the release mechanism on the slot cash storage box or table game drop box. If there is not a full door on the bill validator, the lock on the release mechanism on the slot cash storage box or table game drop box must detect and display whether it is locked or unlocked and communicate whether it is locked or unlocked to a slot monitoring system. The keys shall be maintained and controlled as follows:

(1) The key to the main door and belly door, if applicable, of the slot machine or fully automated electronic gaming table shall be maintained and controlled by the slot operations department. The slot operations department may, immediately prior to the commencement of the drop, issue its main door and belly door key, if applicable, to the finance department. A key transferred from the slot operations department to the finance department shall be returned immediately following the conclusion of the drop. The slot operations department shall establish sign in and sign out procedures in its internal controls documenting this transfer.

(2) The key to the lock securing the release mechanism on the slot cash storage box or table game drop box shall be maintained and controlled by the security department. The security department shall establish a sign out and sign in procedure with regard to this key which includes documentation of this transfer.

(e) A slot cash storage box or table game drop box from a fully automated electronic gaming table must:

(1) Have at least one lock securing the contents of the slot cash storage box or table game drop box, the key to which shall be maintained and controlled by the finance department.

(2) Have a slot opening through which currency, gaming vouchers and coupons can be inserted into the slot cash storage box or table game drop box.

(3) Have a mechanical arrangement or device that prohibits removal of currency, gaming vouchers and coupons from the slot opening whenever the slot cash storage box or table game drop box is removed from the bill validator.

(4) Be fully enclosed, except for openings that may be required for the operation of the bill validator or the slot cash storage box or table game drop box. However, the location and size of the openings may not affect the security of the slot cash storage box, the table game drop box, its contents or the bill validator.

(5) Have an asset number that is permanently imprinted, affixed or impressed on the outside of the slot cash storage box or table game drop box which corresponds to the asset number of the slot machine or fully automated electronic gaming table to which the bill validator has been attached. In lieu of the asset number, a slot machine licensee may develop and maintain, with prior Board approval, a system for assigning a unique identification number to its slot cash storage boxes or table game drop boxes. The system must ensure that each slot cash storage box or table game drop box can readily be identified, either manually or by computer, when in use with, attached to and removed from a particular bill validator. Each unique identification number must be permanently imprinted, affixed or impressed on the outside of each slot cash storage box or table game drop box that does not otherwise bear an asset number. The asset number or unique identification number must be conspicuous and clearly visible to persons involved in removing or replacing the slot cash storage box or table game drop box in the bill validator and through the slot machine licensee's surveillance system. Notwithstanding the foregoing, emergency slot cash storage boxes and emergency table game drop boxes for fully automated electronic gaming tables may be maintained without an asset number or a unique identification number, provided the word "emergency" is permanently imprinted, affixed or impressed thereon, and when put into use, are temporarily marked with the asset number of the slot machine or fully automated electronic gaming table to which the bill validator is attached.

(6) Be designed and installed in a manner that renders the slot machine or fully automated electronic gaming table inoperable in the event of the removal or absence of the slot cash storage box or table game drop box.

(f) A table game in a licensed facility that is not a fully automated electronic gaming table must have a secure tamper-resistant table game drop box attached to it in which the following shall be deposited:

(1) All cash exchanged at the gaming table for gaming chips and plaques.

(2) Issuance copies of Counter Checks exchanged at the gaming table for gaming chips and plaques.

(3) Copies of Fill Request Slips, Fill Slips, Credit Request Slips, Credit Slips and Table Inventory Slips.

(4) Other table game wagering instruments as approved by the Board.

(g) A table game drop box from a table game that is not a fully automated electronic gaming table must have:

(1) Two separate locks securing the contents placed into the table game drop box, the keys to which must be different from each other.

(2) A separate lock securing the table game drop box to the gaming table, the key to which must be different from each of the keys to the locks securing the contents of the table game drop box.

(3) A slot opening through which currency, value chips or Poker rake chips for nonbanking games, other table

game wagering instruments as approved by the Board, and required forms and documents can be inserted into the table game drop box.

(4) A mechanical device that must automatically close and lock the slot opening upon removal of the table game drop box from the gaming table.

(5) Permanently imprinted or impressed thereon, and clearly visible to surveillance, either:

(i) A number corresponding to a unique permanent number on the gaming table to which the table game drop box is attached and a letter or letters which indicate the type of game.

(ii) The word "emergency."

(6) In addition to the information required under paragraph (5)(i), a table game drop box may also be identified by a bar code label that is securely affixed to the table game drop box. Each bar code label affixed to a table game drop box must be:

(i) Encoded, at a minimum, with the information required under paragraph (5)(i).

(ii) Prepared in accordance with the slot machine licensee's approved internal controls.

(h) The key utilized to release the table game drop boxes from table games that are not fully automated electronic gaming tables shall be maintained and controlled by the security department. The security department may, immediately prior to the commencement of the table game count process, issue its release key to the count room supervisor for the purpose of resetting the release mechanism on empty table game drop boxes. A key transferred from the security department shall be returned immediately following the conclusion of the count of the table game drop boxes. The security department shall establish sign in and sign out procedures in its internal controls documenting this transfer and procedures governing the control of the key during any breaks taken by the count room personnel.

(i) The key to one of the locks securing the contents of a table game drop box from a table game that is not a fully automated electronic gaming table shall be maintained and controlled by the finance department. The key to the second lock securing the contents of the table game drop box from a table game that is not a fully automated electronic gaming table shall be maintained and controlled by the casino compliance representatives.

(j) Prior to using a table game drop box labeled "Emergency" for a table game that is not a fully automated electronic gaming table, the certificate holder shall:

(1) Notify and obtain the verbal approval of the casino compliance representatives.

(2) Temporarily mark the emergency table game drop box with the number of the gaming table and a letter or letters that indicate the type of game.

**§ 465a.18. Transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage.**

(a) Slot machine licensees shall submit and obtain the approval of the Bureau of Casino Compliance, in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment), the plan for the distribution and collection of slot cash storage boxes and table game drop boxes. The plan must:

(1) Provide for the separate distribution and collection of table game drop boxes from table games that are not

fully automated electronic gaming tables from slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables.

(2) Include the time the distribution and collection of table game drop boxes from table games that are not fully automated electronic gaming tables, slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables will begin.

(3) Specify which slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables will be picked up on each pick-up day.

(4) Specify the order in which the slot cash storage boxes and table game drop boxes will be distributed and collected.

(5) Specify the route that the drop team will utilize from the gaming floor to the count room.

(b) Slot machine licensees shall maintain and make available to the Bureau of Casino Compliance and the Pennsylvania State Police a current list, with Board credential numbers, of all employees participating in the transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor. The slot machine licensee shall file notice with the Bureau of Casino Compliance and obtain verbal approval from the casino compliance supervisor at the licensed facility prior to:

(1) Deviating from the schedule setting forth the specific times at which slot cash storage boxes or table game drop boxes are brought to or removed from the gaming floor.

(2) Changing which slot cash storage boxes or table game drop boxes from fully automated electronic gaming tables will be picked up on each pick-up day.

(3) Altering the route to the count room.

(c) Table game drop boxes from table games that are not fully automated electronic gaming tables shall be removed from all gaming tables once each gaming day regardless of whether or not the gaming table was open or closed during that gaming day. Table game drop boxes from table games that are not fully automated electronic gaming tables shall be collected separately from slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables.

(d) Slot cash storage boxes and table game drop boxes removed from bill validators or gaming tables shall be transported directly to, and secured in, the count room or a trolley storage area located immediately adjacent thereto, configured and secured by a minimum of three employees, at least one of which is a member of the security department and at least one of which is a member of the finance department.

(1) Upon its removal from a bill validator or gaming table, a slot cash storage box or table game drop box shall immediately be placed in an enclosed trolley which is secured by two separately keyed locks. The key to one lock shall be maintained and controlled by the security department. The key to the other lock shall be maintained and controlled by the finance department. Access to the keys shall be controlled, at a minimum, by a sign out and sign in procedure contained in the slot machine licensee's internal controls. The security department key and the key controlled by finance shall be returned to its secure location after completion of the slot and table game count.



(2) Prior to the movement of any trolley, which contains slot cash storage boxes or table game drop boxes, from the gaming floor into the count room, the drop team supervisor shall verify that the number of slot cash storage boxes and table game drop boxes removed from the gaming floor equals the number of slot cash storage boxes and table game drop boxes scheduled to be collected that day and that the locks controlled by security and the finance department have been locked. For table game drop boxes removed from table games that are not fully automated electronic gaming tables, a floorperson or above may verify the number of table game drop boxes removed from the gaming floor instead of the drop team supervisor.

(3) A slot cash storage box or table game drop box being replaced by an emergency slot cash storage box or table game drop box shall be transported, using a trolley, directly to and secured in the count room by at least one member of the finance department and one member of the security department.

(e) Slot cash storage boxes and table game drop boxes that are not secured to a bill validator or a gaming table, including emergency slot cash storage boxes and table game drop boxes that are not actively in use, shall be stored in the count room or other secure area specified in the slot machine licensee's internal controls. These slot cash storage boxes and table game drop boxes shall be stored in an enclosed cabinet or trolley and secured in the cabinet or trolley by a separately keyed, double locking system. The key to one lock shall be maintained and controlled by the security department and the key to the other lock shall be maintained and controlled by the finance department. Access to the keys shall be controlled, at a minimum, by a sign out and sign in procedure contained in the slot machine licensee's internal controls.

(f) Notwithstanding subsection (e), the security department may, immediately prior to the commencement of the count process, issue its key to the storage cabinet or trolley to a count room supervisor for the purpose of gaining access to the slot cash storage boxes and table game drop boxes in the storage cabinet or trolley. A key transferred from the custody of the security department to the count room supervisor shall be returned immediately following the conclusion of the count of the slot cash storage boxes and table game drop boxes and the return of the empty emergency drop boxes and slot cash storage boxes or table game drop boxes to their respective storage cabinet or trolley by the count room supervisor. The security department shall establish in its internal controls a sign out and sign in procedure documenting this transfer and a procedure governing the control of the key during any breaks taken by count room personnel.

(g) When a gaming table on the gaming floor is not in use, the table game drop box for that table must remain attached to the gaming table.

(h) Prior to changing the type of table game offered or removing a slot machine or table game from the gaming floor, at least one security department employee and one finance department employee shall conduct an emergency drop.

**§ 465a.19. Acceptance of tips or gratuities from patrons.**

(a) Notwithstanding the requirements of § 461a.8(n) (relating to gaming vouchers), a key employee, box person, floorperson or any other gaming employee who serves in a supervisory position is prohibited from solicit-

ing or accepting, and no other gaming employee may solicit, a tip or gratuity from a patron of the slot machine licensee. The slot machine licensee may not permit any practices prohibited by this section.

(b) The slot machine licensee shall submit internal controls relating to the acceptance of tips or gratuities by dealers at banking and nonbanking table games.

(c) Except as permitted under subsection (g), all tips and gratuities received by dealers in a licensed facility shall be:

(1) Immediately deposited in a transparent locked box reserved for tips and gratuities. If Roulette chips are received as tips or gratuities at a Roulette table, the marker button indicating the specific value of the Roulette chips may not be removed until after the dealer, in the presence of a floorperson or above, has converted the Roulette chips into value chips which shall then be immediately deposited in the transparent locked box reserved for tips and gratuities.

(2) Collected and accounted for at least once each gaming day.

(3) Placed in a common pool for distribution pro rata among all dealers in accordance with subsection (e).

(d) Upon receipt from a patron of a tip or gratuity, a dealer shall extend his arm in an overt motion, and deposit the tip or gratuity in the locked box reserved for tips and gratuities.

(e) Tips and gratuities placed in a common pool shall be distributed pro rata among the dealers in the pool based upon the number of hours worked. In determining the number of hours which an employee has worked for purposes of tip pool distribution, a slot machine licensee may establish standards for distribution which include hours of vacation time, personal leave time or any other authorized leave of absence in the number of hours worked by each employee. These standards shall apply uniformly to all employees, except that a slot machine licensee may establish different standards for full-time or part-time employees.

(f) Any distribution of tips and gratuities from a common tip pool under this section shall occur no more than once every 7 calendar days.

(g) Notwithstanding the requirements in subsection (c), a certificate holder that offers the game of Poker may either:

(1) Establish a separate common pool for tips and gratuities received by its Poker dealers.

(2) Permit a Poker dealer to retain his own tips and gratuities, in which case the tips and gratuities received by a Poker dealer shall be deposited, in accordance with procedures in subsection (d), in a transparent locked box assigned to the particular dealer. The box shall be moved from table to table with the dealer.

(h) When a slot machine licensee elects to use the option in subsection (g)(2), at the end of the Poker dealer's shift, the dealer shall take the transparent locked box assigned to the dealer to a cage cashier. The cage cashier shall open the container and count the tips and gratuities in the presence of the Poker dealer and record the total amount of the tips and gratuities received by the dealer and either:

(1) Return the tips and gratuities to the dealer.

(2) Retain all or a portion of the tips and gratuities for inclusion in the dealer's paycheck.

(i) A certificate holder shall specify how dealer tips and gratuities will be reported to the Internal Revenue Service.

**§ 465a.20. Personal check cashing.**

(a) Personal checks accepted by a slot machine licensee under § 501a.6 (relating to check cashing) to enable a patron to take part in gaming must be:

(1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee.

(4) Currently dated, but not postdated.

(b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a cage cashier who shall:

(1) Endorse the check "for deposit only" to the bank account designated by the slot machine licensee.

(2) Initial the check.

(3) Date and time stamp the check.

(4) Verify that the signature of the patron on the personal check and the patron's physical appearance agree with information recorded in a patron signature file created and maintained by the slot machine licensee in accordance with subsection (c) or with the signature and photograph or physical description contained on a government-issued identification presented by the patron. The slot cashier shall document how the signature verification was performed in connection with the acceptance of each personal check.

(5) For personal checks equaling or exceeding \$500, verify the validity of the check directly with the commercial bank, savings bank, saving and loan association or credit union upon which it is drawn or obtain an authorization and guarantee of the check from a check verification and warranty service certified as a gaming service provider by the Board. The cage cashier shall document how the check verification was performed in connection with the acceptance of each personal check.

(6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn or place the amount in a customer deposit account under § 465a.23 (relating to customer deposits) for subsequent use at the licensed facility. A slot machine licensee may not accept a check or multiple checks which in the aggregate exceed \$2,500 per patron per gaming day, except as permitted in §§ 609a.15(c) and 609a.16(b) (relating to redemption of Counter Checks; and substitution and consolidation of Counter Checks).

(c) To record a patron's signature in a patron signature file, a cage cashier shall require the individual for whom the file is to be created to present for examination the following:

(1) If the identity of the patron is to be confirmed in accordance with subsection (d)(1), one form of identification.

(2) If the identity of the patron is to be confirmed in accordance with subsection (d)(2), two forms of identification, at least one of which must contain a photograph or general physical description of the patron.

(d) Before a slot machine licensee may use a signature recorded in a patron signature file to verify the identity of

a patron or the validity of a signature on a document, the slot machine licensee shall confirm the identity of the patron by either:

(1) Comparing the signature on the identification presented by the patron under subsection (c)(1) with the signature obtained from the patron and verifying the address of the patron's residence with a credit bureau, commercial bank or, if neither of these sources has the individual's address on file or will not provide the information, with an alternative source, which does not include any identification credentials or other documentation presented by the patron at the cage.

(2) Comparing the signature on each of two forms of the identification presented by the patron under subsection (c)(2) with the signature obtained from the patron and comparing the photograph or general physical description contained on at least one of the forms of identification with the patron's actual physical appearance.

(e) A patron signature file established and maintained by a slot machine licensee under subsection (c) must include, in addition to the patron's signature, the following:

(1) The patron's name.

(2) The address of the patron's residence.

(3) The types of identification examined under subsection (d) and an indication whether the identification contained a photograph or physical description of the patron.

(4) For the purposes of this section, a physical description of the patron which includes:

(i) Date of birth.

(ii) Approximate height.

(iii) Approximate weight.

(iv) Hair color.

(v) Eye color.

(5) The date and time that the patron signature file was established.

(6) The procedure by which the identity of the patron was confirmed under subsection (d), including:

(i) The source of confirmation, date and time if confirmed under subsection (d)(1).

(ii) The date and time of confirmation if confirmed under subsection (d)(2).

(7) The signature of the cage cashier or cage supervisor who examined the identification of the patron and established the patron signature file. The signature will evidence that:

(i) The signature of the patron recorded in the patron signature file is consistent with the signature on each form of identification that was examined.

(ii) The physical description recorded in the patron signature file is consistent with both the actual appearance of the patron and any photograph or physical description that may be contained on an identification that was examined.

(f) A slot machine licensee that charges a fee for cashing checks shall comply with the Check Casher Licensing Act (63 P. S. §§ 2301—2334).

(g) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of

internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with this section including the dollar limitation per gaming day contained in subsection (b)(6).

**§ 465a.21. Wire transfers.**

(a) A wire transfer accepted by a slot machine licensee on behalf of a patron under § 501a.6 (relating to check cashing) to enable a patron to take part in gaming shall be recorded in the slot machine licensee's cage accountability no later than the next gaming day.

(b) Prior to commencing acceptance of wire transfers for gaming purposes, a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance, verification, accounting for and sending of wire transfers. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A cage log to record the following information with regard to wire transfers accepted:

(i) A sequential number assigned by the slot machine licensee to the wire transfer transaction.

(ii) The date and time of notification.

(iii) The name of the financial institution and account number to which the funds were transferred.

(iv) The amount of funds transferred.

(v) The name of the patron for whose benefit the funds were transferred.

(vi) The name and address of the financial institution from which the funds were transferred and the account number from which the funds were debited.

(vii) The method by which the slot machine licensee was notified of the receipt of the wire transfer and, if noticed by telephone, the name and title of the person providing notice.

(viii) The signature of the cage employee receiving and recording the information required under this subsection.

(ix) A notation that the wire transfer has been reversed under subsection (d), when applicable.

(2) A requirement that a cage supervisor other than the cage employee who initially documented receipt of the wire transfer verify receipt of the wire transfer.

(3) A requirement that the cage supervisor verifying receipt of the wire transfer document the verification process performed in the log required under paragraph (1) including:

(i) The method by which the receipt of the wire transfer was verified and, if verified by telephone, the name and title of the individual providing the verification.

(ii) The date and time of verification.

(iii) The signature of the cage supervisor verifying receipt of the wire transfer.

(4) The procedures used to:

(i) Establish, verify and document the identity of the patron.

(ii) Make the wire transfer proceeds available to the patron at the cage.

(iii) Adjust the cage accountability.

(5) A cage log to record the following information with regard to wire transfers sent on behalf of a patron:

(i) The name of the patron.

(ii) The date of the transaction.

(iii) The amount of funds transferred.

(iv) The source of funds transferred (cash, cash equivalent, jackpot payout).

(v) The name and address of the financial institution to which the funds will be transferred and the account number to which the funds will be credited.

(vi) The signature of the patron if the request to send a wire transfer is made in person at the cage.

(vii) Documentation supporting the receipt of a request by the slot machine licensee to send a wire transfer on behalf of a patron if the request was not made in person at the cage.

(viii) The signature of the cage employee receiving and recording the information required under this subsection.

(ix) The signature of the cage supervisor or accounting department supervisor authorizing the wire transfer.

(6) When sending a wire transfer on behalf of a patron, the procedures used to:

(i) Verify and document the identity of the patron.

(ii) Adjust the cage accountability.

(d) A slot machine licensee, on the next gaming day, shall take all steps necessary to return to a patron by wire transfer an amount initially accepted by wire transfer if, at the expiration of 14 gaming days following the deposit into its operating account of a wire transfer which has no documented business purpose other than having been accepted to enable a patron to take part in gaming, both of the following circumstances exist:

(1) The wired funds remain in a slot machine licensee's operating account or cage accountability.

(2) The patron has engaged in minimal or no slot or table game play.

(e) The wire transfer returned under subsection (d) shall be sent to the financial institution from which the funds were debited. This reversal of the wire transfer shall be recorded in the wire transfer log maintained under subsection (c)(1).

**§ 465a.22. Cash equivalents.**

(a) The requirements in this section are not applicable to gaming chips or plaques.

(b) Prior to accepting cash equivalents for gaming purposes as permitted under § 501a.6 (relating to check cashing), a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A requirement that cage employees perform the specific verification procedures required under the issuer



of each cash equivalent accepted. The slot machine licensee shall retain adequate documentation evidencing the verification of each cash equivalent.

(2) A requirement that cage employees examine each cash equivalent for counterfeiting, forgery or alteration.

(3) When a slot machine licensee elects to incorporate into its verification procedures a level of reliance on previously accepted cash equivalents, the procedures must articulate the general parameters governing the reliance.

(4) Criteria for cage supervisor involvement in the verification process.

(5) Procedures for verifying any patron signature on the cash equivalent. Signature verification must be accomplished in accordance with the signature verification procedures in § 465a.20 (relating to personal check cashing). The slot machine licensee shall retain adequate documentation evidencing how each signature was verified.

#### § 465a.23. Customer deposits.

(a) At the request of a patron, a slot machine licensee may hold cash, funds accepted by means of personal check in accordance with § 465a.20 (relating to personal check cashing) or wire transfer in accordance with § 465a.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465a.22 (relating to cash equivalents) for a patron's subsequent use at the licensed facility. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cage.

(b) Prior to agreeing to hold a patron's cash, funds accepted by means of personal check in accordance with § 465a.20 or wire transfer in accordance with § 465a.21 or cash equivalents accepted in accordance with § 465a.22 for a patron's subsequent use at the licensed facility, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A requirement that customer deposits be accepted at the cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cage, gaming table or upon receipt of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification must be accomplished in accordance with the signature verification procedures under § 465a.20. The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and how the signature was verified.

#### § 465a.24. Count room characteristics.

(a) A slot machine licensee shall have adjacent or proximate to the cage a room, to be known as a count room, specifically designated, designed and used for counting the contents of slot cash storage boxes and table game drop boxes.

(b) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein. Each slot machine licensee shall design and construct a count room with the following security measures:

(1) A metal door installed on each entrance and exit equipped with an alarm device which audibly signals the surveillance department monitoring room and the security department whenever a door to the count room is opened at times other than those times for which the slot machine licensee has provided prior notice under § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(2) Each entrance and exit door must be equipped with two separate locks, the keys to which must be different from each other and different from the lock securing the contents of each slot cash storage box or table game drop box. The keys shall be maintained and controlled as follows:

(i) The key to one of the locks shall be maintained and controlled by the security department.

(ii) The key to the other lock shall be maintained and controlled by finance.

(iii) Sign out and sign in procedures shall be established for both keys.

(c) The following must be located within the count room:

(1) A table constructed of clear glass or similar material for the emptying, counting and recording of the contents of slot cash storage boxes and table game drop boxes.

(2) Surveillance cameras capable of video monitoring of:

(i) The entire count process.

(ii) The interior of the count room, including any storage cabinets or trolleys used to store slot cash storage boxes and table game drop boxes and any approved trolley storage area located adjacent to the count room.

#### § 465a.25. Counting and recording of slot cash storage boxes and table game drop boxes.

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing the opening, counting and recording of the contents of slot cash storage boxes and table game drop boxes. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and must include:

(1) A workflow diagram which indicates the location of all equipment used in the count, including tables, baskets and bins, and the flow of all currency and paperwork from the start of the count to the conclusion of the count. The approved workflow diagram shall also be filed with the surveillance department.

(2) A description of all computer equipment, software, files or reports used in the counting and recording process

and all other systems, if any, that communicate with that computer equipment. The submission must include:

(i) The names of all revenue files, the names of the employees who have access and what type of access they have to those files.

(ii) Controls to prevent access to any count room information by anyone outside of the count room until the entire count process is concluded.

(3) The procedures for conducting each required count, which must include, at a minimum, the following:

(i) In full view of the surveillance cameras, the contents of each slot cash storage box or table game drop box shall be emptied on the count table and either manually counted separately on the count table or counted in a currency counting machine located in a conspicuous location on, near or adjacent to the count table.

(ii) After the contents of each slot cash storage box or table game drop box have been emptied on the count table, the inside of the slot cash storage box or table game drop box shall be held up to the full view of the surveillance cameras to assure that all contents of the slot cash storage box or table game drop box have been removed, after which the slot cash storage box or table game drop box shall be locked and placed in the storage area.

(iii) The contents of each slot cash storage box or table game drop box shall be segregated by a count team member into separate stacks on the count table by each denomination of currency and by the type of required forms or documents. A slot machine licensee may utilize a machine to automatically sort currency by denomination.

(iv) Mutilated or torn currency shall be separated by denomination and recorded as revenue if the bill includes one entire serial number and one letter and number of the serial number from the other half of the bill.

(v) Mutilated or torn currency that is not recorded as revenue shall be placed in a sealed transparent envelope or container and transferred to the main bank by the main bank cashier or cage supervisor at the end of the count.

(vi) Except as provided in subparagraph (vii), each denomination of currency shall be counted separately by one count team member who shall place individual bills of the same denomination on the count table in full view of the surveillance cameras. The currency shall then be counted by a second count team member who is unaware of the result of the original count and who, after completing this count, shall confirm the accuracy of the total, either verbally or in writing, with that reached by the first count team member.

(vii) A slot machine licensee may aggregate counts by denomination of all currency collected in substitution of the second count required under subparagraph (vi), if the original counts are being performed automatically by a machine that counts and automatically records the value of currency, and the accuracy of the machine has been suitably tested and proven in accordance with subparagraph (viii).

(viii) Currency counting machines utilized to count and strap currency, gaming vouchers and coupons may be used if:

(A) Prior to the start of each slot or table game count, the counting machine is tested in accordance with the

procedures contained in the slot machine licensee's internal controls to verify the accuracy of the counting machine.

(B) The counting machine automatically provides two separate counts of the funds at different stages of the count process and, if the separate counts are not in agreement, document the discrepancy.

(C) The counting machine is capable of determining the value of a gaming voucher or coupon by independently examining information printed on the gaming voucher or coupon. The information is used by the counting equipment to either calculate the value internally or obtain the value directly from the gaming voucher system or coupon system in a secure manner. When the gaming voucher system is utilized to obtain the value of a gaming voucher or coupon, the gaming voucher system must perform a calculation or integrity check to ensure that the value has not been altered in the system in any manner since the time of issuance.

(ix) A gaming voucher or coupon deposited in a slot cash storage box or table game drop box from a fully automated electronic gaming table shall be counted and included in the calculation of revenue without regard to the validity of the gaming voucher or coupon.

(4) Procedures for scheduled breaks to be taken by the count team members during the count. This submission must also address the use of restroom facilities that are located in the count room.

(5) Procedures governing the proper wearing and immediate inspection of jumpsuits worn by the count team members to ensure that items are not taken from the count room without proper authority and that the jumpsuits have not been altered in any way. The count team is prohibited from removing the jumpsuits from the licensed facility.

(b) A slot machine licensee shall file with the Bureau of Casino Compliance, in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment), a schedule setting forth the times during which the contents of slot cash storage boxes, table game drop boxes from table games that are not fully automated electronic gaming tables and table game drop boxes from table games that are fully automated electronic gaming tables are to be counted and recorded. The slot machine licensee shall file notice with the Bureau of Casino Compliance and obtain verbal approval from the casino compliance supervisor at the licensed facility prior to deviating from the count schedule.

(c) Immediately prior to the commencement of the count, a count room employee shall notify the surveillance department that the count is about to begin so that surveillance can record the entire count process as required under § 465a.9(e)(8) (relating to surveillance system; surveillance department control; surveillance department restrictions).

(d) Except as otherwise provided in this section, access to the count room during the counting process shall be limited to the count team and those individuals whose presence is necessary to complete the count. The count team shall consist of at least three employees. Employees in the count room who are conducting the count may not, during the counting process, enter a storage area for slot cash storage boxes, table game drop boxes or other items that are part of the count room to perform any function that is not directly related to the counting process.

(e) The opening, counting and recording of the contents of table game drop boxes from table games that are not

fully automated electronic gaming tables may not commence until a casino compliance representative is present in the count room. If the casino compliance representative has to leave the count room during the table game count, the count shall be suspended and all personnel in the count room shall vacate the count room until a casino compliance representative is available to observe the resumption of the count.

(f) All count team members and the casino compliance representative observing a count shall sign a Count Room Attendance Sheet. Any individual who enters or leaves the count room due to an emergency shall sign and record the time of entry or exit on the Count Room Attendance Sheet. When the individual exiting the count room is unable to sign the document due to the emergency, the count room supervisor shall record the individual's name and time of exit and a notation describing the emergency on the Count Room Attendance Sheet. At the conclusion of the count, a copy of the Count Room Attendance Sheet shall be given to the casino compliance representative.

(g) Individuals who are in or who enter the count room when uncounted funds are present shall wear a full-length, one-piece, pocketless jumpsuit with the exception of representatives of the Board, the Department, the Pennsylvania State Police, the security department and the internal audit department.

(h) Individuals present in the count room when uncounted funds are present may not:

(1) Carry a handbag or other container unless it is transparent.

(2) Remove their hands from or return them to a position on or above the count table or counting equipment unless the backs and palms of the hands are first held straight out and exposed to the view of other members of the count team and a surveillance camera.

(i) Once the counting process has started, the doors to the count room shall only be opened for one of the following purposes:

(1) To allow the entire count team to take a scheduled work break.

(2) To allow for a change of casino compliance representatives.

(3) To allow a main bank cashier or cage supervisor to enter the count room to perform the responsibilities in subsection (n) or (o)(6).

(4) To allow the placement of a slot cash storage box or table game drop box or to remove a trolley, empty slot cash storage boxes or table game drop boxes from the count room.

(5) To allow the count team and the casino compliance representative to exit the room at the conclusion of the count.

(6) In the event of an emergency.

(j) If any individual enters or leaves the count room during the counting process, employees remaining in the count room shall display their hands and step away from the count table, banking table and counting equipment until the individual has entered or left the count room.

(k) The counting and recording process shall be discontinued when less than three count team members are present in the count room. When the entire count team takes a scheduled break, all cash that has been removed from the slot cash storage boxes or table game drop boxes shall be counted at least once and secured in a manner

approved by the Bureau of Casino Compliance before any member of the count team may leave the count room.

(l) Once the counting process has been started, a member of the count team shall notify surveillance when the count room door will be opened.

(m) All table game drop boxes from table games that are not fully automated electronic gaming tables shall be counted and recorded at least once each gaming day. The slot machine licensee shall designate which slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables will be counted and recorded each gaming day. The following shall be counted and recorded separately:

(1) Slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables.

(2) Table game drop boxes from banking games that are not fully automated electronic gaming tables.

(3) Table game drop boxes from nonbanking games.

(n) After the contents of slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables have been removed and counted, a count team member shall present the currency to a main bank cashier or cage supervisor in the count room who shall recount, either manually or mechanically, the currency prior to having access to the information recorded by the count team.

(o) Table game drop boxes from table games that are not fully automated electronic gaming tables shall be counted and recorded as follows:

(1) As the contents of each table game drop box are counted, a count team member shall manually record the results of the count on the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or a computer system. The Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report must be a three-part form consisting of an original and two duplicates. The distribution of the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report shall be as follows:

(i) The original shall be delivered to revenue audit by the count room supervisor immediately after leaving the count room at the conclusion of the count.

(ii) The second copy shall be retained by the casino compliance representative observing the count.

(iii) The third copy shall be retained by the cage supervisor or main bank cashier.

(2) After the contents of each table game drop box from a banking table game are counted, a member of the count team shall record, manually on the Daily Banking Table Game Count Report or electronically on a computer system, the following information for each banking table game drop box:

(i) The value of each denomination of currency counted.

(ii) The total value of all denominations of currency counted.

(iii) The gaming date of the items being recorded, the total number of banking table game drop boxes opened and counted and the date that the Daily Banking Table Game Count Report is being prepared or generated.

(3) After the contents of each table game drop box from a nonbanking table game are counted, a member of the count team shall record, manually on the Daily Nonbank-



ing Table Game Count Report or electronically on a computer system, the following information for each nonbanking table game drop box:

- (i) The value of Poker rake chips counted.
- (ii) The value of value chips counted.
- (iii) The total value of Poker rake chips and value chips counted.
- (iv) The gaming date of the items being recorded, the total number of nonbanking table game drop boxes opened and counted and the date that the Daily Nonbanking Table Game Count Report is being prepared or generated.

(4) After preparation of the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or the electronic equivalents prepared on a computer system, the count team members and the count room supervisor shall sign the reports attesting to the accuracy of information recorded thereon. The count room supervisor shall verify that all of the table game drop boxes from table games that are not fully automated electronic gaming tables that were collected and opened by count team members have been recorded on the reports.

(5) Once all currency has been counted and the final count totals have been obtained, employees may not be permitted to leave the count room, except in an emergency, until the recount and presentation procedures in paragraph (6) have been completed.

(6) After the contents of all table game drop boxes from table games that are not fully automated electronic gaming tables have been removed and counted, all cash, value chips and Poker rake chips shall be presented in the count room by a count team member to a main bank cashier or cage supervisor who, prior to having access to the information recorded on the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents and in the presence of the count team members and the casino compliance representative, shall recount, either manually or mechanically, the currency, value chips and Poker rake chips presented in accordance with the following requirements:

- (i) The main bank cashier or cage supervisor shall have physical access to all currency, value chips and Poker rake chips presented for recounting. Currency, value chips or Poker rake chips for recounting may not be wrapped or placed in a sealed bag or container until the entire recount has been completed and the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents have been signed by the entire count team, the count room supervisor, the main bank cashier or cage supervisor and the casino compliance representative.
- (ii) The main bank cashier or cage supervisor may bulk count all strapped currency.
- (iii) All partial straps, loose currency, mutilated or torn currency, value chips and Poker rake chips shall be recounted by the main bank cashier or cage supervisor either by hand or with an approved counting device.
- (iv) The casino compliance representative may direct that currency straps of any denomination be recounted by the main bank cashier or cage supervisor, either by hand or by counting equipment, if a discrepancy either in denomination total or grand total is discovered during the initial bulk recount.

(v) Upon completion of the recount, the main bank cashier or cage supervisor shall attest by signature on the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents the amounts of currency, value chips and Poker rake chips counted, after which the casino compliance representative shall sign the report evidencing his presence during the count and the fact that both the main bank cashier or cage supervisor and count team have agreed on the total amounts of currency, value chips and Poker rake chips counted.

(vi) When all required signatures have been obtained, the second copy of the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents shall be given to the casino compliance representative and the third copy shall be retained by the cage supervisor or main bank cashier.

(vii) The original Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents, the Requests for Fills, the Fill Slips, the Requests for Credits, the Credit Slips, the issuance copy of the Counter Checks, the Table Inventory Slips and any other supporting documentation shall be transported directly to the accounting department and may not be available to cage personnel.

(7) A count room employee, in the presence of the casino compliance representative who observed the count, shall conduct a thorough inspection of the entire count room and all counting equipment located therein to verify that no currency, value chips, Poker rake chips, Counter Checks, gaming vouchers, coupons or supporting documentation remains in the room.

(p) If any problems occur with the slot or table count procedures or machines (for example, computer interface malfunctions or strap overages or shortages), the problems shall be brought to the immediate attention of a casino compliance representative and a detailed written report explaining the problem, the reason for the problem and the corrective action taken shall be filed by the count room supervisor or above with the casino compliance representatives within 24 hours of the conclusion of the count.

(q) Notwithstanding the requirements of this section and § 465a.18 (relating to transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage), a slot machine licensee may submit, as part of its internal controls, alternate procedures for the separate collection, distribution, opening and counting of nonbanking table game drop boxes in a room, other than the count room, provided that:

- (1) The room for the counting of nonbanking table game drop boxes shall be dual access controlled by the finance department and the security or surveillance department and covered by the slot machine licensee's surveillance system.
- (2) Immediately prior to the commencement of the nonbanking table game count, an employee of the finance department who is participating in the count shall notify the surveillance department that the count is about to begin so that surveillance can record the entire count process as required under § 465a.9(e)(8).
- (3) The count shall be conducted by at least two employees of the finance department who are not assigned as Poker room cage employees on that gaming day and who have no incompatible duties.
- (4) The opening, counting and recording of the contents of nonbanking table game drop boxes may not commence

until a casino compliance representative is present. If the casino compliance representative has to leave or if less than two finance department employees are present, the count will be suspended until at least two finance department employees and a casino compliance representative are present.

(5) Individuals who participate in the nonbanking table game count may not remove their hands from or return them to a position on or above the count table unless the backs and palms of the hands are first held straight out and exposed to the view of other finance department employees involved in the count and a surveillance camera.

(6) The contents of each nonbanking table game drop box shall be counted and recorded in accordance with subsection (o)(1) and (3). After preparation of the daily nonbanking table game count report or the electronic equivalents prepared on a computer system, the finance department employees who participated in the count shall sign the report attesting to the accuracy of the information recorded thereon. Once the contents of the nonbanking table game drop boxes has been counted and the final count totals have been obtained, employees may not leave the room, except in an emergency, until the recount and presentation procedures in paragraph (7) have been completed.

(7) The cash, value chips and Poker rake chips removed from the nonbanking table game drop boxes shall then be presented to a cage supervisor who did not participate in the count and shall be recounted and recorded in accordance with subsection (o)(6).

(8) The slot machine licensee shall submit procedures governing how scheduled work breaks will be conducted, if any, during the nonbanking table game count.

**§ 465a.26. Jackpot and credit meter payouts.**

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot and credit meter payouts that are not paid directly from a slot machine or fully automated electronic gaming table. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures must, at a minimum, include:

(1) The use of a two-part electronically generated jackpot/credit meter payout slip created by a slot attendant or slot supervisor or higher slot operations department employee, verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table and the amount of the jackpot or credit meter payout based on the observed winning wager or winning combinations.

(2) A requirement that if the jackpot or credit meter payout on a slot machine is equal to or between \$1,200 and \$9,999.99, a security department member or a slot operations department member other than the preparer, shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron.

(3) A requirement that if the jackpot or credit meter payout is equal to or between \$10,000 and \$24,999.99 on

a slot machine, or between \$5,000 and \$24,999.99 on a fully automated electronic gaming table, a security department member, a slot supervisor or other employee holding the same or greater level of authority than a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

(4) A requirement that if the jackpot or credit meter payout on a slot machine or fully automated electronic gaming table is \$25,000 or more, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

(5) A requirement that the following information be on all two-part electronically generated jackpot/credit meter payout slips:

(i) The date and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

(iii) The winning wager or winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The type of win (that is, progressive, jackpot or credit meter payout).

(v) The amount that is to be paid to the winning patron. This amount may, at the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(vi) A unique number generated by the slot monitoring system.

(vii) The signature or, if the slot accounting system has approved controls for access to the system, the electronic authorization of the preparer.

(viii) The signature or, if the slot accounting system has appropriate controls for access, the electronic authorization of the witness when the amount is equal to or greater than \$1,200.

(ix) The signature or identification code of the cashier providing the funds to the preparer, if applicable.

(6) A requirement that the two-part electronically generated jackpot/credit meter payout slip not be susceptible to any changes or deletion from the slot monitoring system by any personnel after preparation.

(7) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund, a two-part manual jackpot/credit meter payout slip is completed that contains the following information:

(i) The date and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

(iii) The winning wager or winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The type of win (that is, progressive, jackpot or credit meter payout).

(v) The amount paid to the winning patron. This amount may, at the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(vi) The signature and Board-issued credential number of the preparer.

(vii) The signature and Board-issued credential number of the witness when the amount is equal to or greater than \$1,200.

(8) When jackpot or credit meter payouts are made from slot attendants' imprest funds, procedures for the replenishment of the imprest funds and the reconciliation process to be used by the slot attendants.

(9) A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, effective audit procedures over the issuance of jackpot and credit meter payouts including adequate comparisons to the slot monitoring system.

(10) Detailed procedures on the processing of all system overrides or adjustments to jackpot or credit meter payouts. All jackpot or credit meter payouts that do not match the payout amount electronically sent from the slot machine or fully automated electronic gaming table to the slot monitoring system require an override.

(11) Detailed procedures for the processing of all voided jackpot/credit meter payout slips.

(12) Detailed procedures for the processing of unclaimed taxable jackpot payouts. The procedures must include notice to the casino compliance representatives at the licensed facility when an unclaimed taxable jackpot payout or credit meter payout occurs.

(13) Back-up procedures that will be used when the slot monitoring system is offline or an electronic jackpot payout slip cannot be created, including the use of a three-part manual jackpot or credit meter payout book or equivalent. The three-part manual jackpot payout book or equivalent must contain preprinted, serial numbered three-part manual jackpot/credit meter payout slips that include the following information:

(i) Preprinted serial numbers.

(ii) The date and time of the jackpot or credit meter payout.

(iii) The asset number of the slot machine or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

(iv) The amount of the jackpot or credit meter payout.

(v) The method of payment requested by the patron.

(vi) The signature and Board-issued credential number of the preparer.

(vii) The signature and Board-issued credential number of the witness when the amount is equal to or greater than \$1,200.

(14) A requirement that the unused manual jackpot payout books or equivalent be maintained in a secured locked cabinet, that the key to the cabinet be controlled by the security department or the finance department and that the manual jackpot payout books or equivalent can only be signed out by a slot supervisor or other employee holding a greater level of authority when the slot monitoring system is offline.

(15) A requirement that the surveillance department be verbally notified of all jackpot or credit meter payouts when the amount of the jackpot or credit meter payout is \$5,000 or more. The surveillance department shall log all calls regarding jackpot or credit meter payouts in the surveillance log.

**§ 465a.29. Automated teller machines.**

(a) Automated teller machines may be placed at any location within a licensed facility. Automated teller machines that offer credit card advances may not be placed on the gaming floor.

(b) An automated teller machine must have a label on the top and front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a black background or other color combination approved by the Bureau of Casino Compliance, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the automated teller machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

(c) A slot machine licensee may utilize an automated teller machine that also contains an automated gaming voucher redemption machine, an automated coupon redemption machine or bill breaker provided that the machine complies with the requirements in § 465a.34 (relating to automated gaming voucher and coupon redemption machine accounting controls).

**§ 465a.30. Waiver of requirements.**

(a) The Board's Executive Director may waive one or more of the requirements of this chapter or technical standards applicable to accounting and internal controls adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site upon a determination that the nonconforming control or procedure nonetheless meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(b) A slot machine licensee may submit a request to the Board's Executive Director for a waiver for one or more of the requirements in this chapter or the technical standards applicable to accounting and internal controls adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site. The request must:

(1) Be filed with the Board's Executive Director.



(2) Include supporting documentation demonstrating how the accounting and internal controls for which the waiver has been requested will still meet the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) Be approved by the Board's Executive Director.

**§ 465a.31. Gaming day.**

(a) For the purposes of determining gross terminal and gross table game revenue, the beginning and ending times of the gaming day will be 6:00 a.m. to 5:59.59 a.m.

(b) Prior to commencing slot or table game operations, each slot machine licensee shall submit to the Board, in writing, its hours of operation. A slot machine licensee may not commence gaming operations until its hours of operation are approved by the Board.

(c) Any change in a slot machine licensee's hours of operation shall be submitted as a change to the slot machine licensee's internal controls in accordance with the requirements in § 465a.2(f) (relating to internal control systems and audit protocols) but may not be implemented until approved by the Board's Executive Director.

**§ 465a.32. Signature.**

An employee signature may be in either of the following formats:

(1) The employee's first initial, last name and Board-issued credential number, written by the employee, immediately adjacent to or above the clearly printed or preprinted title of the employee.

(2) The employee's unique identification number or other computer identification code issued to the employee by the slot machine licensee, if the document to be signed is authorized by the Board to be generated by a computer system and the method of signature is approved or required by the Board.

**§ 465a.33. Access to areas containing central control computer equipment.**

A slot machine licensee shall develop and submit to the Board and the Department, as part of the submission required under § 465a.2 (relating to internal control systems and audit protocols), procedures for safeguarding and limiting access to the central control computer (CCC) equipment housed within the licensed facility. At a minimum, these procedures must include the following requirements:

(1) The area containing CCC equipment must:

(i) Be secured with a manual key lock system, the keys to which must be different from any other keys used in the licensed facility.

(ii) Have a door that when opened audibly signals the surveillance monitoring room.

(iii) Have adequate surveillance camera coverage to record all activity in the area.

(2) Access to the area containing the CCC system equipment may not be permitted unless prior arrangements have been made with the Department and the operator of the CCC system.

(3) All keys which access the area containing CCC equipment shall be maintained by the slot machine licensee's security department. The keys may only be signed out by the director of security or the security shift manager to employees of the Department or the operator

of the CCC system who are on the authorized access list. The authorized access list shall be obtained from the Department and made available to the casino compliance representatives and the director of security at the licensed facility. A verbal notification shall be made to the surveillance monitoring room, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to signing out the keys.

(4) The slot machine licensee shall maintain an access log for the area containing CCC equipment. The log shall be maintained in a book with bound numbered pages that cannot be readily removed and placed in close proximity to the CCC equipment. Casino compliance representatives at the licensed facility may review the log upon request to the Department and the operator of the CCC system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a log:

(i) The date and time of each entry.

(ii) The entering individual's name, Board-issued credential number and department or affiliation.

(iii) The reason for entering the area containing CCC equipment.

(iv) The name of the individual authorizing entry into the area containing CCC equipment.

(v) The date and time of exiting the area containing the CCC equipment.

(5) Individuals who are not authorized to have access to the area containing CCC equipment may only be granted access for emergency situations requiring environmental adjustments, such as electrical, plumbing or HVAC malfunctions, with a security escort. When emergency access is granted, the slot machine licensee shall provide notice immediately to the Department, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to permitting entry to the area containing CCC equipment.

**§ 465a.34. Automated gaming voucher and coupon redemption machine accounting controls.**

(a) Prior to commencing use of an automated gaming voucher redemption machine, an automated coupon redemption machine, bill breaker or some combination thereof, a slot machine licensee shall establish a comprehensive system of internal controls. The internal controls shall be submitted to, and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal controls required under subsection (a) must:

(1) Address the distribution of currency or coin, or both, to the machines, the removal of gaming vouchers, coupons or currency accepted by the machines and the reconciliations associated therewith.

(2) Include a detailed description of which departments maintain and control the keys to the locks securing each compartment of the automated gaming voucher redemption machine, automated coupon redemption machine, bill breaker or combination thereof, provided that:

(i) The keys to each compartment of the machine must be different from each other.

(ii) The key to the lock securing the compartments containing currency shall be maintained and controlled by the finance department.

(iii) The keys to the remaining compartments shall be maintained and controlled by a designated department to ensure the proper segregation of duties.

(3) Require either the finance department or slot operations department to clear the error conditions listed in § 461a.10(o) (relating to automated gaming voucher and coupon redemption machines).

**§ 465a.35. Personnel assigned to the operation and conduct of table games.**

(a) The following personnel shall be used to operate table games that are not fully automated electronic gaming tables in a licensed facility:

- (1) Dealers.
- (2) Stickpersons.
- (3) Boxpersons.
- (4) Floorpersons.
- (5) Pit managers.
- (6) Poker shift managers.
- (7) Assistant table games shift managers.
- (8) Table games shift managers.

(b) Certificate holders shall maintain the following minimum levels of staffing when table games are being operated:

- (1) One dealer for any table game other than Craps or Baccarat.
- (2) Two dealers for each Baccarat table.
- (3) Three dealers for each Craps table, one of whom shall act as the stickperson.
- (4) One boxperson for each Craps table.

(c) Certificate holders shall provide a sufficient number of floorpersons to supervise the operation of table games in accordance with the standards in this subsection. A floorperson may not supervise more than the number of tables specified in one of the following paragraphs:

- (1) Four tables comprised of any combination of banking table games excluding:
  - (i) Baccarat.
  - (ii) Midibaccarat.
  - (iii) Craps.
  - (iv) Mini-Craps.
  - (v) Pai Gow.
- (2) One Baccarat table.
- (3) Two Midibaccarat tables.
- (4) One Midibaccarat table and one table of any other banking table game excluding Baccarat, Craps and Mini-Craps.
- (5) Three Craps tables.
- (6) One Craps table and two tables of any other banking table game excluding Baccarat, Midibaccarat, Mini-Craps and Pai Gow.
- (7) One Mini-Craps table, if only one dealer is assigned to the table.
- (8) Two Mini-Craps tables, if there is a dealer and a stickperson assigned to the tables.
- (9) Two Pai Gow tables, if the tables are in a side-by-side configuration.

(10) One Pai Gow table and one table of any other banking table game excluding Baccarat, Craps and Mini-Craps.

(11) Eight Poker tables.

(12) Ten Poker tables, if the floorperson assigned to Poker does not have responsibilities for seating players.

(d) If the gaming tables being supervised by a floorperson are electronic gaming tables, other than fully automated electronic gaming tables, the maximum number of gaming tables that the floorperson may supervise may be increased by 50%. For example, under subsection (c)(1) the floorperson would be allowed to supervise six banking gaming tables instead of four.

(e) Certificate holders shall provide a sufficient number of pit managers or assistant table games shift managers to supervise the operation of table games subject to the limitation that a pit manager or assistant table games shift manager may not directly supervise more than eight floorpersons.

(f) Certificate holders shall provide a Poker shift manager to supervise all open Poker tables. If no more than three Poker tables are open, a floorperson is not required.

(g) Certificate holders shall provide a table games shift manager to supervise the operation of table games during every shift. An assistant table games shift manager may be designated to act as the table games shift manager in the table games shift manager's absence, but that assistant table games shift manager may not be counted toward the number of pit managers or assistant table games shift managers required under subsection (e).

(h) A certificate holder may request to use a staffing plan that differs from the minimum standards in this section by filing a written Alternate Minimum Staffing Plan in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). The Alternate Minimum Staffing Plan must, at a minimum, include:

- (1) The pit number and configuration of any pit affected.
- (2) The type, location and table number of any table affected.
- (3) The standard staffing level required for the gaming table or tables by this section and the proposed alternative staffing.
- (4) The days, shifts or times during which the alternative staffing would be in effect.

(5) A narrative explaining the rationale for the proposed alternative staffing and how the alternative staffing will protect the integrity of gaming at the affected gaming tables.

(i) A certificate holder that has filed a request to use an Alternate Minimum Staffing Plan may not implement that plan until the certificate holder has received written approval from the Board's Executive Director.

(j) Nothing in this section limits a certificate holder from utilizing personnel in addition to those described in this section nor limits the discretion of the Board to order the utilization of additional personnel in the operation and conduct of table games.

**§ 465a.36. Table inventories.**

(a) When a table game that is not a fully automated electronic gaming table is opened for gaming, operations

shall commence with an amount of gaming chips, coins and plaques to be known as the table inventory.

(b) A certificate holder may not cause or permit gaming chips, coins or plaques to be added to, or removed from, the table inventory during the gaming day except:

- (1) In exchange for cash.
- (2) In exchange for the issuance copies of Counter Checks presented by patrons.
- (3) For the payment of winning wagers and collection of losing wagers made at the gaming table.
- (4) In exchange for gaming chips or plaques received from a patron having an equal aggregate face value.
- (5) In conformity with the fill and credit procedures in §§ 465a.38 and 465a.39 (relating to procedures for distributing value chips, coins and plaques to gaming tables; and procedures for removing value chips, coins and plaques from gaming tables).
- (6) For the collection of vigorish.

(c) When a table game is not open for gaming activity, the table inventory and a Table Inventory Slip prepared in conformity with §§ 465a.37, 465a.42 and 465a.44 (relating to procedures for opening table games; procedures for closing table games; and table inventory counts on a per shift basis) must be stored in a locked container which shall be clearly marked on the outside with the game and the gaming table number to which it corresponds. A Table Inventory Slip shall be completed on a table game that is not open for gaming activity at least once per gaming day. The information on the Table Inventory Slip must be visible from the outside of the container. Containers must be stored either in the cage or secured to the gaming table, in a manner approved by the Bureau of Casino Compliance.

(d) The keys to the locked containers containing the table inventories shall be maintained and controlled by the table games department and may not be made accessible to cage personnel or to any employee responsible for transporting the table inventories to or from the gaming tables.

(e) Table Inventory Slips must be two-part forms upon which the following is recorded:

- (1) The date and identification of the shift ended.
- (2) The game and table number.
- (3) The total value of each denomination of value chips, coins and plaques remaining at the gaming table.
- (4) The total value of all denominations of value chips, coins and plaques remaining at the gaming table.
- (5) The signatures of the dealer or boxperson and floorperson assigned to the gaming table who conducted the count of the table inventory when the gaming table was closed and when the gaming table was opened.

**§ 465a.37. Procedures for opening table games.**

(a) When a table game that is not a fully automated electronic gaming table is to be opened for gaming activity, the locked container with the table inventory and the duplicate copy of the Table Inventory Slip, if not already attached to the gaming table, shall be transported directly from the cage to the gaming table by a security department employee.

(b) Immediately prior to opening the table game for gaming, the floorperson assigned to the gaming table

shall unlock the container with the table inventory after assuring that it is the proper container for that gaming table.

(c) The dealer or boxperson assigned to the gaming table shall count the contents of the table inventory in the presence of the floorperson assigned to the gaming table and reconcile the count to the totals on the duplicate copy of the Table Inventory Slip removed from the container.

(d) Signatures attesting to the accuracy of the information recorded on the duplicate copy of the Table Inventory Slip shall be placed on the duplicate copy of the Table Inventory Slip by the dealer or boxperson assigned to the table and the floorperson who observed the dealer or boxperson count the contents of the container.

(e) After the count of the table inventory and the duplicate copy of the Table Inventory Slip has been signed as required under subsection (d), the dealer or boxperson shall immediately deposit the slip into the table game drop box attached to the gaming table.

(f) If there is a discrepancy between the amount of gaming chips and plaques counted and the amount of the gaming chips and plaques recorded on the duplicate copy of the Table Inventory Slip:

(1) The discrepancy shall be immediately verbally reported to the pit manager or above, the security department and the casino compliance representatives.

(2) The dealer or boxperson assigned to the table, in the presence of the pit manager or above and a security department employee, shall recount the table inventory and complete a new Table Inventory Slip reflecting the results of the dealer's or boxperson's recount of the table inventory.

(3) The pit manager or above shall:

(i) Prepare an Error Notification Slip, which must be a three-part form containing the following information:

- (A) The date and time.
- (B) The type of game.
- (C) The table number and pit.
- (D) An explanation of the error.

(ii) Write "Incorrect Copy" on the copy of the Table Inventory Slip that was in the table inventory.

(iii) Sign the "Incorrect Copy."

(iv) Write "Correct Copy" on both copies of the Table Inventory Slip required to be prepared by the dealer or boxperson under paragraph (2).

(4) The "Correct Copy" shall be signed by the dealer or boxperson who recounted the table inventory, the security department employee who witnessed the recount and the pit manager or above.

(5) After the signatures required under paragraph (4) have been obtained, the "Incorrect Copy" Table Inventory Slip, both copies of the "Correct Copy" Table Inventory Slip and the first copy of the Error Notification Slip shall be deposited by the dealer or boxperson in the drop box.

(g) The second copy of the Error Notification Slip shall be given to the pit clerk or floorperson or above and the third copy of the Error Notification Slip shall be delivered to the casino compliance representatives.

(h) For any discrepancy greater than \$10, the security or surveillance department shall investigate the discrepancy and, within 24 hours, complete a standard written



incident report on a form approved by the Bureau of Casino Compliance and immediately forward a copy of the incident report to the casino compliance representatives.

**§ 465a.38. Procedures for distributing value chips, coins and plaques to gaming tables.**

(a) A request for a fill to add value chips, coins and plaques to table games that are not fully automated electronic gaming tables shall be prepared by a pit clerk or floorperson or above using a Fill Request Slip. Access to the blank Fill Request Slips shall be restricted to pit clerks and floorpersons or above.

(b) A Fill Request Slip must be a two-part form on which the following information shall be recorded:

- (1) The date, time and shift of preparation.
- (2) The denomination of value chips, coins and plaques to be distributed to the gaming table.
- (3) The total amount of each denomination of value chips, coins and plaques to be distributed to the gaming table.
- (4) The game and table number to which the value chips, coins and plaques are to be distributed.
- (5) The signature of the floorperson or above requesting the fill.

(c) After the preparation of the Fill Request Slip, the security department employee shall transport the chip bank copy of the Fill Request Slip directly to the chip bank.

(d) The dealer or boxperson shall place the drop box copy of the Fill Request Slip in view of the slot machine licensee's surveillance system on the gaming table to which the value chips, coins and plaques are to be received.

(e) Notwithstanding the requirements of subsections (a)—(d), a request for a fill may be prepared electronically if the input data for preparation of the fill is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above, and a Fill Slip is generated in the chip bank as a direct result of the input.

(f) A Fill Slip shall be prepared by a chip bank cashier or, if the required information was inputted in conformity with subsection (e), the Fill Slip may be electronically generated in the chip bank.

(g) Fill Slips must be serially prenumbered forms. Each series of Fill Slips shall be used in sequential order. The series number of all Fill Slips received by a certificate holder shall be accounted for by employees with no incompatible functions. All copies of voided Fill Slips shall be marked "Void" and signed by the preparer.

(h) When Fill Slips are manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Fill Slips must be a four-part form and shall be inserted in a locked dispenser or bound in a Fill Slip form book that permits an individual Fill Slip in the series and its copies to be written upon while still locked in the dispenser or bound in the Fill Slip form book.

(2) The Fill Slip dispenser must discharge the drop box, acknowledgement and chip bank copies of the Fill Slip while the accounting copy remains in a continuous, unbroken form in the dispenser. If a Fill Slip form book is

utilized, the accounting copy must remain in the bound Fill Slip form book until removed in accordance with paragraph (3).

(3) Access to the copies of the Fill Slips shall be maintained and controlled by finance department employees with no incompatible functions who are responsible for controlling and accounting for the unused supply of Fill Slips, placing Fill Slips in the dispensers and removing the accounting copies of the Fill Slips from the dispensers or Fill Slip form book each gaming day.

(i) When Fill Slips are electronically prepared, each series of Fill Slips must be a three-part form and:

(1) Be inserted in a printer that will simultaneously print a drop box, acknowledgement and chip bank copy of the Fill Slip in the chip bank.

(2) Store, in machine readable form, the information printed on the drop box, acknowledgement and chip bank copies of the Fill Slips. The stored data may not be susceptible to change or removal by any personnel involved in the preparation of a Fill Slip after the Fill Slip has been prepared.

(j) Copies of a Fill Slip, and when applicable, the stored data, must contain, at a minimum, the following information:

- (1) The denominations of the value chips, coins and plaques being distributed.
- (2) The total amount of each denomination of value chips, coins and plaques being distributed.
- (3) The total amount of all denominations of value chips, coins and plaques being distributed.
- (4) The game and table number to which the value chips, coins and plaques are being distributed.
- (5) The date and shift during which the distribution of value chips, coins and plaques occurs.
- (6) The signature of the preparer or, if electronically prepared, the identification code of the preparer.

(k) The time of preparation of the Fill Slip shall be recorded on the drop box, acknowledgement and chip bank copies of the Fill Slip upon preparation.

(l) Value chips, coins and plaques distributed to the gaming tables from the chip bank shall be transported directly to the gaming tables from the chip bank by a security department employee. Upon receipt of the value chips, coins and plaques at the gaming table, the floorperson shall compare the Fill Request Slip to the Fill Slip and sign the drop box copy and acknowledgement copy of the Fill Slip attesting to the accuracy of the fill. If the request for a fill is generated electronically in the chip bank in accordance with subsection (e), the floorperson shall compare the Fill Slip with the electronically generated fill request and sign the drop box and acknowledgement copies of the Fill Slip attesting to the accuracy of the fill.

(m) Signatures on the drop box and acknowledgement copies of the Fill Slip attesting to the accuracy of the information contained on the Fill Slip shall be required of the following employees at the following times:

- (1) The chip bank cashier upon preparation.
- (2) The security department employee transporting the value chips, coins and plaques to the gaming table upon receipt from the cashier of the value chips, coins and plaques to be transported.

(3) The dealer or boxperson assigned to the gaming table upon receipt and verification of the amounts of the value chips, coins and plaques at the gaming table from the security department employee.

(4) The floorperson assigned to the gaming table upon receipt and verification of the amounts of the value chips, coins and plaques at the gaming table.

(n) After meeting the signature requirements in subsection (m), the security department employee that transported the value chips, coins and plaques, the drop box and acknowledgement copies of the Fill Slip to the gaming table shall observe the immediate placement by the dealer or boxperson of the drop box copy of the Fill Slip and the drop box copy of the Fill Request Slip, if applicable, in the drop box attached to the gaming table to which the value chips, coins and plaques were transported. The security department employee shall then return the acknowledgement copy of the Fill Slip to the chip bank cashier. The chip bank copies of the Fill Request Slip, if applicable, and the chip bank and acknowledgement copies of the Fill Slip shall be maintained together by the chip bank cashier until forwarded to the finance department.

(o) All parts of voided Fill Slips, as well as the chip bank copies of Fill Request Slips, if applicable, and the acknowledgement and chip bank copies of the Fill Slips that are maintained and controlled in conformity with subsection (n), shall be forwarded to the finance department for agreement, on a daily basis, with:

(1) The drop box copies of the Fill Request Slips, if applicable, and Fill Slips removed from the drop box on the gaming table.

(2) The electronically stored data and accounting copies of the Fill Slips, if applicable.

**§ 465a.39. Procedures for removing value chips, coins and plaques from gaming tables.**

(a) A request for a credit to remove value chips, coins and plaques from table games that are not fully automated electronic gaming tables shall be prepared by a pit clerk or floorperson or above using a Credit Request Slip. Access to the blank Credit Request Slips shall be restricted to pit clerks and floorpersons or above.

(b) A Credit Request Slip must be a two-part form on which the following information shall be recorded:

(1) The date, time and shift of preparation.

(2) The denomination of chips, coins and plaques to be removed from the gaming table.

(3) The total amount of each denomination of value chips, coins and plaques to be removed from the gaming table.

(4) The game and table number from which the value chips, coins and plaques are to be removed.

(5) The signature of the floorperson or above assigned to the gaming table from which the value chips, coins and plaques are to be removed.

(c) After the preparation of a Credit Request Slip, the security department employee shall transport the chip bank copy of the Credit Request Slip directly to the chip bank.

(d) The dealer or boxperson shall place the drop box copy of the Credit Request Slip in view of the slot machine licensee's surveillance system on the gaming table from which the value chips, coins and plaques are to be removed. The drop box copy of the Credit Request Slip

may not be removed until the drop box and acknowledgement copies of the Credit Slip are received from the chip bank.

(e) Notwithstanding the requirements of subsections (a)—(d), a request for a credit may be prepared electronically if the input data for preparation of the credit is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above, and a Credit Slip is generated in the chip bank as a direct result of the input.

(f) A Credit Slip shall be prepared by a chip bank cashier or, if the required information was inputted in conformity with subsection (e), the Credit Slip may be electronically generated in the chip bank.

(g) Credit Slips must be serially prenumbered forms. Each series of Credit Slips shall be used in sequential order. The series numbers of all Credit Slips received by a certificate holder shall be accounted for by employees with no incompatible functions. All copies of voided Credit Slips shall be marked "Void" and signed by the preparer.

(h) When Credit Slips are manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Credit Slips must be a four-part form and shall be inserted in a locked dispenser or bound in a Credit Slip form book that permits an individual Credit Slip in the series and its copies to be written upon while still locked in the dispenser or bound in the Credit Slip form book.

(2) The Credit Slip dispenser must discharge the drop box, acknowledgement and chip bank copies of the Credit Slip while the accounting copy remains in a continuous, unbroken form in the dispenser. If a Credit Slip form book is utilized, the accounting copy must remain in the bound Credit Slip form book until removed in accordance with paragraph (3).

(3) Access to the copies of the Credit Slips shall be maintained and controlled by finance department employees with no incompatible functions who shall be responsible for controlling and accounting for the unused supply of the Credit Slips, placing Credit Slips in the dispensers, and removing the accounting copies of the Credit Slips from the dispensers or Credit Slip form book each gaming day.

(i) When Credit Slips are electronically prepared, each series of Credit Slips must be a three-part form and:

(1) Be inserted in a printer that simultaneously prints drop box, acknowledgement and chip bank copies of the Credit Slip in the chip bank.

(2) Store, in machine-readable form, the information printed on the drop box, acknowledgement and chip bank copies of the Credit Slip. The stored data may not be susceptible to change or removal by any personnel after the preparation of a Credit Slip after the Credit Slip has been prepared.

(j) Copies of the Credit Slip, and when applicable, the stored data, must contain, at a minimum, the following information:

(1) The denominations of the value chips, coins and plaques being returned to the chip bank.

(2) The total amount of each denomination of value chips, coins and plaques being returned.

(3) The total amount of all denominations of value chips, coins and plaques being returned.

(4) The game and table number from which the value chips, coins and plaques are being returned.

(5) The date and shift during which the removal of value chips, coins and plaques occurs.

(6) The signature of the preparer or, if electronically prepared, the identification code of the preparer.

(k) The time of preparation of the Credit Slip shall be recorded on the drop box, acknowledgement and chip bank copies of the Credit Slip upon preparation.

(l) After the Credit Slip has been prepared by the chip bank cashier or has been printed in the chip bank as a result of the information being inputted electronically by a pit clerk or floorperson or above, the security department employee shall transport the drop box, acknowledgement and chip bank copies of the Credit Slip directly to the gaming table. The dealer or boxperson shall compare the value chips, coins and plaques to be removed from the table inventory container with the drop box copy of the Credit Slip and the Credit Request Slip, if applicable, and shall sign the Credit Slip.

(m) Signatures on the drop box, acknowledgement and chip bank copies of a Credit Slip attesting to the accuracy of the information contained on the Credit Slip shall be required of the following employees at the following times:

(1) The chip bank cashier upon preparation.

(2) The dealer or boxperson assigned to the gaming table who removed the value chips, coins and plaques from the table inventory container and verified the Credit Slip and Credit Request Slip, if applicable.

(3) The floorperson assigned to the gaming table who observed the removal of the value chips, coins and plaques from the table inventory container and the verification of the Credit Slip and Credit Request Slip, if applicable.

(4) The security department employee upon receipt of the value chips, coins and plaques from the gaming table.

(n) After meeting the signature requirements required under subsection (m):

(1) The security department employee shall transport the value chips, coins and plaques directly to the chip bank along with the acknowledgement and chip bank copies of the Credit Slip.

(2) The dealer or boxperson shall place the drop box copy of the Credit Slip on the gaming table in view of the slot machine licensee's surveillance system.

(3) Upon receipt of the value chips, coins and plaques from the security department employee, the chip bank cashier shall compare the chip bank copy of the Credit Request Slip with the Credit Slip. If the credit request is electronically generated in accordance with subsection (e), the chip bank cashier shall compare the Credit Slip with the electronically generated credit request. The chip bank cashier shall then sign the acknowledgement and chip bank copies of the Credit Slip attesting to the accuracy of the credit.

(4) After transporting the acknowledgement copy of the Credit Slip back to the gaming table from which the value chips, coins and plaques were removed, the security department employee shall observe the immediate placement by the dealer or boxperson of the drop box copy of the Credit Request Slip, if applicable, and the drop box and acknowledgement copies of the Credit Slip into the drop box.

(5) The chip bank copies of the Credit Request Slip, if applicable, and Credit Slip shall be maintained together by the chip bank cashier until forwarded to the finance department.

(o) All parts of voided Credit Slips, chip bank copies of Credit Request Slips, if applicable, and the chip bank copies of the Credit Slips that are maintained and controlled in conformity with subsection (n), shall be forwarded to the finance department for agreement, on a daily basis, with:

(1) The drop box copies of the Credit Request Slips, if applicable, and the drop box and acknowledgement copies of the Credit Slips removed from the drop box on the gaming table.

(2) The electronically stored data and accounting copies of Credit Slips, if applicable.

**§ 465a.40. Procedures for accepting cash for gaming chips, plaques or electronic wagering credits at table games.**

When cash is presented by a patron at a table game that is not a fully automated electronic gaming table for exchange for gaming chips, plaques or electronic wagering credits:

(1) The cash shall be spread on the top of the gaming table by the dealer or boxperson accepting it in full view of the patron who presented it, the floorperson assigned to the gaming table and the slot machine licensee's surveillance system.

(2) The amount of cash shall be verbalized by the dealer or boxperson accepting it in a tone of voice to be heard by the patron who presented it and the floorperson assigned to the gaming table.

(3) Immediately after an equivalent amount of gaming chips, plaques or electronic wagering credits have been given to the patron, the cash shall be taken from the top of the gaming table and placed by the dealer or boxperson into the drop box attached to the gaming table.

**§ 465a.41. Procedures for drops at open table games.**

(a) When a table game that is not a fully automated electronic gaming table is being dropped is to remain open for gaming activity, the value chips, coins and plaques remaining in the table inventory at the time of the drop shall be counted by the dealer or boxperson assigned to the gaming table and recorded on a Table Inventory Slip.

(b) The count required under subsection (a) shall be observed by the floorperson who is responsible for supervising the table game at the time of the drop.

(c) Signatures attesting to the accuracy of the information recorded on the Table Inventory Slip shall be placed on both copies of the Table Inventory Slip by the dealer or boxperson assigned to the table and the floorperson that observed the dealer or boxperson count the contents of the table inventory.

(d) After the Table Inventory Slip is signed as required under subsection (c), the original copy of the Table Inventory Slip shall be deposited in the drop box that is attached to the gaming table immediately before the drop box is removed from the gaming table as part of the drop. The duplicate copy of the Table Inventory Slip shall be deposited in the drop box that is attached to the gaming table immediately following the removal of the drop box that is removed from the gaming table as part of the drop.

**§ 465a.42. Procedures for closing table games.**

(a) When gaming activity at a table game that is not a fully automated electronic gaming table is concluded, the



value chips, coins and plaques remaining at the gaming table shall be counted by the dealer or boxperson assigned to the gaming table in the presence of the floorperson assigned to the gaming table.

(b) The amounts of the value chips, coins and plaques counted shall be recorded on the Table Inventory Slip by the floorperson assigned to the gaming table and the original copy of the Table Inventory Slip shall be signed by the dealer or boxperson who counted the table inventory and the floorperson who observed the dealer or boxperson count the contents of the table inventory.

(c) After the original copy of the Table Inventory Slip has been signed as required under subsection (b), the original copy of the Table Inventory Slip shall be immediately deposited in the table game drop box attached to the gaming table.

(d) After the original copy of the Table Inventory Slip has been deposited in the table game drop box attached to the gaming table, the duplicate copy of the Table Inventory Slip and the value chips, coins and plaques remaining at the gaming table shall be placed in the container required under § 465a.36 (relating to table inventories), after which the table inventory container shall be locked and either transported directly to the cage by a security department member or secured to the gaming table.

(e) If the locked table inventory containers are transported to the cage, a cage supervisor shall determine that all locked containers have been returned.

(f) If the locked table inventory containers are secured to the gaming table, a pit manager or above shall verify that all the containers are locked.

**§ 465a.43. Table inventories for Poker tables.**

(a) Notwithstanding the requirements in §§ 465a.36, 465a.37, 465a.41 and 465a.42, a certificate holder may establish procedures for the issuance of table inventories that are maintained by Poker dealers on an impress basis.

(b) The procedures developed under subsection (a) shall be submitted as part of the certificate holder's internal controls.

**§ 465a.44. Table inventory counts on a per shift basis.**

(a) In addition to the requirements in §§ 465a.37, 465a.41 and 465a.42 (relating to procedures for opening table games; procedures for drops at open table games; and procedures for closing table games), a certificate holder may establish procedures for the use of a three-compartment drop box which requires the preparation of a Table Inventory Slip for each shift that the table was open or at least once each gaming day.

(b) The procedures developed under subsection (a) shall be submitted as part of the certificate holder's internal controls.

**CHAPTER 467a. COMMENCEMENT OF SLOT AND TABLE GAME OPERATIONS**

**§ 467a.1. Gaming floor plan.**

(a) Prior to the commencement of gaming operations, the holder of a slot machine license shall submit to the Board an initial floor plan of its gaming floor and the restricted areas servicing slot and table game operations. A licensee shall submit with its renewal application an up to date floor plan. Initial floor plans and floor plans submitted with a licensee's renewal application shall be drawn to 1/8 inch scale, unless another scale is approved

by the Board, and certified by an architect licensed to practice in this Commonwealth. Revised gaming floor plans, which are submitted in accordance with subsection (d), may be submitted electronically, unless otherwise requested by Board staff, provided there is sufficient detail when enlarged to read the information in the electronic submission. A floor plan must depict the following:

- (1) The gaming floor with notations as to:
  - (i) Proposed total square footage.
  - (ii) The perimeter of the gaming floor.
  - (iii) A clearly delineated route for underage individuals to access areas adjacent to the gaming floor.
  - (iv) Designated smoking and nonsmoking areas.
- (2) Each slot machine area and table game pit on the gaming floor and each slot machine and table game located within each slot machine area and table game pit. Slot machine and table game locations shall be identified by number in accordance with § 463a.3 (relating to slot machine location).
- (3) The number of slot machines and table games on the gaming floor in compliance with sections 1210 and 13A11(b) of the act (relating to number of slot machines; and authorization to conduct table games), in total and by slot area or table game pit.
- (4) Each slot machine or table game seat on the gaming floor.
- (5) Each surveillance camera installed in compliance with § 465a.9(a) (relating to surveillance system; surveillance department control, surveillance department restrictions), noting its type and camera number.
- (6) The main cage and any satellite cage, inclusive of each cage window and window number, ancillary offices and areas.
- (7) Each count room and any trolley storage area.
- (8) Each automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machine.
- (9) Each automated teller machine.
- (10) Each area designated for the storage or repair of slot machines, table games or table game equipment.
- (11) Vault and armored car bay locations.
- (12) Additional documentation requested by the Board or Board staff relating to the floor plan for the gaming floor.

(b) A slot machine licensee may not commence slot or table game operations until the initial floor plan depicting its gaming floor and all restricted areas servicing slot and table game operations has been approved by the Board. The approval by the Board will expressly authorize:

- (1) The maximum square footage of gaming floor.
- (2) The maximum number of slot machines and table games which may be operated by the slot machine licensee.

(c) Requests for changes to the approved floor plan which will increase or decrease the square footage of the gaming floor by more than 10%, decrease the number of slot machines on the gaming floor by more than 2% or the number of table games on the gaming floor by more than 10% require Board approval and must be submitted to the Board as a petition under § 493a.4 (relating to petitions generally). Requests for all other changes to the

gaming floor, including a request to increase the number of slot machines or table games or change the type of table games offered, shall be submitted in writing to the Board's Executive Director for approval. The approval of the Board or the Executive Director may include conditions that shall be met by the slot machine licensee prior to the commencement of operations.

(d) A petition or request for changes to the gaming floor must, at a minimum, include:

- (1) A narrative description of the proposed changes.
- (2) A revised floor plan, in accordance with subsection (a), if requested by the Board or Board staff.
- (3) A gaming floor reconfiguration checklist.
- (4) The table game pit number or slot machine area and the proposed configuration of any table game pit or slot machine area affected.
- (5) The type, location and table number of any gaming table affected.
- (6) The proposed amendments, if any, to the standard or alternative staffing levels required under § 465a.35 (relating to personnel assigned to the operation and conduct of table games).
- (7) The proposed amendments, if any, to surveillance required under § 465a.9.
- (8) An estimated timetable for the completion of the proposed changes.

**§ 467a.2. Commencement of slot and table game operations generally.**

(a) Prior to the commencement of slot or table game operations at a licensed facility a slot machine licensee shall demonstrate that:

- (1) The licensed facility, including the gaming floor and restricted areas servicing slot and table game operations, complies in all respects with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.
- (2) Slot machines, table games and associated equipment installed in the licensed facility and utilized in the conduct of slot machine and table game operations have been tested and approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.
- (3) The gaming floor plan required under § 467a.1(a) (relating to gaming floor plan) has been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.
- (4) The slot machine licensee's proposed site plan and internal control systems and audit protocols have been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.
- (5) The slot machine licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of slot and table game operations.
- (6) The slot machine licensee's employees are licensed or permitted by the Board and trained in the performance of their responsibilities.

(7) The slot machine licensee has complied with any conditions prerequisite to commencement of slot or table game operations contained in the Statement of Conditions executed under § 423a.6 (relating to license, permit, registration and certification issuance and statement of conditions).

(8) The licensed facility is prepared in all respects to receive the public.

(9) The slot machine licensee has successfully completed a test period.

(10) For Category 1 licensees, the slot machine licensee has a written live racing agreement as required under section 1303(d) of the act (relating to additional category 1 slot machine license requirements).

(b) Upon a slot machine licensee's successful demonstration of the criteria enumerated in subsection (a), the Board may authorize the date and time at which the slot machine licensee may commence slot and table game operations at the licensed facility and will fix the maximum square footage of gaming floor and maximum number of slot machines and table games which may be operated by the slot machine licensee pursuant to that authorization.

**Subpart K. TABLE GAMES  
CHAPTER 521. (Reserved)**

- Sec. 521.3. (Reserved).
- 521.11. (Reserved).

**CHAPTER 525. MATCH PLAY COUPONS**

- Sec. 525.1—525.20. (Reserved).

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**PENNSYLVANIA GAMING CONTROL BOARD  
[ 58 PA. CODE CHS. 521, 526, 527,  
601a, 609a AND 611a]**

**General Table Games Provisions; Credit; Table Game Minimum Training Standards**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02, 13A27, 1701 and 1702, rescinds Chapters 521, 526 and 527 and adds Chapters 601a, 609a and 611a (relating to general table games provisions; credit; and table game minimum training standards) to read as set forth in Annex A.

*Purpose of the Final-Form Rulemaking*

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 521, 526 and 527. With this rulemaking, the Board is replacing the temporary regulations in Chapter 521 with the permanent regulations in Chapter 601a, temporary regulations in Chapter 526 with the permanent regulations in Chapter 609a and the temporary regulations in Chapter 527 with the permanent regulations in Chapter 611a.

*Explanation of Chapter 601a*

Chapter 601a covers a broad range of requirements. Section 601a.1 (relating to definitions) contains definitions of terms that are used throughout Subpart K (relating to table games).

Section 601a.2 (relating to table games Rules Submissions) requires certificate holders to submit for approval a Rules Submission for every game they offer when the Board's regulations allow the certificate holders to select different options for the play of a game. In drafting the regulations for specific table games, the Board attempted to give certificate holders flexibility so they can tailor their games to meet their patrons' desires. However, to monitor and enforce the rules regarding the play of table games effectively, the Board will need to know which features or options will be used for each game at each licensed facility. The use of the Rules Submission process, which is modeled on the process for the review of internal controls, will provide an effective mechanism to accomplish this. Operators submit these forms electronically through a link on the Board's web site.

Section 601a.3 (relating to request to offer a new table game or new feature for an existing table game) gives certificate holders a mechanism through which they can request to offer a new table game or add a new wager or feature to an existing game. The Board recognizes that as more jurisdictions permit table games, certificate holders may need to add new games or modify existing games to maintain player interest and meet market demands. Under this section, certificate holders will be able to file a written request with the Board's Executive Director requesting to add new games or modify existing games.

Similarly, § 601a.4 (relating to waiver of existing table game regulations) allows certificate holders to file a petition to seek a waiver of the Board's table game regulations or a written request with the Board's Executive Director to offer an authorized table game on an electronic gaming table in a manner that is inconsistent with the Board's regulations. The provision on electronic gaming tables was added to address inconsistencies discovered between the Board's regulations and the play on electronic gaming tables, such as whether cards in Blackjack are dealt from left to right in live play or simultaneously in the electronic version. These inconsistencies, which do not affect the outcome of play, are more logically rectified by submission of a written request to the Board's Executive Director rather than a petition to the Board.

Section 601a.5 (relating to electronic, electrical and mechanical devices prohibited) prohibits the use of equipment for cheating. Section 601a.6 (relating to minimum and maximum wagers; additional wagering requirements; payout odds) establishes the requirements for setting minimum and maximum wagers. Section 601a.7 (relating to rules of the games; notice) sets forth the notice requirements for table rules and establishes a 30-minute notice requirement to patrons prior to changing the minimum permissible wagers at a gaming table. The 30-minute notice is required under 4 Pa.C.S. § 13A02(3) (relating to regulatory authority).

Section 601a.8 (relating to patron access to the rules of the games; gaming guides) requires certificate holders to make the rules of each table game offered available to the public and to develop a gaming guide which summarizes the rules.

Section 601a.9 (relating to table game taxes and gross table game revenue) echoes the requirement in the act of January 7, 2010 (P. L. 1, No. 1) (Act 1) which requires certificate holders to pay the tax on table game revenue to the Department of Revenue (Department) on a weekly basis on forms prescribed by the Department. In addition, it sets forth the procedures for calculating gross table game revenue for the following: banking table games including electronic gaming tables which are not fully

automated electronic table games; nonbanking table games; fully automated electronic table games; and contests or tournaments. It also reiterates the items in Act 1 that a certificate holder may deduct from the calculation of gross table game revenue.

#### *Explanation of Chapter 609a*

Section 609a.1 (relating to definitions) contains definitions for terms that are used in this chapter.

Section 609a.2 (relating to internal control requirements) requires certificate holders that elect to offer credit to patrons to include the procedures that the certificate holders will use as part of their internal controls submissions to the Board. This will allow Board staff to review the procedures to verify that they comply with this chapter.

Section 609a.3 (relating to application and verification procedures for granting credit) contains the information that must be included in an application for credit filed by a patron and the procedures that the certificate holder shall follow to verify the information submitted by the patron including insuring that the patron is not on the voluntary credit suspension list, the self-exclusion list or the list of persons required to be excluded.

Section 609a.4 (relating to approval of credit limits) sets forth the requirements regarding the approval of credit including who is authorized to approve credit, what information must be included in the patron's credit file regarding the approval and the procedures to be followed when patrons request an increase in their credit limits.

Section 609a.5 (relating to derogatory information; reduction or suspension of credit) permits a certificate holder to reduce or suspend a patron's credit limit at any time. It also addresses a certificate holder's obligations concerning the receipt and reporting of derogatory information, requires the suspension of credit if a patron's check is returned and the procedures that shall be followed before a patron's credit may be reinstated.

Section 609a.6 (relating to additional reverification requirements) requires a certificate holder to verify a patron's credit information if the patron has not used credit within the last 24 months or when the certificate holder has reason to believe that some of the patron's information may have changed.

Section 609a.7 (relating to patron credit transactions) requires that credit transactions be recorded in the patron's credit file and lists the specific information regarding each transaction that must be included.

Section 609a.8 (relating to recordkeeping requirements) sets forth the recordkeeping requirements certificate holders will have to meet regarding Counter Checks and personal checks received for redemption or substitution for Counter Checks. Certificate holders are required to keep a log of Counter Checks and related personal checks to track the issuance, redemption, consolidation and substitution of Counter Checks.

Section 609a.9 (relating to voluntary credit suspension list) states that the Board will maintain and distribute to certificate holders a voluntary credit suspension list. This list is required under Act 1 and will contain the names and other relevant identifying information regarding individuals who have elected to be put on the list which will prohibit a certificate holder from extending credit to the individual.

Section 609a.10 (relating to request for voluntary credit suspension) sets forth the procedure an individual shall



follow to be placed on the voluntary credit suspension list. To be put on the list, an individual will be required to fill out an application form (Request for Voluntary Credit Suspension) and present government-issued photo identification at a Board office.

Section 609a.11 (relating to reinstatement of credit and removal from the voluntary credit suspension list) sets forth the procedure an individual shall follow to be removed from the voluntary credit suspension list. To be removed from the list, an individual will be required to fill out a form requesting removal (Request for Removal from the Voluntary Credit Suspension List) and present government-issued photo identification. A request for removal from the list shall be submitted at one of the Board's offices.

Section 609a.12 (relating to duties of certificate holders) lists the obligations of certificate holders regarding the voluntary credit suspension list. Certificate holders will be required to do the following: maintain a current copy of the list; suspend the credit of an individual who is placed on the list; record the placement on or removal from the voluntary credit suspension list in a patron's credit file; and disseminate information about the voluntary credit suspension list program to patrons.

Section 609a.13 (relating to requirements for Counter Checks) establishes the specifications for Counter Checks, which are the forms that are used to effectuate the issuance of credit. Section 609a.14 (relating to issuance and reconciliation of Counter Checks) sets forth the procedures certificate holders shall follow when issuing a Counter Check to a table game or slot patron.

Section 609a.15 (relating to redemption of Counter Checks) specifies the processes that can be used to redeem or partially redeem an outstanding Counter Check either in person or through the mail and requires that the redemption or partial redemption be recorded in the patron's credit file.

Section 609a.16 (relating to substitution and consolidation of Counter Checks) sets forth the provisions governing the substitution of a personal check for a Counter Check and the consolidation of multiple Counter Checks into one Counter Check. Section 609a.17 (relating to deposit of Counter Checks and personal checks substituted for Counter Checks) establishes the time frames within which an unredeemed Counter Check or personal check that has been substituted for a Counter Check shall be deposited.

Section 609a.18 (relating to collection of returned checks) sets forth the procedures applicable for collection on a Counter Check or personal check that has been returned by the patron's bank.

#### *Explanation of Chapter 611a*

Chapter 611a sets forth the general minimum training or experience requirements that an individual shall meet to be a dealer or table games supervisor in this Commonwealth. Dealers will have to be trained in the table games they deal either at a gaming school or a licensed facility or have at least 6 months previous dealing experience in another jurisdiction. Supervisors shall have at least 2 years of employment as a dealer or table games supervisor (which currently would be out-of-State dealers or supervisors since table games have not been operational for 2 years in this Commonwealth) or 6 months of employment as a dealer within the same licensed facility where the dealer is applying to be a table games supervisor.

Section 611a.2 (relating to minimum proficiency requirements) lists the minimum hours of instruction required for different table games which must be included in the dealer school or certificate holder training programs. It also contains a requirement related to additional training on different game types and training on the proper use and control of dice, cards and tiles.

Section 611a.3 (relating to employee training by certificate holders) lists the areas that each certificate holder shall include as part of its in-house training of employees who are going to be dealers, including a requirement that dealers be trained in CPR, which is consistent with 4 Pa.C.S. § 1702(g) (relating to gaming school gaming equipment). In § 611a.4 (relating to submission of training programs to the Board), certificate holders are required to submit training programs to the Board.

Under § 611a.5 (relating to table test; employee personnel file), certificate holders will be required to have prospective dealers pass a live table test before the dealers will be permitted to conduct table games on the gaming floor. Additionally, this section requires the certificate holder to document a dealer's training in the dealer's personnel file so that the Board may audit compliance with these requirements.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B. 1769 (April 2, 2011). During the comment period, the Board received comments from Washington Trotting Association (Meadows), Chester Downs and Marina (Harrah's), Greenwood Gaming and Entertainment (Parx) and Downs Racing (Mohegan). On June 1, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

#### *Chapter 601a*

In § 601a.3, IRRC requested additional information on what happens to a request to offer a new game or feature after it is submitted to the Executive Director. IRRC suggested that the final-form rulemaking contain procedures and criteria that will be used to evaluate the request or a cross reference to where the procedures may be found.

Subsection (b) is added specifying that in addition to filing a request with the Executive Director, the table game device manufacturer, gaming related gaming service provider or certificate holder shall submit the new table game or feature to the Bureau of Gaming Laboratory Operations for its review in accordance with § 461a.4 (relating to submission for testing and approval). Section 461a.4 details what a manufacturer, gaming related gaming service provider or certificate holder shall submit for testing, how the product will be tested and the approval process.

In § 601a.4, IRRC requested information to explain why the regulations require that a certificate holder that desires to conduct a table game in a manner inconsistent with the regulations to file a petition but then allows for Executive Director approval if the game is played on an electronic gaming table.

As previously described, the provision on electronic gaming tables in subsection (b) is added to address minor inconsistencies discovered between the Board's regulations and the play on electronic gaming tables, such as whether cards in Blackjack are dealt from left to right in live play or simultaneously in the electronic version or allowance for the first card in Blackjack to be initially dealt face down to the dealer instead of face up. These

inconsistencies between live play and automated play do not affect the outcome of the game and are more logically rectified by submission of a written request to the Board's Executive Director rather than a petition to the Board.

The Board added clarifying language in subsection (b) stating that the certificate holder can file a request with the Executive Director when the inconsistency on an electronic gaming table does not affect the outcome of play.

If a certificate holder filed a request with the Executive Director to make changes that would affect the outcome of the game on an electronic gaming table, such as utilizing unapproved payout odds or not allowing a patron to surrender in Blackjack, for instance, those requests would require a petition to the Board.

Section 601a.5 prohibits persons from using electronic or mechanical devices to assist in projecting an outcome of a table game except as permitted by the Board. IRRC questioned under what circumstances the Board will allow the use of these devices and whether the use of these devices would compromise the integrity of the game.

For clarity, the Board deleted the introductory clause and rephrased the prohibition so that patrons or other persons acting in concert with a patron may not possess devices that assist in projecting the outcome of a game.

Parx requested to add the phrase "pay or take to the table max" in § 601a.6 so patrons can play to the table maximum or in an amount placed in the betting area, regardless of the table maximum. IRRC suggested that the Board add the proposed language.

Patrons may currently play more than the table maximum amount in accordance with subsection (c). Allowing patrons to play more than the table max but only paying winning wagers or collecting losing wagers based on the table maximum is inconsistent with the statutory requirements. Section 1518(a)(15) of 4 Pa.C.S. (relating to prohibited acts; penalties) requires that wagers made by a player and not rejected by the certificate holder prior to commencement of play shall be treated as valid wagers and a wager accepted by the dealer shall be paid or lost in its entirety in accordance with the rules of the game, notwithstanding that the wager exceeded the current table maximum wager.

In § 601a.7, Parx commented that although there is a patron protection issue with raising the permissible minimum wager at a table, the same issue is not present if an operator desired to lower the table minimums. IRRC requested that the Board explain why the 30-minute notice was necessary when lowering permissible wagers.

The Board agrees with Parx and added language in subsection (c) allowing an operator to increase or decrease the permissible maximum wager and decrease the permissible minimum wager at any time. Only increases to permissible minimum wagers will require a 30-minute notice.

In subsection (d), which requires that certificate holders submit signage for approval, IRRC requested that approval procedures be added to the final-form rulemaking. IRRC raised a similar concern with § 601a.8 for gaming guides. Section 601a.10 (relating to approval of table game layouts, signage and equipment) was added which details how schematics of signage and gaming guides are submitted electronically to the Bureau of Gaming Operations for Executive Director approval. This submission

process for signage and gaming guides, which is detailed in § 601a.10, reflects current agency practice.

In § 601a.9, IRRC inquired whether the Board had consulted with the Department in drafting the regulations addressing the method of calculation for gross table game revenue as required under 4 Pa.C.S. Part II (relating to gaming) and whether the regulations are consistent with the Department's gaming cash flow regulations.

Prior to the commencement of table game operations in July 2010, the Board worked with the Department on drafting the regulation to ensure that revenue was accurately accounted for and was consistent with the Department's reporting requirements. Prior to drafting the final-form rulemaking, Board staff again consulted with the Department to ensure that substantive revisions were not needed. In consultation with the Department, subsection (e), which addresses revenue on fully automated electronic gaming tables, was simplified for consistency with the existing regulations addressing revenue calculation on slot machines which are also connected to the Department's central control computer system. For consistency with the statutory language, minor revisions were also made to change electronic table games to electronic gaming tables. The cross reference to proposed Chapter 607a was also deleted since the Board has integrated table game internal controls into existing Chapter 465a (relating to accounting and internal controls).

Section 601a.10 was added to detail the procedure for submission of table game staffing plans, tournament schedules, dealer training programs and schematics of gaming guides, table layouts, signage and equipment. This information is submitted through the Internal Control & Table Game Submission Form which is available on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov). Each facility was previously provided a user name and password unique to that property and has been submitting the required information through use of the online form. Once received, the submissions are reviewed by the Bureau of Gaming Operations and approved by the Board's Executive Director. The approval letters are then sent to the facility. Typically, the approval of tournament schedules and the schematics on signage, layouts, equipment and gaming guides occurs within a week to 10 days of submission by the certificate holder unless there is an issue with the submission.

In addition to the submission and approval process, this section also contains the approval process for equipment storage and destruction areas in the licensed facility. The Director of Casino Compliance, prior to the commencement of table game operations in 2010, inspected equipment storage and destruction areas and reviewed the locations and physical characteristics to ensure that they complied with the surveillance, key control and other requirements in Chapter 465a. If an operator requests to utilize a different area for the storage or destruction of table game equipment, other than those areas already approved, the operator would need to get onsite approval from the Director of Casino Compliance prior to utilizing the alternative location.

This section also allows for the onsite approval from the casino compliance supervisor in the licensed facility for the following: alternative locations for table game equipment that is required to be on the gaming table; amendments to the licensee's plan for the distribution and collection of slot cash storage boxes and table game drop

boxes; sample sets of gaming chips; and daily collection times for used cards, dice, tiles and other table game equipment.

#### Chapter 609a

In § 609a.1, Harrah's and Parx requested that the definition of "credit clerk" be amended to allow a credit supervisor to also act as a credit clerk. The Board agrees, in part, with the request. Parx specifically requested that the credit supervisor who is also acting as the credit clerk have the authority to grant credit and credit limit increases but only on those files that the credit supervisor did not process and verify. Harrah's wanted the credit supervisor to be able to approve credit limits on all files, even those that the credit supervisor verified.

This is a segregation of duties issue. The person processing and verifying the information in a credit file cannot be the person who is also tasked with approving the information. Parx' request ensures that the same employee who is verifying a patron's credit information is not the same employee who approves the credit limits. The Board added language to the definition allowing a credit supervisor to act as a credit clerk provided that the credit supervisor may not then grant credit or a credit limit increase on an application that the credit supervisor processed or verified.

IRRC requested that the terms "casino credit bureau," "consumer credit bureau" and "bank verification service" be defined. Although these terms are commonly used throughout the gaming industry, the Board has added definitions.

In § 609a.3, Harrah's states that the date the patron's bank account was opened should not be required but rather credit clerks should verify that the patron has had a financial relationship with a banking institution for more than 1 year. IRRC suggested that the Board consider adding Harrah's language.

Board staff recently audited several credit files. The reports submitted from the bank verification service, which operators are required to use, lists an open date. The Board, however, did amend the requirement to list the year that the account was opened instead of requiring the specific date.

Harrah's also requested that if verification is done telephonically, that the credit clerk no longer be required to request written documentation. Harrah's would like language added to the section stating that a request in writing would not be necessary if the credit clerk spoke with a live person and recorded the name, title, date and time of the conversation in the credit file. IRRC asked if less documentation would sufficiently protect the public interest.

The Board believes that each patron's credit file must contain written documentation necessary to support the credit limit established by the certificate holder. Credit and bank account information obtained from a bank verification service, consumer credit bureau or casino credit bureau is provided electronically and in writing. Written documentation is a verifiable record and is necessary for audit purposes.

In § 609a.4, Mohegan (commenting on the temporary regulation) and Parx stated that the regulations do not discuss or describe the requirements of temporary credit limit increases or "TTO," which is allowed in New Jersey. TTO would permit a certificate holder to increase a patron's credit limit once every 30 days for an amount up to an additional 25% of the patron's approved credit line

without reverifying a patron's credit information. Parx requested that the Board adopt the New Jersey model. IRRC stated that the Board should review New Jersey's regulations and consider whether the provisions would be appropriate.

When the temporary regulations on credit were adopted in 2010, the Board considered TTO without reverification as permitted in New Jersey. Section 13A27 of 4 Pa.C.S. (relating to other financial transactions) mandates that a certificate holder reverify a patron's credit information prior to approving increase to an individual's credit limit. TTO, although temporary, is an increase to an individual's credit limit and therefore requires, by statute, reverification of a patron's credit information. The temporary, proposed and final-form regulations reflect the statutory requirements. The Board, however, did limit what information must be reverified in subsection (c)(2) if a certificate holder is increasing a patron's credit limit.

Section 609a.4(a)(1) lists the employees who are authorized to approve credit limits. Meadows believes that the list is too restrictive and requested that additional employees be allowed to authorize credit including the directors of slot operations and table games as well as assistant general managers. IRRC asked the Board to either expand the list or explain why the listed persons were appropriate.

Section 13A27(d) of 4 Pa.C.S. is very specific on which employees of the certificate holder are allowed to grant credit. The language in the regulation reflects the statutory requirements. Additionally, the directors of slot operations and table games, as well as assistant general managers, do not typically report to the finance department which is tasked with safeguarding the assets of the certificate holder and evidences of indebtedness, including credit.

In subsection (b)(4), Mohegan requested that operators be permitted to utilize e-mail as a second authorization of credit limits. The Board agrees and added electronic authorization provided that the copy of the electronic authorization (e-mail) is placed in the patron's credit file.

Additionally, subsection (b)(4) allowed one of the two employees required to approve credit limits to do so verbally provided that the approver sign the patron's credit file upon arrival at the licensed facility. Harrah's requested that both required employees be allowed to verbally approve credit limits. The Board does not believe that verbal authorization from both employees provides adequate safeguards so that at least one of the two signers has independently examined the information that will be used to justify the granting of credit prior to issuance.

In subsection (c)(2), Harrah's commented that when a patron requests to increase a credit limit, reverification of the address and bank account information is unnecessary. The Board agrees that in instances of credit limit increases, the patron's consumer credit and casino credit, which are required under § 609a.3(2) and (3), will be required to be reverified.

Section 609a.5 required certificate holders to suspend credit privileges if a patron's check was returned unpaid unless the returned check was due to a bank error. Mohegan requested that the Board also accept casino errors that result in a returned check. IRRC recommended amending the regulation to reflect Mohegan's request.

The Board agrees and added in subsection (d) that if the returned check was due to a processing error, such as



incorrectly inputting a patron's bank routing and transit number on the bottom of the Counter Check, and an explanation for the error is noted in the patron's credit file, the patron's credit privileges do not need to be suspended.

Section 609a.5(c) requires a certificate holder to reverify a patron's credit information if derogatory information is received from a casino credit bureau. Additionally, if a patron's credit privileges were suspended, a certificate holder is required, under subsection (e), to reverify a patron's credit information before reinstating a credit limit. Harrah's believes that because the certificate holder is required to run a patron's credit information if derogatory information is received, there is not a need to require the patron's credit information to be reverified before reinstating the patron's credit privileges.

The Board disagrees. Depending on the nature of the derogatory information received under subsection (b) and the information certificate holders are required to reverify from a casino and consumer credit bureau regarding a patron's current indebtedness, a certificate holder may or may not suspend a patron's credit privileges. If a certificate holder decides to suspend a patron's credit privileges based on the derogatory information received, the certificate holder shall verify a patron's creditworthiness before reinstating credit privileges. The Board did, however, limit in subsection (c) what information must be reverified if derogatory information is received to only the patron's casino and consumer credit information.

Section 609a.14 addresses, among other things, the requirements for Counter Checks exchanged by a slot player at the cage. Mohegan commented that subsection (c)(1)(ii) requires that the cage cashier and the cage supervisor verify the identity of the patron. Mohegan and IRRC suggest that the cage cashier or above be allowed to verify the patron's identity rather than requiring the cage supervisor's involvement.

The introductory language in subsection (c)(1) states that the cage cashier verifies the patron's identity by either obtaining the slot patron's signature or obtaining the attestation of the cage supervisor as to the identity of the patron. Both are not required. If a Counter Check is going to be requested at the cage without a signature, a supervisor shall sign off on the request, which is similar to the identity verification requirements in subsection (b)(1) for Counter Checks issued at a gaming table.

Proposed subsection (d) required a slot supervisor's involvement in the issuance of Counter Checks at a slot machine. Mohegan and Parx requested that a slot attendant be allowed to handle Counter Checks issued on the gaming floor. The Board agrees that a slot supervisor is not necessary and that slot attendants, who currently pay jackpots from their impress funds while on the gaming floor, can handle the gaming vouchers or cash issued in exchange for Counter Checks.

Meadows requested to add alternative accounts from which patrons may redeem Counter Checks in §§ 609a.15(b)(1) and 609a.16(a)(1). The Board agrees and added language in §§ 609a.15(b)(2) and 609a.16(a)(2) allowing for the use of alternative accounts provided that the account complies with § 609a.3(c)(4).

In subsection (d), the Board requires that if a patron is going to redeem a Counter Check that the most recently dated Counter Check be paid off first. Meadows requested that the Board adopt the first in-first out approach so that the oldest Counter Check is redeemed first. IRRC inquired why the Board requires that the newest marker be paid first instead of the oldest.

The Board believes that this is a patron protection issue. Requiring the newest Counter Check to be paid off first is a method to ensure that patrons don't continue to take out new Counter Checks, for greater and greater amounts, to pay off the oldest existing Counter Checks which are about to be deposited. The Board is therefore not inclined to adopt the first in-first out method for the redemption of Counter Checks.

Proposed § 609a.16 addressed the requirements for the substitution of Counter Checks for personal checks but did not allow for the consolidation of multiple Counter Checks into one Counter Check. Meadows stated that they needed the ability to consolidate the total amount of credit issued in one gaming day to count toward the time limitation as to when Counter Checks are required to be deposited. IRRC recommended that the Board consider amending the regulation to address Meadows' concerns.

The Board agrees but has not limited the consolidation of Counter Checks to only those Counter Checks issued on the same gaming day. In accordance with subsections (f)—(h), operators may now consolidate Counter Checks issued over multiple days provided that the consolidated check is dated with the same date as the oldest Counter Check being consolidated. This should provide operators with additional flexibility to consolidate Counter Checks such as those issued over the course of a patron's 3-day stay for instance. Additionally, the aggregated total of the Counter Checks may be used to determine the deposit date of the replacement Counter Check, in accordance with § 609a.17(a).

#### *Chapter 611a*

In § 611a.2(b), addressing the minimum number of hours of training to deal a different game type, Parx stated that the number of hours required for dealers who have already been trained is too high since dealers are already trained in operational basics such as use of gaming chips, and the like. Parx requested that the number of hours be lowered.

The Board agrees that the number of hours of training on a different game type for a dealer that has already been trained could be reduced. The Board added a chart in subsection (b)(1) addressing the minimum number of hours required for a dealer who has already been trained to deal a different game type. For example, if a dealer has already been trained on a card game, the dealer would have to complete an additional 140 hours of training to deal a dice or tile game (Craps or Pai Gow).

IRRC also inquired whether the training that is required under § 611a.3 was included in the minimum proficiency training required under § 611a.2.

The training required under § 611a.3 is not included in the training required under § 611a.2. Dealers who are trained outside the licensed facility by a dealer training school may still need to complete the training required under § 611a.3 because that training (procedures for opening and closing tables, acceptance of tips and gratuities and shift changes) is relevant to operating the table games in conformity with the certificate holder's approved internal controls which are specific to each facility.

#### *Additional Revisions*

##### *Chapter 601a*

In § 601a.1, several definitions of terms were moved from other table game chapters and added to this section since these terms are used throughout Subpart K.

In § 601a.2, the name of the form used to submit Rules Submissions electronically has been changed and the Board's web site address has been updated.

In § 601a.3, the entities that may file a request to offer a new game were amended so that not only certificate holders but also table game device manufacturers and gaming related gaming service providers could file a request to offer a new game or feature of an existing game with the Executive Director. When table games were implemented, requests were limited to only certificate holders to ensure that the Board prioritized its resources and focused on drafting regulations for only those games, features and side wagers that operators intended to use.

Although table game device manufacturers and gaming related gaming service providers may now request to offer new games and features for use by certificate holders, the manufacturer or gaming related gaming service provider shall submit in its request the name of the certificate holder that is interested in offering the new table game or feature. This requirement will ensure that priority for analysis and approval is given to those games and features that a certificate holder is currently interested in offering.

Section 601a.6(e) has been added specifying that payout odds printed on a layout or posted on a sign have to be stated through the use of the word “to” not “for” unless otherwise specified in an approved payable. A patron shall have his original winning wager returned if the payable lists wagers with a “to” while an original winning wager will be collected if the payable lists wagers with a “for.” This language was included in several of the chapters on table games but is applicable to all table games and was therefore moved into this chapter.

In § 601a.8, the Bureau of Casino Compliance, instead of the Bureau of Gaming Operations, may now approve alternative locations, in accordance with § 601a.10, for the complete sets of rules that each certificate holder is required to maintain.

*Chapter 609a*

Section 609a.3(c)(3) was amended by deleting references to casino credit. Subsection (c)(2) addresses casino credit while subsection (c)(3) addresses consumer credit. Also in subsection (c)(3), a credit clerk may use an alternative source to verify a patron’s consumer credit if the alternative source has current information on a patron’s consumer credit. The Board added that the alternative source could be used if the alternative source has made the required contact with a consumer credit bureau within the last 3 months.

In § 609a.5(b), the Board amended the requirement that each certificate holder request written documentation of derogatory information pertaining to its patrons from a casino credit bureau. The regulation now requires that operators document derogatory information that was reported by the casino credit bureau. Language in subsection (e) was deleted since this language is in § 609a.3. The deleted language was therefore replaced with a cross reference to § 609a.3(c)(1)–(4).

Language in § 609a.6(a)(2)–(4) was deleted and replaced with a cross reference to § 609a.3(c)(1)–(5).

Section 609a.7(4), addressing the documentation required in a credit file, was added since a certificate holder may now allow patrons to consolidate Counter Checks into one replacement Counter Check. The remaining sections were then renumbered.

Section 609a.12(f) was amended to require operators to make available to patrons the written materials explaining voluntary credit suspension.

In § 609a.13, the preparation of Counter Checks was amended from the table games department to the finance department. Counter checks issued to slot patrons are prepared in the cage by cage cashiers and the finance/accounting department is responsible for cage functions.

Section 609a.15 was amended for clarity. In subsection (b), the check authentication and warranty provisions were deleted and replaced with the more concise requirement that a personal check used to redeem a Counter Check must either be drawn on the bank in the patron’s credit file or on another account that has been verified. The same amendment was made in § 609a.16(a).

In § 609a.17, a credit supervisor or above has to approve the extensions of time to deposit Counter Checks. Altering the terms of the extension of credit is a function of the credit department and is not a function that a cage cashier should be performing.

*Chapter 611a*

Section 611a.2(c) was added to allow a gaming school or the certificate holder to offer training over an alternative duration of time. This should allow certificate holders and dealer schools some additional flexibility in the how they want to establish their training programs.

Additionally, the submission process in § 611a.4 has been included in new subsection (b). This is the same submission and approval process used by certificate holders for table game staffing plans, schematics of gaming guides, table layouts, signage and equipment, which is found in § 601a.10.

*Affected Parties*

Slot machine licensees that have elected to become certificate holders, gaming schools that are independent of the slot machine licensee as well as gaming related gaming service providers and table game device manufacturers will be required to comply with these requirements.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, gaming guides, floor plan changes, internal controls on credit and gaming school curriculum.

*Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder’s table games Rules Submissions, gaming guides, internal controls on credit and gaming school curriculum. These reviews will be conducted by existing Bureau of Gaming Operations staff, so the Board does not project that it will incur significant cost increases as a result of this final-form rulemaking.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

*Private sector.* Regarding Chapter 601a, certificate holders will experience minor costs associated with the signage requirements for gaming tables and the production costs associated with the gaming guides. However, the Board does not expect these costs to be significant.

Regarding Chapter 609a, certificate holders that elect to offer credit to patrons will have to develop procedures governing the credit application process and procedures for administering credit and the use of Counter Checks. These procedures will be part of the certificate holder’s internal controls which shall be submitted to the Bureau of Gaming Operations for subsequent approval. Because

credit must be interest free, the certificate holder will absorb costs regarding the issuance of credit.

Regarding Chapter 611a, this final-form rulemaking will result in additional costs for slot machine licensees that elect to become certificate holders. More specifically, certificate holders that elect to train its dealers in-house are required to hire trainers and purchase training equipment. While these costs are significant, they would vary from facility to facility and will be offset by the revenues generated from the table games.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

This final-form rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for the games they offer available for public inspection; produce a gaming guide summarizing the rules of play; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board's web site.

With regard to table game taxes, this final-form rulemaking and Act 1 require certificate holders to submit supporting documentation on forms prescribed by the Department with their weekly remittance of the tax on table game revenue.

Regarding Chapter 609a, certificate holders that elect to offer credit will be required to submit the paperwork necessary to update their internal controls. This chapter will also require certificate holders to properly account for Counter Checks and maintain supporting documentation on credit transactions.

With respect to Chapter 611a on table game training, a certificate holder that conducts in-house training shall submit its curriculum to the Board for approval.

#### *Effective Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 22, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 1769, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 11, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 12, 2012, and approved the final-form rulemaking.

#### *Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of

July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

#### *Order*

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

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 521.1, 521.2, 521.4—521.10, 526.1—526.13, 526.13a, 526.14—526.17 and 527.1—527.5 and by adding §§ 601a.1—601a.10, 609a.1—609a.18 and 611a.1—611a.5 to read as set forth in Annex A.

*(Editor's Note:* Sections 521.3 and 521.11 are being deleted in the final-form rulemaking published at 42 Pa.B. 2585 (May 12, 2012).)

*(Editor's Note:* Section 601a.10 was not included in the proposed rulemaking published at 41 Pa.B. 1769.)

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

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

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 626 (January 28, 2012).)

**Fiscal Note:** Fiscal Note 125-142 remains valid for the final adoption of the subject regulations.

### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART VII. GAMING CONTROL BOARD**

#### **Subpart K. TABLE GAMES**

#### **CHAPTER 521. (Reserved)**

Sec.	
521.1.	(Reserved).
521.2.	(Reserved).
521.4—521.10.	(Reserved).

#### **CHAPTER 526. (Reserved)**

Sec.	
526.1—526.13.	(Reserved).
526.13a.	(Reserved).
526.14—526.17.	(Reserved).

#### **CHAPTER 527. (Reserved)**

Sec.	
527.1—527.5.	(Reserved).

#### **CHAPTER 601a. GENERAL TABLE GAMES PROVISIONS**

Sec.	
601a.1.	Definitions.
601a.2.	Table games Rules Submissions.
601a.3.	Request to offer a new table game or new feature for an existing table game.
601a.4.	Waiver of existing table game regulations.
601a.5.	Electronic, electrical and mechanical devices prohibited.
601a.6.	Minimum and maximum wagers; additional wagering requirements; payout odds.
601a.7.	Rules of the games; notice.
601a.8.	Patron access to the rules of the games; gaming guides.
601a.9.	Table game taxes and gross table game revenue.
601a.10.	Approval of table game layouts, signage and equipment.



**§ 601a.1. Definitions.**

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

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

*Assistant table games shift manager*—An employee of a certificate holder whose primary function is to supervise all of the table games in a licensed facility and who may be authorized to act as the table games shift manager in his absence.

*Automated card shuffling device*—A software compatible mechanical or electronic contrivance that automatically randomizes playing cards, either continuously or on command, to be utilized for table gaming activity.

*Counter Check*—A form provided to a patron who receives a credit advance which contains the account information for the personal bank account designated in the patron's application for credit under § 609a.3(a)(4) (relating to application and verification procedures for granting credit).

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

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

*Electronic gaming table*—

(i) An approved gaming table that is a mechanical, electrical or computerized contrivance, terminal, machine or other device which, upon insertion or placement of cash or cash equivalents therein or thereon, or upon a wager or payment of any consideration whatsoever, is available for play or operation by one or more players as a table game.

(ii) The term includes any gaming table where a wager or payment is made using an electronic or computerized wagering or payment system.

(iii) The term does not include a slot machine.

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

*Fully automated electronic gaming table*—An electronic gaming table determined by the Board to be playable or operable as a table game without the assistance or participation of a person acting on behalf of a certificate holder.

*Gaming chip*—A Roulette chip, Poker rake chip, tournament chip or value chip.

*Pit clerk*—An employee of a certificate holder whose primary function is to prepare documentation required for the operation of table games, including requests for fills, requests for credits, Counter Checks or other documents that evidence the exchange of gaming chips.

*Pit manager*—An employee of a certificate holder whose primary function is to supervise all of the table games in one or more gaming pits.

*Plaque*—A rectangular, square or oval marker that can be used instead of value chips.

*Poker rake chip*—A chip used by dealers to facilitate the collection of the rake in the Poker room.

*Poker shift manager*—An employee of a certificate holder whose primary function is to supervise all of the Poker tables in a Poker room.

*Progressive table game system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at fully automated electronic gaming tables, electronic gaming tables or live table games offering a jackpot that increases corresponding to an additional wager on the table.

*Roulette chip*—A nonvalue chip which does not contain a denomination on either face which is used for wagering at the game of Roulette.

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

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

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

*Table game device*—Gaming tables, cards, dice, chips, shufflers, tiles, wheels, drop boxes or any mechanical, electrical or computerized contrivance, terminal, machine or other device, apparatus, equipment or supplies approved by the Board and used to conduct a table game.

*Table games shift manager*—An employee of a certificate holder whose primary function is to supervise all of the table game operations in a licensed facility during a shift.

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

*Tournament chip*—A chip used for wagering in a table game tournament or Poker tournament.

*Value chip*—A chip that contains a denomination on each face.

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

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

**§ 601a.2. Table games Rules Submissions.**

(a) Prior to offering any table game authorized under this subpart, which provides a certificate holder with options for the conduct of the table game, the certificate holder shall submit and obtain approval of a Rules Submission which specifies which options the certificate holder will use in the conduct of the table game.

(b) The initial Rules Submission for any table game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov).

(c) A certificate holder may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the Rules Submission unless the certificate holder receives written

notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board's Executive Director.

(d) If during the 15-day review period in subsection (c), the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that table game, the Bureau of Gaming Operations, by written notice to the certificate holder, will:

(1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.

(2) Direct that the 15 calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), the certificate holder may submit a revised Rules Submission within 15 days of receipt of the written notice from the Bureau of Gaming Operations. The certificate holder may implement the revised Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the revised Rule Submission unless the certificate holder receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board's Executive Director.

(f) The current version of each Rules Submission of a certificate holder shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of the certificate holder and the Board's casino compliance representatives and other Board employees. Each page of the Rules Submission must indicate the date on which it was approved by the Board's Executive Director.

(g) A certificate holder shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.

**§ 601a.3. Request to offer a new table game or new feature for an existing table game.**

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

(1) A detailed description of the table game or feature including the rules of play and wagering that would be used for the new table game or feature. In addition, the table game device manufacturer, gaming related gaming service provider or certificate holder shall:

(i) Indicate whether the game is a variation of an authorized game, a composite of authorized games or a new game.

(ii) Provide the true odds, the payout odds and the house advantage for each wager.

(iii) Provide a sketch or picture of the game layout, if any.

(iv) Provide sketches or pictures of the equipment used to play the game.

(2) The reason why the new table game or feature is being proposed and, if the request is not filed by a

certificate holder, the name of the certificate holder that is currently interested in offering the new table game or feature.

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

(4) Whether the game, its name or any of the equipment used to play the game is covered by any copyrights, trademarks or patents, either issued or pending.

(b) In addition to filing a request with the Executive Director, the table game device manufacturer, gaming related gaming service provider or certificate holder shall submit the new table game, new wager or feature to the Bureau of Gaming Laboratory Operations for its review in accordance with § 461a.4 (relating to submission for testing and approval).

(c) Following testing by the Bureau of Gaming Laboratory Operations, the Executive Director will notify the table game device manufacturer, gaming related gaming service provider or certificate holder, in accordance with § 461a.4, that the new table game, new wager or feature has been approved, approved with conditions or rejected.

**§ 601a.4. Waiver of existing table game regulations.**

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

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

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

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

(b) Notwithstanding subsection (a), a certificate holder that desires to offer an authorized table game on an electronic gaming table in a manner that is inconsistent with the Board's regulations but does not affect the outcome of play shall file a written request seeking approval of the Board's Executive Director. The request must contain a detailed description of how the authorized table game played on an electronic gaming table varies from the Board's regulations. An approval to conduct the table game in a manner that is inconsistent with the Board's regulations will be limited to only those variations approved by the Board's Executive Director. Any subsequent alterations to the table game that are inconsistent with the Board's regulations will require submission of an additional written request to the Board's Executive Director or a petition to the Board in accordance with subsection (a).

**§ 601a.5. Electronic, electrical and mechanical devices prohibited.**

A patron or other person acting in concert with a patron may not possess with the intent to use, or actually use, at any table game a calculator, computer or other electronic, electrical or mechanical device to assist in projecting an outcome at any table game or in keeping track of or analyzing the cards having been dealt, the changing probabilities of any table game or the playing strategies to be utilized.

**§ 601a.6. Minimum and maximum wagers; additional wagering requirements; payout odds.**

(a) Certificate holders shall establish minimum and maximum wagers for any authorized table game in a licensed facility.

(b) A certificate holder shall provide notice of the minimum and maximum wagers in effect at each gaming table, and any changes thereto, in accordance with § 601a.7 (relating to rules of the games; notice).

(c) Any wager accepted by a dealer that exceeds the current table maximum or is lower than the current table minimum shall be paid or lost in its entirety in accordance with the rules of the game.

(d) Nothing in this section precludes a certificate holder from establishing additional wagering requirements that are consistent with the rules of the game, such as a requirement that wagers be made in specified increments, provided that the wagering requirements are specified in the rules of the game or in the certificate holder's Rule Submission under § 601a.2 (relating to table games Rules Submissions).

(e) The payout odds for wagers printed on any layout, signage, brochure or other publication distributed by the certificate holder shall be stated through the use of the word "to" and may not be stated through use of the word "for" unless otherwise specified in an approved payable.

**§ 601a.7. Rules of the games; notice.**

(a) Whenever a certificate holder is required by regulation to provide notice of the rules under which a particular table game will be operated, the certificate holder shall post a sign at the gaming table advising patrons of the rules in effect at that table.

(b) Except as provided in subsection (c), a certificate holder may not change the rules under which a particular table game is being operated unless the certificate holder files and receives approval of an amendment to its Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(c) A certificate holder may increase or decrease the permissible maximum wager or decrease the permissible minimum wager at a table game at any time. A permissible minimum wager may be increased at a table game:

- (1) At any time, if no patrons are playing at the table.
- (2) When patrons are playing the game, if the certificate holder:
  - (i) Provides at least a 30 minute advance notice of the change.
  - (ii) Posts a sign at the gaming table advising patrons of the change and the time that it will go into effect.
  - (iii) Announces the change to patrons who are at the table.
- (d) The location, size and language of each sign required by this section shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) prior to its use.

**§ 601a.8. Patron access to the rules of the games; gaming guides.**

(a) Each certificate holder shall maintain, at its security podium or other location approved by the Bureau of Casino Compliance, in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment), a printed copy of the complete text of the rules of all authorized games. This information shall be made available to the public for inspection upon request.

(b) Each certificate holder shall make available to patrons upon request a gaming guide which contains an

abridged version of the information required to be made available under subsection (a) in a printed format.

(c) The gaming guide required under subsection (b) may not be issued, displayed or distributed by a certificate holder until a sample of the gaming guide has been submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a).

(d) Prior to issuing, distributing or displaying a gaming guide that is materially different from the approved gaming guide, a certificate holder shall submit to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) a sample of the revised gaming guide which contains the changes.

(e) A certificate holder may display an approved gaming guide at any location in its licensed facility.

(f) Each certificate holder shall make the gaming guide required under subsection (b) available on its web site.

**§ 601a.9. Table game taxes and gross table game revenue.**

(a) The tax on table game revenue shall be payable to the Department on a weekly basis and must be based upon the gross table game revenue derived during the previous week reported on forms and in the manner prescribed by the Department.

(b) Gross table game revenue includes the following:

- (1) The net revenue from all banking table games including electronic gaming tables which are not fully automated electronic gaming tables.
- (2) The net revenue from nonbanking table games.
- (3) The net revenue from fully automated electronic gaming tables.
- (4) The net revenue from contests or tournaments.

(c) Net revenue from banking table games, including electronic gaming tables which are not fully automated electronic gaming tables, must be the sum of the net revenue determined for each banking table game, which is not a fully automated electronic gaming table, individually. The net revenue for an individual banking table game which is not a fully automated electronic gaming table must be equal to the total of paragraphs (1) through (3) minus the total of paragraphs (4) and (5):

(1) The ending inventory of value chips and coins at the gaming table as reported on the Table Inventory Slip prepared in accordance with § 465a.41 (relating to procedures for drops at open table games) for a table game that remained open for gaming activity when the table was being dropped at the end of the gaming day or the Table Inventory Slip prepared in accordance with § 465a.42 (relating to procedures for closing table games) for a table game that was closed prior to the end of the gaming day.

(2) The sum of all Credit Slips for the gaming table for that gaming day.

(3) The total of the currency and Counter Checks collected from the drop box for that gaming table.

(4) The inventory of value chips and coins at the gaming table as reported on the Table Inventory Slip prepared in accordance with § 465a.41 for a table game that remained open for gaming activity when the table was being dropped at the end of the previous gaming day or the Table Inventory Slip prepared in accordance with



§ 465a.37 (relating to procedures for opening table games) for a table game that was opened during the gaming day.

(5) The sum of all Fill Slips for the gaming table for that gaming day.

(d) Net revenue from nonbanking table games shall be the sum of the net revenue determined for each nonbanking table game individually. The net revenue for an individual nonbanking table game shall be equal to the Poker rake recorded in accordance with § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(e) Net revenue from fully automated electronic gaming tables shall be determined through the Department's central control computer system.

(f) Net revenue from any contest or tournament must be the sum of the net revenue determined for each contest or tournament individually. The net revenue for an individual contest or tournament must be equal to the sum of all entry fees, buy-ins, re-buy-ins and administrative fees imposed by the certificate holder on the contest or tournament participants, minus:

(1) The cash paid by the certificate holder to the contest or tournament winners as prizes.

(2) The actual cost paid by the certificate holder for noncash prizes awarded to the contest or tournament winners.

(g) If the net revenue from a contest or tournament results in a loss, that loss may not offset the net revenue from another contest or tournament and may not be deducted from the calculation of gross table game revenue.

(h) Gross table game revenue may not include:

(1) Counterfeit cash or counterfeit value chips.

(2) Coins or currency of other countries that is not readily convertible to cash.

(3) Cash taken in a fraudulent act perpetrated against a certificate holder for which the certificate holder is not reimbursed.

**§ 601a.10. Approval of table game layouts, signage and equipment.**

(a) Table game staffing plans, tournament schedules, dealer training programs and schematics of gaming guides, table game layouts, signage and equipment that require the approval of the Board's Executive Director shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov).

(b) For purposes of this subpart, schematics of table game equipment that shall be submitted to the Bureau of Gaming Operations for review and Executive Director approval include:

(1) Cards.

(2) Dice.

(3) Pai Gow tiles.

(4) Gaming chips.

(5) Plaques.

(6) Commemorative chips.

(7) Pai Gow and Sic Bo shakers.

(8) Big Six and Roulette wheels.

(9) Envelopes and containers used to hold or transport table game equipment.

(10) Other table game devices that are not otherwise required to be submitted to the Bureau of Gaming Laboratory Operations for approval in accordance with § 461a.4(c)(12) (relating to submission for testing and approval).

(c) Within 15 calendar days following the filing of a table game staffing plan, tournament schedule, dealer training program or a prototype of gaming guides, table game layouts, signage or equipment, the Bureau of Gaming Operations will review the submission and report the results to the Board's Executive Director.

(d) If during the 15-day review period in subsection (c), the Bureau of Gaming Operations determines that the table game staffing plan, tournament schedule, dealer training program, prototype of a gaming guide, table game layout, signage or equipment is deficient or inconsistent with the regulations, the Bureau of Gaming Operations, by written notice to the certificate holder, will specify the nature of the deficiency or inconsistency and, when possible, an acceptable alternative. The certificate holder shall then submit a revised plan, schedule, program or prototype using the Internal Controls & Table Games Submission Form.

(e) A certificate holder may implement a table game staffing plan, tournament schedule or dealer training program and may utilize a gaming guide, table game layout, signage or equipment in the licensed facility upon receipt of written approval from the Board's Executive Director.

(f) The Bureau of Casino Compliance will conduct an onsite inspection of equipment storage and destruction areas which may not be utilized by the certificate holder until the location and physical characteristics have been approved by the Director of Casino Compliance.

(g) A certificate holder shall obtain onsite approval from the casino compliance supervisor at the licensed facility for the following:

(1) Alternative locations for:

(i) Equipment that is required to be on the gaming table, including drop boxes, shakers, shufflers, discard racks and tip boxes, prior to the commencement of operations at that gaming table.

(ii) The complete text of the rules of all authorized games, as required under § 601a.8(a) (relating to patron access to the rules of the games; gaming guides).

(2) Amendments to the licensee's plan for the distribution and collection of slot cash storage boxes, table game drop boxes or bad beat boxes in accordance with § 465a.25(b) (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(3) Sample sets of gaming chips and plaques manufactured in accordance with approved design specifications as required under §§ 603a.2(b)(2) and 603a.9(b)(2) (relating to gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional nongaming chips; and plaques; issuance and use, denominations and physical characteristics).

(4) The collection times for dice, cards, tiles and other table game equipment from the gaming floor.

**CHAPTER 609a. CREDIT**

- Sec.
- 609a.1. Definitions.
- 609a.2. Internal control requirements.
- 609a.3. Application and verification procedures for granting credit.
- 609a.4. Approval of credit limits.
- 609a.5. Derogatory information; reduction or suspension of credit.
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- 609a.16. Substitution and consolidation of Counter Checks.
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- 609a.18. Collection of returned checks.

**§ 609a.1. Definitions.**

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

*Bank verification service*—An agency that provides businesses with the ability to verify the validity of a patron’s bank account, a check presented or the history of the bank account.

*Casino credit bureau*—A consumer reporting agency that provides casinos with reports on a patron’s casino credit accounts.

*Consumer credit bureau*—A consumer reporting agency that collects information from creditors, lenders, debt collection agencies and the courts on an individual’s borrowing and bill payment habits.

*Credit clerk*—An employee of the cage or credit department who is responsible for receiving, processing and verifying the information in credit applications from patrons and who does not have authority to grant credit or credit limit increases provided that an employee who has the authority to grant credit may act as a credit clerk but may not grant credit or credit limit increases on an application processed or verified by that employee.

*Derogatory information*—Information related to a patron’s credit accounts that are partially or completely uncollectible, checks returned unpaid by a patron’s bank, settlements, liens, judgments or any other credit problems of a patron.

**§ 609a.2. Internal control requirements.**

Each certificate holder that issues credit shall include procedures in the certificate holder’s internal controls to implement the requirements in this chapter.

**§ 609a.3. Application and verification procedures for granting credit.**

(a) A patron who wants to obtain credit from a certificate holder shall file a credit application with the certificate holder which contains, at a minimum, the following information:

- (1) The patron’s name.
- (2) The address of the patron’s residence.
- (3) The patron’s telephone number.
- (4) Bank account information including:
  - (i) The name and location of the patron’s bank.
  - (ii) The account number of the patron’s personal checking account upon which the patron is individually autho-

alized to draw and upon which all Counter Checks will be drawn. Checking accounts of sole proprietorships to be considered as personal checking accounts. Partnership or corporate checking accounts are not considered to be personal checking accounts.

(5) The credit limit requested by the patron.

(6) The approximate amount of the patron’s current indebtedness.

(7) The amount and source of income or assets in support of the requested credit limit.

(8) The patron’s signature indicating acknowledgement of the following statement, which must be included at the bottom of the credit application form containing the information required to be submitted under this subsection: “I certify that I have read and understand this application and its terms and I execute this document voluntarily and with full knowledge of its significance. I authorize (insert the name of the certificate holder) to conduct any investigations necessary for the approval of my credit limit. I am aware that this application is required by the regulations of the Pennsylvania Gaming Control Board. I understand that a Counter Check issued by (insert name of certificate holder) is identical to a personal check and may be deposited or presented for payment to my bank or other financial institution. I acknowledge that willfully drawing or passing a credit instrument with the intent to defraud, including knowing there are insufficient funds in my account, is a crime in this Commonwealth that may result in criminal prosecution. I am also aware that providing false or misleading statements or omitting information on this application may subject me to civil or criminal penalties.”

(b) Upon receipt of an application for credit, a confidential credit file for that patron containing the information required under subsection (a) shall be prepared by a credit clerk either manually or by computer prior to the certificate holder’s approval of a patron’s credit limit. Patron credit limits including any changes to the credit limit must be supported by the information contained in the patron’s credit file.

(c) Prior to a certificate holder’s approval of a patron’s credit limit, a credit clerk shall:

(1) Verify the address of the patron’s residence. Verification of the address of the patron’s residence shall be satisfied by confirming the patron’s address with a credit bureau or bank. If neither of these sources has the patron’s address on file or does not provide the information, the credit clerk may use an alternative source which may not include any identification credentials or other documentation presented by the patron at the licensed facility. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron’s credit file. Verification of the patron’s address may be performed telephonically.

(2) Verify the patron’s current casino credit limits and outstanding balances, which includes the following:

(i) The date each of the patron’s casino credit accounts was established.

(ii) The amount of the current approved credit limits at other casinos.

(iii) The current balance and status of the patron’s credit account at each casino including checks deposited by a casino that have not yet cleared the bank and any derogatory information.

(iv) Verification of information required under subparagraphs (i)—(iii) shall be performed through a casino credit bureau and, if appropriate, through direct contact with other casinos. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. If casino credit information relating to the patron is not available from these sources, this fact shall be noted in the patron's credit file. The verification may be performed telephonically prior to the credit approval provided the credit clerk requests written documentation of the information as soon as possible and includes written documentation of the request in the patron's credit file. Requests for written documentation shall be maintained in the patron's credit file until the documentation is obtained.

(3) Verify the patron's outstanding indebtedness. Verification of the patron's outstanding indebtedness shall be performed by contacting a consumer credit bureau, which is reasonably likely to possess information concerning the patron, to determine whether the applicant has any liabilities or if there is any derogatory information concerning the patron's consumer credit history. If contact with a consumer credit bureau is not immediately possible, the credit clerk may use an alternative source which has made the required contact within the past 3 months. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. If a consumer credit bureau does not have information relating to a patron's outstanding indebtedness, this fact shall be recorded in the patron's credit file. The verification may be performed telephonically prior to the credit approval provided the credit clerk requests written documentation of the information obtained as soon as possible and includes written documentation of the request in the patron's credit file. Requests for written documentation shall be maintained in the patron's credit file until the documentation is obtained.

(4) Verify the patron's personal checking account information which includes, but is not limited to, the following:

- (i) Account number.
- (ii) The year the account was opened.
- (iii) Average balance of the account.
- (iv) Current balance in the account.
- (v) Whether the patron can sign individually on the account.
- (vi) Name and title of the person supplying the information.

(vii) Verification of information required under subparagraphs (i)—(vi) shall be performed by the credit clerk or a bank verification service directly with the patron's bank. A bank verification service utilized by a certificate holder may make use of another bank verification service to make direct communication with the patron's bank. If the information is not immediately available, the credit clerk may use an alternative source. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. The verification may be performed telephonically prior to the credit approval provided the credit clerk or bank verification service requests written documentation of the information obtained as soon as possible and the request for written documentation is included in the patron's credit file. Requests for written documentation shall be maintained in the patron's credit file until the

documentation is obtained. If a bank verification service is used as a primary source of verification, either directly by a certificate holder or by another bank verification service, each service and the certificate holder shall record the date that the patron's personal checking account information was obtained from the bank by the service.

(5) Verify that the patron's name is not on:

(i) The list of individuals who have voluntarily requested suspension of credit privileges under § 609a.9 (relating to voluntary credit suspension list).

(ii) The list of individuals who have voluntarily placed themselves on the self-exclusion list under Chapter 503a (relating to self-exclusion).

(iii) The list of individuals who have been placed on the exclusion list under Chapter 511a (relating to persons required to be excluded).

(d) Verifications performed by a credit clerk under subsection (c), which are required to be recorded in the patron's credit file, must be accompanied by the signature of the credit clerk who performed the required verifications or filed the relevant information. The date and time of the signature of the credit clerk shall be recorded either electronically or manually contemporaneously with the verification.

(e) A certificate holder may only request credit information concerning a patron from another certificate holder if the patron has credit or has applied for credit with the certificate holder. When requesting credit information on a patron from another certificate holder, the requesting certificate holder shall provide the patron's name, address of the patron's residence and the name and location of the patron's bank with the request. Upon receipt of this information, the certificate holder receiving the request shall furnish to the requesting certificate holder any credit information in its possession concerning the patron.

(f) Unless a patron has already established a patron signature file under § 465a.20(c) (relating to personal check cashing), a patron who has been approved for credit may not be issued a Counter Check until the certificate holder has established a signature file for the patron in accordance with § 465a.20(c).

#### § 609a.4. Approval of credit limits.

(a) A credit limit, and any increases thereto, shall be approved by either:

(1) Two or more employees holding the job positions of credit manager, assistant credit manager, credit shift manager, credit executive or other key employee in a direct reporting line above the credit manager provided that a credit supervisor who processed and verified a patron's credit application may not grant credit or a credit limit increase to that patron.

(2) A credit committee composed of at least two of the employees in paragraph (1) which may approve credit as a group.

(b) The approval of credit shall be recorded in the patron's credit file and include:

(1) Other information used to support the credit limit and any changes thereto, including the source of the information, if the information is not otherwise required to be recorded under this section.

(2) A brief summary of the key factors relied upon in approving or reducing the requested credit limit and any changes thereto.



(3) The reason credit was approved if derogatory information was obtained during the verification process.

(4) The signatures of the employees approving the credit limit, together with the date and time of the authorization, shall be recorded before any actual extension of credit is tendered. A certificate holder may obtain verbal or electronic authorization from one of the employees required to approve credit limits provided that the date and time that the verbal authorization was given is noted in the patron's credit file or a copy of the electronic authorization is placed in the patron's credit file. Upon arrival at the licensed facility, the employee who verbally or electronically approved a patron's credit limit shall sign and date the patron's credit file.

(c) Prior to approving a credit limit increase, an employee of the certificate holder's credit department shall:

(1) Obtain a written request from the patron which includes:

- (i) The date and time of the patron's request.
- (ii) The amount of credit limit increase requested by the patron.
- (iii) The signature of the patron.

(2) Reverify the patron information required under § 609a.3(c)(2) and (3) (relating to application and verification procedures for granting credit).

(3) Consider the patron's player rating based on a continuing evaluation of the amount and frequency of play subsequent to the patron's initial receipt of credit.

(4) Include the information and documentation required under paragraphs (1)—(3) in the patron's credit file.

**§ 609a.5. Derogatory information; reduction or suspension of credit.**

(a) A certificate holder may reduce or suspend a patron's credit limit at any time.

(b) Derogatory information concerning a patron's credit account shall be reported by each certificate holder on a daily basis to the casino credit bureau used by the certificate holders. Each certificate holder shall document any derogatory information pertaining to its patrons that was reported to that certificate holder by the casino credit bureau. Documentation obtained from the casino credit bureau shall be maintained in the patron's credit file.

(c) Whenever derogatory information is received by a certificate holder's credit department relating to the patron's continued creditworthiness, other than a returned check, the certificate holder's credit department shall reverify the patron information required under § 609a.3(c)(2) and (3) (relating to application and verification procedures for granting credit).

(d) A patron having a check returned to any certificate holder unpaid by the patron's bank shall have credit privileges suspended unless the returned check was due to a processing error and an explanation for the error is noted in the patron's credit file or until the returned check has been paid in full.

(e) If a patron's credit privileges have been suspended, the certificate holder's credit department shall reverify the patron's information, as required under § 609a.3(c)(1)—(4), before reinstating the patron's credit privileges.

**§ 609a.6. Additional reverification requirements.**

(a) Prior to the issuance of credit to a patron whose credit file has been inactive for a 24-month period, the

certificate holder's credit department shall reverify the patron's information, as required under § 609a.3(c)(1)—(5) (relating to application and verification procedures for granting credit).

(b) The certificate holder's credit department shall reverify the information required under § 609a.3(a)(2) and (4), in accordance with the procedures in § 609a.3(c)(1) and (4), whenever the certificate holder has reason to believe that this information has changed.

**§ 609a.7. Patron credit transactions.**

Transactions affecting a patron's outstanding indebtedness to the certificate holder shall be recorded in chronological order in the patron's credit file. Credit transactions shall be recorded separately from transactions related to customer deposits under § 465a.23 (relating to customer deposits). The following information shall be included in the credit file:

(1) The date, amount and check number of each Counter Check accepted from the patron.

(2) The date, method, amount and, if applicable, the personal check number of each redemption transaction and the check number of the Counter Check returned to the patron.

(3) The date, amount and check number of each personal check used for a substitution transaction and the check number of the Counter Check returned to the patron.

(4) The date, amount and check number of each replacement Counter Check accepted from the patron in a consolidation transaction and the check numbers of the initial Counter Checks that were consolidated and returned to the patron.

(5) The date, amount and check number of each Counter Check deposited.

(6) The date, amount and check number of each personal check or Counter Check returned to the certificate holder by the patron's bank and the reason for its return.

(7) The outstanding balance after each transaction.

(8) The date, amount and check number of any Counter Checks or personal checks that have been partially or completely written off by the certificate holder and a brief explanation of the reason for the write off.

**§ 609a.8. Recordkeeping requirements.**

(a) A log of Counter Checks exchanged or consolidated and of personal checks received for redemption or substitution shall be prepared, manually or by computer, on a daily basis. The log must include, at a minimum, the following:

(1) The balance of the Counter Checks on hand in the cage at the beginning of each shift.

(2) For Counter Checks initially accepted and for personal checks received for redemption or substitution:

- (i) The date of the check.
- (ii) The name of the drawer of the check.
- (iii) The amount of the check.
- (iv) The serial number for each Counter Check received.

(v) An indication as to whether the check was initially accepted or received in a redemption or substitution.

(3) For Counter Checks deposited, redeemed by patrons with cash, cash equivalents, gaming chips and plaques, or any combination thereof, substituted or consolidated:

(i) The date on which the Counter Check was deposited, redeemed, substituted or consolidated.

(ii) The name of the drawer of the Counter Check.

(iii) The amount of the Counter Check.

(iv) The serial number for each Counter Check deposited, redeemed, substituted or consolidated.

(v) An indication as to whether the Counter Check was deposited, redeemed, substituted or consolidated.

(4) The balance of the Counter Checks on hand at the end of each shift.

(b) A list of all Counter Checks on hand and of all personal checks received for redemption or substitution shall be prepared, manually or by computer, on a monthly basis and include the following:

(1) The date of the check.

(2) The name of the drawer of the check.

(3) The amount of the check.

(4) The serial number for each Counter Check received.

(c) At the end of each gaming day, the following procedures shall be performed:

(1) The daily total of the amounts of Counter Checks initially recorded as described in subsection (a)(2) shall be reconciled to the daily total of Counter Checks issued.

(2) The daily total of the checks indicated as deposited on a log required under subsection (a)(3) shall be reconciled to the bank deposit slips corresponding to the checks by employees with no incompatible functions.

(3) The balance required under subsection (a)(4) shall be reconciled to the total of the Counter Checks on hand in the cage.

#### **§ 609a.9. Voluntary credit suspension list.**

(a) The Board will maintain a voluntary credit suspension list of all individuals who have requested suspension of credit privileges and will provide a current list of these individuals to the credit department of each certificate holder.

(b) The list provided to certificate holders will contain the following information for each individual on the list:

(1) The individual's name, including any aliases or nicknames.

(2) The individual's address.

(3) The individual's date of birth.

(c) Information furnished to or obtained by the Board or a certificate holder under this chapter will be deemed confidential and may not be disclosed except in accordance with this chapter.

#### **§ 609a.10. Request for voluntary credit suspension.**

(a) An individual may request the suspension of the individual's credit privileges at all licensed facilities by submitting, in person, a completed Request for Voluntary Credit Suspension Form to the Board. A submission to the Board may be made at the Board's office at a licensed facility, at the Board's Harrisburg office or one of the Board's regional offices.

(b) The Request for Voluntary Credit Suspension Form shall also include the following statement: "I certify that I

have read and understand this request to be placed on the voluntary credit suspension list and that I knowingly and voluntarily execute this document. I am aware that my signature below authorizes the Pennsylvania Gaming Control Board to direct all Pennsylvania certificate holders to suspend my credit privileges until such time as I submit a written request to the Board for the reinstatement of my credit privileges. I also understand that under § 13A27(i) of the Pennsylvania Race Horse Development and Gaming Act, all certificate holders shall not be liable for any claims, damages, losses, expenses or for any harm, monetary or otherwise, that may arise as a result of the failure of a certificate holder to restore credit privileges to me or otherwise permit me to engage in gaming activity in the licensed facility while on the voluntary credit suspension list."

(c) An individual requesting to be placed on the voluntary credit suspension list will be required to present a government-issued photo identification containing the person's signature and photograph when the individual submits the Request for Voluntary Credit Suspension Form.

#### **§ 609a.11. Reinstatement of credit and removal from the voluntary credit suspension list.**

(a) An individual on the voluntary credit suspension list may, at any time, request removal from the voluntary credit suspension list by submitting a Request for Removal from the Voluntary Credit Suspension List Form to the Board. The request may be made at the Board's office at a licensed facility, at the Board's Harrisburg office or one of the Board's regional offices.

(b) The Request for Removal from the Voluntary Credit Suspension List Form must also include the following statement: "I certify that I have read and understand this request to be removed from the voluntary credit suspension list and that I knowingly and voluntarily execute this document. I am aware that my signature below will result in the Pennsylvania Gaming Control Board notifying all Pennsylvania certificate holders that I have been removed from the voluntary credit suspension list."

(c) An individual requesting to be removed from the voluntary credit suspension list will be required to present a government-issued photo identification containing the person's signature and photograph when the individual submits the Request for Removal from the Voluntary Credit Suspension List Form.

(d) Within 3 business days after the Request for Removal from the Voluntary Credit Suspension List Form is signed, the Board will delete the name of the individual from the voluntary credit suspension list and will notify each certificate holder of the removal.

#### **§ 609a.12. Duties of certificate holders.**

(a) A certificate holder shall maintain a copy of the voluntary credit suspension list and ensure that the copy of the list is updated within 24 hours after the certificate holder receives an updated list from the Board.

(b) A certificate holder shall immediately suspend the credit privileges of any individual who has a credit account with the certificate holder upon receipt of notice that the individual has been added to the voluntary credit suspension list.

(c) If an individual has an existing credit file, the certificate holder shall note any voluntary credit suspension or removal from the voluntary credit suspension list in the credit file. A copy of the applicable Board notice of the voluntary suspension or removal from the voluntary

credit suspension list and the date, time and signature of the credit department representative making the suspension or removal entry shall be included in the individual's credit file.

(d) Upon receipt of notice that an individual's name has been removed from the voluntary credit suspension list, the certificate holder may reinstate the individual's credit after reverifying the information as required under § 609a.3(c) (relating to application and verification procedures for granting credit).

(e) A certificate holder shall establish procedures to ensure that an individual who is on the voluntary credit suspension list is not granted casino credit.

(f) Certificate holders shall make available to patrons written materials explaining the voluntary credit suspension program.

**§ 609a.13. Requirements for Counter Checks.**

(a) Counter Checks must be serially prenumbered forms. Each series of Counter Checks shall be used in sequential order and the series numbers of all Counter Checks received by a certificate holder shall be accounted for by employees with no incompatible functions.

(b) The original and all copies of void Counter Checks shall be marked "VOID" and require the signature of the individual who marked the Counter Check as void.

(c) For Counter Checks that are manually prepared:

(1) The Counter Checks must be a five-part form which consists of an original, a redemption copy, an accounting copy, an issuance copy and an acknowledgement copy.

(2) Counter Checks must be attached in a book that:

(i) Permits an individual to write on the original copy of the Counter Check and all of the other copies simultaneously, while still contained in the book.

(ii) Allows the removal of the original and all duplicate copies.

(3) Access to the Counter Checks shall be maintained and controlled at all times by the finance department employees responsible for the control of and accounting for the unused supply of Counter Checks, and for the preparation of Counter Checks for a patron's signature.

(d) For Counter Checks that are prepared by computer:

(1) The Counter Checks must be a four-part form which consists of an original, a redemption copy, an issuance copy and an accounting copy.

(2) The Counter Checks shall be inserted in a printer that will simultaneously print an original and the other copies.

(3) The information printed on the original Counter Check and the other copies shall be stored in machine-readable form. The stored data must not be susceptible to change or removal by any personnel after preparation of a Counter Check.

**§ 609a.14. Issuance and reconciliation of Counter Checks.**

(a) A certificate holder may issue Counter Checks in exchange for:

(1) Value chips or plaques provided to a patron at a gaming table.

(2) Cash or gaming voucher provided to a slot patron at the cage or at a slot machine.

(b) For a Counter Check exchanged for value chips or plaques at a gaming table, a pit clerk or above shall:

(1) Verify the patron's identity by either:

(i) Obtaining the patron's signature, on a form, which shall be compared to the signature contained within a patron signature file. The pit clerk or above shall sign the form indicating that the signature of the patron on the form appears to agree with the signature in the patron signature file. The form shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department. After the patron's identity has been verified by the pit clerk or above, the requirements for subsequent verification of the patron's identity during the same shift and in the same gaming pit may be satisfied by the employee who performed the initial verification signing a form attesting to the patron's identity before each subsequent Counter Check is exchanged. The form must include the patron's name and the serial number of the initial Counter Check exchanged by the patron. The form shall be attached to the accounting copy of the subsequent Counter Check prior to forwarding the accounting copy to the accounting department.

(ii) Obtaining the attestation of a floorperson or above as to the identity of the patron. The floorperson or above shall record his Board credential number and sign a form or the Counter Check attesting to the patron's identity. If the form is used, it shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department.

(2) Determine the patron's remaining credit limit from the cage or casino management system.

(3) Prepare the Counter Check for the patron's signature by recording or by electronically inputting, the following information:

(i) The name of the patron exchanging the Counter Check.

(ii) The current date and time.

(iii) The amount of the Counter Check expressed in numerals.

(iv) The game and table number.

(v) The signature of the floorperson or above authorizing acceptance of the check.

(vi) The signature of the preparer or, if computer prepared, the identification code of the preparer.

(4) Place an impression on the back of the original Counter Check a restrictive endorsement "for deposit only" to the certificate holder's bank account.

(5) Present the original and all duplicate copies of the Counter Check to the patron for signature.

(6) Receive the signed Counter Check directly from the patron. The issuance copy of the Counter Check shall then be immediately given to the dealer or boxperson to be exchanged for value chips or gaming plaques. A certificate holder may allow a dealer or boxperson to give the patron value chips or gaming plaques before the patron has signed the Counter Check if the certificate holder includes procedures in the certificate holder's internal controls to verify the patron's identity and available credit limit prior to giving the patron the value chips or gaming plaques.

(i) The original, redemption and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transported to the cage where the original



and redemption copies shall be maintained and controlled by the cage cashier designated to act as the check bank.

(ii) The accounting copy of the Counter Check shall be maintained and controlled by the pit clerk or above until forwarded to the accounting department as required under subsection (g).

(iii) The issuance copy of the Counter Check shall be deposited by the dealer or boxperson in the drop box.

(c) For a Counter Check exchanged by a slot player for cash or gaming voucher at the cage, a cage cashier shall:

(1) Verify the patron's identity by either:

(i) Obtaining the slot patron's signature, on a Counter Check Request Form, which shall be compared to the signature contained within a patron signature file. The cage cashier shall sign the form indicating that the signature of the patron on the form appears to agree with the signature in the patron signature file. The form shall be attached to the accounting copy of the Counter Check exchanged by the slot patron prior to forwarding it to the accounting department.

(ii) Obtaining the attestation of a cage supervisor as to the identity of the patron. The cage supervisor shall record his Board credential number and sign a form or the Counter Check attesting to the patron's identity. If the form is used, it shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department.

(2) Determine the slot patron's remaining credit limit.

(3) Prepare the Counter Check for the slot patron's signature by recording or by electronically inputting the following information:

(i) The name of the slot patron exchanging the Counter Check.

(ii) The current date and time.

(iii) The amount of the Counter Check expressed in numerals.

(iv) The signature of the cage supervisor authorizing acceptance of the check.

(v) The signature of the preparer or, if computer prepared, the identification code of the preparer.

(4) Place an impression on the back of the original Counter Check a restrictive endorsement "for deposit only" to the certificate holder's bank account.

(5) Present the original and all duplicate copies of the Counter Check to the slot patron for signature.

(6) Receive the signed original and all duplicate copies of the Counter Check directly from the slot patron.

(i) The original, redemption and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transferred to the cage cashier designated to act as the check bank who shall maintain and control the original and redemption copies.

(ii) The accounting copy of the Counter Check shall be maintained and controlled by the cage cashier until forwarded to the accounting department as required under subsection (g).

(iii) The issuance copy of the Counter Check shall be exchanged for cash or gaming voucher and shall be maintained by the cage cashier in the impress fund.

(d) A certificate holder may also issue a Counter Check to a slot patron directly at a slot machine, provided the following procedures and requirements are followed:

(1) A slot attendant shall obtain the amount of the requested Counter Check and the patron's signature on a two-part Counter Check Request Form and transport both copies of the Counter Check Request Form directly to the cage cashier. The cage cashier shall verify the slot patron's signature in accordance with subsection (c)(1)(i).

(2) Once the slot patron's signature has been verified, the cage cashier shall prepare the Counter Check in accordance with subsection (c)(2)—(4).

(3) The cage cashier shall sign the Counter Check as the preparer of the Counter Check and shall present the original and all duplicate copies of the Counter Check, the original and duplicate copy of the request form and the cash or gaming voucher in the amount of the Counter Check to the slot attendant.

(4) The slot attendant shall verify the cash or gaming voucher against the amount recorded on the Counter Check and the request form. If in agreement, the slot attendant shall sign the original and duplicate copy of the request form and return the duplicate copy of the request form to the cage cashier.

(5) The cage cashier shall retain the duplicate copy of the request form as evidence of the slot attendant's receipt of the Counter Check and the cash or gaming voucher.

(6) Once the cash or gaming voucher has been verified, the funds shall be transported, along with the original request form and the original and all copies of the Counter Check, to the slot patron by the slot attendant in the presence of a security department employee.

(7) The slot attendant shall present the original and all duplicate copies of the Counter Check to the slot patron for signature.

(8) Upon receiving the signed original and all duplicate copies of the Counter Check from the slot patron, the security department employee shall verify the slot patron's signature on the original Counter Check against the patron's signature on the original request form. If in agreement, the cash or gaming voucher shall be immediately given to the slot patron. Cash or gaming vouchers may not be given to the slot patron prior to the receipt of the signed Counter Check from the patron.

(9) Once the slot patron has received the cash or gaming voucher, the security department employee shall sign the back of the accounting copy of the Counter Check as a witness to the transfer of funds to the slot patron in exchange for the signed Counter Check from the patron. The accounting copy of the Counter Check shall be maintained and controlled by the slot attendant until forwarded to the accounting department as required under subsection (g).

(10) The security department employee shall immediately return the original, redemption, issuance and acknowledgement copies of the Counter Check to the cage cashier. The cage cashier shall attach the duplicate of the request form to the issuance copy of the Counter Check and maintain them in the impress fund.

(11) The original, redemption and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transferred to the cage cashier designated to act as the check bank who shall maintain and control the original and redemption copies.

(e) The cage cashier designated to act as the check bank shall sign and time stamp the acknowledgement copy of the Counter Check and expeditiously return it to

the pit clerk or slot attendant by means of a security department employee or to the cage cashier. The check bank shall maintain the original and redemption copies of the Counter Check.

(f) The acknowledgement copy of the Counter Check returned to the pit clerk, slot attendant or the cage cashier shall be reconciled with the accounting copy and maintained and controlled by the pit clerk, slot attendant or cage cashier until forwarded to the accounting department as required under subsection (g).

(g) At the end of each gaming day the following procedures and requirements shall be observed:

(1) The original and all copies of voided Counter Checks shall be forwarded to the accounting department.

(2) The accounting and acknowledgement copies of Counter Checks retained by the pit clerk, slot attendant or cage cashier shall be forwarded to the accounting department for agreement with the issuance copy of the Counter Check removed from the drop box or cage cashier's impress fund.

(3) The redemption copy of a Counter Check shall be forwarded to the accounting department subsequent to the redemption, consolidation or deposit of the original Counter Check for agreement with the accounting and issuance copies of the Counter Check or stored data.

**§ 609a.15. Redemption of Counter Checks.**

(a) A patron may redeem or partially redeem a Counter Check that has not been deposited by exchanging cash, cash equivalents, a check issued by a slot machine licensee to the patron, value chips, gaming plaques, a personal check in an amount less than or equal to the amount of the Counter Check being redeemed or any combination thereof.

(b) When a patron elects to redeem or partially redeem a Counter Check that has not been deposited by exchanging a personal check for the Counter Check being redeemed, the personal check must meet one of the following conditions:

(1) The personal check must be drawn on the bank account in patron's credit file upon which all Counter Checks are to be drawn.

(2) The personal check must be drawn on another account that complies with § 609a.3(c)(4) (relating to application and verification procedures for granting credit).

(c) The \$2,500 per day limitation on acceptance of personal checks in § 465a.20(b)(6) (relating to personal check cashing) does not apply to the redemption or partial redemption of Counter Checks provided that the personal check is accepted in an amount less than or equal to the amount of the Counter Check being redeemed or partially redeemed.

(d) If a patron has more than one unredeemed Counter Check, the most recently dated Counter Check shall be redeemed or partially redeemed first.

(e) Except as provided in subsection (h), a patron shall initiate all redemptions or partial redemptions at the cage.

(f) When a patron redeems a Counter Check at the cage, the cage cashier shall verify the identity of the patron and, after receiving the cash, cash equivalents, a check issued by a slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, return the original Counter Check to the patron.

(g) When a patron partially redeems a Counter Check at the cage, the cage cashier shall verify the identity of the patron and, after receiving the cash, cash equivalents, a check issued by a slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, prepare a replacement Counter Check for the unredeemed balance. The replacement Counter Check shall be dated with the same date as the Counter Check being redeemed. After the replacement Counter Check has been completed, the Counter Check being redeemed shall be returned to the patron.

(h) A patron may redeem a Counter Check by mail by sending a written request and cash equivalents, a check issued by a slot machine licensee to the patron, value chips, gaming plaques or any combination thereof to the certificate holder. When a patron uses a personal check to redeem a Counter Check by mail, the personal check must meet one of the conditions in subsection (b).

(i) When a patron redeems a Counter Check by mail, the identity of the patron shall be verified by comparing the signature on the patron's written redemption request to the signature in the patron's signature file created under § 465a.20(c) or § 609a.3(f) and, after receiving the cash, cash equivalents, a check issued by a slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, mark the original Counter Check "void" and mail it to the address in the patron's credit file.

(j) Any redemption or partial redemption of a Counter Check shall be recorded in the patron's credit file.

**§ 609a.16. Substitution and consolidation of Counter Checks.**

(a) A patron may substitute a personal check for a Counter Check if either of the following apply:

(1) The personal check is drawn on the bank account in patron's credit file upon which all Counter Checks are to be drawn.

(2) The personal check is drawn on another account that complies with § 609a.3(c)(4) (relating to application and verification procedures for granting credit).

(b) The \$2,500 per day limitation on acceptance of personal checks in § 465a.20(b)(6) (relating to personal check cashing) does not apply to the substitution of Counter Checks provided that the personal check is accepted in an amount equal to the amount of the Counter Check being substituted.

(c) A patron shall initiate all substitutions at the cage.

(d) When a patron substitutes a personal check for a Counter Check, the cage cashier shall verify the identity of the patron and, after receiving the patron's personal check, return the original Counter Check to the patron.

(e) A personal check that is being substituted for a Counter Check shall be dated with the same date as the Counter Check for which it is being substituted.

(f) A patron may consolidate two or more undeposited Counter Checks for one replacement Counter Check subject to the following conditions:

(1) The consolidated Counter Check shall be dated with the same date as the oldest Counter Check that is being consolidated.

(2) If the total amount of the consolidated checks is equal to or greater than \$5,000, the certificate holder may grant additional time to deposit the replacement Counter Check in accordance with § 609a.17 (relating to deposit of

Counter Checks and personal checks substituted for Counter Checks). A credit supervisor or above shall approve additional time and record the time period in the patron's credit file.

(g) A patron shall initiate consolidations at the cage.

(h) When a patron consolidates two or more Counter Checks at the cage, the cage cashier shall verify the identity of the patron and, after receiving the replacement Counter Check, return the initial Counter Checks that were consolidated to the patron.

(i) Any substitution or consolidation of a Counter Check or Checks shall be recorded in the patron's credit file.

**§ 609a.17. Deposit of Counter Checks and personal checks substituted for Counter Checks.**

(a) Counter Checks and personal checks that have been substituted for Counter Checks shall be deposited in accordance with the time periods established in the certificate holder's internal controls. The time periods established by a certificate holder may not exceed:

(1) Fifteen days after the date of the Counter Check or the date on the personal check that has been substituted for the Counter Check if the amount of the check is less than \$5,000.

(2) Thirty days after the date of the Counter Check or the date on the personal check that has been substituted for the Counter Check if the amount of the check is \$5,000 or more.

(b) If the last day of a time period specified in subsection (a) falls on a Saturday, Sunday or Federal or State holiday, the time period shall run until the next business day.

(c) Notwithstanding subsection (a), a certificate holder may extend the deposit date up to an additional 15 days beyond the date specified in the certificate holder's internal controls for good cause. A credit supervisor or above shall approve an extension of time and record the length of the extension and the reason for the extension in the patron's credit file.

**§ 609a.18. Collection of returned checks.**

(a) A certificate holder may designate specific employees with no incompatible functions, including the certificate holder's general counsel or an outside attorney, to engage in efforts to collect Counter Checks or personal checks returned by a patron's bank.

(b) A certificate holder, and any outside attorney acting on behalf of the certificate holder, that is engaged in efforts to collect returned checks shall comply with applicable Federal and State laws pertaining to debt collection including the Fair Debt Collection Practices Act (15 U.S.C.A. §§ 1692—1692p), the Fair Credit Extension Uniformity Act (73 P.S. §§ 2270.1—2270.5) and the Unfair Trade Practices and Consumer Protection Law (73 P.S. §§ 201-1—210-9.3).

(c) The certificate holder shall include in the patron's credit file copies of all statements and other documents supporting collection efforts.

(d) The certificate holder shall maintain records, for the Board's inspection, that describe credit collection arrangements and any written contracts entered into with an outside attorney engaged in efforts to collect Counter Checks or personal checks returned by a patron's bank on behalf of the certificate holder.

**CHAPTER 611a. TABLE GAME MINIMUM TRAINING STANDARDS**

Sec.

- 611a.1. Minimum training standards for dealers; minimum experience requirements for supervisors.  
 611a.2. Minimum proficiency requirements.  
 611a.3. Employee training by certificate holders.  
 611a.4. Submission of training programs to the Board.  
 611a.5. Table test; employee personnel file.

**§ 611a.1. Minimum training standards for dealers; minimum experience requirements for supervisors.**

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

(1) Satisfactory completion of a course of curriculum related to the dealing of table games within the last 5 years which meets the minimum proficiency requirements of § 611a.2 (relating to minimum proficiency requirements) at a gaming school, as defined in section 1103 of the act (relating to definitions), or an equivalent curriculum at a gaming school approved by another jurisdiction's state educational authority or gaming regulatory body, to provide training related to the dealing of table games.

(2) Satisfactory completion of a training program offered by a certificate holder which includes a curriculum related to the dealing of table games which meets the minimum proficiency requirements of § 611a.2.

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

(b) When filing an application to obtain an occupational permit under § 435a.3 to work as a floorperson or above, the applicant shall provide proof of at least one of the following:

(1) Two years of employment as a dealer or table games supervisor within the last 10 years.

(2) Six months of employment as a dealer within the same licensed facility where the dealer is applying to be a floorperson or above.

(c) A certificate holder may file a request seeking approval from the Board's Executive Director for a dealer or supervisor who does not meet the minimum training or experience requirements in subsection (a) or (b). The Executive Director may condition the approval on the completion of additional training.

**§ 611a.2. Minimum proficiency requirements.**

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

(1) The following minimum hours of instruction on the conduct of table games in accordance with the regulations in this subpart:

<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Blackjack and other banked card games	100 hours over a 5-week period, at least 80 hours of which shall be in Blackjack
Craps and Mini-Craps	160 hours over a 6-week period
Baccarat, Midibaccarat and Minibaccarat	80 hours over a 4-week period



<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Poker	80 hours over a 4-week period
Roulette	80 hours over a 4-week period
Pai Gow Tiles	160 hours over a 6-week period
Pai Gow Poker	80 hours over a 4-week period

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

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

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

(b) A dealer who has completed a course of training in accordance with subsection (a) and would like to be trained to deal a different game type shall successfully complete, at a gaming school as defined in section 1103 of the act (relating to definitions) or through training offered by the certificate holder:

(1) The following minimum hours of instruction required for the different game type:

<i>Additional Training on Different Game Type</i>	<i>Minimum Hours of Instruction</i>
Blackjack and Poker	60 hours over a 3-week period
Craps and Mini-Craps	140 hours over a 6-week period
Roulette	40 hours over a 2-week period
Pai Gow Tiles	140 hours over a 6-week period

(2) The table test required under § 611a.5 (relating to table test; employee personnel file).

(c) The minimum hours of instruction required under subsection (a) or (b) may be completed over an alternative duration of time as approved by the Board's Executive Director. A certificate holder or gaming school requesting to offer an alternative schedule to complete the minimum hours of instruction shall submit a written request to the Executive Director, in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which contains a detailed description of when the training will be conducted.

**§ 611a.3. Employee training by certificate holders.**

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

- (1) Procedures for opening and closing tables for gaming, including the proper security procedures regarding table chip inventories.
- (2) Procedures for distributing and removing gaming chips and plaques from gaming tables.
- (3) Procedures for accepting cash at gaming tables.
- (4) Procedures for the acceptance of tips and gratuities from patrons.
- (5) Procedures for shift changes at gaming tables.

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

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

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

**§ 611a.4. Submission of training programs to the Board.**

(a) A certificate holder shall submit a detailed description of its curriculum developed in accordance with § 611a.2 (relating to minimum proficiency requirements) and its employee training program developed in accordance with § 611a.3 (relating to employee training by certificate holders) to the Board to demonstrate the adequacy of the training in accordance with section 13A23 of the act (relating to training of employees and potential employees).

(b) Curriculum and training programs required under subsection (a) shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

**§ 611a.5. Table test; employee personnel file.**

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

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

(1) Completion of the minimum training or experience required under §§ 611a.1 and 611a.2 (relating to minimum training standards for dealers; minimum experience requirements for supervisors; and minimum proficiency requirements).

(2) Completion of the training program required under § 611a.3 (relating to employee training by certificate holders).

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

(4) Completion of subsequent training on a different game type in accordance with § 611a.2(b).

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**PENNSYLVANIA GAMING CONTROL BOARD**  
**[ 58 PA. CODE CHS. 523 AND 603a ]**  
**Table Game Equipment**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1) and (5) and 13A25(b) (relating to regulatory authority; and table game accounting controls and audit protocols), rescinds Chapter 523 and adopts Chapter 603a (relating to table game equipment) to read as set forth in Annex A.

*Purpose of the Final-Form Rulemaking*

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board adopted temporary regulations in Chapter 523. With this final-form rulemaking, the Board is replacing the temporary regulations with the permanent regulations in Chapter 603a.

*Explanation of Chapter 603a*

Chapter 603a contains standards and procedures regarding the equipment necessary to conduct table games at a licensed facility.

Section 603a.1 (relating to definitions) adds definitions for a number of terms used in this chapter.

Section 603a.2 (relating to gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional nongaming chips) sets forth the general design requirements for all gaming chips and the process for the review of the designs by the Bureau of Gaming Operations (BGO) and approval by the Executive Director.

Sections 603a.3, 603a.4, 603a.6 and 603a.7 establish the detailed specifications for each type of chip utilized in gaming.

Sections 603a.5 and 603a.8 (relating to Roulette chips; permitted uses, inventory and impressment; and additional sets of gaming chips; removal from active use) address the use of Roulette chips, the related inventory requirements and the requirements for back-up sets of value and Roulette chips.

Section 603a.9 (relating to plaques; issuance and use, denominations and physical characteristics) contains the requirements for the design and use of plaques.

Sections 603a.10 and 603a.11 (relating to permissible wagering; exchange and redemption of gaming chips and plaques; and receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques) specify the types of permissible wagering instruments and the procedures for the redemption of chips and plaques as well as the requirements for the receipt, storage, distribution, inventory and destruction of chips and plaques.

Sections 603a.12, 603a.13, 603a.15, 603a.16, 603a.18 and 603a.19 set forth the requirements for the physical characteristics, storage, inspection and removal from use of dice, cards and Pai Gow tiles.

Sections 603a.14 and 603a.17 (relating to Sic Bo shaker security procedures; and dealing shoes; automated card shuffling devices) establish the minimum requirements for Sic Bo dice shakers, card dealing shoes and automated card shufflers.

*Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B. 238 (January 8, 2011). During the comment period, the Board received comments from Chester Downs and Marina (Harrah's), Greenwood Gaming and Entertainment (Parx), Shuffle Master, The United States Playing Card Company (USPC) and a joint comment from SugarHouse HSP Gaming (SugarHouse) and Holdings Acquisition (Rivers). Additionally, on March 9, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

*General Comments**Detailed Explanation*

IRRC commented that the regulations on table game equipment are very descriptive. IRRC requested that the Board provide a more detailed explanation for each section, how it was developed and why it is needed.

Prior to the passage of the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), Board staff began the process of evaluating the requirements for table games. Board staff conducted onsite inspections of table game facilities in another gaming jurisdiction and reviewed the gaming regulations from Missouri, Mississippi, New Jersey and Michigan prior to promulgating temporary regulations on table games. The Board believes that the requirements in the final-form rulemaking reflect standards in the gaming industry, are consistent with the requirements and objectives of 4 Pa.C.S. Part II (relating to gaming) and are necessary for the protection of the public and the integrity of gaming.

*§ 603a.2—General requirements for gaming and nongaming chips*

This section contains the general requirements for gaming chips, which are the instruments used to wager at all table games, except the fully automated tables, within a licensed facility. The specific requirements for each type of gaming chip (value, Roulette, tournament or Poker rake) are listed in the subsequent sections.

Facilities are required to submit design schematics for each type of gaming and nongaming chip utilized to ensure that chips from each licensed facility are sufficiently dissimilar and contain the necessary security features.

*§ 603a.3—Value chips*

The requirements for value chips are necessary as value chips are casino currency, a cash equivalent, and their use in gaming is a component of the calculation for determining the gross table game revenue to the facility and thus the Commonwealth.

The denominations specified in subsection (a) are denominations used in the industry. If an operator would like to use an alternative denomination of value chip, such as the \$2 value chip that was added to the temporary regulations at the request of a certificate holder, the operator need only submit an updated design schematic depicting the new denomination chip.

Standardizing the color of value chips is, in part, a patron protection issue. A patron should have some assurance that when playing a black chip at one facility, that it has the same value as a black chip in another facility. The colors selected by the Board are also consistent with those used throughout the industry, so a black chip in this Commonwealth that has a cash value of \$100, also has a cash value of \$100 in other gaming jurisdictions.

Edge spots are a security feature which makes the chips more difficult to counterfeit. They also aid dealers and cage cashiers in recognizing chips that don't belong when stacked together and assist surveillance in determining which chips were played by each patron and which chips were paid or collected by the dealer, which is necessary in resolving patron disputes or in determining if theft occurred and the value of the theft.

Edge spots are also necessary to aid in distinguishing the same denomination value chip used by each certificate holder as an operator's outstanding value chips

represent the facility's debt owed to patrons in legal possession of those chips. The use of an issuing facility's value chips at another facility also affects both facilities' unredeemed chip liability.

In addition to edge spots, on higher denomination value chips, which are more frequently counterfeited than the lower denomination chips, the Board requires three additional measures intended to prevent counterfeiting. These additional security measures are designed and developed by the chip manufacturers and are specified on the schematics of chips that are submitted to the Board. Table game personnel are trained on what security features are on the chips, which makes counterfeit chips easier to recognize.

The size of the chips is a uniform diameter that is standard in the industry. Table inventory containers that hold the chips at each table and the racks in the cage are specifically designed to hold those sizes of chips.

The Board requires that design schematics be submitted by each facility in part to ensure that one property's value chips are sufficiently different from the same denomination value chips used at other facilities and to identify the security features that the facility/chip manufacturer have selected for use on the chip.

§§ 603a.4 and 603a.5—*Roulette chips*

In § 603a.4 (relating to Roulette chips; physical characteristics), the requirement that each table have a different symbol or insert on the chips is a theft prevention tool. Roulette chips do not have an assigned denomination. The chips at one table therefore need to be distinguishable from the same color Roulette chips used at another table so that the chips at one table aren't removed and cashed out for a higher value at another Roulette table.

Regarding the inventory requirement, operators typically do a visual inventory of Roulette chips at each table at least once a day to assess whether chips have gone missing, which is an indication that theft may have occurred at another table or is about to occur. Operators may temporarily remove a specific color Roulette chip from use at all Roulette tables if there is an indication that the specific color chip is missing or may utilize the backup set of Roulette chips which are required under § 603a.8.

A physical inventory is required every 3 months to assess the volume of chips missing since the last inventory was conducted. Other jurisdictions require a physical count once a month; however, since operators are doing soft counts regularly, the Board was inclined to allow a physical count be done once every 3 months.

§ 603a.6—*Tournament chips*

Tournament chips, which are typically used in Poker tournaments, have a value associated with the prize structure of the tournament. An inventory is required to be done on tournament chips to ensure that chips from a previous tournament are not introduced into a subsequent tournament which is a disadvantage to other Poker players who all entered in with same amount of chips.

§ 603a.7—*Poker rake chips*

Poker rake chips are not standard in the industry but were established in this Commonwealth as a convenience to the facilities.

The revenue to the facility for a nonbanking Poker game (a game not played against the house) is the Poker rake, or the fee collected from each pot. Drop boxes,

where the rake is deposited, get filled with an abundance \$1 value chips and therefore need to be collected and replaced with empty or "emergency" drop boxes. Additional facility staff is required to conduct an emergency drop (drop procedures are addressed in § 465a.18 (relating to transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage)). To eliminate or reduce the need to conduct an emergency drop, the Board added the option of utilizing a Poker rake chip. Instead of dropping four \$1 value chips into the drop box, the dealer can collect the \$1 chips, drop a single \$4 Poker rake chip into the drop box and place the four \$1 value chips back into the table inventory container. Facilities are not obligated to use Poker rake chips.

§ 603a.8—*Additional sets of chips*

The Board requires backup sets for the more commonly used and counterfeited \$100 and \$500 value chips. This is required because if a facility begins receiving counterfeit value chips and there is no backup set, there is not an available remedy to a facility to expeditiously swap out the denominations of value chips that are more frequently used.

Properties that utilize RFID chips, however, may not be required to have a backup set of value chips. RFID chips contain a device in the chip which when placed on a sensor verifies that the chip is a valid value chip. Counterfeit chips are more quickly identified at the table since the RFID sensor does not read a counterfeit chip as a valid value chip at that facility.

§ 603a.9—*Plaques*

The requirements regarding plaques are necessary as plaques are a cash equivalent and their use in gaming is a component of the calculation for determining the gross table game revenue to the facility and thus the Commonwealth. Because they have such a high dollar value, plaques are designed to be larger wagering instruments, distinguished from value chips. The serial number, which is required to appear on the plaque, is intended to prevent counterfeiting and theft. If a patron attempts to redeem a plaque, the facility will verify that the plaque is valid and had been issued to a patron by checking the serial number. Conversely, if plaques have been stolen, a facility can flag the serial numbers in their accounting system, preventing a high-dollar loss to the property.

§ 603a.10—*Use of gaming chips*

Section 603a.10 provides the basic guidelines for the use of chips and plaques in the licensed facility. Subsection (b) is required because chips that are not in active use cannot be played at the tables. If there are incidents of counterfeiting and theft, chips may have been removed from active use and their redemption at the cage would be required to verify the validity of the value chips or plaques by checking the additional security features (anticounterfeiting measures) on the value chips or plaques.

The provision prohibiting certificate holders from redeeming chips from any nonpatron source is intended to prevent money laundering.

The redemption of Roulette chips is limited to only the table in which the patron bought in. This is required because Roulette chips do not have assigned denominations. Their value is associated with their marker button at each table. For example, a patron who bought in for \$100 would have 20 Roulette chips worth \$5 each. Another patron at the same table could buy in for \$1,000 which would make each of the 20 chips worth \$50.



Cashing out the same color Roulette chips at other tables affects the table win and may also constitute patron theft if a patron buys in at one table, at \$5 a chip for example, and cashes out at another table for \$50 a chip.

The Board also limits the redemption of value chips and plaques to only those chips that are issued by the certificate holder except in very limited circumstances. Although a few other jurisdictions do allow for acceptance of other facility's chips, the Board decided not to allow the practice in this Commonwealth. There are several reasons for this requirement. Because the facilities are spread throughout this Commonwealth, unlike other jurisdictions where the facilities are centrally located, operators are not familiar with the chips from every other property and their security features. Allowing properties to cash each other's value chips puts all properties at greater risk of receiving counterfeit chips. Additionally, accepting another facility's chips has accounting implications and affects both properties' unredeemed liability.

§ 603a.11—*Inventory control requirements for chips and plaques*

Section 603a.11 addresses the inventory control requirements for the acceptance and movement of chips and plaques. Wagering in the licensed facility is conducted with chips, plaques or an electronic version thereof and their use in gaming directly impacts the revenues of the facility and thus the Commonwealth.

Value chips and plaques are a cash equivalent and an asset of the licensee. The finance department at each facility is tasked with safeguarding those assets and maintaining reliable financial records, accounts and reports. The only way to establish and maintain reliable financial records is to establish a system of inventory controls.

The inventory controls in this final-form rulemaking require the participation of two different departments for the acceptance of gaming chips from the manufacturer and for gaining access to storage areas where chips are held. This segregation of duties reduces the likelihood of collusion and theft as it is more difficult for a person to perpetuate a fraud and also have the means of concealing the fraud if two persons from two different departments are involved.

Tight controls are also required for the destruction of chips and plaques since chips and plaques that are scheduled to be destroyed are retired from the facility's records and are no longer considered an asset of the licensee. Reintroduction of those chips or plaques skews the licensee's outstanding liability.

§§ 603a.12, 603a.15 and 603a.18—*Physical characteristics of cards, dice and tiles*

The requirements for the physical characteristics of cards, dice and tiles in the final-form rulemaking are consistent with the standards in the industry and are intended to reduce the likelihood of theft, cheating and collusion, protect patrons participating in table games and safeguard the revenues to the facility and thus the Commonwealth.

Logos, for instance, break up the design on the backs of the cards so the eye, and surveillance, can more easily detect if cards are not being dealt from the top of the deck, which is an indication of cheating, theft and dealer collusion with a player.

Cheating at a table game affects not only the operator but other patrons participating in the game. For example, if a pair of weighted dice are introduced into a Craps

game, those weighted dice are more likely to roll a specific combination of numbers, which skews the randomness of the roll. That provides a wagering advantage to a patron who is aware that the dice are weighted but is a disadvantage to the certificate holder who pays out for winning wagers and to every other player at the table who didn't wager on the specific combination of numbers.

Logos, colors, symbols and serial numbers are game protection/security features that are intended to make unapproved table game equipment more difficult to introduce into a game and easier to detect. The standards specified also provide a basis of comparison when approved equipment has been tampered with.

§§ 603a.13, 603a.16 and 603a.19—*Inventory control requirements for cards, dice and tiles*

The requirements in these sections are designed to ensure that equipment used in table games is accounted for from the time it is brought into the licensed facility until the time it is destroyed or canceled. This is necessary, for audit and investigation purposes, to reconstruct the trail of every person who had access to or took possession of the equipment. An audit trail may also be necessary in cases of criminal prosecution for cheating and theft.

Inventory control requirements for table game equipment are also a game protection issue. Equipment that is removed from a facility, which has not been canceled, has value.

A deck of cards, for instance, that has been taken from a facility can have a drastic impact on table game revenue if reintroduced, with the participation of a dealer, into a game. If a player knows which card or cards are coming out of the dealing shoe, the player can wager accordingly at a significant loss to the facility and thus the Commonwealth.

The inventory controls in this final-form rulemaking also require the participation of two different departments for the acceptance of equipment from the manufacturer and for gaining access to storage areas where the equipment is held. This ensures segregation of duties and reduces the likelihood of collusion and theft as it is more difficult for a person to perpetuate a fraud and also have the means of concealing the fraud if two persons from two different departments are involved.

§ 603a.14—*Sic Bo shakers*

The requirements of Sic Bo shakers in § 603a.14 are also necessary for game protection. The roll of the dice in Sic Bo determines the winners. Operators are therefore required to store Sic Bo shakers in secure locations and inspect the shakers prior to their use in gaming to ensure that the shakers haven't been tampered with. Like weighted dice introduced in Craps, a Sic Bo shaker that has been tampered with may affect the randomness of the roll of the dice and thus the winners of the game.

§ 603a.17—*Dealing shoes*

Cards that are shown to a player by moving a card upward in the dealing shoe before the card is dealt or hiding high-value cards below the base plate of a dealing shoe until dealt to a specific player all provide an unfair advantage to a particular player or group of players. The design specifications for dealing shoes are intended to prevent cheating and theft and this type of dealer collusion.

*Approval Process*

IRRC commented that most of the sections require that the operators obtain approval for equipment from the BGO but do not specify how that approval is obtained. IRRC suggested adding the submission and approval process or a cross reference to where the process may be found.

In the final-form rulemaking, the Board amended the requirements to state that the operators submit information to the BGO for Executive Director approval. Additionally, throughout the final-form rulemaking, the cross reference to the submission and approval process in § 601a.10 (relating to approval of table game layouts, signage and equipment) was added.

*Supervisory Levels*

Throughout this final-form rulemaking, certain actions are required to be performed by an assistant table game shift manager or above or pit managers or above. SugarHouse/Rivers commented that lowering the supervisory level required, so the assistant table game shift manager functions may be done by a pit manager and pit manager functions may be done by floorpersons, will provide additional flexibility and since each of these persons are credentialed at the same level, the integrity of gaming will not be compromised.

This is a key control and accountability issue not a credentialing issue. Reducing the level of supervisor required increases the number of persons who have access to secure areas where inventory is controlled and maintained. The Board believes that assistant table game shift managers or above are the only persons who should have access to table game equipment storage areas as they are the ones responsible for table game equipment in the licensed facility. Additionally, pit managers are tasked with securing table game equipment in the locked pit stand for use during the gaming day. This was done in part to ensure that floorpersons, who are the first level supervisors, are consistently watching the play at the tables, which would not be possible if the floorpersons are leaving their assigned games to access the pit stands. Additionally, the Board has a mechanism in place for the approval of alternative staffing plans in § 465a.35(h) (relating to personnel assigned to the operation and conduct of table games).

*§ 603a.1—Definitions*

Parx commented that defining a nonvalue chip as “Roulette chip” unnecessarily limits the facility’s ability to use nonvalue chips at other games including Sic Bo (in Chapter 625a) and Big Six Wheel (in Chapter 619a). Parx suggested changing the term back to “nonvalue chip,” which is how it appeared in the temporary regulations. Parx provided similar comments to §§ 603a.4, 603a.5 and 603a.10.

The Board specifically designated that nonvalue chips be used in the game of Roulette. Unlike Roulette tables, Sic Bo and Big Six Wheel tables are not designed to have both an inventory of value chips and nonvalue chips on the table. Therefore, if an operator wished to offer Sic Bo or Big Six Wheel using nonvalue chips, the facility can file a petition with the Board explaining how wagering would be conducted on these tables ensuring that each player had a different symbol nonvalue chip, how the nonvalue chips would be secured on the table, how the nonvalue chips used at Big Six Wheel or Sic Bo would be distinguished from the nonvalue chips used in Roulette and how the facility would ensure that the nonvalue chips from Roulette do not end up on a Sic Bo or Big Six table

or vice versa. This is particularly important since the movement of nonvalue chips from one table to another compromises the integrity of the game and the revenues to the facility and thus the Commonwealth.

IRRC commented that the term “anticounterfeiting measure” is used throughout the chapter and recommended adding a definition. The regulated community, chip manufacturers in particular, develop their own anticounterfeiting measures which they select and specify on their design schematics that are submitted to the BGO. While the Board appreciates the suggestion, the Board is not inclined to specify what anticounterfeiting measures are or which ones are selected for use on the chips utilized in the licensed facilities.

IRRC also suggested that the Board define the terms “impressment” and “plaque.” The Board added the definitions of the terms “impressment” and “impress,” both of which are used in § 603a.5. The definition of “plaque,” which is used throughout Subpart K (relating to table games), was included in Chapter 601a (relating to general table game provisions), which contains the definitions applicable to the chapters on table games.

*§ 603a.3—Value chips; denominations and physical characteristics*

Subsection (c) specifies the color for each denomination of value chip. Parx commented that the \$1 white chips have the potential of looking dirty over time and requested the flexibility to use off-white chips instead.

When the temporary regulations were promulgated, each chip manufacturer submitted sample color disk sets to the BGO. Based on the colors that were submitted in the sample sets, the Board decided that it was not necessary to specify the permissible color spectrums or hues for each denomination of value chip but left it to the discretion of the operator to select a shade. Several operators did submit design schematics with off-white \$1 chips which were subsequently approved for use by the Board’s Executive Director.

In subsection (d)(3), which requires that the value chip contain the city in which the facility is located, Parx requested to use the county instead of the city. The Board agrees and has added that the facility may use either the county or city on the value chips.

Subsection (j) requires that value chips with a denomination of \$1,000 or more be 1 11/16 inch. Parx commented that the larger chips are more difficult to handle and don’t fit in standard table inventory containers. Parx therefore requested that the requirement for larger chips be increased to any chip over \$5,000. The Board agrees and now allows the \$1,000 chip to be either 1 9/16 inch or 1 11/16 inch.

Subsection (k) requires that value chips over \$25 contain at least three anticounterfeiting measures. Harrah’s requested to require only two anticounterfeiting measures on chips over \$25.

It is more difficult to counterfeit chips that have multiple security features. It has been the Board’s experience to date that three anticounterfeiting measures, which is the requirement in other gaming jurisdictions as well, are necessary on higher denomination value chips as they are more frequently counterfeited; however, the Board believes that the monetary threshold can be raised from \$25 to \$100. The final-form rulemaking requires \$25 chips to have only one anticounterfeiting measure instead of three, which is consistent with the number of anticounterfeiting measures required for lower denominations of value chips.

§ 603a.5—*Roulette chips; permitted uses, inventory and impressment*

In subsection (a), a certificate holder or employee thereof may not allow a patron to remove Roulette chips from the Roulette table at which they were issued. SugarHouse/Rivers stated that the operator cannot guarantee that Roulette chips wouldn't be removed from the table and suggested adding the word "knowingly." The Board has adopted the suggested language.

Subsection (c) requires that the Roulette inventory or impressment be done once every month. Parx believes that since both tournament chips and Roulette chips have no cash value, the impressment requirements for Roulette chips should more closely match that of the tournament chips. Additionally, Harrah's believes that an impressment once a quarter should be sufficient.

The Board is aware of and commends the operators for conducting an inventory assessment on a per shift or pre-gaming day basis to ensure that the Roulette chips on each gaming table are present, as chips removed from one table that are played and cashed in at another table compromises the integrity of the game and the revenues to the facility and thus the Commonwealth. The Board has therefore adopted the suggestions, in part. The physical inventory (impressment) must now be conducted once every 3 months instead of once a month.

While the Board does agree that both tournament chips and Roulette chips have no cash value, they are different in that Roulette chips do not have a stated denomination and are more frequently taken by patrons for use at other tables and exchanged for greater amounts. Tournament chips are what their stated denomination says they are but only have a value associated with a specific prize structure for a tournament. For example, the winner of a tournament may have 100,000 in tournament chips which equates to a top prize for that tournament of \$10,000. The Board is therefore still requiring that a physical inventory be done on the Roulette chips but only every 3 months. The Board also deleted the specific impressment procedure which may now be conducted in accordance with the certificate holder's internal controls.

Subsection (e) requires that discrepancies in the impressment of each Roulette table be reported to the onsite casino compliance representatives (CCR). Harrah's believes that it is unnecessary to report discrepancies by table. The Board disagrees. Each Roulette table has an impress with Roulette chips that contain a unique design, insert or symbol that are distinguished from the Roulette chips at every other Roulette table in the licensed facility. The inventory shall therefore be done by table.

§ 603a.6—*Tournament chips*

Subsection (b) requires the words "Tournament" and "no cash value" to be imprinted on each tournament chip. Harrah's commented that both are unnecessary. The Board believes that for patron protection, both are required. Patrons who may come in contact with a tournament chip would need to what it's used for and that despite the denomination that is imprinted on it, the chip does not have a value.

Subsection (d) requires that an inventory of the tournament chips be conducted after each tournament. Harrah's commented that because of the number of tournaments it does not make sense to require that an inventory be done after each tournament.

Tournament chips, which are typically used for Poker tournaments, have a value associated with the prize

structure of the tournament. The introduction of chips from previous Poker tournaments into subsequent tournaments provides a disadvantage to other Poker players who all entered the tournament with same amount of chips.

Unlike Roulette chips, which operators typically perform a visual inventory at each table several times a day to assess whether chips are missing, there is not a similar inspection process done by operators during a tournament. The only way to assess whether chips are missing from a tournament is to conduct an inventory of those chips after the tournament. If chips are missing, and the inventory is performed only once every 3 months, there would not be an opportunity to investigate the circumstances as to why chips are missing as surveillance is only required to be maintained for a period of 7 days. The Board believes it is more cost effective to require an inventory be done after each tournament rather than require that surveillance be maintained for longer periods of time. The Board also does not believe this is an onerous burden as conducting an inventory of tournament chips typically takes less than 1 hour to perform. The Board did however amend the requirement by adding subsection (e) which states that only discrepancies in the inventory are now required to be reported to the onsite CCR.

§ 603a.8—*Additional sets of gaming chips; removal from active use*

Subsection (a) of the proposed rulemaking required each facility to obtain a backup set of chips for the \$25, \$100 and \$500 value chips. Parx believes that the \$25 denomination is too low to require a back-up set and recommends requiring back-up sets beginning at the \$100 level. It has been the Board's experience to date that requiring a back-up set of \$25 value chips is no longer necessary and will only require a back-up set for the \$100 and \$500 value chips. To reflect the change made in subsection (a), subsection (d)(1) was also increased to the \$100 threshold.

IRRC commented that proposed subsections (c)–(f) address the procedures to be followed when counterfeit chips are discovered and suggested moving into another section. For organizational purposes, subsection (h) was moved into subsection (c). Subsection (c) was then moved into subsection (g). Final-form subsections (d)–(g) address the use of the additional/backup sets of chips which may be necessary not only when counterfeit chips are received, but also if a specific color and design of Roulette chip is missing from a table, or during the normal course of operations. Since this section addresses the use of the back-up sets, the subsections will remain in this section. The Board did, however, add language to the heading indicating that the section now addresses additional sets of gaming chips and their removal from active use.

§ 603a.10—*Permissible wagering; exchange and redemption of gaming chips and plaques*

Subsection (a) specified the permissible forms of wagering and limited it to gaming chips and plaques. Shuffle Master commented that the electronic wagering credits should be included in the list of wagers. The Board agrees and added electronic wagering credits, gaming vouchers and other wagering instruments approved by the Board.

Subsection (c)(2) requires that gaming chips and plaques be issued to patrons at the gaming table, the Poker room cage or by chip runners to patrons seated at a Poker table. Parx requested to issue value chips from the main cage or satellite cage.



There are several reasons why value chips should be issued at the table instead of the cage except for players buying in at a nonbanking Poker table. There is no purpose for a player who is playing a banked table game (playing against the house) to obtain chips from a cage cashier. It affects the accuracy of player rating if a facility does not know how much players bought in for, it is more difficult to identify discrepancies in the cashier's float and it may facilitate money laundering having that option available. The reason it is allowed in the Poker room is because unlike tables at banked games, the Poker tables do not have a drop box to secure cash received from the patron in exchange for chips. The dealer's inventory is stagnant so cash received from a player to buy into a Poker game is retained in the inventory in exchange for the value of chips that were paid to the patron. In the limited area of Poker, the Board therefore decided to allow the buy-in at the Poker cage or from a chip runner.

Subsection (h) allows the certificate holder to demand that a person in possession of a gaming chip surrender the gaming chip or plaque for redemption. IRRC asked under what circumstances a certificate holder would demand redemption and how the provision would be implemented if the patron didn't comply.

Gaming chips are the property of the certificate holder and are evidence of a debt that is owed to a person legally in possession of the gaming chip. The certificate holder therefore has the authority to demand that a patron redeem those gaming chips. There are several instances in which a facility may demand that gaming chips be redeemed including if the facility is replacing an existing set of chips with a new or back-up set or when a patron owes on an issued a Counter Check. Facilities may ask the patron to pay off the Counter Check with a portion of the chips in the patron's possession. There are no specific implementation procedures as this provision merely allows operators to demand that the chips be exchanged for the debt that is legally owed to the patron.

Subsection (o) requires operators to post a sign at each cage stating that the gaming chips or plaques issued by another licensed facility may not be used, exchanged or redeemed in this licensed facility. Harrah's does not believe it is necessary and recommends deleting this language. The Board believes that this is a patron protection issue and that patrons need to be notified that operators are not permitted to accept chips from other facilities. The cage was the most logical place to require the sign.

*§ 603a.11—Receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques*

Subsection (c) lists the permissible locations for the placement of gaming chips and plaques that are not in active use. Harrah's would like the option of storing gaming chips and plaques in the Poker cage and would like that provision added to subsection (c)(2).

Adding the Poker cage to the regulation is unnecessary. If a licensed facility would like to store value chips or plaques in a location other than the main cage or the vault, the facility can obtain approval for the alternative location in accordance with subsection (c)(3).

In subsection (d), which prohibits the storage of value chips and plaques in the same area as table game equipment, IRRC asked why it was necessary to have these areas separated.

Value chips and plaques are a cash equivalent and are casino currency (an asset). The accounting/finance depart-

ment is tasked with safeguarding those assets. Table game equipment, however, is controlled by operations. The assistant table game shift manager, for instance, obtains the necessary cards, dice, and the like from the storage areas on a daily basis. There are separate key control, access and reporting requirements for assets versus equipment. Operations personnel may not have access to areas that are controlled by finance, which would be necessary if equipment and casino currency were housed in the same locations, and vice versa.

In subsection (g), which requires that an inventory of value chips, Roulette chips and plaques be done on a monthly basis, Harrah's requested that the inventory be required only once every quarter. The Board agrees, in part. The inventory for Roulette chips may be conducted every 3 months; however, the inventory for value chips and plaques is still required to be done monthly for comparison purposes with the unredeemed chip liability that is computed and recorded at the end of each gaming day.

*§ 603a.12—Dice; physical characteristics*

Subsection (a) requires that the size of dice range from 0.750 and 0.775. USPC, a dice manufacturer, requested that the Board add a permissible tolerance of +/- 0.005. The Board is not opposed to allowing the variance described by USPC.

*§ 603a.13—Dice; receipt, storage, inspection and removal from use*

Subsection (k) requires security department employees who are picking up used equipment to sign each bag collected. Harrah's requested to use a summary list instead of signing each bag. Harrah's made similar requests for card and tile pickup in §§ 603a.16(o) and 603a.19(k) (relating to cards; receipt, storage, inspection and removal from use; and Pai Gow tiles; receipt, storage, inspection and removal from use).

The security department employee is required to sign every bag of used equipment received from the table. The signatures on the bag provide an audit and investigatory trail and may be necessary to prove chain of custody in instances of criminal prosecution. When cards, dice and tiles are collected from the table, they are transported to the inspection area where they are counted and examined to determine if any equipment was introduced or removed from the game, if equipment was marked, if dice were weighted, and the like. If the security officer only signs the summary sheet, there is no way to determine if the security officer actually took possession of the equipment and whether the equipment returned to the inspection area was the actual equipment removed from the table. Additionally, equipment is picked up from the gaming floor once each gaming day and the Board does not believe that it is an onerous burden to sign each bag collected.

Subsection (o) requires that dice be destroyed within 72 hours of collection unless retained by the Board. Parx requested to also have the option of retaining dice for more than 72 hours.

The language had already been included in the proposed rulemaking which states that other than those retained for Board or certificate holder inspection, dice shall be destroyed within 72 hours of collection.

Additionally, with respect to subsection (o), Harrah's requested 5 days instead of 3 days to destroy used cards, dice and tiles. IRRC inquired why 3 days was necessary and how the Board decided on 3 days.

The Board did review the destruction requirements which were also 3 days in another gaming jurisdiction. The destruction of used equipment is a game protection and storage issue as well as a surveillance issue. Destruction or cancellation is necessary to ensure that used equipment which has not been canceled is not removed from the licensed facility which could be reintroduced into a game for purposes of cheating which affects the integrity of the game as well as the revenue to the facility and thus the Commonwealth. Additionally, the storage areas for destruction are not large enough to accommodate used equipment held for long periods. Also, the retention periods for surveillance coverage on equipment destruction areas is only 7 days. Allowing for longer periods between destruction would necessitate retaining surveillance coverage for longer periods of time. The Board believes it is more cost effective to require that equipment be destroyed within a short duration of time rather than require that all surveillance recordings be retained for longer periods. Based on the Board's experience to date, however, the Board does not oppose amending the requirement to once every 5 days. Destruction of equipment has also been amended in §§ 603a.16(s) and 603a.19(q).

§ 603a.15—*Cards; physical characteristics*

Proposed subsection (g)(2) required that each package of cards contain a label that specifies the game for which the cards are to be used. Parx commented that requiring a label is inefficient since the contents of the package are the same. Harrah's provided a similar comment with respect to the label required under § 603a.16(u)(6)(iii) for cards that are preinspected and reshuffled.

The Board agrees and deleted the requirement that the cards contain a label identifying the game since most games utilize a 52-card deck. If, however, the certificate holder is using cards that are preinspected and reshuffled, in accordance with § 603a.16(u) and (v) and the package of cards contains more or less than 52 cards per deck (Spanish 21 has no 10s and Pai Gow Poker is played with jokers), a label containing the game type must be on the batch of cards.

In subsection (i), which pertains to the requirements for cards used in Poker, IRRRC inquired whether the term referred to all types of Poker that are listed in the statutory definition. After the close of the comment period on this rulemaking, the Board adopted Chapter 637a (relating to Poker), which is specifically applicable to Poker.

§ 603a.16—*Cards; receipt, storage, inspection and removal from use*

Subsection (i) specifies a procedure to be followed if additional or missing cards are discovered during inspection by the dealer. Parx commented that these procedures are not applicable if a certificate holder is utilizing preinspected and reshuffled cards. The Board agrees and changed the language to state that the procedure is to be followed while the dealer is inspecting the cards, not after the cards have been inspected. Additional language regarding the use of reshuffled and preinspected cards is unnecessary to add in subsection (i) since subsection (h) contains an exception for preinspected and reshuffled cards.

Subsection (m) requires operators to remove decks of cards at any time during the day if there are indications of tampering or defects that might affect the integrity of the game or at the request of Board employees. Harrah's requested that the certificate holder's surveillance department be added to the list of persons that may request that cards be removed from the table.

Subsection (b) merely addresses when cards are required to be removed from the table. Operators, which would include the operator's surveillance department, always have the discretion to remove cards, dice and tiles at any time during the day, even if there are not indications of tampering or defects. The Board, therefore, does not believe it's necessary to add the suggested language to the final-form rulemaking.

§ 603a.17—*Dealing shoes; automated card shuffling devices*

Proposed subsection (c) addressed the requirements for Blackjack dealing shoes. Harrah's commented that the certificate holder should have the discretion on where to place the cover card within the stack. The Board agrees that there may be instances in which an operator would like to place the cover card further into the stack. The Board has therefore deleted the requirements for Blackjack dealing shoes in subsection (c) and renumbered the remaining subsections.

In proposed subsection (d) (final-form subsection (c)), addressing the requirements for dealing shoes used in Baccarat type games, Shuffle Master commented that several of the requirements for dealing shoes are inconsistent if an operator is utilizing an automated shuffler and dealing shoe. Shuffle Master suggested delineating between automated and manual dealing shoes. The Board agrees and has added that the requirements in the subsection are applicable to manual dealing shoes.

Proposed subsection (h) (final-form subsection (f)) prohibited automated shufflers from tracking certain information. Shuffle Master was concerned that several of their machines do track information for investigative purposes. IRRRC inquired whether a certificate holder would be allowed to use the device and recommended specifying under what conditions the device could be used.

Subsection (f) was intended to prohibit the use of the enumerated information for the benefit of a player and was not intended to prohibit the gathering of information for investigatory purposes which may be helpful to the operators. The Board added qualifying language stating that the card shuffling device may not provide information that may be used to aid a patron in projecting the outcome of the game, and the like.

§ 603a.19—*Pai Gow tiles; receipt, storage, inspection and removal from use*

This section in the proposed rulemaking was numbered as § 603a.18. It has been renumbered in this final-form rulemaking as § 603a.19. Section 603a.18 (relating to Pai Gow tiles; physical characteristics) now contains the physical characteristics of the tiles which were moved from proposed § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

Subsection (g) requires that tiles be taken off the table if one tile is scratched during the course of play. Proposed subsection (n) prohibited the use of individual tiles from different sets to make a complete set for subsequent gaming. Parx commented that requiring sets to be destroyed when only one tile is damaged was costly and unnecessary. IRRRC requested that the Board quantify the costs of replacing tiles and inquired whether the integrity of gaming would be compromised if only one damaged tile were destroyed and replaced instead of the entire set.

After Parx and IRRRC submitted their comments on the proposed rulemaking, the Board amended the temporary regulations so that operators were no longer required to

destroy entire sets when one tile was damaged during the course of play. Operators may currently create replacement and reconstructed sets of tiles. See temporary rulemaking 125-158 published at 41 Pa.B. 4949 (September 17, 2011). The Board did not receive comments from operators regarding the procedure in temporary rulemaking 125-158. The Board therefore included the procedure in the temporary chapter into this final-form rulemaking by adding subsection (o).

#### *Additional Revisions*

Throughout the final-form rulemaking, references to "cashier's cage" were amended to "cage." Most facilities have one cage or a main cage and a satellite/Poker cage. Additionally, several references to the BGO were amended to the CCRs who are onsite in the licensed facility including the approval of pick-up times for equipment from the gaming floor and the submission of discrepancy reports for cards, dice and tiles.

In § 603a.1, several definitions were deleted. The terms that were deleted are used consistently throughout Subpart K and were therefore moved into Chapter 601a, which contains the definitions for terms that are used throughout the table game chapters.

Section 601a.2(b)(2) was amended reflecting that the Bureau of Casino Compliance reviews gaming chips in the licensed facility in accordance with § 601a.10(g) instead of the BGO.

The regulations required that gaming chip schematics be submitted to the BGO for Executive Director approval. A promotional chip, however, is a nongaming chip. Board staff reviewed schematics for chips, including nongaming chips, to ensure that they cannot be confused with gaming chips utilized in any licensed facility in this Commonwealth. Language was therefore added requiring that the schematic of the promotional chips also be submitted to BGO for approval.

In § 603a.3(e) (relating to value chips; denominations and physical characteristics), the Board deleted language requiring that a manufacturer show that a change to the characteristic utilized by a chip manufacturer will still be readily identifiable. If a manufacturer would like to choose a different design or characteristic, the manufacturer need only obtain approval from the Executive Director. For clarity, the unnecessary language in subsections (h) and (i) was deleted and the language in subsection (k) was amended.

Section 603a.4(b) was amended for clarity and to reflect the language in other sections of the chapter. Additionally, since gaming chips are required to be approved by the Executive Director, additional references to approvals, such as those in subsections (b)(4) and (c)(1), were deleted as unnecessary.

Section 603a.5(e) previously required certificate holders to submit a summary of the Roulette chip inventory. The Board amended the requirement so that only discrepancies are reported to the onsite CCRs. This requirement was amended for consistency with other reporting requirements found in several sections within the chapter.

In § 603a.8, the Board added an additional requirement for operators that elect to utilize RFID chips. In subsection (c), operators shall now provide in their petitions an approximate length of time it will take before all equipment and devices are installed so the RFID technology is operational in the licensed facility. The Board also deleted the requirements in proposed subsection (g) since the Board decided it was unnecessary to alphabetically

designate an operator's chips or plaques. Additional references to the alpha designation were also deleted from this final-form rulemaking.

Language in § 603a.10(f) was deleted as unnecessary and language in subsection (m) was amended for clarity.

Section 603a.11(c) was amended to include the cross reference to the approval process for storage areas in § 601a.10(f).

In § 603a.12 (relating to dice; physical characteristics), the Board added the requirements for dice that may be used in Sic Bo into new subsection (c). These dice, the specifications for which were added to the temporary table game regulations, are used in conjunction with an automated Sic Bo shaker.

Prior to the start of table games, operators submitted for approval design schematics for gaming chips, plaques, dice, tiles, cards, and the like. Subsection (d) was added to reflect the requirement and is consistent with the provisions on submission and approval of gaming chips.

Section 603a.13(e) (relating to dice; receipt, storage, inspection and removal from use) was amended for consistency with other sections within the chapter regarding the requirements for the envelopes or containers that transport equipment. In subsection (f), alternative 3 was deleted from the final-form rulemaking. Option 3 required inspection of dice in the approved storage area. Most card, dice and tile storage areas, however, are not large enough to accommodate the inspection of the equipment within the storage area. Additionally, none of the operators utilize this option for inspection and distribution of dice to the tables. The Board therefore believes that it is unnecessary to include this option in the final-form rulemaking. To reflect this deletion, the references in subsections (l) and (m) as well as § 603a.14(a) were also deleted.

In § 603a.14(b), the report requirements were updated to reflect the tampering report requirements in other sections of the chapter.

Final-form § 603a.15(j) (relating to cards; physical characteristics) requires the operator to submit as part of its internal controls the process it will use to rotate the four sets of cards in and out of play in Poker. This concept for rotating cards was moved from § 603a.16(d). The language in new subsection (k) was moved, in part, from subsection (f) and was amended for consistency with other sections on design schematics within the chapter.

The card inspection procedure in § 603a.16(h) was amended for clarity. The requirements in proposed subsection (k)(2) and (3) were essentially duplicative. Subsection (k)(2) was therefore deleted and the remaining parts renumbered in this final-form rulemaking. Subsection (l) was amended for clarity since equipment should be placed into bags when removed from active use, which may occur several times throughout the gaming day.

In § 603a.17, the Board deleted the provisions on Pai Gow Poker dealing shoes in proposed (e) as unnecessary. The remaining sections are renumbered. Additionally, if the operator is utilizing an automated card shuffling device, there are not applicable procedures that an operator is required to submit as part of its internal controls. The requirement in renumbered subsection (d) was deleted. Subsection (g) was amended for clarity and consistency with procedures for the reporting of tampering to the onsite CCR in other sections of the chapter.

Section 603a.18 was added to the final-form rulemaking to address the physical characteristics of tiles used in Pai



Gow. These provisions were in Chapter 621a (relating to Pai Gow) in proposed rulemaking 125-149 published at 41 Pa.B. 2981 (June 11, 2011). Comments were not received on 125-149 relating to the physical characteristics of tiles.

The changes made to § 603a.19, other than those in new subsection (o), were made for clarity or consistency with the requirements in the other sections within the chapter.

#### *Affected Parties*

Slot machine licensees that elected to become certificate holders were required to purchase equipment which complied with the standards in the temporary rulemaking. Manufacturers of these items had to meet the specifications in this final-form rulemaking for products offered for sale in this Commonwealth.

The Board experienced increased regulatory demands associated with the testing, review and approval of the equipment covered by this final-form rulemaking.

#### *Fiscal Impact*

*Commonwealth.* The Board experienced increased costs regarding the testing, review and approval of the equipment covered by this final-form rulemaking and the review of the internal controls governing the storage and use of this equipment. The increased costs did not exceed the additional supplemental funding of approximately \$2.1 million provided to the Board under Act 1.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions in this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

*Private sector.* This final-form rulemaking resulted in additional costs for slot machine licensees that elected to become certificate holders and operate table games. Prior to beginning table game operations, certificate holders were required to purchase equipment which met the standards in this final-form rulemaking. While the costs were significant, they are expected to be offset by the revenues generated from the operation of table games at the licensed facilities.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

This final-form rulemaking requires certificate holders to develop internal controls and inventory systems governing the use of table game equipment.

#### *Effective Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 21, 2010, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 238, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the

Board has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 25, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 26, 2012, and approved the final-form rulemaking.

#### *Findings*

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

#### *Order*

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

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 523.1—523.18 and by adding §§ 603a.1—603a.19 to read as set forth in Annex A.

*(Editor's Note:* Final-form § 603a.18 was not included in the proposed rulemaking published at 41 Pa.B. 238. Proposed § 603.18 has been renumbered as final-form § 603a.19.)

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

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

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 915 (February 11, 2012).)

**Fiscal Note:** Fiscal Note 125-137 remains valid for the final adoption of the subject regulations.

### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART VII. GAMING CONTROL BOARD**

#### **Subpart K. TABLE GAMES**

#### **CHAPTER 523. (Reserved)**

Sec.  
523.1—523.18. (Reserved).

#### **CHAPTER 603a. TABLE GAME EQUIPMENT**

Sec.  
603a.1. Definitions.  
603a.2. Gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional nongaming chips.  
603a.3. Value chips; denominations and physical characteristics.  
603a.4. Roulette chips; physical characteristics.  
603a.5. Roulette chips; permitted uses, inventory and impressment.  
603a.6. Tournament chips.  
603a.7. Poker rake chips.  
603a.8. Additional sets of gaming chips; removal from active use.  
603a.9. Plaques; issuance and use, denominations and physical characteristics.  
603a.10. Permissible wagering; exchange and redemption of gaming chips and plaques.  
603a.11. Receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques.  
603a.12. Dice; physical characteristics.

- 603a.13. Dice; receipt, storage, inspection and removal from use.
- 603a.14. Sic Bo shaker security procedures.
- 603a.15. Cards; physical characteristics.
- 603a.16. Cards; receipt, storage, inspection and removal from use.
- 603a.17. Dealing shoes; automated card shuffling devices.
- 603a.18. Pai Gow tiles; physical characteristics.
- 603a.19. Pai Gow tiles; receipt, storage, inspection and removal from use.

**§ 603a.1. Definitions.**

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

*Chip runner*—An employee of a certificate holder whose job duties include transporting cash to the Poker room cage or the Poker cashier window at the main cage for dealers or patrons of the Poker room to be exchanged for value chips.

*Edge*—The surface of a gaming chip across which its thickness can be measured in a perpendicular line from one face to the other.

*Edge spot*—An identifying characteristic used on the edge of each value chip issued by a certificate holder.

*Face*—Each of the two surfaces of a gaming chip across which the diameter of the gaming chip can be measured.

*Impress*—The Roulette chips, which are used for gaming, that remain at each Roulette table.

*Impressment*—An inventory conducted on each impress.

*Primary color*—The predominant color used on a gaming chip.

*RFID chip*—A value or Roulette chip which contains a radio-frequency identification tag which can be used to determine the authenticity of the chip.

*Secondary color*—Any color on the face or edge of the gaming chip that is used as a contrast to the gaming chip's primary color.

**§ 603a.2. Gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional nongaming chips.**

(a) Each gaming chip issued by a certificate holder must be in the form of a disk.

(b) A gaming chip may not be issued by a certificate holder or utilized in a licensed facility until:

(1) The design specifications of the proposed gaming chip are submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). The design specifications submitted to the Bureau of Gaming Operations must include a detailed schematic depicting the actual size and, as appropriate, location of the following:

- (i) Each face, including any indentations or impressions.
- (ii) The edge.
- (iii) Any colors, words, designs, graphics or security measures contained on the gaming chip.

(2) A sample of each gaming chip, manufactured in accordance with its approved design specifications, made available to the Bureau of Casino Compliance in accordance with § 601a.10(g) for its inspection and approval at the certificate holder's licensed facility.

(c) Each gaming chip issued by a certificate holder shall be designed and manufactured with sufficient graphics or other security measures, including, at a

minimum, those items specifically required to appear on the face or edge of a value chip under this section and § 603a.3 (relating to value chips; denominations and physical characteristics), to prevent, to the greatest extent possible, the counterfeiting of the gaming chip.

(d) A certificate holder may not issue, use or allow a patron to use in its licensed facility any gaming chip that it knows, or reasonably should know, is materially different from the sample of that gaming chip approved in accordance with subsection (b).

(e) A certificate holder or other person licensed by the Board may not manufacture, sell to, distribute to or use in any licensed facility outside of this Commonwealth any gaming chips having the same edge spot or design specifications as those approved for use in a licensed facility in this Commonwealth.

(f) A certificate holder may issue promotional nongaming chips that are prohibited from use in gaming in any licensed facility. The physical characteristics of promotional nongaming chips must be sufficiently distinguishable from approved gaming chips issued by any certificate holder in this Commonwealth so as to reasonably ensure that the promotional nongaming chips will not be confused with approved gaming chips. A certificate holder shall submit for approval, in accordance with § 601a.10(a), a detailed schematic depicting the actual size, face and any colors, words, designs or graphics on the promotional nongaming chip. At a minimum, promotional nongaming chips must:

- (1) Be unique in terms of size or color.
- (2) Have no edge designs.
- (3) Bear the name of the certificate holder issuing the promotional nongaming chips and language on both faces stating that the promotional nongaming chips have no redeemable value.

**§ 603a.3. Value chips; denominations and physical characteristics.**

(a) Certificate holders may issue and use value chips in denominations of \$1, \$2, \$2.50, \$5, \$20, \$25, \$100, \$500, \$1,000 and \$5,000 and other denominations approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

(b) The primary color used for each denomination of value chip must be in accordance with the colors specified in subsection (c). A primary color may not be used as a secondary color on a value chip of another denomination if its use on the edge is reasonably likely to cause confusion as to the chip's denomination when the edge alone is visible.

(c) Each gaming chip manufacturer shall submit sample color disks to the Bureau of Gaming Operations that identify all primary and secondary colors to be used for the manufacture of value chips for certificate holders in this Commonwealth. Once a gaming chip manufacturer has received approval for a primary or secondary color, those colors shall be consistently manufactured in accordance with the approved samples. For a primary color to be approved for use, it must visually appear, when viewed either in daylight or under incandescent light, to comply with the following colors:

- (1) \$1—White.
- (2) \$2—Blue.
- (3) \$2.50—Pink.
- (4) \$5—Red.

- (5) \$20—Yellow.
- (6) \$25—Green.
- (7) \$100—Black.
- (8) \$500—Purple.
- (9) \$1,000—Fire Orange.
- (10) \$5,000—Gray.

(d) Each value chip issued by a certificate holder must contain identifying characteristics that may appear in any location at least once on each face of the value chip and are applied in a manner which ensures that each identifying characteristic is clearly visible and remains a permanent part of the value chip. These characteristics must be visible to surveillance employees using the licensed facility's surveillance system and include, at a minimum:

- (1) The denomination of the value chip, expressed in numbers.
- (2) The name, logo or other approved identification of the certificate holder issuing the value chip.
- (3) The letters "PA" and the name of the city or county in which the licensed facility is located.

(e) In addition to the characteristics specified in subsection (d), each value chip in a denomination of \$100 or more must contain a design or other identifying characteristic that is unique to the gaming chip manufacturer. Upon approval of a particular design or characteristic, in accordance with § 601a.10(a), the gaming chip manufacturer shall thereafter have the exclusive right to use that design or characteristic on any denomination of value chip. The approved unique design or characteristic may be used on all value chips manufactured for use in this Commonwealth and may be changed only after receiving written approval of the new unique design or other identifying characteristic from the Board's Executive Director in accordance with § 601a.10(a).

(f) Each value chip issued by a certificate holder must contain an edge spot that:

- (1) Is applied in a manner that ensures that the edge spot:
  - (i) Is clearly visible on the edge and on each face of the value chip.
  - (ii) Remains a permanent part of the value chip.
- (2) Is created using both:
  - (i) The primary color of the chip.
  - (ii) One or more secondary colors.

(3) Includes a design, pattern or other feature that an individual with adequate training could readily use to identify, when viewed through the surveillance system of the certificate holder, the denomination of the particular value chip when placed in a stack of gaming chips, in the table inventory or in any other location when only the edge of the value chip is visible. The design, pattern or feature created by the primary and secondary colors required under paragraph (2) is sufficient by itself to satisfy the requirements of this paragraph.

(g) When determining the secondary colors to be used to make the edge spot on a particular denomination of value chip, a certificate holder shall use only those secondary colors that are reasonably likely to differentiate the certificate holder's value chip from the same denomination of value chip issued by any other certificate holder.

(h) If an approved value chip uses a single secondary color, no other certificate holder may use a similar

secondary color as the sole secondary color on the same denomination of value chip unless it is used in a different approved pattern or design.

(i) If an approved value chip uses a combination of two or more secondary colors, no other certificate holder may use that identical combination of secondary colors on the same denomination of value chip unless it is used in a different approved pattern or design.

(j) Any value chip issued by a certificate holder in the denomination of:

- (1) Less than \$500 must have a uniform diameter of 1 9/16 inch.
- (2) \$500 and \$1,000 must have a uniform diameter of 1 9/16 inch or 1 11/16 inch.
- (3) \$5,000 or more must have a uniform diameter of 1 11/16 inch.

(k) In addition to the items in this section that are specifically required to appear on the face and edge of a value chip, each value chip with a denomination below \$100 must contain at least one anticounterfeiting measure and each value chip with a denomination of \$100 or more must contain at least three anticounterfeiting measures.

#### § 603a.4. Roulette chips; physical characteristics.

(a) Each Roulette chip utilized in a licensed facility shall be issued solely for the purpose of gaming at Roulette.

(b) Each Roulette chip issued by a certificate holder must contain identifying characteristics that may appear in any location at least once on each face of the chip and are applied in a manner which ensures that each identifying characteristic is clearly visible and remains a permanent part of the chip. These characteristics must be visible to surveillance employees using the licensed facility's surveillance system and include, at a minimum:

- (1) The name, logo or other approved identification of the certificate holder issuing the Roulette chip.
- (2) A unique design, insert or symbol that will permit a set of Roulette chips being used at a particular Roulette table to be distinguished from the Roulette chips being used at every other Roulette table in the licensed facility.
- (3) The word "Roulette."
- (4) Color and design combinations so as to readily distinguish the Roulette chips of each player at a particular Roulette table from:

(i) The Roulette chips of every other player at the same Roulette table.

(ii) The value chips issued by any certificate holder.

(c) Each Roulette chip issued by a certificate holder must contain an edge spot that:

- (1) Is applied in a manner which ensures that the edge spot:
  - (i) Is clearly visible on the edge and on each face of the Roulette chip.
  - (ii) Remains a permanent part of the Roulette chip.
- (2) Is created by using the colors approved for the face of the particular Roulette chip under subsection (b)(4) in combination with one or more other colors that provides a contrast with the color on the face of the Roulette chip and that enables the Roulette chip to be distinguished from the Roulette chips issued by any other certificate holder.



(3) Includes a design, pattern or other feature that an individual with adequate training could readily use to identify, when viewed through the surveillance system of the certificate holder, the player to whom the Roulette chip has been assigned when the Roulette chip is placed in a stack of gaming chips or in any other location when only the edge of the Roulette chip is visible. The design, pattern or feature created by the primary and secondary colors required under paragraph (2) is sufficient by itself to satisfy the requirements of this paragraph.

**§ 603a.5. Roulette chips; permitted uses, inventory and impressment.**

(a) Each Roulette chip shall be assigned to a particular Roulette table and be issued and used for gaming at that table only. All Roulette chips utilized at a particular Roulette table must have the same design, insert or symbol as required under § 603a.4(b)(2) (relating to Roulette chips; physical characteristics). A certificate holder or any employee thereof may not knowingly allow a patron to remove a Roulette chip from the Roulette table at which it was issued.

(b) A patron at a Roulette table may not be issued or permitted to game with Roulette chips that are identical in color and design to any Roulette chip issued to any other patron at the same table. When a patron purchases Roulette chips, a Roulette chip of the same color and design shall be placed in a slot or receptacle attached to the outer rim of the Roulette wheel or in another device or location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). At that time, a marker button denoting the value of a stack of 20 Roulette chips of the same color and design shall be placed in the slot, receptacle or other device. For example, a marker button with 100 imprinted on it would be placed in the receptacle to designate that, during the patron's play on that occasion, the Roulette chips of that color and design are each worth \$5.

(c) An impressment of the Roulette chips assigned to each Roulette table shall be completed by a floorperson or above at least once every 3 months as specified in the certificate holder's internal controls required under § 465a.2 (relating to internal control systems and audit protocols). The certificate holder shall record the results of the impressment in the chip inventory ledger required under § 603a.11 (relating to receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques).

(d) If additional roulette chips are required to restore the impress, the floorperson or above shall complete a Roulette Chip Impressment Form. The completed Roulette Chip Impressment Form shall be maintained by the accounting department and contain the following, at a minimum:

- (1) The date and time of preparation.
- (2) The design schematic of the chip including its primary color and the applicable table number.
- (3) The number of Roulette chips needed to restore the impress.
- (4) The signature of the floorperson or above who completes the Roulette Chip Impressment Form and the impressment for the table.

(5) The signature of the main bank cashier or chip bank cashier who issued the Roulette chips to restore the impress.

(e) Discrepancies in the impressment shall immediately be reported to the casino compliance representatives. The discrepancy report must include, at a minimum, the following information for each Roulette chip color and design:

- (1) The balance on hand at the beginning of the 3-month period.
- (2) The number of Roulette chips distributed to the Roulette table during the 3-month period.
- (3) The number of Roulette chips returned to inventory during the 3-month period.
- (4) The balance on hand at the end of the 3-month period.

**§ 603a.6. Tournament chips.**

(a) If a certificate holder conducts table game tournaments, the tournaments shall be conducted using tournament chips.

(b) The identifying characteristics of a tournament chip must include, at a minimum:

- (1) The name, logo or other approved identification of the certificate holder issuing the tournament chip.
- (2) The word "Tournament."
- (3) The denomination of the chip.
- (4) The phrase "No Cash Value."
- (5) Color or design combinations so as to readily distinguish the tournament chips from:
  - (i) The Roulette chips used for the play of Roulette at the licensed facility.
  - (ii) The value chips issued by any certificate holder.
  - (iii) Poker room rake chips.

(c) Tournament chips shall be stored in a secure area approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) (relating to approval of table game layouts, signage and equipment).

(d) An inventory of all tournament chips shall be conducted by the certificate holder prior to the start and after the completion of each tournament.

(e) Discrepancies in the inventory shall be immediately reported to the casino compliance representatives. The discrepancy report must include the balance for each denomination of tournament chip on hand at the beginning of the tournament and the balance on hand at the end of each tournament.

**§ 603a.7. Poker rake chips.**

(a) To facilitate the collection of the rake, a certificate holder may use Poker rake chips in the Poker room.

(b) Poker rake chips shall only be used by dealers and may only be substituted for value chips that have been collected as part of the rake prior to the rake being placed in the drop box.

(c) Unused Poker rake chips shall be kept by the dealer in the table inventory container.

(d) The denominations that may be used for Poker rake chips are \$2, \$3 or \$4.

(e) The identifying characteristics of a Poker rake chip must include, at a minimum:

- (1) The name, logo or other approved identification of the certificate holder.
- (2) The words "Poker Rake Chip."

(3) One of the following denominations: “\$2,” “\$3” or “\$4.”

(4) Color or design combinations to readily distinguish the Poker rake chips from:

(i) The Roulette chips used for the play of Roulette at the licensed facility.

(ii) The tournament chips used for tournament play at the licensed facility.

(iii) The value chips issued by any certificate holder.

**§ 603a.8. Additional sets of gaming chips; removal from active use.**

(a) Within 120 days of the commencement of table games at a licensed facility, the certificate holder shall also have at least one approved set of value chips that may be used as a back-up for the \$100 and \$500 value chips in active use. Each back-up set of value chips maintained for use by a certificate holder must have secondary colors that are different from the secondary colors of the value chips in active use and may use a different shade of the primary color. All back-up sets of value chips must conform to the color and design requirements in this chapter.

(b) Each certificate holder shall have at least one reserve set of Roulette chips for each color utilized in the licensed facility with a design insert or symbol different from the Roulette chips comprising the primary sets. All back-up sets of Roulette chips must conform to the color and design requirements in this chapter.

(c) If a certificate holder uses RFID chips for its value or Roulette chips, the certificate holder may request that the Board waive the requirements in subsection (a) or (b) by filing a petition in accordance with § 493a.4 (relating to petitions generally). The petition must include, at a minimum:

(1) A detailed description of the RFID technology and devices that will be used at the licensed facility.

(2) A detailed description of how the RFID chips and related equipment will be used in the licensed facility.

(3) A detailed explanation of how the use of the RFID chips and related equipment will reduce or eliminate the potential use of counterfeit value or Roulette chips.

(4) The approximate length of time it will take the certificate holder to install the necessary devices and related equipment for the RFID technology to be operational in the licensed facility.

(d) The certificate holder shall remove a set of gaming chips in use from active play whenever:

(1) It is believed the licensed facility is taking on multiple counterfeit chips valued at \$100 or more.

(2) Any other impropriety or defect in the utilization of a set of chips makes removal of the chips in active use necessary.

(3) The Board or its Executive Director directs that a set of chips be removed from active use.

(e) An approved back-up set of value chips or a reserve set of Roulette chips required under subsections (a) and (b) shall be placed into active play whenever an active set is removed.

(f) Whenever a set of chips in active use are removed from play, the certificate holder shall immediately notify the casino compliance representatives of the impending removal and the reasons for the removal.

(g) A certificate holder shall immediately notify the casino compliance representatives of the discovery of counterfeit value chips.

**§ 603a.9. Plaques; issuance and use, denominations and physical characteristics.**

(a) Plaques issued by a certificate holder must be a solid, one-piece object constructed entirely of plastic or other substance and have at least two but no more than six smooth, plane surfaces. At least two of the plane surfaces, each to be known as a face, must be opposite and parallel to each other and identical in shape, which must be either a square, rectangle or ellipse. Other surfaces of a plaque shall be known collectively as the edge.

(b) Plaques may not be issued by a certificate holder or utilized in a licensed facility unless:

(1) The design specifications of the proposed plaque are submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). The submission must include a detailed schematic depicting the actual size and, as appropriate, location of the following:

(i) Each face.

(ii) The edge.

(iii) Any colors, words, designs, graphics or security measures on the plaque including the minimum identifying characteristics listed in subsection (f).

(2) A sample plaque of each denomination to be used, manufactured in accordance with its approved design specifications, is made available to the Bureau of Casino Compliance in accordance with § 601a.10(g) for its inspection and approval at the certificate holder's licensed facility.

(3) A system of internal procedures and administrative and accounting controls governing the distribution, redemption, receipt and inventory of plaques, by serial number, is submitted and approved as part of the certificate holder's internal controls, in accordance with § 465a.2 (relating to internal control systems and audit protocols).

(c) The face of a square plaque must have a surface area of no less than 9 square inches. The face of a rectangular or elliptical plaque may not be smaller than 3 inches in length by 2 inches in width. In the case of an elliptical plaque, the length and width of the plaque shall be measured by its axes.

(d) A plaque issued by a certificate holder shall be designed and manufactured with sufficient graphics or other security measures to prevent, to the greatest extent possible, the counterfeiting of the plaque.

(e) A certificate holder may issue and use plaques in denominations of \$5,000 or \$10,000 and other denominations approved by the Board's Executive Director in accordance with § 601a.10(a). Each plaque of a specific denomination utilized by a certificate holder must be in a shape and of a size that is identical to the shape and size of all other plaques of that denomination issued by the certificate holder. The size and shape of each denomination of plaque issued by a certificate holder must be readily distinguishable from the size and shape of every other denomination of plaque issued by the certificate holder.

(f) Each plaque issued by a certificate holder must contain identifying characteristics that appear at least

once on each face of the plaque and are applied in a manner which ensures that each identifying characteristic is clearly visible and remains a permanent part of the plaque. These characteristics must be visible to surveillance employees using the licensed facility's surveillance system and include, at a minimum:

- (1) The denomination of the plaque, expressed in numbers of at least 3/8 inch in height.
- (2) The name, logo or other approved identification of the certificate holder issuing the plaque.
- (3) A unique serial number.
- (g) A certificate holder may not issue, use or allow a patron to use in its licensed facility any plaque that it knows, or reasonably should know, is materially different from the sample of that plaque approved in accordance with subsection (b).

**§ 603a.10. Permissible wagering; exchange and redemption of gaming chips and plaques.**

(a) Wagering at table games in a licensed facility shall be conducted with gaming chips, plaques, electronic wagering credits or gaming vouchers, provided that noncashable promotional or free-play credits on a gaming voucher may be used only for the purpose of slot machine gaming and other wagering instruments approved by the Board.

(b) Value chips previously issued by a certificate holder, which are not in active use by that certificate holder, may not be used for wagering or any other purpose in a licensed facility and shall be redeemed only at the cage as provided in subsection (i).

(c) Gaming chips or plaques shall be issued to a patron only at the request of the patron and may not be given as change in any transaction other than a gaming transaction. Gaming chips and plaques shall be issued to patrons by:

- (1) Dealers at a banking or nonbanking table game.
- (2) The Poker room cage or the Poker window cashier at the main cage.
- (3) Chip runners to patrons seated at a Poker table at which a game is in progress.

(d) Plaques and value chips shall be redeemed by patrons only at the cage.

(e) Except as provided in subsections (k) and (l), and as otherwise may be specifically approved by the Board, each certificate holder shall redeem its gaming chips and plaques only from patrons and may not knowingly redeem gaming chips and plaques from any nonpatron source.

(f) Roulette chips shall be presented for redemption only at the Roulette table from which they were issued and may not be redeemed or exchanged at any other Roulette table or any other location within a licensed facility. When Roulette chips are presented for redemption, the dealer shall accept them in exchange for an equivalent amount of value chips.

(g) A certificate holder shall have the discretion to permit, limit or prohibit the use of value chips in gaming at Roulette in accordance with its Rules Submission submitted under § 601a.2 (relating to table games Rules Submissions). When value chips are in use at Roulette, it shall be the responsibility of the certificate holder and its employees to keep accurate account of the wagers being made with value chips so that the wagers made by one player are not confused with the wagers made by another player at the table.

(h) Each gaming chip and plaque is solely evidence of a debt that the issuing certificate holder owes to the person legally in possession of the gaming chip or plaque, and shall remain the property of the issuing certificate holder. A certificate holder shall have the right at any time to demand that a person in possession of a gaming chip or plaque surrender the gaming chip or plaque for redemption in accordance with subsection (i).

(i) A certificate holder shall redeem promptly its own genuine gaming chips and plaques presented by a patron in person, unless the gaming chips or plaques were obtained or are being used unlawfully. A certificate holder shall redeem its value chips or plaques by:

- (1) Exchanging the value chips or plaques for an equivalent amount of cash.
- (2) Exchanging the value chips or plaques for a check issued by the certificate holder in the amount of the value chips or plaques surrendered and dated the day of the redemption upon request by a patron.

(j) Notwithstanding subsection (i), if a patron requests by mail to redeem value chips in any amount, a certificate holder may effectuate the redemption in accordance with internal controls approved in accordance with § 465a.2 (relating to internal control systems and audit protocols), which, at a minimum, must detail procedures for the issuance of a check from the certificate holder and the transfer of the surrendered value chips to the chip bank in a transaction supported by proper documentation.

(k) A certificate holder shall accept, exchange, use or redeem only gaming chips or plaques that the certificate holder has issued and may not knowingly accept, exchange, use or redeem gaming chips or plaques, or objects purporting to be gaming chips or plaques, that have been issued by any other certificate holder.

(l) Notwithstanding subsection (k), a certificate holder may accept and redeem:

- (1) Value chips issued by another certificate holder from a patron upon the patron's representation that the value chips had been purchased or received as payment in a gaming transaction from an employee of the certificate holder working on the premises of the certificate holder.
- (2) Value chips issued by any other certificate holder from one of the certificate holder's employees who is authorized to receive gratuities, upon the employee's representation that the chips were received as gratuities in the normal course of his duties while on the premises of the certificate holder.

(m) Employees of a certificate holder may be authorized to receive value chips as personal gratuities. Additionally, cocktail servers and other employees who are on the gaming floor may be authorized to receive value chips in exchange for food and beverage purchased and served to patrons on the gaming floor. Employees of a certificate holder who are authorized to receive value chips as personal gratuities or in exchange for food and beverage shall redeem the value chips at the cage or at another secure location, as approved by the Board's Executive Director, prior to leaving the licensed facility. Value chips redeemed at a noncage employee redemption site shall be exchanged on a daily basis with the cage. Each certificate holder shall submit internal controls, in accordance with § 465a.2, to ensure the proper exchange and accounting of the value chips received as personal gratuities or for the purchase of food and beverage on the gaming floor.



(n) A certificate holder shall redeem promptly its own genuine value chips presented to it by any other legally operated certificate holder upon the representation that the value chips were received or accepted unknowingly, inadvertently or in error or were redeemed in accordance with subsection (l). Each certificate holder shall submit for approval as part of the certificate holder's internal controls a system for the exchange, with other legally operated certificate holders, of value chips:

(1) In the certificate holder's possession that have been issued by any other legally operated certificate holder.

(2) The certificate holder has issued that are presented to it for redemption by any other legally operated certificate holder.

(o) Each certificate holder shall post, in a prominent place on the front of the main cage, any satellite cage and the Poker room cage, a sign that reads as follows: "Gaming chips or plaques issued by another licensed facility may not be used, exchanged or redeemed in this licensed facility."

**§ 603a.11. Receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques.**

(a) When gaming chips or plaques are received from a manufacturer or supplier, the chips or plaques shall be unloaded under the supervision of at least two people, one of whom shall be a supervisor from the finance department and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The chips or plaques shall then be opened and checked by at least two people, one of whom shall be a supervisor from the finance department and one employee from the security department. Any deviation between the invoice accompanying the gaming chips and plaques and the actual chips or plaques received or any defects found in the chips or plaques shall be reported promptly to the casino compliance representatives.

(b) After checking the gaming chips or plaques received, the certificate holder shall record, in a chip inventory ledger, the denomination of the value chips and plaques received, the number of each denomination, and, when applicable, the serial numbers of the value chips and plaques received, the number and description of all Roulette chips received, the date of the receipt and the signatures and Board-issued credential numbers of the individuals who checked the chips and plaques. If the value chips or Roulette chips are not to be put into active use, the ledger must also identify the storage location.

(c) Gaming chips or plaques not in active use shall be stored in one of the following areas:

- (1) A vault located in the main bank.
- (2) Locked cabinets in the main cage.

(3) Other restricted storage area approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) (relating to approval of table game layouts, signage and equipment).

(d) Gaming chips or plaques may not be stored in the same storage area as dice, cards, Pai Gow tiles or any other gaming equipment.

(e) Whenever any gaming chips or plaques are taken from or returned to an approved storage area, at least two individuals, one of whom shall be a supervisor from the finance department and one employee from the security department, shall be present, and the following

information shall be recorded in the chip inventory ledger together with the date, signatures and Board-issued credential numbers of the individuals involved:

(1) The quantity, and when applicable, the serial numbers and dollar amounts for each denomination of value chip or plaque removed or returned.

(2) The number and description of the Roulette chips removed or returned.

(3) The specific storage area being entered.

(4) The reason for the entry into the storage area.

(f) At the end of each gaming day, a certificate holder shall compute and record the unredeemed liability for each denomination of value chip and plaque. The procedures to be utilized to compute the unredeemed liability shall be submitted for approval as part of the certificate holder's internal controls in accordance with § 465a.2 (relating to internal control systems and audit protocols).

(g) Each certificate holder shall inventory all sets of value chips, Roulette chips and plaques in its possession and record the result of the inventory in the chip inventory ledger. The inventory shall be conducted at least once every month for value chips and plaques and at least once every 3 months for Roulette chips. A physical inventory of value chips, Roulette chips and plaques not in active use shall only be required annually if the inventory procedures incorporate the sealing of the locked compartment containing the value chips, Roulette chips and plaques not in active use. The procedures to be utilized to inventory value chips, Roulette chips and plaques shall be submitted for approval as part of the certificate holder's internal controls.

(h) At least 5 days prior to the destruction of gaming chips or plaques, the certificate holder shall notify the casino compliance representatives of the date and the location at which the destruction will be performed, the denomination, number, and when applicable, the serial number and amount of value chips or plaques to be destroyed, the description and number of Roulette chips to be destroyed and a detailed explanation of the method of destruction.

(i) The destruction of gaming chips or plaques shall be carried out in the presence of at least two employees of the certificate holder, one of whom shall be from the finance department and one of whom shall be from any other mandatory department of the certificate holder. The certificate holder shall maintain a written log of the names and Board-issued credential numbers of all employees involved in each destruction, as well as the names and addresses of all nonemployees involved. The certificate holder shall record in the chip inventory ledger the following:

(1) The denomination, quantity, total value and serial number, if applicable, of all value chips or plaques destroyed.

(2) The description and number of Roulette chips destroyed.

(3) The signatures and Board-issued credential numbers of the individuals who carried out the destruction.

(4) The date and location where the destruction took place.

(j) A certificate holder shall ensure that at all times there is adequate security, in accordance with § 465a.14 (relating to security department minimum staffing), for all gaming chips and plaques in the certificate holder's possession.

**§ 603a.12. Dice; physical characteristics.**

(a) Except as otherwise provided in subsections (b) and (c), each die used in the play of table games must:

(1) Be formed in the shape of a perfect cube and of a size no smaller than 0.750 inch on each side nor any larger than 0.775 inch on each side, with a tolerance of +/- 0.005.

(2) Be transparent and made exclusively of cellulose except for the spots, name or logo of the certificate holder and serial number or letters contained thereon.

(3) Have the surface of each of its sides perfectly flat and the spots contained in each side flush with the area surrounding them.

(4) Have all edges and corners perfectly square and forming 90° angles.

(5) Have the texture and finish of each side exactly identical to the texture and finish of all other sides.

(6) Have its weight equally distributed throughout the cube with no side of the cube heavier or lighter than any other side of the cube.

(7) Have the six sides bearing white circular spots from one to six respectively with the diameter of each spot equal to the diameter of every other spot on the die.

(8) Have spots arranged so that:

(i) The side containing one spot is directly opposite the side containing six spots.

(ii) The side containing two spots is directly opposite the side containing five spots.

(iii) The side containing three spots is directly opposite the side containing four spots.

(9) Each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound which is equal in weight to the weight of the cellulose drilled out and which forms a permanent bond with the cellulose cube and extends into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of 0.0004 inch.

(10) Have imprinted or impressed thereon a serial number or letters and the name or logo of the certificate holder in whose licensed facility the die is being used.

(b) Dice used in the table games of Pai Gow and Pai Gow Poker must comply with the requirements of subsection (a) except as follows:

(1) Each die must be formed in the shape of a perfect cube and of a size no smaller than 0.637 inch on each side nor any larger than 0.643 inch on each side.

(2) Instead of the name or logo of the certificate holder, a certificate holder may, with the approval of the Board's Executive Director in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), have an identifying mark imprinted or impressed on each die.

(3) The spots on each die do not have to be equal in diameter.

(c) Dice used in the table game of Sic Bo must comply with subsection (a) except each die may be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

(d) Dice may not be utilized in a licensed facility unless a detailed schematic depicting the actual size, color of the dice as well as the location of serial numbers,

letters or logos has been submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a).

**§ 603a.13. Dice; receipt, storage, inspection and removal from use.**

(a) When dice are received from a manufacturer or supplier, the dice shall immediately be unloaded under the supervision of at least two people, one of whom shall be an assistant table games shift manager or above and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The boxes of dice shall then be inspected by an assistant table games shift manager or above and one employee from the security department to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at this time to assure that the dice contained therein conform to the requirements of this chapter and there is no evidence of tampering. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a storage area, the location and physical characteristics of which shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) (relating to approval of table game layouts, signage and equipment).

(b) Dice which are to be distributed to gaming pits or tables for use in gaming shall be distributed from the approved storage area.

(c) The approved storage area must have two separate locks. The security department shall maintain one key and the table games department shall maintain the other key. A person employed by the table games department below an assistant table games shift manager in the organization hierarchy may not have access to the table games department key.

(d) Immediately prior to the commencement of each gaming day and at other times as may be necessary, an assistant table games shift manager or above, in the presence of a security department employee, shall remove the appropriate number of dice for that gaming day from the approved storage area.

(e) Envelopes and containers used to hold or transport dice must be:

(1) Transparent.

(2) Designed or constructed with seals so that any tampering is evident.

(3) Submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a).

(f) Dice shall be inspected and distributed to the gaming tables in accordance with one of the following applicable alternatives:

(1) Alternative No. 1.

(i) The assistant table games shift manager or above and the security department employee who removed the dice from the approved storage area shall distribute sufficient dice directly to the pit manager or above in each pit, or place them in a locked compartment in the pit stand, the keys to which shall be in the possession of the pit manager or above.

(ii) Immediately upon opening a table for gaming, the pit manager or above shall distribute a set of dice to the table. At the time of receipt, a boxperson at each Craps table and the floorperson at each Pai Gow, Pai Gow Poker, Sic Bo or Mini-Craps table, to ensure that the dice

are in a condition to assure fair play and otherwise conform to the requirements of this chapter, shall, in the presence of the dealer, inspect the dice given to him with a micrometer or any other instrument approved by the Board's Executive Director which performs the same function, a balancing caliper, a steel set square and a magnet. These instruments shall be kept in a compartment at each Craps table or pit stand and shall be at all times readily available for use by the casino compliance representatives or other Board employees upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system and by any persons in the immediate vicinity of the table.

(iii) Following the inspection required under subparagraph (ii):

(A) For Craps, the boxperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming.

(B) For Mini-Craps, the floorperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming.

(C) For Sic Bo, the floorperson shall, in the presence of the dealer, place the required number of dice into the shaker and seal or lock the shaker. The floorperson shall then secure the Sic Bo shaker to the table in the presence of the dealer who observed the inspection.

(D) For Pai Gow and Pai Gow Poker, the floorperson shall, in the presence of the dealer, place the dice in the Pai Gow shaker.

(iv) The pit manager or above shall place extra dice for the dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above. No dice taken from the pit stand reserve may be used for actual gaming until the dice have been inspected in accordance with subparagraph (ii).

(2) Alternative No. 2.

(i) The assistant table games shift manager or above and the security department employee who removed the dice from the approved storage area shall distribute the dice directly to the following certificate holder's employees who shall perform the inspection in each pit:

(A) For Craps and Mini-Craps, a boxperson or floorperson in the presence of another boxperson or floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of a Craps or Mini-Craps game.

(B) For Sic Bo, Pai Gow and Pai Gow Poker, a floorperson, in the presence of another floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of Sic Bo, Pai Gow or Pai Gow Poker games.

(C) For storage of the dice for the dice reserve in the pit stand, to the pit manager or above.

(ii) To ensure that the dice are in a condition to assure fair play and otherwise conform to the requirements of this chapter, the dice shall be inspected by one of the individuals listed in subparagraph (i)(A) or (B) with a micrometer or other instrument approved by the Board's Executive Director which performs the same function, a balancing caliper, a steel set square and a magnet. These instruments shall be kept at the pit stand and at all times readily available for use by the casino compliance representatives or other Board employees upon request.

The inspection shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system and by any persons in the immediate vicinity of the pit stand.

(iii) After completion of the inspection, the dice shall be distributed as follows:

(A) For Craps and Mini-Craps, the boxperson or floorperson who inspected the dice shall, in the presence of the other boxperson or floorperson who observed the inspection, distribute the dice to the boxperson assigned at each Craps table or to the floorperson assigned at each Mini-Craps table. The Craps boxperson or the Mini-Craps floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming.

(B) For Sic Bo, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, place the required number of dice into the shaker and seal or lock the shaker. The floorperson shall then secure the Sic Bo shaker to the table in the presence of the other floorperson who observed the inspection.

(C) For Pai Gow and Pai Gow Poker, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute the dice directly to the dealer at each Pai Gow table. The dealer shall immediately place the dice in the Pai Gow shaker.

(iv) The pit manager or above shall place extra sets of dice for the dice reserve in the pit stand, as follows:

(A) Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above.

(B) Except as otherwise provided in subparagraph (v), dice taken from the reserve in the pit stand shall be reinspected by a floorperson or above in the presence of another floorperson or above in accordance with the inspection procedures set forth in subparagraph (ii), prior to their use for actual gaming.

(v) Previously inspected reserve dice may be used for gaming without being reinspected if the dice are maintained in a locked compartment in the pit stand in accordance with the following procedures:

(A) For Craps and Mini-Craps, a set of five dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to the envelope or container.

(B) For Sic Bo, three dice, after being inspected, shall be placed in a sealed envelope or container or sealed or locked in a Sic Bo shaker. A label or seal that identifies the date of inspection and contains the signatures of those responsible for the inspection shall, respectively, be attached to each envelope or container or placed over the area that allows access to open the Sic Bo shaker.

(C) For Pai Gow and Pai Gow Poker, a set of three dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

(g) A certificate holder shall remove any dice at any time of the gaming day and file a Dice Discrepancy Report as required under subsection (h) if there is any indication of tampering, flaws or other defects that might



affect the integrity or fairness of the game, or at the request of a casino compliance representative or other Board employee.

(h) At the end of each gaming day or at other times as may be necessary, a floorperson or above, other than the individual who originally inspected the dice, shall visually inspect each die that was used for play for evidence of tampering. Evidence of tampering discovered at this time or at any other time shall be immediately reported to the casino compliance representatives by the completion and delivery of a two-part Dice Discrepancy Report and the dice.

(1) Dice showing evidence of tampering shall be placed in a sealed envelope or container.

(i) A label shall be attached to each envelope or container which identifies the table number, date and time the dice were removed and contains the signatures of the person assigned to directly operate and conduct the game at that table and the floorperson assigned the responsibility for supervising the operation and conduct of the game.

(ii) A floorperson or above or a security department employee responsible for delivering the dice to the casino compliance representatives shall also sign the label.

(iii) The casino compliance representative receiving the dice shall sign the original and duplicate copy of the Dice Discrepancy Report and retain the original copy. The duplicate copy shall be returned to the pit and maintained in a secure place within the pit until collection by a security department employee.

(2) Other dice that were used for play shall be put into envelopes or containers when removed from active use at the table.

(i) A label shall be attached to each envelope or container which identifies the table number, date and time the dice were removed and contains the signatures of the person assigned to directly operate and conduct the game at that table and the floorperson assigned the responsibility for supervising the operation and conduct of the game.

(ii) The envelope or container shall be appropriately sealed and maintained within the pit until collection by a security department employee.

(i) Reserve dice in the locked compartment in a pit stand at the end of the gaming day may be:

(1) Collected and transported to the security department for cancellation or destruction.

(2) Returned to the approved storage area.

(3) Retained in the locked compartment in the pit stand for future use.

(j) Reserve dice in the locked compartment in a pit stand at the end of the gaming day that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the pit stand where the reserve dice were being stored, the date and time the dice were placed in the envelope or container and contains the signature of the pit manager or above.

(k) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the certificate holder and approved by the Bureau of Casino Compliance in accordance with § 601a.10(g), and at other times as may be necessary, a security department employee shall collect and sign all envelopes or containers of

used dice and reserve dice that are to be destroyed or cancelled and shall transport the dice to the security department for cancellation or destruction. The security department employee shall also collect duplicate copies of Dice Discrepancy Reports, if applicable.

(l) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the certificate holder and approved by the Bureau of Casino Compliance in accordance with § 601a.10(g), and at other times as may be necessary, an assistant table games shift manager or above may collect all reserve dice in a locked compartment in a pit stand. If collected, reserve dice shall be returned to the approved storage area.

(m) If the reserve dice are not collected, all dice in the dice reserve shall be reinspected in accordance with one of the alternatives listed in subsection (f) prior to their use for gaming, except for those dice maintained in a locked compartment in accordance with subsection (f)(2)(v).

(n) Certificate holders shall submit to the Bureau of Gaming Operations in accordance with § 465a.2 (relating to internal control systems and audit protocols) for approval internal control procedures for:

(1) A dice inventory system which includes, at a minimum, records of the following:

(i) The number of three and five dice sticks, and the corresponding number of single die, received from a manufacturer or supplier.

(ii) The balance of three and five dice sticks, and the corresponding number of single die, on hand.

(iii) The number of three and five dice sticks removed from storage.

(iv) The number of three and five dice sticks returned to storage.

(v) The number of single die destroyed or canceled.

(vi) The date of each transaction.

(vii) The signatures of the individuals involved.

(2) A reconciliation on a daily basis of the number of three or five dice sticks distributed, the number of single die destroyed or cancelled, the number of three or five dice sticks returned to the approved storage area and, if any, the reserve three or five dice sticks in a locked compartment in a pit stand.

(3) A physical inventory of all dice at least once every 3 months.

(i) This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of dice on hand required under paragraph (1)(i).

(ii) Discrepancies shall immediately be reported to the casino compliance representatives.

(o) Destruction or cancellation of dice, other than those retained for Board or certificate holder inspection, shall be completed within 5 days of collection.

(1) Cancellation must occur by drilling a circular hole of at least 1/4 inch in diameter through the center of the die.

(2) Destruction must occur by shredding or crushing.

(3) The destruction or cancellation of dice must take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the

physical characteristics of which shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f).

**§ 603a.14. Sic Bo shaker security procedures.**

(a) Manual and automated Sic Bo shakers which have not been filled with dice may be stored in a locked compartment in a pit stand. An automated Sic Bo dice shaker which has been filled with dice must be secured to the Sic Bo table at all times.

(b) At the end of each gaming day a pit manager or above shall inspect all Sic Bo shakers that have been placed in use for gaming for evidence of tampering. Evidence of tampering discovered at this time shall be immediately reported to the casino compliance representatives. The reports must include, at a minimum:

- (1) The date and time when the tampering was discovered.
- (2) The name and signature of the individual discovering the tampering.
- (3) The table number where the Sic Bo shaker was used.
- (4) The name and signature of the person assigned to directly operate and conduct the game at the Sic Bo table and the supervisor assigned the responsibility for supervising the operation and conduct of the game at the Sic Bo table.

**§ 603a.15. Cards; physical characteristics.**

(a) Cards used to play table games authorized under this subpart must be in decks of 52 cards with each card identical in size and shape to every other card in the deck. Nothing in this section prohibits a manufacturer from manufacturing decks of cards with one or more jokers contained therein. Jokers may not be used by the certificate holder in the play of any game unless authorized by the rules of the game.

(b) Each deck must be composed of cards in four suits: diamonds, spades, clubs and hearts.

(c) Each suit shall be composed of 13 cards: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. The face of the ace, king, queen, jack and 10 may contain an additional marking, approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which will permit a dealer, prior to exposing his hole card at the game of Blackjack, to determine if the value of the hole card gives the dealer a Blackjack.

(d) The backs of each card in a deck must be identical and no card may contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card or that will in any way differentiate the back of the card from any other card in the deck.

(e) The backs of all cards in a deck shall be designed to diminish, as far as possible, the ability of any individual to place concealed markings thereon.

(f) The design placed on the backs of cards used by certificate holders must contain the name or logo of the certificate holder.

(g) Each deck of cards shall be packaged separately or in a batch containing the number of decks authorized in this subpart and selected by a certificate holder for use in a particular table game. Each package of cards shall be sealed in a manner approved in accordance with § 601a.10(a) to provide evidence of any tampering with the package. If multiple decks of cards are packaged and

sealed in a batch, the package must have a label that indicates or contain a window that reveals an adequate description of the contents of the package, including:

- (1) The name of the certificate holder for which the cards were manufactured.
- (2) The colors of the backs of the cards.
- (3) The date that the cards were manufactured.
- (4) The total number of cards in the batch.
- (5) The total number of decks in the batch.

(h) Individual decks of cards that are packaged and sealed in a multideck batch may not be separated from the batch for independent use at a table game.

(i) The cards used by a certificate holder for Poker must be:

- (1) Visually distinguishable from the cards used by that certificate holder to play other banked table games.
- (2) Made of plastic.

(j) Each certificate holder that elects to offer the game of Poker shall have and use on a daily basis at least four decks with visually distinguishable card backings. These card backings may be distinguished by different logos, different colors or different design patterns. The certificate holder shall submit, as part of its internal controls required under § 465a.2 (relating to internal control systems and audit protocols), the procedure for distributing and rotating the four visually distinguishable decks of cards required for use in the game of Poker.

(k) Cards may not be utilized in a licensed facility unless a schematic depicting the face and backs of the cards, the colors, words, designs and graphics have been submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a).

**§ 603a.16. Cards; receipt, storage, inspection and removal from use.**

(a) When decks of cards are received from a manufacturer or supplier, the cards shall immediately be unloaded under the supervision of at least two people, one of whom shall be an assistant table games shift manager or above and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The boxes of decks of cards shall then be inspected by an assistant table games shift manager or above and one employee from the security department to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at this time to assure that the decks of cards contained therein conform to the requirements of this chapter and there is no evidence of tampering. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a storage area, the location and physical characteristics of which shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) (relating to approval of table game layouts, signage and equipment). A certificate holder may have separate cabinets or storage areas for decks of cards to be used at the game of Poker. The location and physical characteristics of the cabinets or separate storage areas shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f).

(b) Approved storage areas must have two separate locks. The security department shall maintain one key and the table games department shall maintain the other key. A person employed by the table games department

below an assistant table games shift manager in the organizational hierarchy may not have access to the table games department key for the approved storage areas. If the certificate holder has a separate Poker storage area, a person below a Poker shift manager in the organizational hierarchy may not have access to the table games department key to the Poker storage area.

(c) Except as provided in subsection (g), immediately prior to the commencement of each gaming day and at other times as may be necessary, an assistant table games shift manager or above, in the presence of a security department employee, shall remove the appropriate number of decks of cards for that gaming day from the approved storage area. The assistant table games shift manager or above and the security department employee who removed the decks shall distribute sufficient decks to the pit managers or above and, if applicable, to the Poker shift manager. The number of decks distributed must include extra decks that shall be placed in the pit stand for the card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit managers or above or the Poker shift manager or above.

(d) If the decks are to be inspected at open gaming tables in accordance with subsection (h), the pit manager or above shall distribute the decks to the dealer at each table or the Poker shift manager shall transport the decks to the Poker pit stand for subsequent distribution to the dealer at each Poker table either directly by the Poker shift manager or through the floorperson assigned to supervise the dealer.

(e) If the decks are to be preinspected and reshuffled at a closed gaming table as permitted under subsection (u), the pit manager or above or Poker shift manager shall deliver the decks to the dealer and the floorperson or above at the closed gaming table where the preinspection and reshuffling shall be performed.

(f) If the decks have already been preinspected, reshuffled, sealed in containers and placed in the card storage area as permitted under subsection (u)(8)(ii) or (v), the assistant table games shift manager or above and a security department employee shall transport the number of sealed containers of cards needed for that gaming day to the gaming pits where the cards will be utilized and shall ensure that the containers are locked in the pit stand. A record of the removal of the sealed containers of cards from the approved storage area and the distribution of sealed containers to the gaming pits shall be maintained by the security department in a manner consistent with the certificate holder's internal controls filed in accordance with § 465a.2 (relating to internal control systems and audit protocols).

(g) If the decks of cards to be used for Poker for that gaming day are removed from the Poker storage area, the Poker shift manager or above and a security department employee shall, prior to the commencement of each gaming day and at other times as may be necessary, remove the appropriate number of decks from the Poker storage area and distribute the decks in accordance with subsection (d), (e) or (f). The number of decks distributed must include extra decks that shall be placed in the pit stand for the card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the Poker shift manager or above.

(h) Except for decks of cards that are preinspected and reshuffled in accordance with subsection (u) or (v), the

dealer shall sort the cards in each deck according to suit and in sequence to verify that all cards are present and visually inspect the backs of the cards for any defects that might compromise the integrity or fairness of the game. The floorperson or above shall verify the inspection.

(i) If while inspecting the cards in accordance with subsection (h), the dealer finds that a card is unsuitable for use, a card is missing from the deck or an extra card is found, the following procedures shall be observed:

(1) A pit manager or above or a Poker shift manager shall bring a replacement deck of cards from the card reserve in the pit stand.

(2) The unsuitable deck shall be placed in a sealed envelope or container, identified by table number, date and time and signed by the dealer and floorperson assigned to that table or above.

(3) The pit manager or above or a Poker shift manager shall maintain the envelope or container in a secure place within the pit until collection by a security department employee.

(j) Envelopes and containers used to hold or transport cards must be:

(1) Transparent.

(2) Designed or constructed with seals so that any tampering is evident.

(3) Submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a).

(k) If any cards in a deck appear to be damaged during the course of play, the dealer shall immediately notify a floorperson or above. If after inspection, the floorperson or above determines that the card is damaged and needs to be replaced, the floorperson shall notify the pit manager or above or the Poker shift manager.

(1) The pit manager or above or the Poker shift manager shall:

(i) Notify surveillance of a card change.

(ii) Bring a replacement deck of cards from the pit stand to replace the damaged card or cards.

(iii) Place the damaged card face up on the table and remove the matching card from the replacement deck and place it face up on the table.

(iv) Turn over both the damaged card and the replacement card to verify that the backs of the cards match.

(v) Place the replacement card in the discard rack.

(vi) Tear the damaged card down the center and place it face up in the replacement deck.

(vii) Return the replacement deck to the pit stand.

(2) At least once each gaming day, the replacement decks of cards shall be collected and placed in an envelope or container and sealed. A label shall be attached to each envelope or container which identifies the deck as a replacement deck and signed by the pit manager or above or the Poker shift manager.

(3) The pit manager or above or the Poker shift manager shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee in accordance with subsection (o).

(4) This subsection does not apply to cards showing indications of tampering, flaws or other defects that might affect the integrity or fairness of the game.



(1) Decks of cards that were used for play shall be put into envelopes or containers when removed from active use at the table.

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the decks of cards were collected and signed by the dealer and floorperson assigned to the table.

(2) The Poker shift manager or pit manager or above shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee.

(m) A certificate holder shall remove any deck of cards at any time during the day if there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of a casino compliance representative or other Board employee.

(n) Extra decks or packaged sets of multiple decks in the card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container that contains the number of decks or packaged sets of multiple decks, as applicable, included therein, the date and time the decks were placed in the envelope or container and the signature of the floorperson or above for decks used for Poker and the pit manager or above for decks used for all other games.

(o) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the certificate holder and approved by the Bureau of Casino Compliance in accordance with § 601a.10(g), and at other times as may be necessary, a security department employee shall collect and sign all envelopes or containers with damaged decks of cards, decks of cards required to be removed that gaming day and all extra decks in the card reserve with broken seals and return the envelopes or containers to the security department.

(p) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the certificate holder and approved by the Bureau of Casino Compliance in accordance with § 601a.10(g), and at other times as may be necessary, an assistant table games shift manager or above may collect all extra decks with intact seals in the card reserve. If the certificate holder maintains a separate storage area for Poker cards, a Poker shift manager or above may collect all extra decks in the card reserve for the game of Poker. If collected, all sealed decks shall either be cancelled, destroyed or returned to the storage area.

(q) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the security department, the cards shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play as follows:

(1) For cards used in Blackjack, Spanish 21, Baccarat, Midibaccarat or Minibaccarat, the certificate holder shall inspect either:

(i) All decks used during the day.

(ii) A sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample have been submitted to the Bureau of Gaming Operations and approved in accordance with § 465a.2.

(2) The certificate holder shall also inspect:

(i) Any decks of cards that the Board requested the certificate holder to remove for the purpose of inspection.

(ii) Any decks of cards the certificate holder removed for indication of tampering.

(iii) All cards used for all banked table games other than the games listed in paragraph (1).

(iv) All cards used for Poker.

(3) The procedures for inspecting all decks required to be inspected under this subsection must include, at a minimum:

(i) The sorting of cards sequentially by suit or utilizing a machine approved by the Bureau of Gaming Laboratory Operations, in accordance with § 461a.4 (relating to submission for testing and approval), capable of reading the cards to determine whether any deck contains missing or additional cards.

(ii) The inspection of the backs with an ultraviolet light.

(iii) The inspection of the sides of the cards for crimps, bends, cuts or shaving.

(iv) The inspection of the front and back of all plastic cards for consistent shading and coloring.

(4) If during the inspection procedures required for cards used in Poker, one or more of the cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a two-part Card Discrepancy Report shall be completed in accordance with paragraph (8).

(5) Upon completion of the inspection procedures required in paragraph (2), each deck of cards used in Poker which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the approved or Poker storage area for subsequent use. The certificate holder shall develop internal control procedures for returning the repackaged cards to the Poker card inventory in accordance with subsection (r).

(6) An individual performing an inspection shall complete a work order form which details the procedures performed and lists the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(7) The certificate holder shall submit the training procedures for the employees performing the inspections required under this subsection in its internal controls.

(8) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered during an inspection, or at any other time, shall be immediately reported to the casino compliance representatives by the completion and delivery of a two-part Card Discrepancy Report.

(i) The two-part report must include the cards or decks of cards which are the subject of the report.

(ii) The cards or decks of cards shall be retained by the casino compliance representatives for further inspection.

(iii) The casino compliance representative receiving the cards shall sign the original and duplicate copy of the Card Discrepancy Report and retain the original. The duplicate copy shall be retained by the certificate holder.

(r) Certificate holders shall submit to the Bureau of Gaming Operations for approval, in accordance with § 465a.2, internal control procedures for:

(1) A card inventory system, which includes, at a minimum, the records of the following:

- (i) The balance of decks of cards on hand.
- (ii) The decks of cards removed from storage.
- (iii) The decks of cards returned to storage or received from a manufacturer or supplier.
- (iv) The date of each transaction.
- (v) The signatures of the individuals involved.

(2) A reconciliation, on a daily basis, of the decks of cards distributed, destroyed or cancelled, returned to the storage area and, if any, the decks of cards in the card reserve.

(3) A physical inventory of all decks of cards at least once every 3 months.

(i) This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of decks of cards on hand required in paragraph (1)(i).

(ii) Discrepancies shall immediately be reported to the casino compliance representatives.

(s) Decks of cards in an envelope or container that are inspected as required under subsection (q) and found to be without any indication of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play, with the exception of plastic cards used at Poker which are of sufficient quality for reuse, shall be destroyed or cancelled within 5 days of collection. Cards submitted to the Board shall be destroyed or cancelled within 5 days of release from the Board.

(1) Destruction of cards must be by shredding.

(2) Cancellation of cards must be by drilling a circular hole of at least 1/4 inch in diameter through the center of each card in the deck.

(3) The destruction or cancellation of cards must take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the physical characteristics of which shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f).

(t) If a deck of plastic cards has been reused 12 or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required under subsection (q)(3), before the deck may be reused at a Poker table, the deck shall be inspected by a Poker shift manager or floorperson. A satisfactory inspection shall be documented by the Poker shift manager or floorperson. If the Poker shift manager or floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time the deck was placed in the envelope or container and shall be signed by the Poker shift manager or floorperson. At the end of the gaming day or at other times as may be necessary, the envelope or container shall be collected by a security department employee and returned to the security department for destruction or cancellation in accordance with subsection (s).

(u) If a certificate holder elects to preinspect and reshuffle cards at a closed gaming table prior to the delivery of the cards to an open gaming table, the procedures in this subsection shall be performed by a dealer and supervised by a floorperson or above with no concurrent supervisory responsibility for open gaming tables. A schedule of the proposed time and location for

the preinspection and reshuffling shall be provided to the casino compliance representatives at least 24 hours prior to commencement of the process. The procedures required under paragraphs (1)—(7) shall be recorded by the surveillance department and each recording shall be retained by the certificate holder for at least 7 days.

(1) Upon receipt of the decks of cards in accordance with subsection (e), the dealer shall perform the procedures in paragraphs (2)—(7) independently for each batch of cards that will be sealed in a container in accordance with paragraph (7), with the number of decks of cards in each batch being equal to the number of decks of cards required for the table game in which the decks are intended to be used.

(2) The dealer shall visually inspect the back of each card to assure that it is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game.

(3) The dealer shall then, either by hand or by using a machine approved by the Bureau of Gaming Laboratory Operations, in accordance with § 461a.4 inspect the front of each card to insure that all cards are present and that there are no extra cards in the deck.

(4) If after inspection, a card is determined to be unsuitable for use, or the deck is missing a card or an extra card is found, the following procedures shall be observed:

(i) The deck containing the unsuitable, missing or extra card shall be placed in an envelope or container which shall be identified by table number, date and time the deck of cards was placed in the envelope or container and signed by the dealer and floorperson or above performing the preinspection and reshuffle.

(ii) The sealed envelope or container containing the deck containing the unsuitable, missing or extra card shall be maintained by the floorperson or above until collection by a security department employee at the conclusion of the preinspection and reshuffling procedure.

(5) The dealer shall then shuffle the cards by hand or by using an automated card shuffling device.

(6) Upon completion of the preinspection and reshuffling process of the cards in the batch, the dealer and floorperson or above shall complete a two-part Reshuffled/Preinspected Form or other documentation, which includes, at a minimum, the following:

(i) The time and date the Reshuffled/Preinspected Form was prepared.

(ii) The number of decks in the batch.

(iii) The table games at which the batch will be utilized if the batch contains more or less than 52 cards per deck. For example: if the batch contains jokers, the game of Pai Gow Poker must appear on the label; if the batch does not contain 10s, Spanish 21 must appear on the label.

(iv) The signature of the dealer who preinspected and reshuffled the cards, certifying that the cards were preinspected and reshuffled in accordance with this subsection.

(v) The signature of the floorperson or above who witnessed and verified the preinspection and reshuffling.

(vi) The time, date and gaming table to which the sealed container of cards is subsequently delivered.

(vii) The signature of the floorperson or above who delivered the sealed container of cards to the gaming table in accordance with paragraph (9).

(7) The dealer shall then place the preinspected and reshuffled batch of cards, together with the Preshuffled/Preinspected Form or other documentation, in a clear container that conforms to the requirements of subsection (j) and seal the container with a prenumbered label unique to the container. Procedures for the maintenance and security of unused seals, and the distribution, return and reconciliation of seals used on containers holding preinspected and reshuffled cards shall be included in the certificate holder's internal controls.

(8) The sealed containers of cards shall be transported by either:

(i) A pit manager or above or Poker shift manager to the gaming pit of the gaming tables where the cards will be utilized and locked in the pit stand.

(ii) An assistant table games shift manager or above and a security department employee to the approved storage area or Poker storage area where the cards shall be placed back into the card inventory and segregated from cards that have not been preinspected and reshuffled. A record of the transport of the sealed containers of cards to the approved storage area shall be maintained by the security department in a manner consistent with the certificate holder's approved internal controls.

(9) When the preinspected and reshuffled cards are needed for play, each container of cards shall be delivered by a floorperson or above to an open gaming table. Upon delivery, the floorperson or above shall unseal the container, place the decks of cards on the gaming table in front of the dealer, complete and sign the Preshuffled/Preinspected Form, drop the original Preshuffled/Preinspected Form in a locked box in the gaming pit and forward the copy of the Preshuffled/Preinspected Form to the security department.

(10) The dealer at the gaming table shall then cut the cards in the manner prescribed by the rules governing the particular table game.

(v) A certificate holder may use preinspected and reshuffled decks or batches of decks obtained from a licensed manufacturer or supplier in the same manner as decks or batches of decks that are preinspected and reshuffled under subsection (u) if the licensed manufacturer or supplier has been approved to provide preinspected and reshuffled decks or batches of decks by the Board's Executive Director.

**§ 603a.17. Dealing shoes; automated card shuffling devices.**

(a) The following words and terms when used in this section have the following meanings, unless the context clearly indicates otherwise:

*Base plate*—The interior shelf of the dealing shoe on which the cards rest.

*Face plate*—The front wall of the dealing shoe against which the next card to be dealt rests and which typically contains a cutout.

(b) Each manual dealing shoe must be designed and constructed to maintain the integrity of the game at which the shoe is used and include the following features, at a minimum:

(1) At least the first 4 inches of the base plate must be white.

(2) The sides of the shoe below the base plate must:

(i) Be transparent, have a transparent sealed cutout or be otherwise constructed to prevent any object from being placed into or removed from the portion of the dealing shoe below the base plate.

(ii) Permit the inspection of this portion of the shoe.

(3) A stop underneath the top of the face plate that precludes the next card to be dealt from being moved upwards for more than 1/8 inch distance.

(c) For a manual dealing shoe used in Minibaccarat, Midibaccarat or Baccarat, the dealing shoe, in addition to meeting the requirements of subsection (b), must also meet the following specifications:

(1) Have a removable lid that is opaque from the point where it meets the face plate to a point at least 4 inches from the face plate.

(2) The sides and back above the base plate must be opaque.

(3) Have a device within the shoe, which when engaged, prevents the cards from moving backward in the shoe.

(d) An automated card shuffling device may be utilized, in addition to a manual or automated dealing shoe, if the automated card shuffling device has been submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval).

(e) An automated shuffling device must meet a 95% confidence level using a standard chi-squared test for goodness of fit.

(f) An automated card shuffling device may not provide any information that can be used to aid a patron in the projecting of the outcome of a game, tracking of the cards played and cards remaining to be played, analyzing the probability of the occurrence of an event relating to a game, or analyzing the strategy for playing or betting to be used in a game.

(g) At the beginning of each gaming day and prior to any cards being placed in them, the dealing shoes and automated card shuffling devices to be used for gaming shall be inspected by the floorperson assigned to the table to assure that there has not been tampering with the shoe or automated card shuffling device. Evidence of tampering discovered at this time shall be immediately reported to the casino compliance representatives. The report must include, at a minimum:

(1) The date and time when the tampering was discovered.

(2) The name and signature of the individual discovering the tampering.

(3) The table number where the dealing shoe or shuffler was used.

(4) The name and signature of the person assigned to directly operate and conduct the game and the supervisor assigned the responsibility for supervising the operation and conduct of the game.

**§ 603a.18. 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 1/2 inches in length, 1 inch in width and 3/8 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 or front 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 markings, symbols or designs that would enable a patron to know the identity of any element on the front side of the tile or that would 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) Pai Gow tiles may not be utilized in a licensed facility unless a detailed schematic depicting the actual size and identifying feature on the tiles has been submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

(d) Each set of tiles shall be packaged separately and sealed in accordance with § 603a.19 (relating to Pai Gow tiles; receipt, storage, inspection and removal from use).

**§ 603a.19. Pai Gow tiles; receipt, storage, inspection and removal from use.**

(a) When sets of tiles are received from a manufacturer or supplier, the tiles must immediately be unloaded under the supervision of at least two people, one of whom shall be an assistant table games shift manager or above and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The boxes of tiles shall then be inspected by the assistant table games shift manager or above and one employee from the security department to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at this time to assure that the tiles contained therein conform to the requirements of this chapter and there is no evidence of tampering. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a storage area, the location and physical characteristics of which shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) (relating to approval of table game layouts, signage and equipment).

(b) Sets of tiles which are to be distributed to gaming pits or tables for use in gaming shall be distributed from the approved storage area.

(c) The approved storage area must have two separate locks. The security department shall maintain one key and the table games department shall maintain the other key. A person employed by the table games department below an assistant table games shift manager in the organization hierarchy may not have access to the table games department key.

(d) Immediately prior to the commencement of each gaming day and at other times as may be necessary, an assistant table games shift manager or above, in the presence of a security department employee, shall remove

the appropriate number of sets of tiles for that gaming day from the approved storage area.

(e) Envelopes and containers used to hold or transport tiles must be:

(1) Transparent.

(2) Designed or constructed with seals so that any tampering is evident.

(3) Submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a).

(f) The assistant table games shift manager or above shall distribute sufficient sets of tiles to the pit manager or above in each Pai Gow pit.

(1) The pit manager or above shall then distribute the sets of tiles to the dealer at each Pai Gow table and place extra sets of tiles in the reserve in the pit stand.

(2) Sets of tiles in the reserve shall be placed in a locked compartment in the pit stand, keys to which shall be in the possession of the pit manager or above.

(g) If during the course of play any damaged tile is detected, the dealer or a floorperson shall immediately notify the pit manager or above. The pit manager or above shall bring a substitute set of tiles to the table from the reserve in the pit stand to replace the entire set of tiles.

(1) The set of damaged tiles shall be placed in an envelope or container, identified by table number, date and time the tiles were placed in the envelope or container and sealed and signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the sealed envelope or container in a secure place within the pit until collection by a security department employee.

(h) The floorperson responsible for supervising the table or the pit manager or above shall collect used tiles which shall be placed in an envelope or container when removed from active use.

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the tiles were placed in the envelope or container and sealed and signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee.

(i) A certificate holder shall remove any tiles at any time of the gaming day if there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of a casino compliance representative or other Board employee.

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the tiles were placed in the envelope or container and sealed and signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee.

(j) Extra sets of tiles in the reserve which have been opened shall be placed in an envelope or container with a

label attached to each envelope or container which identifies the date and time the tiles were placed in the envelope or container and sealed and is signed by the pit manager or above.

(k) At the end of each gaming day or in the alternative, at least once each gaming day, as designated by the certificate holder and approved by the Bureau of Casino Compliance in accordance with § 601a.10(g), and at other times as may be necessary, a security department employee shall collect and sign all envelopes or containers with damaged tiles, tiles used during the gaming day, and all extra tiles in the reserve which have been opened, and return the envelopes or containers to the security department.

(l) At the end of each gaming day or in the alternative, at least once each gaming day, as designated by the certificate holder and approved by the Bureau of Casino Compliance in accordance with § 601a.10(g), at other times as may be necessary, an assistant table games shift manager or above may collect all extra sets of tiles in the reserve which have not been opened. If collected, all unopened sets of tiles shall either be cancelled, destroyed or returned to the approved storage area.

(m) When envelopes or containers of used tiles and reserve sets of tiles which have been opened are returned to the security department, the tiles shall be inspected for tampering, marks, alterations, missing or additional tiles or anything that might indicate unfair play.

(1) The procedures for inspecting sets of tiles must include the following, at a minimum:

- (i) The sorting of tiles by pairs.
  - (ii) The visual inspection of the sides and back of each tile for tampering, markings or alterations.
  - (iii) The inspection of the sides and back of each tile with an ultraviolet light.
- (2) The individual performing the inspection shall complete a work order form which details the procedures performed, lists the tables from which the tiles were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(3) The certificate holder shall submit the training procedures for the employees performing the inspections required under this subsection in its internal controls.

(4) Evidence of tampering, marks, alterations, missing or additional tiles or anything that might indicate unfair play discovered during the inspection, or at any other time, shall be immediately reported to the casino compliance representatives by the completion and delivery of a two-part Tile Discrepancy Report.

(i) The two-part report must include the tiles which are the subject of the report.

(ii) The tiles shall be retained by the casino compliance representatives for further inspection.

(iii) The casino compliance representative receiving the tiles shall sign the original and duplicate copy of the tile discrepancy report and retain the original. The duplicate copy shall be retained by the certificate holder.

(n) If after completing the inspection procedures required in subsection (m), it is determined that a complete set of 32 tiles removed from a gaming table is free from tampering, markings or alterations, the set shall be packaged separately and sealed before being returned to the Pai Gow storage area for subsequent use. The

certificate holder shall develop internal control procedures for returning the repackaged tiles to the tile inventory in accordance with subsection (p).

(o) Individual tiles from different sets may not be used to make a complete set for subsequent gaming. A certificate holder may, in accordance with its approved internal controls, create replacement and reconstructed sets in accordance with the following requirements:

(1) If after completing the inspection procedures required under subsection (m), it is determined that any tiles have scratches or other markings on the back, sides or edges which make the tiles unsuitable for continued use, the tiles shall be removed from the set and destroyed in accordance with subsection (q). The remaining usable tiles from the set shall then be designated as a replacement set. The individual removing the tiles from a set shall complete a two-part form. The duplicate copy of the form shall be retained with the replacement set and the security department shall retain the original. The two-part form must:

- (i) Include the date and time the tiles were removed from the set.
- (ii) Identify the specific tile or tiles removed from the set and sent for destruction.
- (iii) Contain the name and signature of the individuals involved.

(2) The assistant table games shift manager or above shall return the replacement set, accompanied by the duplicate copy of the form, to the tile inventory in accordance with subsection (p). Replacement sets shall be inventoried and stored separately from any stored and new, used or complete reconstructed sets.

(3) Tiles in one or more replacement sets may be used to create a complete reconstructed set of tiles in accordance with the following procedures:

(i) The assistant table games shift manager or above shall conduct an inspection of each reconstructed set in the storage area, in the presence of a security department employee, and ensure that any replacement tile possesses the same color, texture and finish as all other tiles in the reconstructed set. The assistant table games shift manager or above shall sort the tiles by pairs and verify the needed replacement tile or tiles and visually inspect the sides, backs and edges of each tile in the reconstructed set for tampering, markings and alterations and for comparison as to shading, texture and finish.

(ii) Once a complete set of tiles has been satisfactorily reconstructed from replacement sets, the assistant table games shift manager or above shall attach a label to the envelope or container for the reconstructed set. The label must include the date and time of reconstruction and contain the signature of the assistant table games shift manager or above and the security department employee who witnessed the inspection. The label must also identify the inspection steps that were followed to determine that the reconstructed set of tiles is suitable for use in gaming.

(iii) The certificate holder shall submit internal control procedures for returning the reconstructed sets into inventory, identifying all reconstructed sets and maintaining an accurate inventory balance of remaining replacement sets.

(p) Certificate holders shall submit internal control procedures, in accordance with § 465a.2 (relating to internal control systems and audit protocols), for:

(1) An inventory system which includes records of at least the following:

- (i) The balance of sets of tiles on hand.
  - (ii) The sets of tiles removed from storage.
  - (iii) The sets of tiles returned to storage or received from a manufacturer or supplier.
  - (iv) The date of each transaction.
  - (v) The signatures of the individuals involved.
- (2) A reconciliation on a daily basis of:
- (i) The sets of tiles distributed.
  - (ii) The sets of tiles destroyed or cancelled.
  - (iii) The sets of tiles returned to the approved storage area.
  - (iv) The sets of tiles in the tile reserve in a pit stand.
- (3) A physical inventory of the sets of tiles at least once every 3 months.
- (i) The inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of the sets of tiles on hand required in paragraph (1)(i).
  - (ii) Discrepancies shall immediately be reported to the casino compliance representatives.

(q) Destruction or cancellation of tiles other than those retained for Board inspection, shall be completed within 5 days of collection. The method of destruction or cancellation shall be included in the certificate holder's internal controls. The destruction or cancellation of tiles shall take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the physical characteristics of which shall be approved by the Bureau of Casino Compliance in accordance with § 601a.10(f).

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**PENNSYLVANIA GAMING CONTROL BOARD**  
**[ 58 PA. CODE CHS. 524, 528, 529,**  
**605a, 613a AND 615a ]**  
**Table Game Devices**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1) and (2), 1317.2, 1319 and 1319.1, rescinds Chapters 524, 528 and 529 and adds Chapters 605a, 613a and 615a (relating to electronic gaming tables; gaming related gaming service providers; and conditional table game device licenses) to read as set forth in Annex A.

*Purpose of the Final-Form Rulemaking*

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 524, 528 and 529. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 524 with the permanent regulations in Chapter 605a, the temporary regulations in Chapter 528 with the permanent regulations in Chapter 613a and the temporary regulations in Chapter 529 with the permanent regulations in Chapter 615a.

*Explanation of Chapter 605a*

Section 605a.1 (relating to definitions) provides definitions of “electronic gaming table,” “electronic wagering system,” “fully automated electronic gaming table,” “game account” and “progressive table game system.” These definitions mirror the definitions in 4 Pa.C.S. Part II (relating to gaming) or reflect commonly used definitions in the gaming industry.

Section 605a.2 (relating to electronic wagering systems) sets forth the requirements for electronic wagering systems. An electronic wagering system allows players to place wagers electronically on some form of display and adds winnings or deducts losses automatically. This section specifies the minimum requirements for these systems and requires that they be tested by the Bureau of Gaming Laboratory Operations (Bureau) and approved prior to use in the licensed facility.

Section 605a.3 (relating to procedures for buying in to and cashing out of a table game using an electronic wagering system) provides the procedures whereby a player may “buy in to” a table game, which is how the player may purchase credits that can be used to play the game, and the procedures for “cashing out” of the game, which is how the player will receive any funds remaining in his gaming account when he is ready to leave the game.

Section 605a.4 (relating to electronic gaming tables) contains the requirements for electronic gaming tables. An electronic gaming table uses an electronic wagering system, but still requires a dealer or boxperson to conduct the game. This section includes the technical requirements for the tables, the meters the table must have and the requirement that the tables be tested by the Bureau and approved prior to use.

Section 605a.5 (relating to fully automated electronic gaming tables) contains the requirements for fully automated electronic gaming tables. The difference between an electronic gaming table and a fully automated electronic gaming table is that a fully automated electronic gaming table operates without a dealer, boxperson or any other employee of the certificate holder. This section is structured in the same manner as § 605a.4 and contains the technical requirements of the tables, the meters these tables must have and the requirement that the tables be tested by the Bureau and approved prior to use.

Section 605a.6 (relating to integrated live Roulette wheels used on fully automated electronic gaming tables) contains the specific statistical requirements that the Roulette wheels used on fully automated electronic gaming tables must meet regarding the randomness of the resulting spins and the actions that are to occur if the roulette wheel does not satisfy the statistical test.

Section 605a.7 (relating to progressive table game systems) sets forth meter requirements for progressive table game systems, requires Bureau testing and approval of progressive jackpots offered and limits the circumstances under which a progressive jackpot may be turned back to a lesser amount. These provisions are similar to Chapter 461a (relating to slot machine testing and control) governing progressive jackpots offered on slot machines.

*Explanation of Chapter 613a*

Chapter 613a sets forth the certification process for gaming related gaming service providers. A gaming related gaming service provider is a class of gaming service provider that provides new table games or side wagers,



game variations or similar innovations for which they have typically received or applied for a patent. Although these entities and individuals provide the table games and side wagers played in the licensed facility, they are not required to be licensed as a manufacturer or supplier. The Board is therefore creating a classification of gaming service provider for these individuals and entities.

Included in Chapter 613a are provisions regarding the following: which entities or individuals are considered gaming related gaming service providers; the application and renewal process; the qualification process for key individuals who own or are employed by the gaming related gaming service provider; gaming related gaming service provider responsibilities; the gaming related gaming service provider list; permission to conduct business prior to certification; requirements regarding using a gaming related gaming service provider; and certificate holders' duty to investigate. These requirements mirror the application and qualification requirements of all certified gaming service providers in Chapter 437a (relating to gaming service provider certification and registration).

#### *Explanation of Chapter 615a*

Chapter 615a establishes the requirements regarding the issuance of a conditional table game device license to entities that have applied for a table game device manufacturer, manufacturer designee or supplier license.

As part of the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), entities that want to manufacture or supply table game devices are required to obtain a table game device manufacturer or supplier license. For entities that are not currently licensed, this will require the entities to file a manufacturer, manufacturer designee or supplier license application with the Board.

Typically, these applications can take a year or more to process due to the extensive background investigations that are required. The Board will therefore issue a conditional license to a table game device manufacturer, manufacturer designee or supplier applicant that meets the requirements in § 615a.1 (relating to table game devices, conditional licenses). More specifically, these applicants will have to do the following: submit a complete application; be licensed in good standing in a jurisdiction that has licensing standards which provide similar safeguards to those in this Commonwealth; have an expression of interest in acquiring the equipment they manufacture or supply from a certificate holder or a manufacturer, manufacturer designee or supplier licensee; have successfully completed a preliminary screening, including the applicant's criminal history; and have paid the applicable application and licensing fees. To date, the Board has determined that Ontario, New Jersey, Nevada, Mississippi and Louisiana have licensing standards that are equivalent to the Commonwealth's standards.

Table game device manufacturer, manufacturer designee or supplier applicants that meet these requirements will be able to begin providing table game devices while the review of their license application continues. If, however, as part of the continuing investigation, the Office of Enforcement Counsel issues a Notice of Recommendation of Denial, the Bureau of Licensing may rescind the conditional license. If this occurs, the Bureau of Licensing will notify the conditional licensee and all certificate holders that the conditional licensee is no longer authorized to provide table game devices in this Commonwealth. This notice will be sent by registered mail and contain a date after which the applicant will no longer be permitted to provide table game devices.

#### *Comment and Response Summary*

Notice of the proposed rulemaking was published at 41 Pa.B. 605 (January 29, 2011). During the comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC).

#### *General Comments*

In §§ 605a.2(c) and (e), 605a.4(b), 605a.7(b) and (c) and 605a.7(d)(3), IRRC requested that the final-form rulemaking contain procedures for the Bureau's testing and approval of electronic wagering systems, electronic gaming tables and progressive table game systems. A cross reference to § 461a.4 (relating to submission for testing and approval) was added in these sections and is the same process currently used for the testing and approval of slot machines and associated equipment. Although the term "associated equipment" used in § 461a.4 includes both slot machine and table game equipment, the Board has amended § 461a.4 to specifically add gaming related services and electronic gaming tables, including fully automated electronic gaming tables and progressive table game systems.

#### *Chapter 605a*

In § 605a.2(d)(3)(ii), (6) and (7)(vii) and (viii), IRRC had questions regarding the Poker rake and Poker revenue and requested that a definition be added to the final-form rulemaking. The final-form rulemaking contains a cross-reference to § 637a.17 (relating to Poker revenue) regarding Poker revenue and the collection of the Poker rake.

In § 605a.2(d)(7), which addresses the reports that the electronic wagering system must be capable of generating, IRRC requested specificity regarding who the reports are to be submitted to and what the certificate holder is required to do with the reports. For clarity, the final-form rulemaking requires that the system be capable of generating the reports listed in subsection (d)(7)(i)—(xii) but does not require that they be submitted to the Board or the Department of Revenue (Department). The information in subsection (d)(7)(i)—(xii) is used by the certificate holder in its revenue audit to determine the total win on the table, the hold percentage and the tax that is owed to the Commonwealth. The Department may request these reports during an audit to verify the total tax collected. The reports may also assist the certificate holder, Board staff and the State Police in determining if there was theft or cheating in the play or the revenue count on the electronic gaming table.

In §§ 605a.4(g) and 605a.5(d)(12), which specify the meters that the electronic gaming table or fully automated electronic gaming table are required to have, IRRC was concerned that the catch-all provisions in §§ 605a.4(g)(8) and 605a.5(d)(12) did not provide the regulated community with a clear standard.

This catch-all language is consistent with the meter requirements in § 461a.7 (relating to slot machine minimum design standards) and was included because meters are the only way to ascertain the gross table game revenue on an electronic gaming table and therefore the tax owed to the Commonwealth. As technology rapidly changes in the gaming industry, the Bureau and the Department need a mechanism to require additional meters if the meters currently required are inadequate to determine gross table game revenue. The technical standards language has been deleted and the provision now states that the Board may require additional meters on the electronic gaming table, other than those listed in §§ 605a.4(g)(1)—(7) and 605a.5(d)(1)—(11).

*Chapter 613a*

In Chapter 613a, IRRC asked why the Board created the term “gaming related gaming service provider” instead of using the term “gaming service provider.”

The Board created this class of gaming service provider because these entities and individuals provide new table games, side wagers and variations (gaming related services) but are not otherwise required to be licensed as a manufacturer or supplier. The monetary thresholds currently applicable to gaming service providers are impractical for gaming related gaming service providers since the annual lease amounts paid by the certificate holders would not necessitate, in most instances, the gaming related gaming service provider to be certified or even register with the Board. To protect the integrity of gaming, the Board determined that all gaming service providers that provide a gaming related service should be certified based on the nature of the product supplied to the certificate holder.

For clarity, the definitions of “gaming related gaming service provider” and a “gaming related service” were added in § 613a.1(a) (relating to definitions; general requirements). The language that was deleted from this section was incorporated into the definitions. The application requirement was then moved to subsection (b).

In § 613a.2(a) (relating to gaming related gaming service provider certification applications), IRRC asked why the certificate holder was required to submit the documentation and fee for the gaming related gaming service provider.

The requirement in the temporary and proposed regulations was similar to the sponsored gaming service provider application procedures which required that the application be submitted by a licensee that intended to utilize the good or service that the gaming service provider was supplying. The certificate holder did not pay the fee but only submitted the information on behalf of the gaming service provider.

When table games were implemented, to ensure that the Board prioritized its resources and focused on only those companies that offered a product that a certificate holder intended to use, gaming related gaming service provider applications were required to be submitted by the certificate holder that intended to use the gaming related service. This requirement is no longer necessary and was therefore deleted in the final-form rulemaking.

Also in subsection (a)(1), IRRC recommended that the language allowing the Board to direct that a different number of applications be submitted be deleted in the final-form rulemaking. The language allowing the Board to direct an alternative number of applications was included in the proposed rulemaking because the Bureau of Licensing contemplated more online applications in the future which would eliminate the need for an original and one copy to be submitted in paper form. At this time, however, paper applications for gaming related gaming service providers are still required.

In § 613a.6 (relating to gaming related gaming service provider list), IRRC suggested that the final-form rulemaking state where the list of certified gaming related gaming service providers may be found. Language was added specifying that the list may be found on the Board's web site.

In § 613a.7 (relating to requirements for use of a gaming related gaming service provider), as suggested, the definition of a “gaming related service” was added in

§ 613a.1(a). In subsection (a)(1), similar to the procedures for the Bureau's testing and approval of electronic wagering systems in § 605a.2, gaming related gaming service providers will also submit their gaming related service to the Bureau for review and approval in accordance with § 461a.4. As previously discussed, § 461a.4 has been amended to specifically incorporate gaming related services in the submission and approval process.

In subsection (a)(4), the cross reference to the application fee for gaming related gaming service provider certification was included in the final-form rulemaking as suggested by IRRC.

In § 613a.8 (relating to permission to conduct business prior to certification), IRRC requested that the Board explain how the practice of authorizing an applicant to do business prior to certification protects the integrity of gaming.

Interim authorization was contemplated under 4 Pa.C.S. § 1317.2(e) (relating to gaming service provider). To be eligible for interim authorization, the gaming related gaming service provider shall submit its application which is initially reviewed by the Bureau of Licensing. Prior to being added to the authorization list, the gaming related gaming service provider undergoes a review for Federal and State tax clearance as well as an initial review of all individuals who are required to be qualified. Also, the certificate holder that intends to utilize the gaming related gaming service provider's goods or services is required to conduct due diligence on the gaming related gaming service provider and submit a statement with the application affirming that the certificate holder believes that the applicant meets the qualification requirements. Lastly, if the applicant's suitability is in question or the applicant no longer cooperates in the application or investigation process, the Bureau of Licensing will rescind interim authorization.

If a gaming related gaming service provider has received interim authorization and the Bureau of Investigations and Enforcement (BIE) discovers derogatory information relating to an applicant's suitability during the investigation, the gaming related gaming service provider's interim authorization may be immediately rescinded pending the Board's decision regarding the gaming related gaming service provider's application. All of the following procedures were designed to ensure the integrity of gaming pending the BIE's complete investigation.

If the Office of Enforcement Counsel recommends that the gaming related gaming service provider's application be denied, the gaming related service may no longer be utilized in the licensed facility after the date specified in the Bureau of Licensing's Notice of Rescission. This requirement was added in § 613a.8(b)(2).

As of September 2011, a total of six gaming related gaming service providers have applied for certification. Four are on the authorized list and two are pending but are not yet authorized to provide a gaming related service to a certificate holder.

*Chapter 615a*

IRRC had similar concerns regarding how the practice of issuing a conditional table game device license to a manufacturer or supplier adequately protects the integrity of gaming.

To be eligible for a conditional license, an applicant shall be a certified gaming service provider in this Commonwealth or be licensed in good standing in another gaming jurisdiction in the United States or Canada that

the Board has determined has similar licensing standards that are as comprehensive and thorough and provide similar safeguards as those in 4 Pa.C.S. Part II. The Board has determined that several gaming jurisdictions have similar standards, including Ontario, New Jersey, Nevada, Mississippi and Louisiana. Additionally, like gaming related gaming service providers, the applicant shall pass an initial application review, undergo a review for Federal and State tax clearance as well as an initial criminal history review of all individuals who are required to be licensed. These safeguards ensure that the integrity of gaming is protected in this Commonwealth.

As of September 2011, there were nine table game device manufacturers and manufacturer designees that were awarded conditional licenses of which, three have already been fully investigated and licensed by the Board. None of the conditional licenses have been revoked.

IRRC also requested that a definition of "table game device" be included in this chapter. A table game device is a statutorily defined term in 4 Pa.C.S. § 1103 (relating to definitions) and includes gaming tables, cards, dice, chips, shufflers, tiles, dominoes, wheels, drop boxes or any mechanical, electrical or computerized contrivance, terminal, machine or other device, apparatus, equipment or supplies used to conduct a table game. The statutory definition will be included in Chapter 601a (relating to general table game provisions), which contains the definitions applicable to the chapters in Subpart K (relating to table games).

IRRC also requested that the final-form rulemaking contain some specificity regarding the fee the manufacturer, manufacturer designee or supplier is required to pay in accordance with § 615a.1(b). In the final-form rulemaking, reference to the application fee was added in subsection (b)(1) and the reference to the licensing fee, as posted on the Board's web site, was added in subsection (b)(5).

#### *Additional Revisions*

Throughout Chapter 605a, the language regarding the testing and approval process for electronic wagering systems was amended. The language in the proposed rulemaking stated that the Bureau tests and approves electronic wagering systems; however, while the Bureau does do the testing, the Board's Executive Director approves the systems for use. The updated language more accurately reflects current agency practice and is consistent with the process in § 461a.4.

Proposed § 605a.2(a) required that if an electronic wagering system was utilized, wagering had to be done using that system. The Board recently approved a side wager in Blackjack which utilizes an electronic wagering system for the placement of that side wager; however, not all wagers at that Blackjack table require the use of the electronic wagering system. Language was therefore added allowing for wagers or only those wagers that are specified in the rules of the game to be made utilizing the electronic wagering system.

In §§ 605a.2(b) and 605a.4(b), key control was modified allowing the slots department to have control of the key that accesses the fully automated electronic gaming tables. This was updated to allow flexibility since the fully automated machines are similar to slot machines and are typically serviced by slot tech department employees not table game department employees.

In §§ 613a.2(c) and 613a.7(2), language was deleted and replaced with the definition of "gaming related service" as defined in § 613a.1(a).

In § 613a.8(a)(2), an incorrect reference was updated and the language regarding the certificate holder submitting the application was deleted. Language was added requiring that prior to a gaming related gaming service provider receiving authorization to conduct business with a certificate holder, the gaming related gaming service provider's application must pass a preliminary review which is conducted by the Bureau of Licensing.

In subsection (a)(3), language was updated to reflect that it is not the Bureau of Licensing that makes a determination regarding suitability but is informed if an applicant's suitability may be at issue.

Subsection (a)(5) was added which requires that the gaming related gaming service provider successfully pass a preliminary review of its criminal history prior to receiving authorization to conduct business with a certificate holder. This added language is consistent with current agency practice.

For clarity, in Chapter 615a, the term "applicant" was changed to "conditional licensee" in several instances. Also, in § 615a.1(a), the phrase "prior to licensure" was deleted because a conditional license is a type of license so the phrase is not applicable.

#### *Affected Parties*

With respect to Chapter 605a, slot machine licensees that elect to become certificate holders and decide to install electronic or fully automated gaming tables will be required to comply with this chapter. Additionally, manufacturers of electronic or fully automated gaming tables will be required to submit their tables to the Bureau for testing and will have to meet the design requirements in this chapter.

The Board will experience increased regulatory demands to review the tables submitted by manufacturers and review the procedures and inspect the tables installed at licensed facilities.

Regarding Chapter 613a, individuals and entities that want to become gaming related gaming services providers shall complete a certification application and pay the applicable fees. To date, the Board has received six applications for certification from gaming related gaming service providers. Applications the Board receives will be reviewed and investigated by existing Board staff.

Regarding Chapter 615a, certificate holders will benefit from this final-form rulemaking because they will have more sources from whom they may obtain table game devices in a shorter period of time. Additionally, applicants for table game device manufacturer, manufacturer designee or supplier licenses will benefit from being able to offer their products in this Commonwealth within a shorter period of time without jeopardizing the integrity of gaming.

The Board has experienced increased regulatory demands resulting from the implementation of table games, including the review of electronic and fully automated tables, gaming related services and the review of additional applications from gaming related gaming service providers, table game device manufacturers, manufacturer designees and suppliers.

#### *Fiscal Impact*

*Commonwealth.* The Bureau experienced increased costs regarding the review of electronic gaming tables and gaming related services that manufacturers and gaming related gaming service providers have elected to offer for sale in this Commonwealth. These costs, however, will be



recovered directly from manufacturers or gaming related gaming service providers. The Board also anticipates that additional demands will be placed on existing staff regarding the inspection of these tables when they are installed in a licensed facility. However, because most certificate holders are not using many of these tables at this time, the Board does not expect it will need to hire additional personnel to meet these demands.

Additionally, the Board experienced increased costs related to the review of the applications for gaming related gaming service provider certification and for conditional table game device licenses for manufacturers, manufacturer designees and suppliers. However, the increased costs did not exceed the initial additional supplemental funding of approximately \$2.1 million provided under Act 1.

*Political subdivisions.* This final-form rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

*Private sector.* This final-form rulemaking will result in additional costs for certificate holders that elect to use electronic or fully automated electronic gaming tables because these tables are more expensive. However, these costs would be offset by reduced labor costs and increased speed of play.

Manufacturers of electronic gaming tables and providers of gaming related services will have to reimburse the Bureau for the costs incurred by the Bureau to complete its technical review of these gaming tables. It is anticipated that the manufacturers and gaming related gaming service providers will recover the costs as part of the prices they charge for these tables.

Applicants for a table game device manufacturer, manufacturer designee or supplier license and gaming related gaming service provider certification will have to complete the applicable existing Board license or certification application forms and pay the associated application, investigation, licensing or certification fees. There will not be additional forms required or fees imposed in connection with the conditional licenses for manufacturers, manufacturer designees and suppliers.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

This final-form rulemaking will require manufacturers and gaming related gaming service providers to submit manuals and other technical information regarding the particular gaming related service, electronic or fully automated gaming table that they submit to the Bureau for approval.

With respect to manufacturer, manufacturer designee, supplier and gaming related gaming service provider applicants, they will be required to file the normal applications and related materials for a license or certification.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 19, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 605, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee

and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 11, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 12, 2012, and approved the final-form rulemaking.

*Findings*

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

*Order*

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

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 524.1—524.7, 528.1—528.9, 529.1 and 529.2 and by adding §§ 605a.1—605a.7, 613a.1—613a.9 and 615a.1 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 626 (January 28, 2012).)

**Fiscal Note:** Fiscal Note 125-138 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 524. (Reserved)**

Sec.  
524.1—524.7. (Reserved).

**CHAPTER 528. (Reserved)**

Sec.  
528.1—528.9. (Reserved).

**CHAPTER 529. (Reserved)**

Sec.  
529.1. (Reserved).  
529.2. (Reserved).

**CHAPTER 605a. ELECTRONIC GAMING TABLES**

Sec.	
605a.1.	Definitions.
605a.2.	Electronic wagering systems.
605a.3.	Procedures for buying in to and cashing out of a table game using an electronic wagering system.
605a.4.	Electronic gaming tables.
605a.5.	Fully automated electronic gaming tables.
605a.6.	Integrated live Roulette wheels used on fully automated electronic gaming tables.
605a.7.	Progressive table game systems.

**§ 605a.1. Definitions.**

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

*Electronic gaming table*—

(i) A gaming table approved by the Board that is a mechanical, electrical or computerized contrivance, terminal, machine or other device which, upon insertion or placement of cash or cash equivalents therein or thereon, or upon a wager or payment of any consideration whatsoever, is available for play or operation by one or more players as a table game.

(ii) The term includes any gaming table where a wager or payment is made using an electronic or computerized wagering or payment system.

(iii) The term does not include a slot machine.

*Electronic wagering system*—A computer or server and any related hardware, software or other device that permits wagering to be conducted at a gaming table.

*Fully automated electronic gaming table*—An electronic gaming table determined by the Board to be playable or operable as a table game without the assistance or participation of a person acting on behalf of a certificate holder.

*Game account*—The funds that are available to a player for use at an electronic gaming table.

*Progressive table game system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at fully automated electronic gaming tables, electronic gaming tables or live table games offering a jackpot that increases corresponding to an additional wager on the table.

**§ 605a.2. Electronic wagering systems.**

(a) A certificate holder may conduct electronic wagering at a gaming table in accordance with this chapter. Electronic wagering at a gaming table shall be conducted through the use of an electronic wagering system. If an electronic wagering system is in use at a gaming table, wagers placed at that gaming table, or only those wagers that are specified in the rules of the game, shall be made using the electronic wagering system.

(b) An electronic wagering system must be a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table.

(c) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in ac-

cordance with § 461a.4 (relating to submission for testing and approval) prior to use at any licensed facility in this Commonwealth.

(d) An electronic wagering system must:

(1) Credit funds to the game account of a player when a player buys in to a game at a particular gaming table and debit any remaining funds from the game account when a player cashes out of the game.

(2) Permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account.

(3) In the game of Poker:

(i) Debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game accounts of the winning players in the appropriate amounts.

(ii) Extract the rake from players or pots according to the rake procedures established in accordance with § 637a.17 (relating to Poker revenue) and debit the game accounts of players in the appropriate amounts.

(iii) Make each player's balance or table stakes visible to all players in the game.

(4) Depict the transactions described in paragraphs (1)—(3) through one or more electronic fund displays that are visible to each player and the dealer or boxperson.

(5) Disclose to each player at all times the current balance in the player's game account.

(6) Accurately report and audit the table game's win or loss or Poker revenue in accordance with § 637a.17.

(7) Be capable of generating reports setting forth, by gaming day, for each gaming table using the electronic wagering system:

(i) The total amount deposited into the game account of each player.

(ii) The total amount deposited into game accounts by all players.

(iii) The total amount credited to the game account of each player in payment of winnings.

(iv) The total amount credited to the game accounts of all players in payment of winnings.

(v) The total amount collected from each player as losing wagers.

(vi) The total amount collected from all players as losing wagers.

(vii) For Poker, if applicable, the total amount deducted from the game account of each player for collection of Poker rake time charges in accordance with § 637a.17.

(viii) For Poker, if applicable, the total amount collected from the accounts of all players for collection of Poker rake time charges in accordance with § 637a.17.

(ix) For Poker, if applicable, the total amount collected from Poker pots for collection of Poker rake in accordance with § 637a.17.

(x) The total amount withdrawn from game accounts by each player.

(xi) The total amount withdrawn from game accounts by all players.

(xii) The table game win or loss or Poker revenue.

(e) After installation, electronic wagering systems shall be inspected by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 prior to use at any licensed facility in this Commonwealth.

**§ 605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.**

(a) A player shall buy in to a table game using an electronic wagering system as follows:

(1) If the gaming table is equipped with a bill validator, a player shall buy in to the game by either:

(i) Inserting currency or, if the table game is a fully automated electronic gaming table, a gaming voucher, into the bill validator. The electronic wagering system must credit an equivalent amount of funds into the game account of the player, which must be displayed on the electronic fund display.

(ii) Presenting currency or value chips to the dealer or boxperson if the table game is not a fully automated electronic gaming table.

(2) If the gaming table is not equipped with a bill validator, a player shall buy in to the game by presenting currency or value chips to the dealer or boxperson.

(3) When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player.

(b) A player shall cash out of a table game using an electronic wagering system as follows:

(1) If the gaming table is a fully automated electronic gaming table, by receiving a gaming voucher equal in value to the balance in the game account of the player.

(2) If the gaming table is not a fully automated electronic gaming table, by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player.

(3) If the gaming table is not a fully automated electronic gaming table, after cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

**§ 605a.4. Electronic gaming tables.**

(a) An electronic gaming table must comply with the requirements in § 605a.2 (relating to electronic wagering systems).

(b) An electronic gaming table system must contain a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table. All aspects of an electronic gaming table system, including the computer or server and related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), for compliance with the requirements of this section, prior to use at any licensed facility in this Commonwealth.

(c) An electronic gaming table must have the capacity to allow the Bureau of Gaming Laboratory Operations to verify all relevant control software for authenticity.

(d) A certificate holder using an electronic gaming table system shall include in its internal controls, at a minimum:

(1) Procedures to ensure the physical security of the computer or server and related hardware, software and other devices.

(2) Procedures to ensure the integrity and security of all sensitive data and software.

(3) Procedures to ensure that access to sensitive data and software is limited to appropriate personnel only.

(4) Procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

(e) An electronic gaming table must have the ability to authenticate the transmission of data between the various components of the electronic gaming table system.

(f) An electronic gaming table system must display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic gaming table is open, whenever there is a malfunction in the operation of the electronic gaming table system, or any component thereof, including whenever a printer or currency jam occurs.

(g) An electronic gaming table that is not a fully automated electronic gaming table must be equipped with the following meters, when applicable:

(1) *Coin in.* A meter that accumulates the total value of all wagers.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots.* A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits.* A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the electronic gaming table.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The electronic gaming table must also have a specific meter for each denomination.

(6) *Electronic gaming table paid progressive payout.* For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the electronic gaming table.

(7) *Attendant paid progressive payout.* For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the electronic gaming table.

(8) *Additional meters.* Other meters required by the Board.

**§ 605a.5. Fully automated electronic gaming tables.**

(a) A fully automated electronic gaming table must comply with the comprehensive protocol specifications required under section 1324 of the act (relating to



protocol information) that are necessary to enable the fully automated electronic gaming table to communicate with the Department's central control computer system, for the purpose of transmitting auditing program information, real time information retrieval and fully automated table electronic game activation and disabling.

(b) A fully automated electronic gaming table must have installed software or hardware that distinguishes the fully automated electronic gaming table from a slot machine as defined by the act.

(c) A fully automated electronic gaming table must have the capability to accept currency or gaming vouchers and to issue a gaming voucher to a player for any winnings.

(d) A fully automated electronic gaming table must be equipped with the following meters, when applicable:

(1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the fully automated electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots*. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the fully automated electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the fully automated electronic gaming table.

(5) *Bill in*. A meter that accumulates the total value of currency accepted. The fully automated electronic gaming table must also have a specific meter for each denomination.

(6) *Voucher in—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(7) *Voucher in—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(8) *Voucher out—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers issued by the fully automated electronic gaming table.

(9) *Voucher out—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(10) *Fully automated electronic gaming table paid progressive payout*. For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the fully automated electronic gaming table.

(11) *Attendant paid progressive payout*. For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the fully automated electronic gaming table.

(12) *Additional meters*. Other meters required by the Board.

#### § 605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.

(a) A fully automated electronic gaming table with an integrated live Roulette wheel must randomize the method by which the outcome is determined. This includes, but is not limited to, the speed at which the ball is ejected onto the wheel and the speed at which the wheel rotates.

(b) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of determining if the wheel meets a 95% confidence limit using a standard chi-squared test for goodness of fit. The calculation must be made based on the following criteria:

(1) Ten thousand outcomes have been generated.

(2) A new calculation must be made for each 10,000 subsequent outcomes.

(3) The calculation must consider only the most recent 10,000 outcomes.

(c) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of displaying a visual notification, clearable by an attendant, if at any time the live Roulette wheel has failed the chi-squared test for goodness of fit under subsection (b).

(d) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of disabling play in the event that the wheel has failed to meet the 95% confidence limit for goodness of fit test required under subsection (b) for two consecutive testing periods. Attendant interaction is required before enabling the table for play.

(e) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of providing a report that shows the results of the last chi-squared test as well as the previous nine chi-squared tests. The report must contain the following:

(1) The time and date the test was performed.

(2) The table ID or any comparable identifier.

(3) The number of games used to perform the test.

(4) The outcome of the test.

#### § 605a.7. Progressive table game systems.

(a) Each progressive fully automated electronic gaming table, electronic gaming table or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which may increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table or electronic gaming table.

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by a fully automated electronic gaming table, electronic gaming table or attendant.

(5) A key and keyed switch to reset the progressive meter or meters or other reset mechanism.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(b) A table game that offers a progressive jackpot may not be placed on the gaming floor until the certificate holder or, if applicable, the progressive system operator has submitted the following to the Bureau of Gaming Laboratory Operations for review and approval, in accordance with § 461a.4 (relating to submission for testing and approval):

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the table games.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(c) A table game that offers either a new progressive jackpot or a modification of an existing progressive jackpot may not be made available for play by the public until the table game has been tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4.

(d) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, upon approval in accordance with § 461a.4, been transferred to another progressive table game.

(4) The change is necessitated by a table game or meter malfunction, in which case, a written explanation shall be sent to the Bureau of Gaming Laboratory Operations.

**CHAPTER 613a. GAMING RELATED GAMING SERVICE PROVIDERS**

Sec.	
613a.1.	Definitions; general requirements.
613a.2.	Gaming related gaming service provider certification applications.
613a.3.	Qualification of individuals and entities.
613a.4.	Certification term and renewal.
613a.5.	Certified gaming related gaming service provider responsibilities.
613a.6.	Gaming related gaming service provider list.
613a.7.	Requirements for use of a gaming related gaming service provider.
613a.8.	Permission to conduct business prior to certification.
613a.9.	Certificate holders' duty to investigate.

**§ 613a.1. Definitions; general requirements.**

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Gaming related gaming service provider*—A gaming service provider that provides a gaming related service, is the owner of a patent or has a patent pending for a gaming related service.

*Gaming related service*—A new game, wager, game variation, side bet or similar innovation relating to a table game.

(b) *Certification.* A person seeking to provide a gaming related service to a certificate holder shall apply to the Board for certification as a gaming related gaming service provider.

**§ 613a.2. Gaming related gaming service provider certification applications.**

(a) A gaming related gaming service provider seeking certification shall submit:

(1) An original and one copy of a Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form.

(2) The nonrefundable application fee which is posted on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov).

(3) Applications and release authorizations for each individual required to be qualified under § 613a.3 (relating to qualification of individuals and entities).

(4) A written statement from a certificate holder stating that the certificate holder intends to do business with the gaming related gaming service provider for the purpose of utilizing a gaming related service.

(b) In addition to the materials required under subsection (a), an applicant for gaming related gaming service provider certification shall:

(1) Promptly provide information requested by the Board relating to its application and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A gaming related gaming service provider certification will not be issued until all fees and costs, including any Bureau of Gaming Laboratory Operations costs incurred in the review of the proposed gaming related service, have been paid.

**§ 613a.3. Qualification of individuals and entities.**

(a) The following individuals are required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. A certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification who solicits or will be soliciting business from, or has regular contact with, any representatives of a certificate holder.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall be required to file a Gaming Service Provider Certification Form—Private Holding Company with the Board and be found qualified by the Board.

(c) The following persons may be required to submit a Gaming Service Provider Certification Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(3) An employee of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification or has the right to any profits or distribution, directly or indirectly, from the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Gaming Related Gaming Service Provider List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found qualified under this section if the gaming related gaming service provider has been certified.

#### § 613a.4. Certification term and renewal.

(a) Gaming related gaming service provider certifications and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) A certified gaming related gaming service provider shall submit to the Board a completed renewal application and fee, as posted on the Board's web site, at least 60 days prior to the expiration of a certification.

(c) A certification for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification

to the holder of the certification that the Board has approved or denied the certification.

#### § 613a.5. Certified gaming related gaming service provider responsibilities.

A holder of a gaming related gaming service provider certification shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a gaming related gaming service provider certification ineligible, unqualified or unsuitable to hold a certification under the standards and requirements of the act and of this part.

#### § 613a.6. Gaming related gaming service provider list.

The Board will maintain and post on its web site a list of gaming related gaming service providers that are certified and have had their gaming related service reviewed by the Bureau of Gaming Laboratory Operations.

#### § 613a.7. Requirements for use of a gaming related gaming service provider.

Prior to use of a gaming related service by a certificate holder the following shall occur:

(1) The gaming related gaming service provider providing the gaming related service shall submit its gaming related service to the Bureau of Gaming Laboratory Operations for review in accordance with § 461a.4 (relating to submission for testing and approval).

(2) The gaming related gaming service provider shall pay all Bureau of Gaming Laboratory Operations costs incurred in the review of the proposed gaming related service.

(3) The certificate holder shall make a written request to the Board's Executive Director and receive written approval for use of the new gaming related service in accordance with § 601a.3 (relating to request to offer a new table game or new feature for an existing table game).

(4) The gaming related gaming service provider shall pay the certification fee required under § 613a.2(a)(2) (relating to gaming related gaming service provider certification applications) and will either receive written authorization from the Bureau of Licensing to conduct business prior to certification or be certified.

#### § 613a.8. Permission to conduct business prior to certification.

(a) Notwithstanding § 613a.1 (relating to definitions; general requirements), the Bureau of Licensing may authorize an applicant for gaming related gaming service provider certification to conduct business with a certificate holder prior to the certification of the gaming related gaming service provider if the following criteria are met:

(1) A completed Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form has been filed in accordance with § 613a.2 (relating to gaming related gaming service provider certification applications) and passed a preliminary review.



(2) The certificate holder certifies that it has performed due diligence on the gaming related gaming service provider.

(3) The applicant for gaming related gaming service provider certification agrees, in writing, that the grant of permission to conduct business prior to certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted under this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(4) The gaming related gaming service provider and the certificate holder have satisfied the requirements in § 613a.7 (relating to requirements for use of a gaming related gaming service provider).

(5) The gaming related gaming service provider has passed a preliminary review of its criminal history.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for gaming related gaming service provider certification, the Bureau of Licensing may rescind the permission granted to the applicant for gaming related gaming service provider certification to conduct business with a certificate holder under subsection (a). If the permission is rescinded:

(1) The applicant for gaming related gaming service provider certification shall cease conducting business with the certificate holder by the date specified in the notice of the rescission under subsection (c).

(2) The certificate holder shall cease utilizing the gaming related service from the applicant for gaming related gaming service provider certification by the date specified in the notice of the rescission under subsection (c).

(c) The Bureau of Licensing will notify the applicant for gaming related gaming service provider certification and the certificate holder by registered mail that the permission to conduct business with the certificate holder, as authorized under subsection (a), has been rescinded and that the certificate holder shall cease conducting business with the applicant for gaming related gaming service provider certification by the date specified in the notice.

**§ 613a.9. Certificate holders' duty to investigate.**

(a) A certificate holder shall investigate the background and qualifications of the applicants for gaming related gaming service provider certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A certificate holder shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming related gaming service provider certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A certificate holder shall have a duty to inform the Board of an action by an applicant for or holder of a gaming related gaming service provider certification which the certificate holder believes would constitute a violation of the act or this part.

**CHAPTER 615a. CONDITIONAL TABLE GAME DEVICE LICENSES**

Sec.

615a.1. Table game devices, conditional licenses.

**§ 615a.1. Table game devices, conditional licenses.**

(a) The Board may grant an applicant for a table game device manufacturer, manufacturer designee or supplier license a conditional license to conduct table game business in this Commonwealth.

(b) To be eligible to obtain a conditional table game device license, the applicant for a table game device manufacturer, manufacturer designee or supplier license shall:

(1) Submit a completed manufacturer, manufacturer designee or supplier license application, including the nonrefundable application fee as posted on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov), and pass a preliminary review.

(2) Be certified as a gaming service provider in this Commonwealth or be licensed in good standing to manufacture or provide table game devices in another jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(3) Submit a written statement from a slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee that the slot machine licensee or supplier licensee intends to do business with the applicant for the purpose of purchasing, selling or marketing table game devices.

(4) Pass a preliminary review of the applicant's criminal history.

(5) Submit full payment of the licensing fee, as posted on the Board's web site, for the table game device manufacturer, manufacturer designee or supplier license prior to the issuance of the conditional license.

(c) An applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license shall provide monthly transaction reports to the Bureau of Licensing by the 20th calendar day of the following month during the period of conditional licensure. The monthly transaction reports must include:

(1) The date table game devices were provided to a licensee.

(2) A description of the table game devices provided.

(3) The amount paid by the licensee for the table game devices.

(4) A copy of the invoice for the table game devices.

(d) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the conditional licensee shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee by the Bureau of Licensing under subsection (e).

(e) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and all slot machine

licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees by registered mail that:

(1) Permission for the conditional licensee to conduct business under subsection (a) has been rescinded.

(2) Slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees shall cease conducting business with the conditional licensee by the date specified in the notice.

(f) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct any new business in this Commonwealth and may only complete transactions that were commenced prior to the date specified in the notice of rescission.

[Pa.B. Doc. No. 12-895. Filed for public inspection May 11, 2012, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 551, 553, 571, 573,  
635a, 637a, 655a AND 657a ]

### Table Game Rules for Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1)—(4) (relating to regulatory authority), rescinds Chapters 551, 553, 571 and 573 and adds Chapters 635a, 637a, 655a and 657a to read as set forth in Annex A.

#### *Purpose of the Final-Form Rulemaking*

In accordance with 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board adopted temporary regulations in Chapters 551, 553, 571 and 573. With final-form proposed rulemaking, the Board is replacing the temporary regulations in Chapter 551 with the permanent regulations in Chapter 635a (relating to Spanish 21), temporary regulations in Chapter 553 with the permanent regulations in Chapter 637a (relating to Poker), the temporary regulations in Chapter 571 with the permanent regulations in 655a (relating to Mississippi Stud) and the temporary regulations in Chapter 573 with the permanent regulations in Chapter 657a (relating to Crazy 4 Poker).

#### *Explanation of Chapter 635a*

Chapter 635a contains the rules governing the play of Spanish 21. Section 635a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 635a.2 (relating to Spanish 21 table; card reader device; physical characteristics; inspections), the physical characteristics of the table and card reader device are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Spanish 21 table for play; the shuffling of cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

#### *Explanation of Chapter 637a*

Chapter 637a contains the rules governing the play of nonbanked Poker games. Section 637a.1 (relating to definitions) contains the definitions of terms used

throughout the chapter. In § 637a.2 (relating to Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Poker table for play; the shuffling of cards; the value and rank of the cards; placement of bets; dealing procedures; how Poker revenue is calculated; the conduct of players at a Poker table; and how irregularities in play are to be handled.

Based on requests received from the operators about the temporary regulations, an additional Seven-card Stud Poker game, Seven-card Stud Low, also known as Razz, was added. Additionally, in Hold 'Em and Omaha Poker, the Straddle Bet was added as an optional bet if allowed by the certificate holder.

#### *Explanation of Chapter 655a*

Chapter 655a contains the rules governing the play of Mississippi Stud. Section 655a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 655a.2 (relating to Mississippi Stud table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Mississippi Stud table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

#### *Explanation of Chapter 657a*

Chapter 657a contains the rules governing the play of Crazy 4 Poker. Section 657a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 657a.2 (relating to Crazy 4 Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Crazy 4 Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B. 5963 (November 5, 2011). During the comment period the Board received comments from Greenwood Gaming and Entertainment (Parx). On January 4, 2012, the Board received comments from the Independent Regulatory Review Commission (IRRC).

#### *General Comments*

IRRC commented that several of the sections throughout the rulemaking require operators to obtain approval of equipment and table game layouts from the Bureau of Gaming Operations (BGO) or the Bureau of Casino Compliance (BCC). The proposed rulemaking, however, didn't specify how that approval was to be obtained. IRRC suggested adding the submission and approval process or a cross reference to where the process may be found.

In the final-form rulemaking, the Board amended the requirements to state that the operators submit information to the BGO for Executive Director approval. Additionally, throughout the final-form rulemaking, cross references to the submission and approval process in

§ 601a.10 (relating to approval of table game layouts, signage and equipment) have been added.

#### *Chapter 635a. Spanish 21*

IRRC requested that the Board provide information regarding the house edge for Spanish 21 and compare it to other gaming jurisdictions. For the facilities offering the game in New Jersey, the hold percentage from July to November ranged from 18.2% to 38.3%. For the few facilities offering Spanish 21 in this Commonwealth, the hold percentage ranged from 14.88% to 26.64% for the same time period.

#### *Chapter 637a. Poker*

Parx requested that the Board add additional Poker games to the final-form rulemaking. IRRC asked that the Board consider the option and promulgate any additional Poker games in a subsequent rulemaking.

The Board has established a procedure for operators to request additional side wagers and game variations. The games requested by Parx were not previously submitted for approval in accordance with temporary § 521.4 or § 601a.3 (relating to request to offer a new table game or new feature for an existing table game). The Board, however, will review these games and adopt regulations in a subsequent rulemaking.

Section 637a.2(b) requires that each table have a holding area designated for the collection of the rake. Parx commented that the facility utilizes a slide instead of placing the rake in the inventory container and therefore requests that the final-form rulemaking allow for the placement of the rake on the slide rather than on the designated area of the table. The Board agrees and added language allowing for a different location for the placement of the rake.

Section 637a.3(c) (relating to cards; number of decks; value of cards) requires that the cards utilized in Poker be changed out at least every 6 hours. Parx requested to allow the cards to remain on the table for 24 hours citing that decks cost approximately \$18.50 per deck and are designed to endure more use than the cards utilized at a banking table game. IRRC requested that the Board quantify the costs of cards and explain why cards need to be changed every 6 hours.

The Board agrees that cards utilized in Poker are more expensive than the cards utilized in banking games. However, unlike decks of cards utilized in banking games, which are destroyed after they are removed from the gaming table (every 8 hours or after each shoe depending on the game), Poker cards are repeatedly reused if they are inspected and still suitable for play. On average, a deck of Poker cards can be used for approximately 90 hours or 15 uses before it is no longer suitable for continued use. The greater number of times the cards are reused, however, the more often they should be removed from play and inspected to determine if the cards are still suitable for play. Because the cards are touched by the players and each deck is used in every other round of play, the cards need to be removed and inspected for marks, scratches, shaving and other signs of cheating.

Additionally, the Board already reduced the number of decks that are required to be rotated in and out of play within a 24-hour period from six to four (see § 603a.15(j) (relating to cards; physical characteristics)). To coordinate with that requirement, the Board did increase in this final-form rulemaking the number of hours that the two decks could remain on the table from 6 hours to 12 hours.

Section 637a.8 (relating to placement of bets; minimum and maximum bets) states that cash wagers may be accepted provided that they are expeditiously converted into chips. Parx states that in no-limit games the cash cannot be expeditiously converted in all instances and therefore requests to delete the conversion provision.

While the Board appreciates the operational convenience of playing a cash game, the Board nevertheless believes the requirement of converting to chips provides a sound environment for game protection and the accurate accounting of revenue.

Section 637a.9(c) (relating to permissible Poker games; announcement of available games and seats) allows operators to announce availability of Poker games and seating. IRRC inquired whether there were guidelines in place to address availability and how the vacancies are filled. IRRC believes that patrons would benefit and the integrity of gaming would be enhanced if certificate holders were required to disclose how patrons are seated and asks the Board to require that signage be posted.

Poker seating is based on patron demand and is not something the Board dictates. If there is no seating available for a particular type of Poker and specific minimum/maximum bet, players place their names on a waiting list for the next available seat. If a player comes in and would like to play a type of Poker not currently being played, the facility may post that there is interest in a new game and the minimum/maximum amounts. If enough players sign up for that game and a table and dealer are available, the facility may offer the game. The Board therefore doesn't believe that signage is necessary.

IRRC requested that the Board review § 637a.10(k) (relating to Seven-card Stud Poker; procedures for dealing the cards; completion of each round of play) to ensure that the examples in paragraphs (1) and (2) are both correct, which they are.

Sections 637a.11(k) and 637a.12(k)(2)(ii) and (iii) (relating to Hold'em Poker; procedures for dealing the cards; completion of each round of play; and Omaha Poker; procedures for dealing the cards; completion of each round of play) specify which players receive the excess amount of pots that are divided equally. Parx requested that the player closest to the small blind be given the excess amount. Presque Isle recently filed a similar written request proposing to give the excess chip to the player closest to the dealer button. To accommodate both of these requests, the Board added language allowing the certificate holder to specify in its Rules Submission which player will receive the excess value chip.

Section 637a.12(k)(2) also requires that when players tie, the pot be divided equally with any excess amount, not to exceed \$1, given to a specific player. Parx requested to allow the lowest denomination played during that round to be given instead of \$1.

The exception in the rulemaking specifying who the excess chip would be given to was added because there is no denomination value chip lower than \$1. Out of fairness to players who have tied, the pot should be divided equally with the excess, not to exceed the lowest denomination value chip, given to the player designated in the certificate holder's Rules Submission.

Section 637a.16(h) (relating to High Hand Jackpot payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation) requires that High Hand Jackpot payouts be paid from the main cage or satellite cage. IRRC inquired



whether the integrity of gaming would be compromised if the jackpots were paid from the Poker room.

Not all facilities have a Poker cage; however, a Poker cage is considered a satellite cage which is specifically designated in the final-form rulemaking.

Payouts for both the High Hand Jackpot and Bad Beat payout originate in the cage, are maintained and controlled by finance and cannot be paid from a table inventory container. The requirements in the section on High Hand Jackpot payouts are slightly different than the requirements for Bad Beat payouts because a Bad Beat payout is contingent on receiving a specific hand, which is then immediately paid. A player participating in High Hand, however, may not be in the Poker room or even in the licensed facility when the qualifying period is over and a winner is declared. The winning player's information, along with the High Hand Jackpot payout amount, is therefore maintained in the cage until paid to the winner.

Section 637a.17 (relating to Poker revenue) addresses the options for collecting the rake (revenue from nonbanking table games). IRRC inquired how other gaming jurisdictions regulate the rake for Poker. IRRC also recommends that the Board place a cap on the amount of the rake.

There are three types of Poker rake contemplated in the final-form rulemaking and all are used in New Jersey with no mandated cap on the rake amount. Different types of rakes may be used at different tables depending on game being offered, the table limits and the number of players. An incremental rake is typically capped by the operators at no more than \$6 depending on the number of players participating and the total pot amount. For a \$50 pot, for instance, the rake amount may be \$6. The percentage rake is capped in the regulation at 10% of the pot. A rake based on time charges ranges from \$6 to \$30 per hour depending again on the number of players and the table limits.

Operators submit the rake amounts charged in their Rules Submissions which are reviewed and approved or rejected by Board staff. While the Board will not authorize rake charges that are predatory or excessive, the Board doesn't believe it is necessary to cap the maximum rake amounts by regulation.

Under § 637a.18 (relating to conduct of players; general operating rules for all types of Poker; irregularities) operators are required to place a sign or cover a shuffler that is broken before another shuffling method can be used. Parx requests that the Board amend the requirement to allow the operator to switch out malfunctioning shufflers for working shufflers.

The Board doesn't believe it necessary to specify that operators can replace broken equipment. This provision merely requires that if a shuffler breaks and another shuffling procedure is utilized, a hand shuffle, that an out of order sign or cover be placed on the shuffler prior to utilizing the other shuffling method. If the operator is going to use the same shuffling method and switch out the broken shuffler, then the requirement to cover doesn't apply.

#### *Chapter 655a. Mississippi Stud*

IRRC requested that the Board provide information regarding the house edge for Mississippi Stud and compare it to other gaming jurisdictions. The average from July to November for the few facilities offering the game in New Jersey ranged from 16.9% to 31.1%. Mississippi

Stud was only recently added at one facility in this Commonwealth. The theoretical house edge for the game is approximately 1.58%.

#### *Chapter 657a. Crazy 4 Poker*

IRRC requested that the Board provide information regarding the house edge for Crazy 4 Poker and compare it to other gaming jurisdictions.

The theoretical house edge for Crazy 4 Poker is between 3.35% and 6.78% depending on the options selected by the operator. Currently there are no facilities in this Commonwealth or New Jersey that offer Crazy 4 Poker.

#### *Additional Revisions*

Language in § 635a.5(d) (relating to shuffle and cut of the cards) regarding the mark on the dealing shoe was deleted for consistency with amendments to Chapter 603a (relating to table game equipment). Subsection (h) was amended for clarity and allows operators to utilize an automated dealing shoe/shuffler.

Section 635a.7(h) and (i) (relating to procedure for dealing the cards; completion of each round of play) was amended and no longer requires the dealer to announce the point count of each player. Several operators had previously stated that requiring that the point count be announced after each card is dealt only served to annoy players. Dealers, however, are still required to announce the point count of their hand after each card is dealt.

Section 637a.2(a) was amended and no longer requires the operators to receive approval for the design of the Poker table.

The definition of "round of play" was deleted from § 655a.1 as it was moved into Chapter 601a (relating to general table game provisions) which addresses the definitions applicable to Subpart K (relating to table games).

Section 655a.5(g) (relating to shuffle and cut of the cards) was amended for clarity and allows operators to utilize an automated dealing shoe/shuffler.

A new side wager was added to Mississippi Stud, the Three Card Bonus, the description of which is in § 655a.7(d)(4) (relating to wagers). The rankings of the hands for that side wager were added in § 655a.6(c) (relating to Mississippi Stud hand rankings) and the payout odds were added in § 655a.12(d) (relating to payout odds; Envy Bonus; rate of progression).

In § 657a.1, the definition of "round of play" was deleted as it was moved into Chapter 601a, which addresses the definitions applicable to Subpart K.

Section 657a.5(g) (relating to shuffle and cut of the cards) was amended for clarity and allows operators to utilize an automated dealing shoe/shuffler.

In § 657a.12 (relating to payout odds; Envy Bonus; rate of progression), the payout odds for the three-of-a-kind was corrected in payable B.

#### *Affected Parties*

Certificate holders that elect to offer the games of Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker are required to comply with these requirements. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

*Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with this final-form rulemaking. These reviews will be conducted by existing BGO and BCC staff. The Board does not project that it will incur significant cost increases as a result of this final-form rulemaking.

*Political subdivisions.* This final-form rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* This final-form rulemaking will result in additional costs for certificate holders that elect to offer Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

This final-form rulemaking will require certificate holders to post signs at gaming tables, have complete sets of rules available for public inspection, produce a gaming guide summarizing the rules of play and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board's web site. Additionally, there is a link on the web site for submitting the forms directly to the BGO for review and approval.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 5963, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 4, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 5, 2012, and approved the final-form rulemaking.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of

July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

*Order*

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

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 551.1—551.16, 553.1—553.21, 571.1—571.13 and 573.1—573.13 and by adding §§ 635a.1—635a.13, 637a.1—637a.18, 655a.1—655a.12 and 657a.1—657a.13 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 2253 (April 21, 2012).)

**Fiscal Note:** Fiscal Note 125-159 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 551. (Reserved)**

Sec.  
551.1—551.16. (Reserved).

**CHAPTER 553. (Reserved)**

Sec.  
553.1—553.21. (Reserved).

**CHAPTER 571. (Reserved)**

Sec.  
571.1—571.13. (Reserved).

**CHAPTER 573. (Reserved)**

Sec.  
573.1—573.13. (Reserved).

**CHAPTER 635a. SPANISH 21**

- Sec. 635a.1. Definitions.
- 635a.2. Spanish 21 table; card reader device; physical characteristics; inspections.
- 635a.3. Cards; number of decks; value of cards.
- 635a.4. Opening of the table for gaming.
- 635a.5. Shuffle and cut of the cards.
- 635a.6. Wagers.
- 635a.7. Procedure for dealing the cards; completion of each round of play.
- 635a.8. Insurance Wager.
- 635a.9. Surrender.
- 635a.10. Double Down Wager; rescue.
- 635a.11. Splitting pairs.
- 635a.12. Payout odds.
- 635a.13. Irregularities.

**§ 635a.1. Definitions.**

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

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

*Card reader device*—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

*Hard total*—The total point count of a hand which contains no aces or which contains an ace that is counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

**§ 635a.2. Spanish 21 table; card reader device; physical characteristics; inspections.**

(a) Spanish 21 shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Spanish 21 table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Spanish 21 Wager for each player.
- (3) The following inscriptions:
  - (i) Blackjack pays 3 to 2.
  - (ii) Insurance pays 2 to 1.
  - (iii) Dealer shall draw to 16 and stand on all 17s or similar language approved by the Executive Director in accordance with § 601a.10(a).
- (4) A sign, approved by the Executive Director, at each Spanish 21 table which explains that the doubled down hands are not eligible for the additional payouts in § 635a.12(b) and (c) (relating to payout odds).
- (5) If the certificate holder offers the Match-the-Dealer Wager authorized under § 635a.6(e) (relating to wagers), a separate area designated for the placement of the Match-the-Dealer Wager for each player.
- (6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers must be posted at each Spanish 21 table.

(c) Each Spanish 21 table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Spanish 21 table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Spanish 21 table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) 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, 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 in the number of decks to be used in the dealing shoe at that table.

**§ 635a.3. Cards; number of decks; value of cards.**

(a) Spanish 21 shall be played with six or eight decks of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 635a.4 (relating to opening of the table for gaming).

(b) The decks of cards opened for use at a Spanish 21 table shall be changed at least once every 24 hours.

(c) The value of the cards 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 1.

**§ 635a.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. The floorperson assigned to the table shall verify the inspection.

(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.

(c) After the cards are inspected, 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 in horizontal fan shaped columns by deck according to suit and in sequence.

(d) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 635a.5 (relating to shuffle and cut of the cards).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a), (c) and (d) do not apply.

**§ 635a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a



single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest point to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the discretion of the floorperson, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 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.

(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 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 either by the player who last cut the cards or by the next player entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe as provided in § 635a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) 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 face down unless a player requests that the cards be spread face up on the table. After the first player at the table is afforded an opportunity to visually inspect the cards, the procedures in § 635a.4(d) (relating to opening of the table for gaming) and this section shall be completed.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**§ 635a.6. Wagers.**

(a) Wagers at Spanish 21 shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Spanish 21 layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 635a.5 (relating to shuffle and cut of the cards), 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 the next round of play and any 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.

(c) All wagers, except an Insurance Wager under § 635a.8 (relating to Insurance Wager), a Double Down Wager under § 635a.10 (relating to Double Down Wager; rescue) or a wager on split pairs under § 635a.11 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) To participate in a round of play and compete against the dealer's hand, a player shall place a Spanish 21 Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Spanish 21 Wager in accordance with subsection (d) the option of placing a Match-the-Dealer Wager that either of the player's initial two cards will match the rank of the dealer's up card.

(f) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Spanish 21 Wager in one round of play.

**§ 635a.7. Procedure for dealing the cards; completion of each round of play.**

(a) All cards used to play Spanish 21 shall be dealt from a dealing shoe located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 635a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the first two betting positions closest to the dealing shoe with the same 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) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or

appears during play, the cover card shall be removed and placed to the side and the hand shall be completed. The dealer shall then collect and reshuffle the cards in accordance with § 635a.5.

(e) At the commencement of each round of play, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face up to each box on the layout in which a Spanish 21 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 the dealer.

(f) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before a card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle all Match-the-Dealer Wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If either of the player's initial two cards match the rank of the dealer's up card, the dealer shall pay the winning Match-the-Dealer Wager in accordance with § 635a.12(e) (relating to payout odds). Any card with a point value of 10 (a jack, queen or king) must only match an identical card without regard to value.

(2) If both of the player's initial two cards match the rank of the dealer's up card, the player shall be paid for each matching card.

(g) After settling the player's optional wagers in accordance with subsection (f), if the dealer's first card is an ace, king, queen or a jack, the dealer shall, after offering the Insurance Wager in accordance with § 635a.8 (relating to Insurance Wager), determine whether the hole card will give the dealer a Blackjack. 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 at the table, including the dealer. If the dealer has a Blackjack, no additional cards shall be dealt and each player's Spanish 21 and Insurance Wagers, if applicable, shall be settled.

(h) After the procedures in subsection (g) have been completed, if necessary, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

(1) Has Blackjack and the dealer's up card is:

(i) A 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall announce and pay the Blackjack and remove the player's cards.

(ii) An ace, king, queen or jack but the dealer's hole card will not give the dealer a Blackjack, the dealer shall announce the player's Blackjack but make no payment nor remove any cards until all other cards are dealt to the players and the dealer reveals the hole card.

(2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 635a.9 (relating to surrender), double down as permitted under § 635a.10 (relating to Double Down Wager; rescue), split pairs as permitted under § 635a.11 (relating to splitting pairs), stand or draw additional cards.

(i) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

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

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

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

(k) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hold card face up. Any additional cards required to be dealt to the hand of the dealer, in accordance with subsection (l), shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(l) Except as provided in subsection (m), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(m) 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 not have an effect on the outcome of the round of play.

(n) A player shall win the Blackjack Wager and be paid in accordance with the payout odds in § 635a.12(a)—(c) if:

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

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

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

(4) The total point count of the player's hand and the dealer's hand is 21 in more than two cards.

(o) Except as provided in subsection (n)(3) and (4), a Spanish 21 Wager shall tie and be returned to the player if the total point count of the player's hand is the same as the dealer's. A player's Spanish 21 Wager shall be lost if the dealer has a Blackjack and the player's hand has a total point count of 21 in more than two cards.

(p) The dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) Collect all losing wagers and then pay off all winning wagers.

(2) Pay off all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(q) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(r) Players and spectators may not handle, remove or alter any cards used to play Spanish 21.

**§ 635a.8. Insurance Wager.**

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen or jack.

(b) An Insurance Wager shall be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 the player's initial Spanish 21 Wager. A player may wager an amount in excess of 1/2 the initial Spanish 21 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 Spanish 21 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 Wagers shall be paid in accordance with the payout odds in § 635a.12(d) (relating to payout odds).

(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) Notwithstanding the requirements in subsections (a)—(d), a certificate holder may, if selected in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer a player who has Blackjack the option to be paid even money on the Spanish 21 Wager instead of making an Insurance Wager. The dealer shall pay out the Spanish 21 Wager at odds of 1 to 1 and remove the player's cards.

**§ 635a.9. Surrender.**

(a) After the first two cards are dealt to the player, the player may elect to discontinue play on his hand for that round by surrendering 1/2 of his Spanish 21 Wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 635a.10 (relating to Double Down Wager; rescue), split pairs as permitted under § 635a.11 (relating to splitting pairs), stand or draw. If the first card dealt to the dealer is:

(1) Not an ace or 10 value card, the dealer shall immediately collect 1/2 of the wager and return 1/2 to the player.

(2) An ace or 10 value card, the dealer shall place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand shall be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting 1/2 of the wager and returning 1/2 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 § 635a.8 (relating to Insurance Wager).

**§ 635a.10. Double Down Wager; rescue.**

(a) Except when a player has Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Spanish 21 Wager, on the first two cards dealt to him or the first two cards of any split pair. Only one additional card shall be dealt to the 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) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the

amount of the original Spanish 21 Wager of the player and may not collect the additional Double Down Wager.

(c) A winning Double Down Wager shall be paid in accordance with § 635a.12(a) (relating to payout odds). The additional payouts in § 635a.12(b) and (c) are not applicable to winning Double Down Wagers.

(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 total point count in excess of 21.

**§ 635a.11. Splitting pairs.**

(a) If 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 formed in an amount equal to his original Spanish 21 Wager. For example, if a player has two 7s or a king and a jack, the player may elect to split the hand.

(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 player shall indicate his decision to stand, draw or double down with respect to that hand. A certificate holder shall specify in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the number of additional times a patron may split pairs, including aces.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only 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 § 635a.12(b) and (c) (relating to payout odds) are not applicable to a winning wager on a split hand.

**§ 635a.12. Payout odds.**

(a) Except as provided in subsections (b) and (c), the certificate holder shall pay each winning Spanish 21 Wager at odds of 1 to 1 with the exception of Blackjack which shall be paid at odds of 3 to 2.

(b) Except when a player has made a Double Down Wager under § 635a.10 (relating to Double Down Wager; rescue), in which case all of the following wagers shall be paid at odds of 1 to 1, a certificate holder shall pay the following payout odds for winning Spanish 21 Wagers:

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

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

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

(c) In addition to the payouts under subsection (b)(4), a winning hand that consists of three 7s of the same suit, when the dealer's exposed card is also a 7 of any suit, shall be paid an additional fixed payout in accordance with the following requirements:

(1) If the player's original wager was \$5 or more but less than \$25, the player shall receive an additional payout of \$1,000.

(2) If the player's original wager was \$25 or more, the player shall receive an additional payout of \$5,000.

(3) 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.

(4) The additional fixed payouts are not applicable if a Double Down Wager was made on a winning hand or the winning hand had been split under § 635a.11 (relating to splitting pairs).

(d) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

(e) The certificate holder shall pay out winning Match-the-Dealer Wagers at the odds in the following paytables:

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

<i>Hand</i>	<i>Payout</i>
Each matching card of the same suit	9 to 1
Each matching card of a different suit	4 to 1

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

<i>Hand</i>	<i>Payout</i>
Each matching card of the same suit	12 to 1
Each matching card of a different suit	3 to 1

#### § 635a.13. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe 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 § 635a.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 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 Spanish 21 Wager.

(j) 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 above, shall, if the particular card reader device in use:

(1) 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) Does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) 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.

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

(m) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the device or shoe must be covered or have a sign indicating that it is out of order placed on the device or shoe before any other method of shuffling or dealing may be utilized at that table.

### CHAPTER 637a. POKER

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**§ 637a.1. Definitions.**

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

*All-in*—When a player bets all of his funds remaining on the Poker table, does not have funds to continue betting in a round of play but still retains the right to contend for that portion of the pot in which the player has already placed a bet.

*Bad Beat*—One or more predesignated high value Poker hands which, when held by a player as a losing hand in a round of play, shall result in a Bad Beat payout if offered by the certificate holder in accordance with § 637a.15 (relating to Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

*Bad Beat payout*—One or more payouts made to a player upon the occurrence of a Bad Beat.

*Bet*—When a player places value chips, tournament chips or plaques into the pot during a betting round.

*Betting round*—A complete betting cycle in which all players have called, folded or gone All-in.

*Blind Bet*—A mandatory bet in Hold'em or Omaha Poker which players sitting in specific betting positions shall be required to place prior to any cards being dealt.

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

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

*Call*—When a player places a bet in an amount equal to the immediately preceding bet.

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

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

*Community card*—A card that is dealt face up and can be used by all players to form the best possible Poker hand.

*Draw*—In any game of Draw Poker, when a player exchanges the cards held in his hand for an equal number of new cards from the deck.

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

*Forced Bet*—A bet that is required to start the first betting round in Seven-card or Five-card Stud Poker.

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

*Half-kill option*—In the game of Omaha High-low Split Eight or Better Poker, when one player wins an entire qualifying pot, the betting limits are increased by 1/2 the posted table betting limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not equal or exceed the qualifying pot.

*High hand*—A game of Poker in which the highest ranking hand, in accordance with § 637a.6 (relating to Poker rankings), wins the pot.

*High Hand Jackpot payout*—The total of the contribution amounts collected during a qualifying period which are payable to one or more players upon the occurrence of a Qualifying High Hand.

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

*High-low Split Eight or Better*—A version of High-low Split Poker in which a winning low hand may not contain pairs or any card ranked above an 8.

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

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

*Low hand*—A game of Poker in which the lowest ranking hand, in accordance with § 637a.6, wins the pot.

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

*Pot*—The amount that is awarded to the winning player or players at the conclusion of a round of play and is equal to the total amount bet by the players during the round of play, less any rake extracted under § 637a.17 (relating to Poker revenue) and, if applicable, any amount contributed to a Bad Beat or High Hand Jackpot payout fund in accordance with § 637a.15 or § 637a.16 (relating to High Hand Jackpot payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

*Protected hand*—A hand of cards that a player is physically holding or has placed under one or more chips or plaques.

*Qualifying High Hand*—A high hand held by any player or players during a qualifying period which may result in a High Hand Jackpot payout if offered by the certificate holder in accordance with § 637a.16.

*Qualifying period*—A duration of time, as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), during which a certificate holder offers the High Hand Jackpot payout.

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

*Raise*—When a player bets an amount greater than the immediately preceding bet in that betting round.

*Rake*—The amount of value chips, tournament chips, plaques or currency collected by the dealer as Poker revenue in accordance with § 637a.17.

*Round of play*—One complete cycle of play during which all cards have been dealt, all bets have been placed and the winner of the pot is determined and paid in accordance with this chapter.

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

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

*Table stakes*—A player's currency, value chips, tournament chips and plaques on the table that are available for betting during a round of play.

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

**§ 637a.2. Poker table physical characteristics.**

(a) Poker shall be played on an oval table which has places for up to ten players and a dealer.

(b) The layout for a Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) A holding area located to the right of the dealer or in another location approved in accordance with § 601a.10(a) designated for the collection of the Poker rake prior to final placement of the rake in the drop box.

(c) Decks of cards used for the play of Poker shall be kept on the Poker table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). This area may be part of the table inventory container.

(d) Each Poker table must have a drop box for the Poker rake and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

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

**§ 637a.3. Cards; number of decks.**

(a) Poker shall be played with one deck of cards that are identical in appearance and one cover card. Two decks of cards with different color backs shall be maintained for use at each Poker table at all times. Each deck shall be continuously alternated in and out of play with each deck being used for every other round of play. Unless an automated card shuffling device is being used in accordance with subsection (b), while one deck of cards is in use, the other deck shall be stored in the area designated under § 637a.2(c) (relating to Poker table physical characteristics).

(b) If an automated card shuffling device is being used, one deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(c) The two decks of cards that are alternated in and out of play shall be changed at least every 12 hours and rotated with other decks in accordance with § 603a.15(j) (relating to cards; physical characteristics)

**§ 637a.4. Opening of the table for gaming.**

(a) After receiving two decks of cards at the table, the dealer shall inspect each deck for any defects. The floorperson or above shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first two players seated at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first two players seated at the table are afforded an opportunity to visually inspect the cards, each deck shall separately be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Each deck of cards shall then be shuffled in accordance with § 637a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is not being used, one of the decks shall be shuffled and cut in accordance with § 637a.5 and the other deck table shall be placed in the area designated under § 637a.2(c) (relating to Poker table physical characteristics). In the alternative, a certificate holder may mix, shuffle and cut only the deck intended for immediate use and place the other deck in the area designated under § 637a.2(c). Upon rotation of the decks of cards as required under § 637a.3 (relating to cards; number of decks), the other deck shall be mixed, shuffled and cut in accordance with § 637a.5 and this section.

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 637a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 637a.7(e) (relating to Poker overview; general dealing procedures for all types of Poker).

(2) If the cards were shuffled manually or were reshuffled, cut the deck by placing the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack.

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

(d) If there is no gaming activity at the Poker table which is open for gaming, each deck of cards at the table shall be spread out on the table face up. After the first two players who arrive at the table are afforded an opportunity to visually inspect both of the decks, the procedures in § 637a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

**§ 637a.6. Poker rankings.**

(a) The rank of the cards used in all types of Poker other than low hand Poker in order of highest to lowest



rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be considered equal in rank.

(b) The permissible five-card high hands, in order of highest to lowest rank, shall be:

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

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand containing four cards of the same rank regardless of suit, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

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

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand containing three cards of the same rank, regardless of suit, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pairs and two 3s and two 2s being the lowest ranking two pairs.

(9) One pair, which is a hand containing two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

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

(d) The ranking of a five-card low hand shall be the inverse of the rankings for a five-card high hand as set forth in subsection (b). Straights and flushes will not be considered for purposes of determining a winning hand at low hand.

(e) When comparing two hands that are of identical rank under subsection (b) or (d), or which do not contain the hands authorized for that game, the hand that contains the highest ranking card as provided in subsection (a) or (c), whichever is applicable, which is not in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands will be considered tied and the pot shall be divided equally among the players with the tied hands.

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

**§ 637a.7. Poker overview; general dealing procedures for all types of Poker.**

(a) Poker shall be conducted in a separate area of the licensed facility designated specifically for the operation of Poker as approved by the Board or the Board's Executive Director in accordance with § 467a.1 (relating to gaming floor plan).

(b) Poker shall be played with no less than two players. For all types of authorized Poker games in this chapter, the dealer may not participate in the playing or outcome of the game in any way except as otherwise authorized in this chapter.

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

(d) The object of Poker is for a player to win the pot either by making a bet that no other player elects to call or, depending on the type of Poker being played, by having the highest ranking high hand, the highest ranking low hand or both the highest ranking high and low hands in accordance with § 637a.6 (relating to Poker rankings). If two or more players are still in contention for a pot after all cards have been dealt and the final betting round has been completed, there shall be a showdown among those players to determine which player has the winning hand.

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

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

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

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

(4) The dealer shall either:

(i) Count the entire deck of cards at least once every 5 rounds of play to determine if 52 cards are present. The dealer may count the stub in the games of Hold 'Em Poker and Omaha Poker.

(ii) Utilize an automated card shuffling device, submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present.

(5) If a count of the deck or stub indicates that the number of cards in the deck is incorrect, the deck shall be removed from the table.

(6) At the completion of a round of play, the dealer shall award the pot to the winning player or players after

a showdown or to the last remaining player if all other players have folded. Prior to pushing the pot to the winner and collecting the winning hand, the dealer shall:

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

(ii) Award all side pots.

(iii) Collect the rake in accordance with § 637a.17 (relating to Poker revenue).

(iv) Collect, if applicable, any amount required to be contributed to a Bad Beat or High Hand Jackpot payout fund in accordance with §§ 637a.15 and 637a.16 (relating to Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation; and High Hand Jackpot payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

**§ 637a.8. Placement of bets; minimum and maximum bets.**

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

(b) A player may participate in the betting during a round of play in accordance with the following requirements:

(1) A player may bet only with the table stakes that were already on the Poker table in front of the player when the round of play commenced.

(2) A player may add to his table stakes only between rounds of play and, except as provided in paragraph (6), may not remove any of his table stakes from the Poker table at any time during a round of play.

(3) Currency that is available for use by a player may be utilized in accordance with this section to initiate, call or raise a bet if the currency is expeditiously converted into value chips, tournament chips or plaques by the dealer.

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

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

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

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

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

(6) If a player indicates an intent to temporarily leave a Poker table during a round of play, without relinquishing his seat at the table, a floorperson or above shall do either of the following:

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

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

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

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

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

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

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

(3) Places currency into the pot to be exchanged for chips in accordance with subsection (b)(3).

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

(1) Indicates at the time the bet is being made that the bet is not yet complete.

(2) Puts the proper amount of value chips, tournament chips or plaques into the pot to call a bet and also indicates his intention to raise.

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

(h) The dealer shall ensure that no player touches any of the value chips, tournament chips or plaques once they are placed into the pot.

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

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

(k) The certificate holder shall post a sign specifying any restrictions with regard to the maximum number of raises that may be permitted for any round of betting and the minimum and maximum bets in effect at each Poker table. If all players at a Poker table agree to increase the minimum bet at the table, the minimum bet posted at the table need not be followed. The certificate holder shall include in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) any restrictions with regard to the maximum number of raises that may be permitted for any round of betting, provisions specifying the maximum amount that the minimum bet may be increased and how the dealer will determine that all of the players have agreed to the increased minimum bet amount.

**§ 637a.9. Permissible Poker games; announcement of available games and seats.**

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

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

(2) Hold'em (High).

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

(4) Five-card Draw (High and Low).

(5) Five-card Stud (High).

(6) Other Poker games approved by the Board.

(b) A certificate holder may not offer or permit the playing of any Poker game which is not authorized by this chapter.

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

**§ 637a.10. Seven-card Stud Poker; procedures for dealing the cards; completion of each round of play.**

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

(b) No more than eight players may participate in a Seven-card Stud Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

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

(d) After each player has been dealt three cards in accordance with subsection (c), the first betting round shall commence with one player making a Forced Bet. The amount of the Forced Bet shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted at the Poker table. The player required to place the Forced Bet shall be determined by comparing the up card of each player. In the event that two or more up cards are of the same rank, the up cards shall then be ranked by suit with the highest to lowest ranked suits in the following order: spades, hearts, diamonds and clubs. The Forced Bet shall be made by the player with the:

(1) Lowest ranked up card for Seven-card Stud High Poker.

(2) Highest ranked up card for Seven-card Stud Low Poker.

(3) Highest ranked up card for Seven-card Stud High-low Split Poker. To determine the highest ranked up card, an ace shall be ranked below a two.

(4) Lowest ranked up-card for Stud High-low Split Eight or Better Poker. To determine the lowest ranked up-card, an ace shall be considered the highest ranking card.

(e) Following the placement of the Forced Bet, each subsequent player, starting with the player to the left of player who placed the Forced Bet and continuing around the table in a clockwise manner, may fold, call or raise

the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

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

(1) For Seven-card Stud High, Seven-card Stud High-low Split or Seven-card Stud High-low Split Eight or Better Poker, the player with the highest ranking high hand showing shall be required to bet or check.

(2) For Seven-card Stud Low, the player with the highest ranking low hand showing shall be required to bet or check.

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

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

(h) The dealer shall then deal two additional rounds of cards face up and one round of cards face down to each player who made or called the last bet. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. Notwithstanding the foregoing, if insufficient cards remain in the deck to give each remaining player either a sixth or seventh card, the top card of the deck shall be burned and a common card shall be dealt face up in the center of the table. If there is either one or no card remaining in the deck when a common card is to be dealt, the dealer shall shuffle the burn cards, burn a card and then deal the common card. The dealing of each round of cards or, if applicable, each common card under this subsection shall be followed by a betting round conducted in accordance with subsections (f) and (g).

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

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

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

(3) In Seven-card Stud High-low Split Poker or Seven-card Stud High-low Split Eight or Better Poker:

(i) The player with the highest ranking five-card high hand and the player with the highest ranking five-card low hand, subject to subsection (j), shall divide the pot equally. If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally



among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high card by suit.

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

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

(j) In Seven-card Stud High-low Split Eight or Better Poker, a winning low-hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a 9, 10, jack, queen or king. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.

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

(1) A hand consisting of a 2, 3, 4, 5 and 6 would qualify as a straight for purposes of the high hand and as a high ranking low hand.

(2) A hand consisting of five cards of the same suit, none higher than an 8, would qualify as a flush for purposes of the high hand and as a high ranking low hand.

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

**§ 637a.11. Hold'em Poker; procedures for dealing the cards; completion of each round of play.**

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

(b) No more than ten players may participate in a Hold'em Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

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

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

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

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

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

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

(g) After each player has been dealt two cards in accordance with subsection (e), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may either fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

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

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

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

(k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form the highest ranking five-card high hand using any of the two cards dealt to the player and the five community cards. The winner of the pot shall be the player with the highest ranking five-card high hand. If the highest ranking five-card high hand that each of the remaining players can form is comprised of the five community cards, all players remaining in the round of play shall share equally in the pot. If the pot cannot be divided evenly among the players, the excess, which may not exceed \$1, may be given to the player specified in the certificate holder's Rules Submission under § 601a.2.

**§ 637a.12. Omaha Poker; procedures for dealing the cards; completion of each round of play.**

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

(b) No more than ten players may participate in an Omaha Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, and the Kill or Half-kill option, if offered, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

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

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

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

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

(f) Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down to each player. The player with the button shall be the last player to receive a card each time.

(g) After each player has been dealt four cards in accordance with subsection (e), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

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

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

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

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

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

(2) In Omaha High-low Split Eight or Better Poker:

(i) The player with the highest ranking five-card high hand and the player with the highest ranking five-card low hand, subject to subsection (l), shall divide the pot equally. If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high card by suit or to the player specified in the certificate holder's Rules Submission under § 601a.2.

(iii) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low hand Poker card by suit or to the player specified in the certificate holder's Rules Submission under § 601a.2.

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

(l) In Omaha High-low Split Eight or Better Poker, the winning low hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a 9, 10, jack, queen or king. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.

(m) In Omaha High-low Split Eight or Better Poker, the player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot. Each hand must consist of any three of the community cards and any two of four cards dealt to the player. A player may use the same five-card grouping to make a high hand and a low hand. An ace may be used concurrently as a low hand card to make up a low hand and as a high card to make up a high hand.

(n) In Omaha High-low Split Eight or Better Poker, the certificate holder may use either the Half-kill or Kill option. If the certificate holder elects to use either option, the certificate holder shall indicate which option is being

used in the certificate holder's Rules Submission under § 601a.2 and post on a sign at each Omaha Poker table which option is being used and the minimum value of a qualifying pot.

**§ 637a.13. Five-card Draw Poker; procedures for dealing the cards; completion of each round of play.**

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

(b) No more than eight players may participate in a Five-card Draw Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

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

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

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

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

(e) After each player has been dealt five cards in accordance with subsection (d), the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

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

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

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

(2) If insufficient cards remain in the deck for each player remaining in the round of play to draw new cards,

the discard pile shall be reshuffled and used for this purpose. The cards to be discarded by a player who has not yet requested new cards may not be included as part of the reshuffled cards.

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

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

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

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

**§ 637a.14. Five-card Stud Poker; procedures for dealing the cards; completion of each round of play.**

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

(b) No more than eight players may participate in a Five-card Stud Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

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

(d) After each player has been dealt two cards in accordance with subsection (c), the first betting round shall commence with one player making a Forced Bet. The amount of the Forced Bet shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted at the Poker table. The player required to place the Forced Bet shall be determined by comparing the up card of each player. The player with the lowest ranked up card shall be required to make a Forced Bet. In the event that two or more up cards are of the same rank, the up cards shall then be ranked by suit with the highest to lowest ranked suits in the following order: spades, hearts, diamonds and clubs.

(e) Following the placement of the Forced Bet, each subsequent player, starting with the player to the left of the player who placed the Forced Bet and continuing around the table in a clockwise manner, may bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

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



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

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

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

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

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

**§ 637a.15. Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer a Bad Beat payout for one or more Bad Beat hands. A Bad Beat payout shall be made from a separate fund created from pot contributions required at tables where a Bad Beat payout is offered and shall be paid in accordance with the procedures established under this section.

(b) A certificate holder shall post at each Poker table that offers a Bad Beat payout notice advising patrons of eligibility for the Bad Beat payout. The certificate holder shall display the current amount of the Bad Beat payout and post in a conspicuous location within the Poker room the Bad Beat payout rules which must include:

(1) The maximum contribution amount that will be collected from each pot to fund the Bad Beat payout and the method of calculation for any contribution amount.

(2) The minimum pot amount required before the contribution to the Bad Beat payout is collected.

(3) Qualifying Bad Beat requirements and payouts.

(c) A certificate holder shall extract from each pot at a Poker table designated for participation in a Bad Beat payout a prescribed contribution to the Bad Beat payout. The contribution amount shall be collected in accordance with the Bad Beat payout rules as specified in the certificate holder's Rules Submission under § 601a.2. After the dealer has extracted the rake, the amount from each pot to be contributed to a Bad Beat payout shall be determined, segregated from the pot and deposited into the Bad Beat payout box. Notwithstanding the foregoing, a certificate holder may, upon amending its Bad Beat payout rules, terminate collection of Bad Beat contributions at any time in accordance with subsection (i).

(d) At least once each gaming day and upon notice to a casino compliance representative, a certificate holder shall count the accumulated contents of each Bad Beat payout box. The counting shall occur at a closed Poker

table, the main cage or a satellite cage, in accordance with the certificate holder's approved internal controls, as follows:

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

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

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

(f) The Poker shift supervisor shall verify each Bad Beat Poker hand prior to awarding the Bad Beat payout. Upon verification, the Poker shift supervisor shall:

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

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

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

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

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

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

(i) A Bad Beat payout may not be offered at a Poker table until a certificate holder has submitted internal controls and the Executive Director has approved procedures for discontinuing any Bad Beat payout. The procedures must address the method by which pot contributions will be terminated or transferred to other Bad Beat payouts, or both, to ensure that all payout amounts are paid to Poker patrons.

**§ 637a.16. High Hand Jackpot payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules

Submissions), offer a High Hand Jackpot payout for a Qualifying High Hand made during a qualifying period. A High Hand Jackpot payout shall be made from a separate fund created from pot contributions required at tables where a High Hand Jackpot payout is offered and shall be paid in accordance with the procedures established under this section.

(b) A certificate holder shall post at each Poker table that offers a High Hand Jackpot payout notice advising patrons of eligibility for the High Hand Jackpot payout. The certificate holder shall display the current amount of the High Hand Jackpot payout and post in a conspicuous location within the Poker room the High Hand Jackpot payout rules which must include:

(1) The collection and qualifying periods for the High Hand Jackpot payout.

(2) The maximum contribution amount that will be collected from each pot to fund the High Hand Jackpot payout.

(3) The minimum pot amount required before the contribution to the High Hand Jackpot is collected.

(4) The minimum number of players who shall be dealt into a hand to qualify for a High Hand Jackpot payout.

(5) The division of the High Hand Jackpot payout if two or more players have the same value Qualifying High Hand during a qualifying period.

(6) Any time limits on collecting High Hand Jackpot payouts including a statement notifying players that they do not need to be present at the end of the qualifying period to win the High Hand Jackpot payout.

(7) Any restrictions on collecting a High Hand Jackpot payout including a statement notifying players that valid identification shall be presented for a player's hand to qualify for a High Hand Jackpot payout.

(c) A certificate holder shall extract from each pot at a Poker table designated for participation in a High Hand Jackpot payout a prescribed contribution to the High Hand Jackpot payout. The contribution amount shall be collected in accordance with the High Hand Jackpot payout rules as specified in the certificate holder's Rules Submission under § 601a.2. After the dealer has extracted the rake, the amount from each pot to be contributed to a High Hand Jackpot payout shall be determined, segregated from the pot and deposited into the High Hand Jackpot payout box.

(d) At the end of each qualifying period, a certificate holder shall count the accumulated contents of each High Hand Jackpot payout box. The counting shall occur at a closed Poker table, the main cage or a satellite cage, in accordance with the certificate holder's approved internal controls, as follows:

(1) If the counting of the contents of a High Hand Jackpot payout box occurs at a closed Poker table, the counting shall be performed by a Poker dealer in the presence of a floorperson or above and recorded by the surveillance department. Documentation of the count shall be prepared and signed by both the dealer and the floorperson or above who witnessed the count. The contents of the High Hand Jackpot payout box shall then be placed in a locked container along with documentation of the count and transported to the main cage or satellite cage by a security department employee.

(2) If the counting of the contents of a High Hand Jackpot payout box occurs in the main cage or a satellite cage, a floorperson or above shall account for all locked

High Hand Jackpot payout boxes transported from the Poker tables to the cage. A security department employee shall transport the High Hand Jackpot payout boxes to the main cage or satellite cage for counting.

(e) Once each High Hand Jackpot payout box or locked container is delivered to the main cage or satellite cage, a cashier shall count the contents of each box or, if the contents of the boxes were previously counted by Poker room personnel and combined in a locked container for transport, verify the aggregate count. The finance department shall maintain the official record of the amount of contributions to the High Hand Jackpot payout.

(f) At the start of each qualifying period, dealers shall begin tracking hands. When a player has a full house, as defined in § 637a.6(b) (relating to Poker rankings), the dealer shall call a floorperson or above who shall verify the hand and record the value on the High Hand Tracking Slip. As the value of the hands increase during the qualifying period, the value of the next higher hand shall be announced and the floorperson or above shall record on the High Hand Tracking Slip the next higher value hand. The High Hand Tracking Slip must contain:

(1) The name, phone number and seat number of the player with the higher value hand.

(2) The table number.

(3) The higher value hand.

(4) The dealer's name and Board-issued credential number.

(5) The signature and Board-issued credential number of the floorperson or above who verified the higher value hand.

(g) When the qualifying period has ended, the contribution amount collected during the qualifying period shall be counted, verified and taken to the main cage or satellite cage in accordance with subsections (d) and (e). The pooled contribution amounts from all Poker tables that participated in the qualifying period shall then be announced and displayed.

(h) The player or players with the highest Qualifying High Hand during the qualifying period shall be awarded the High Hand Jackpot payout. High Hand Jackpot payouts shall be paid from the main cage or satellite cage. If, however, a full house was not made by any player during the qualifying period, the High Hand Jackpot payout contribution amounts shall be added to the next High Hand Jackpot payout qualifying period.

(i) The certificate holder shall specify in its Rules Submission under § 601a.2 the procedure for distributing High Hand Jackpot payouts which have not been collected within the time period specified in subsection (b)(6).

#### § 637a.17. Poker revenue.

(a) A certificate holder shall derive its Poker revenue at all Poker tables by extracting a rake. Each certificate holder shall submit as part of its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the following:

(1) The types of rake utilized.

(2) The methodology used for calculating the rake.

(3) The amount of maximum permissible rake per round of play.

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

(1) A percentage rake, not to exceed 10%, which shall be calculated and extracted from the pot and any side pots:

(i) After the conclusion of a betting round and placed into the designated rake area required under § 637a.2(b)(2) (relating to Poker table physical characteristics) as play progresses.

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

(2) An incremental rake, as certain predetermined dollar levels have been achieved which:

(i) Upon collection shall be placed into the designated rake area required under § 637a.2(b)(2).

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

(3) A rake based on time charges which:

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

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

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

(iv) Once assessed shall be placed by the dealer into the designated rake area required under § 637a.2(b)(2).

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

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

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

(e) Once the dealer has extracted the rake and the pot and any side pots have been collected by the winning player or players, additional rake may not be taken.

**§ 637a.18. Conduct of players; general operating rules for all types of Poker; irregularities.**

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

(b) Each player in a Poker game shall play the game solely to improve the player's chance of winning and may not take action to improve another player's chance of winning. A player may not communicate any information to another player which could assist the other player in any manner respecting the outcome of a Poker game.

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

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

(e) At a showdown, a winning hand must be clearly displayed in its entirety and properly identified. The player initiating the final bet shall be the first player to show his hand at the showdown. All other players who have not folded shall then reveal their hands in a clockwise rotation. Any player holding a losing hand may

concede his rights to the pot and discard the hand without revealing the player's cards unless the certificate holder, in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), requires the disclosure of all discarded hands.

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

(g) Cards that are misdealt shall be returned to the dealer for a reshuffle. The following errors shall be cause for a misdeal:

(1) Failure to shuffle and cut the cards in accordance with § 635a.5 (relating to shuffle and cut of the cards).

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

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

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

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

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

(j) A card found face up in the deck may not be used in that round of play and shall be placed with the pile of discarded cards.

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

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

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

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

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

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

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

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

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

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



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

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

(2) Continue to contend for the entire pot.

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

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

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

(q) 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.

(r) If an automated card shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that the automated card shuffling device is out of order placed on the device before any other method of shuffling may be utilized at that table.

(s) A certificate holder may clarify and supplement the procedures related to irregularities in this section in the certificate holder's Rules Submission under § 601a.2.

## CHAPTER 655a. MISSISSIPPI STUD

Sec.

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### § 655a.1. Definitions.

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

*Bet Wager*—A 3rd Street, 4th Street or 5th Street Wager made by a player.

*Community card*—A card which is used by all players to form the best possible five-card Poker hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A Mississippi Stud hand with a rank of a royal flush or a straight flush as defined in § 655a.6(b) (relating to Mississippi Stud hand rankings).

*5th Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the second community card is revealed by the dealer.

*Fold*—The withdrawal of a player from a round of play by not making a Bet Wager.

*4th Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the first community card is revealed by the dealer.

*Progressive Payout Hand*—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a three-of-a-kind or better as defined in § 655a.6(b).

*Push*—A player's hand that results in neither payment on nor collection of the player's wagers.

*3rd Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the player has been dealt the initial two cards.

### § 655a.2. Mississippi Stud table physical characteristics.

(a) Mississippi Stud shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Mississippi Stud table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Four separate betting areas designated for the placement of the wagers required under § 655a.7(d)(1) and (2) (relating to wagers) for each player.

(3) Separate areas designated for the placement of the three community cards located directly in front of the table inventory container. One area shall be inscribed 3rd Street, a second area inscribed 4th Street and a third area inscribed 5th Street.

(4) If the certificate holder offers the optional Progressive Payout Wager authorized under § 655a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.

(5) If the certificate holder offers the optional Three Card Bonus Wager authorized under § 655a.7(d)(4), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers and the rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager. If the information is not inscribed on the layout, a sign that sets forth the required information must be posted at each Mississippi Stud table.

(c) If a certificate holder offers the Progressive Payout Wager, in accordance with § 655a.7(d)(3), the Mississippi Stud table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table

games systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

(d) Each Mississippi Stud table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite side of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Mississippi Stud table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 655a.3. Cards, number of decks.**

(a) Except as provided in subsection (b), Mississippi Stud shall be played with one deck of cards and one cover card.

(b) If an automated card shuffling device is utilized, Mississippi Stud may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

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

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

(c) The decks of cards used in Mississippi Stud shall be changed at least:

- (1) Every 4 hours if the cards are dealt by hand.
- (2) Every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 655a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, 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 arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once

the cards have been stacked, the cards shall be shuffled in accordance with § 655a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), subsections (a)—(d) do not apply.

**§ 655a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated card shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for the commencement of play.

(e) 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 the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Mississippi Stud table that is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures in § 655a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

**§ 655a.6. Mississippi Stud hand rankings.**

(a) The rank of the cards used in Mississippi Stud, in order of highest to lowest rank, must be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: king, queen, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands in the game of Mississippi Stud, in order of highest to lowest rank, must be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(8) Two pairs, which is a hand consisting of two pairs.

(9) One pair, which is a hand consisting of two cards of the same rank.

(c) For purposes of the Three Card Bonus authorized under § 655a.7(d)(4) (relating to wagers), the permissible three-card Poker hands must be:

(1) A mini-royal, which is straight flush of an ace, king and queen.

(2) A straight flush, which is three cards of the same suit in consecutive rank.

(3) A Three-of-a-kind, which is three cards of the same rank.

(4) A straight, which is three cards of consecutive rank.

(5) A flush, which is three cards of the same suit.

(6) A pair, which is two cards of the same rank.

**§ 655a.7. Wagers.**

(a) Wagers at Mississippi Stud shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate betting areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Mississippi Stud table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any

wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Progressive Payout and Three Card Bonus Wagers shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedure in § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 655a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer announces “no more bets” and begins dealing the cards.

(d) The following wagers may be placed in the game of Mississippi Stud:

(1) A player shall place an Ante Wager to participate in a round of play.

(2) In accordance with § 655a.11(b), (d) and (f), 3rd Street, 4th Street and 5th Street Wagers.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Mississippi Stud table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player’s respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Mississippi Stud table the option to make an additional Three Card Bonus Wager that the three community cards will form a three-card Poker hand of a pair or better as defined in § 655a.6(c) (relating to Mississippi Stud hand rankings).

(e) A player may not wager on more than one player position at a Mississippi Stud table.

**§ 655a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the



dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) Two cards face down to each player who placed an Ante Wager in accordance with § 655a.7(d)(1) (relating to wagers).

(2) Three cards face down to the area designated for the placement of the community cards.

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 655a.9. Procedure for dealing the cards from the hand.**

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

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

(2) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall then collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) Two cards face down to each player who placed an Ante Wager in accordance with § 655a.7(d)(1) (relating to wagers).

(2) Three cards face down to the area designated for the placement of the community cards.

(c) After two cards have been dealt to each player and three cards have been dealt to the area designated for the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 655a.10. Procedures for dealing the cards from an automated dealing shoe.**

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

(1) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 655a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager.

(c) After each stack of two cards has been dispensed and delivered in accordance with this section, the dealer

shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 655a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the three community cards. Except as provided in subsection (d), after all three community cards have been dealt, the dealer shall place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe that automatically reshuffles the cards, the three community cards may be dispensed before the two cards are dispensed to each player.

**§ 655a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Mississippi Stud shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

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

(b) After each player has examined his cards and replaced them face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager or fold. If a player folds, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout or Three Card Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(c) Once all players have either placed a 3rd Street Wager or folded, the dealer shall turn over and reveal the first community card.

(d) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout or Three Card Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(e) Once all remaining players have either placed a 4th Street Wager or folded, the dealer shall turn over and reveal the second community card.

(f) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout or Three Card Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(g) Once all remaining players have either placed a 5th Street Wager or folded, the dealer shall turn over and reveal the third community card.

(h) If a player has placed an Ante Wager and a Progressive Payout or Three Card Bonus Wager but does not make a 3rd Street, 4th Street or 5th Street Wager, the player shall forfeit the Ante Wager, the Progressive Payout Wager and, if applicable, the 3rd Street and 4th Street Wagers but shall not forfeit the eligibility to receive an Envy Bonus under § 655a.12(c)(5) (relating to payout odds; Envy Bonus; rate of progression) or a Three Card Bonus payout under § 655a.12(d).

(i) Beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player's cards. The dealer shall then evaluate and announce the best possible five-card Poker hand that can be formed using the player's two cards and the three community cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container and the player's cards shall be collected and placed in the discard rack.

(2) If the player's five-card Poker hand is a pair of 6s, 7s, 8s 9s or 10s, the player's hand is a push. The dealer may not collect or pay the wagers, but shall immediately collect the cards of that player.

(3) All winning Mississippi Stud wagers shall be paid in accordance with the payout odds in § 655a.12(a).

(4) After settling the player's Mississippi Stud Wager, the dealer shall settle the Progressive Payout or Three Card Bonus Wager, if offered by the certificate holder, as follows:

(i) If a player has won the progressive payout, the dealer shall:

- (A) Verify that the hand is a winning hand.
- (B) Verify that the appropriate light on the progressive table game system has been illuminated.
- (C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (D) Pay the winning Progressive Payout Wager in accordance with § 655a.12(c)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.
- (E) Pay any Envy Bonus won in accordance with § 655a.12(c)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.
- (ii) If a player has won the Three Card Bonus, the dealer shall pay the winning Three Card Bonus Wager in accordance with § 655a.12(d).
- (j) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 655a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Mississippi Stud wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	500 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	10 to 1
Flush	6 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
Pair of jacks or better	1 to 1
Pair of 6s to 10s	Push

(b) Notwithstanding the payout odds in subsection (a), the aggregate payout limit for any hand may not exceed \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

(c) If a certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking hand formed from the player's two cards and the three community cards.

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions). The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 655a.11(i)(4)(i)(D) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout schedules for every Envy Bonus Qualifying Hand based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(d) A certificate holder shall pay each winning Three Card Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Mini-royal	40 to 1	40 to 1
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1
Straight	6 to 1	5 to 1
Flush	4 to 1	4 to 1
Pair	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Mini-royal	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1
Straight	5 to 1	6 to 1
Flush	4 to 1	3 to 1
Pair	1 to 1	1 to 1

**§ 655a.13. Irregularities.**

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

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

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.



(d) If any of the community cards are exposed prior to the dealer revealing the community cards in accordance with § 655a.11(c), (e) and (g) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

#### CHAPTER 657a. CRAZY 4 POKER

Sec.	Definitions.
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657a.12.	Payout odds; Envy Bonus; rate of progression.
657a.13.	Irregularities.

##### § 657a.1. Definitions.

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

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's four-card Poker hand with a rank of four-of-a-kind or, if included in the paytable selected by the certificate holder, a straight flush, as defined in § 657a.6(b) (relating to Crazy 4 Poker rankings).

*Hand*—The four-card Poker hand that is held by each player and the dealer after the cards are dealt.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Progressive Payout Hand*—A player's four-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(b).

*Queens Up Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted paytable, regardless of the outcome of the player's hand against the dealer's hand.

##### § 657a.2. Crazy 4 Poker table physical characteristics.

(a) Crazy 4 Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Crazy 4 Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Four separate betting areas designated for the placement of the Ante, Play, Super Bonus and Queens Up Wagers for each player. The Super Bonus betting area must be located to the right of the Ante Wager betting area and be separated by an “=” symbol.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 657a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Crazy 4 Poker table.

(5) Inscriptions that advise patrons of the following:

(i) The best four-card hand plays.

(ii) The dealer qualifies with a king or better.

(iii) A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager.

(iv) The player's Super Bonus Wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.

(6) If the information in paragraph (5) is not on the layout, a sign which sets forth the required information must be posted at each Crazy 4 Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 657a.7(d)(3), the Crazy 4 Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

(d) Each Crazy 4 Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment

prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Crazy 4 Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 657a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Crazy 4 Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Crazy 4 Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

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

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

(c) The decks of cards used in Crazy 4 Poker shall be changed at least:

- (1) Every 4 hours if the cards are dealt by hand.
- (2) Every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 657a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, 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 in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 657a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 657a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a

floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on 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 any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Crazy 4 Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 657a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

**§ 657a.6. Crazy 4 Poker rankings.**

(a) The rank of the cards used in Crazy 4 Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Crazy 4 Poker, in order of highest to lowest rank, shall be:

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

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

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

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

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3, 4 being the lowest ranking straight.

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

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

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

#### § 657a.7. Wagers.

(a) Wagers at Crazy 4 Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Crazy 4 Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 657a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Crazy 4 Poker:

(1) A player shall compete against the dealer's four-card Poker hand by placing both an Ante Wager and a Super Bonus Wager in equal amounts, then a Play Wager, in accordance with § 657a.11(b).

(2) In addition to the Ante and Super Bonus Wagers, a player may compete against a posted payable by placing a Queens Up Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at Crazy 4 Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

#### § 657a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 657a.7(d)(1) (relating to wagers) and to the dealer until each player and the dealer have five cards.

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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



(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 657a.9. Procedure for dealing the cards from the hand.**

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

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

(2) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 657a.7(d)(1) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but

52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 657a.10. Procedures for dealing the cards from an automated dealing shoe.**

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

(1) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 657a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 657a.7(d)(1). The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 657a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for

dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Crazy 4 Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed Ante and Super Bonus Wagers if he wishes to forfeit the Ante and Super Bonus Wagers and end his participation in the round of play or make a Play Wager in an amount equal to the player's Ante Wager. A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager. If a player:

(1) Has placed Ante, Super Bonus and Queens Up Wagers but does not make a Play Wager, the player shall forfeit all three wagers.

(2) Has placed Ante, Super Bonus and a Progressive Payout Wagers but does not make a Play Wager, the player shall forfeit all three wagers and but may not forfeit the eligibility to receive an Envy Bonus under § 657a.12(d)(5) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed Ante and Super Bonus Wagers has either placed a Play Wager on the designated area of the layout or forfeited his wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking four-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking four-card Poker hand for each player.

(3) If the dealer's highest ranking four-card Poker hand:

(i) Is ranked lower than a king, the dealer shall return each player's Ante Wager and pay out the Play and Super Bonus Wagers made by the player in accordance with the payout odds in § 657a.12(a) and (b). The player's Super Bonus Wager shall be returned if the player's winning hand is not a straight or better.

(ii) Is a king or better, and the player's highest ranking four-card Poker hand is ranked:

(A) Lower than the dealer's four-card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player but shall pay out the Super Bonus Wager made by the player in accordance with the payout odds in § 657a.12(b).

(B) Higher than the dealer's four-card Poker hand, the dealer shall pay the Ante, Play and Super Bonus Wagers made by the player in accordance with the payout odds in

§ 657a.12(a) and (b). The player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(C) Is equal in rank to the dealer's four-card hand, the dealer shall return the Ante and Play Wagers and pay out the Super Bonus Wager in accordance with the payout odds in § 657a.12(b). The player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(d) After settling the player's Ante, Play and Super Bonus Wagers, the dealer shall settle a Queens Up Wager by determining whether the player's four-card Poker hand qualifies for a payout in accordance with § 657a.12(c). A winning Queens Up Wager shall be paid irrespective of whether the player's four-card Poker hand outranks the dealer's hand.

(e) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

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

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 657a.12(d)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 657a.12(d)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Crazy 4 Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(f) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 657a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Ante and Play Wagers at odds of 1 to 1.

(b) A certificate holder shall pay the player's Super Bonus Wager in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Four aces	200 to 1
Four-of-a-kind	30 to 1
Straight flush	15 to 1
Three-of-a-kind	2 to 1
Flush	3 to 2
Straight	1 to 1

(c) A player placing a Queens Up Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four-of-a-kind	50 to 1	50 to 1
Straight flush	30 to 1	40 to 1
Three-of-a-kind	9 to 1	8 to 1
Flush	4 to 1	4 to 1
Straight	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of queens or better	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four-of-a-kind	50 to 1	50 to 1
Straight flush	30 to 1	40 to 1
Three-of-a-kind	8 to 1	7 to 1
Flush	4 to 1	4 to 1
Straight	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of queens or better	1 to 1	1 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces	100% of meter	100% of meter
Four-of-a-kind	300 for 1	300 for 1
Straight flush	100 for 1	100 for 1
Three-of-a-kind	9 for 1	15 for 1

(2) A player shall receive the payout for only the highest ranking four-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 657a.11(e) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout schedules for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

(i) If the certificate holder selects payable A from paragraph (1), the payout shall be:

<i>Hand</i>	<i>\$1 Progressive Payout Wager</i>	<i>Envy Bonus</i>
Four aces		\$100
Four-of-a-kind		\$10
Straight flush		\$5

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$500
Four-of-a-kind	\$50
Straight flush	\$25

(ii) If the certificate holder selects payable B from paragraph (1), the payout shall be:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$100
Four-of-a-kind	\$25

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$500
Four-of-a-kind	\$125

**§ 657a.13. Irregularities.**

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

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

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's cards are inadvertently exposed prior to each player having either folded or placed a Play Wager as provided under § 657a.11 (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

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